

OVERVIEW AND SCRUTINY COMMISSION

Agenda Item 10
Brighton & Hove City Council

Subject: Update on the Access Scrutiny Review
Date of Meeting: 7 June 2011
Report of: Strategic Director Place
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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report enables the Overview and Scrutiny Commission to monitor and track progress on the Access scrutiny recommendations. The recommendations and update appears as appendix 1 to this report.
- 1.2 The report will help the Commission to assess the impact and consequences of the scrutiny recommendations.

2. RECOMMENDATIONS:

- (1) That Members consider the action taken against these recommendations, and provide feedback.
- (2) That the Committee determines whether a further tracking report relating to this scrutiny review is required.

3. BACKGROUND INFORMATION

3.1 The Scrutiny Review

The Access Scrutiny Review was established by OSC, following concern over how accessible public highways within the city are.

- 3.2 The review focused on traders' items especially advertising boards, tables and chairs, bicycles and bins.
- 3.3 Chaired by Councillor Sven Rufus the panel consisted of Councillors Jayne Bennett, Pat Hawkes, Brian Pidgeon and David Watkins.

Members heard from council officers, business representatives, disability charities, local resident groups and private residents.

- 3.4 The Panel's completed report was formally endorsed by OSC 27 April 2010 and referred to the Council's Executive.
- 3.5 The 26 July Environment CMM considered and agreed the actions in reply to the scrutiny report. Full Council on 21 October received both the Scrutiny report and cabinet response for noting.

3.6 **Monitoring Scrutiny Reviews**

The usual arrangements for monitoring the outcome of scrutiny recommendations are:

- a) The decision-makers to whom the recommendations are addressed, are asked to submit a formal response to the recommendations normally within two months, including an action plan and timetable for implementation with named contact officers to action the recommendations.
 - b) The report of the scrutiny review and response from the decision-makers are then reported together to full Council for information.
 - c) The parent Overview and Scrutiny Committee normally receives a report of progress against the agreed recommendations, six months after the decisions are made.
 - d) The Overview and Scrutiny Committee will at that stage determine if any further monitoring is required; whether a progress report is required after a further six months or one year. Otherwise the Committee may resolve that no more monitoring is necessary.
- 3.7 A summary of the Scrutiny Recommendations and replies plus progress in implementation appears at Appendix 1 to this report.

4. **CONSULTATION**

- 4.1 The scrutiny panel held three public meetings and received evidence from a wide range of individuals and organisations.

5. **FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

- 5.1 The budget for 2011-12 assumes a certain level of income based on traders' objects on the highway. These items are expected to yield £269,180 over the forthcoming year, which will be used to cover the monitoring costs of the Highway Enforcement Team. Any reduction in the level of traders' objects on the highway could affect the revenue budget and the cost of implementing any of the recommendations will have to be met from this existing revenue budget.

Legal Implications:

5.2 Section 130 of the Highways Act 1980 imposes a duty on the Council as highway authority to assert and protect the rights of the public to the use and enjoyment of any highway within its area and so far as possible to prevent the obstruction of the highway. However, the highway authority is empowered to licence the placing of certain objects on the highway, eg. A boards under the provisions of Part VII A of the 1980, although in doing so it must have regard to the provisions, including the Council's duties, of the Disability Discrimination Act 1995.

5.3 The recommendations set out in the report will assist in ensuring that the Council is in a position to comply with its statutory duties regarding the public's right of access to the highway.

Legal Officer consulted: Carl Hearsum Date: 04/2011

Equalities Implications:

5.3 The council seeks to ensure that public highways are used in a manner

Sustainability Implications:

5.4 There are no sustainability issues identified.

Crime & Disorder Implications:

5.5 There are no direct crime and disorder implications arising from this report.

Risk and Opportunity Management Implications:

5.6 The council needs to take into account economic factors for the city whilst ensuring that accessibility is safeguarded.

Corporate / Citywide Implications:

5.7 Recommendations in the Scrutiny report are aimed at balancing the various needs and requirements within the city's public highway. This report updates on progress made since the original report.

SUPPORTING DOCUMENTATION

Appendices:

1. Recommendations of the Access Scrutiny Review, the CMM response and progress against the recommendations.

Documents In Members' Rooms/ Background Documents

None.

