

Notice of meeting of

Executive

To:	Councillors Waller (Chair), Ayre, Steve Galloway, Moore, Morley, Reid and Runciman
Date:	Tuesday, 1 February 2011
Time:	2.00 pm
Venue:	The Guildhall, York

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

10:00 am on Monday 31 January 2011, if an item is called in *before* a decision is taken, *or*

4:00 pm on Thursday 3 February 2011, if an item is called in *after* a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

1. Declarations of Interest

At this point, Members are asked to declare any personal or prejudicial interest they may have in the business on this agenda.

2. Minutes (Pages 3 - 12)

To approve and sign the minutes of the Executive meeting held on 18 January 2011.

3. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or a matter within the Executive's remit can do so. The deadline for registering is **5:00 pm on Monday 31 January 2011**.

4. Executive Forward Plan (Pages 13 - 18)

To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

5. Minutes of Working Groups (Pages 19 - 94)

This report presents the minutes of recent meetings of the Local Development Framework Working Group and asks Members to consider the advice given by the Group in its capacity as an advisory body to the Executive; in particular, its recommendation in respect of Houses in Multiple Occupation and Article 4 Directions.

6. Race Online 2012 (Pages 95 - 104)

This report, a revised version of the one deferred from the Executive meeting on 18 January 2011, seeks approval to sign up City of York Council as an official partner in Race Online 2012, and for the Council to work with partners to inspire, encourage and support as many people as possible to get online.

7. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

This page is intentionally left blank

About City of York Council Meetings

Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোআবী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ مہیا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550

Holding the Executive to Account

The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

MEETING	EXECUTIVE
DATE	18 JANUARY 2011
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, STEVE GALLOWAY, MOORE, MORLEY, REID AND RUNCIMAN
IN ATTENDANCE	COUNCILLORS LOOKER, POTTER AND SCOTT

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

139. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

140. MINUTES

RESOLVED: That the minutes of the Executive meeting held on 14 December 2010 be approved and signed by the Chair as a correct record, subject to the resolution under Minute 133 (Affordable Housing Viability Study) being amended to read as follows (*amendments in italics*):

“That the Viability Study, *in so far as it addresses sites of 15 or more homes*, and its (current) 25% brownfield and 35% Greenfield affordable housing targets, as set out in Table 1 in the report, be approved for development control purposes, including a lowering of the targets by a further 3.5% if a 25% developer profit can be justified, or a lower target by individual negotiation following a site-specific viability appraisal. *At the discretion of the Director of City Strategy, the Council may accept off-site homes and/or commuted payments in lieu of on-site affordable housing provision.*”

141. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

142. EXECUTIVE FORWARD PLAN

Members received and noted details of those items listed on the Forward Plan for the next two Executive meetings at the time the agenda was published.

143. ANNUAL AUDIT LETTER 2009/10 - AUDIT COMMISSION

Members considered a report which presented the Annual Audit Letter (AAL) for 2009/10 prepared by the Audit Commission, together with the Council's response. The District Auditor was in attendance to provide a summary of the contents of the AAL and answer any questions.

The key messages contained in the AAL had been presented in detail to the Audit & Governance Committee on 29 September 2010, as part of the Annual Governance Report. Strengths and improvements identified by the Audit Commission were outlined in paragraphs 21 to 25 of the AAL. They included sustained strength in risk management, anti-fraud and value for money, as well as improvements in financial planning, procurement and asset management. Members thanked Officers for their work in producing these improved outcomes.

Having noted the comments of the Labour Group Spokespersons on this item, it was

RESOLVED: That the contents of the report and the Annual Audit Letter be noted.

REASON: To comply with the statutory requirements for the external audit of the Council.

144. FINAL REPORT OF THE NEWGATE MARKET SCRUTINY REVIEW

Members considered the final report arising from the review of Newgate Market carried out by the Economic and City Development Overview & Scrutiny Committee. Cllr Scott, as Chair of the Committee, was in attendance to present the report.

The new, booklet-style, final report (Annex 1) had been circulated to Executive Members and made available on the Council's website. A summary of the short and medium-term recommendations arising from the review was provided in paragraphs 5 to 8 of the cover report. It was noted that the financial implications of accepting the short-term recommendations would be for the Council to set aside one-off funding of £20k for the replacement of stall canopies, one-off funding of £24k for 'sculpted' stalls and recurring funding of £24k for re-investment in the market.

Having noted the comments of the Labour Group Spokespersons on this item, it was

RESOLVED: That the following comments and recommendations be agreed in response to the final report:

Scrutiny Recommendation	Cost implication	Executive comment	Executive Recommendation
<p>1. To improve the general cleanliness of the market. This can be achieved in the short term by:</p> <p>i) Early implementation of the Service Level Agreement (SLA) with a review after 3 months</p> <p>ii) Closing the market one day per quarter for deep cleansing (the first instance to be before Easter 2011) And in the medium term by:</p> <p>iii) Exploring the possibilities of storing waste underground – possibly in St Sampson’s Square or by exploring other suitable options</p>	<p>i) none given</p> <p>ii) none given</p> <p>iii) none given (but in the report <i>“They were however aware that this may be cost prohibitive”</i>)</p>	<p>i) This is understood to be in progress as part of the More for York review process.</p> <p>ii) Closure of the market would require advance notice to customers and stall holders, and would require cost estimates, and should be considered in the review of the SLA.</p> <p>iii) Without a cost figure this is difficult to assess, particularly in the current climate.</p>	<p>i) Request that CANS officers include a review of the SLA agreement to consider cleanliness, and to report to the Executive Member on review after three months.</p> <p>ii) Agree to examine if the outcome of i) in terms of measurements of cleanliness indicates that this action is necessary.</p> <p>iii) Request that officers review other suitable locations for storing waste.</p>
<p>2. To improve the public realm – this can be achieved in the short term by:</p> <p>i) Working with landlords and lessees of buildings surrounding the market to improve their general appearance</p> <p>ii) Trialing ‘sculpted style’ stalls along Jubbergate with a view to implementing</p>	<p>i) Officer time – could be contained within existing work plans</p> <p>ii) Trial would be £5,000 fabrication and design costs with 4 units at @ £4,750. Total £24,000. Medium term would be £475,000 (100 x £4,750).</p>	<p>i) Helpful addition to existing negotiations.</p> <p>ii) At this moment in time there would need to be a sound business case for the costs of changing the design. It is up to groups on the council to propose this within the budget process.</p> <p>iii) Helpful addition to existing work.</p>	<p>i) Agree</p> <p>ii) Notes the estimated costs which would require a growth bid to be proposed in the budget rounds.</p> <p>iii) Agree</p> <p>iv) Request officers examine business case for provision of additional market stalls.</p>

Scrutiny Recommendation	Cost implication	Executive comment	Executive Recommendation
<p>this throughout the market in the medium term</p> <p>iii) Looking at ways of preventing unauthorised parking in Silver Street and the Market</p> <p>iv) Providing additional market stalls along Silver Street</p> <p>v) Improving the lighting in the area</p>	<p>iii) Mainstream budget</p> <p>iv) No costs given</p> <p>v) No costs given</p>	<p>iv) Subject to business case this could increase capacity and therefore income.</p> <p>v) Could be reviewed but subject to budget.</p>	<p>v) Request that officers review lighting of the market area to assess deficiencies to be met from existing budgets.</p>
<p>3. To begin to improve the early evening economy in the short term. This can be achieved by undertaking a trial of a fixed closing time of 5pm for the market. It would also require all market traders to agree to trade until 5pm. The closing time to be reviewed in accordance with any other trading initiatives in the city centre.</p>	<p>Officer time</p>	<p>Subject to negotiations with the market traders and their agreement there should be no harm in a trial.</p>	<p>Agree, subject to agreement with market traders.</p>
<p>4. In the short term, to improve and make more attractive all entrances to the market This can be achieved by: -</p> <p>i) Looking at the positioning of stalls</p> <p>ii) Improving the lighting in the area</p> <p>iii) Improving general cleanliness</p>	<p>i) officer time</p> <p>ii) repeat of 2 v)</p> <p>iii) repeat of 1.</p> <p>iv) No cost given</p>	<p>i) straightforward</p> <p>ii) as above</p> <p>iii) as above</p> <p>iv) For areas that are in council ownership could be considered within existing budgets for property. Otherwise as per 2i)</p>	<p>i) Agree</p> <p>ii) Request that officers review lighting of the market area to assess deficiencies to be met from existing budgets</p> <p>iii) See notes for 1.</p> <p>iv) For areas that are in council ownership</p>

Scrutiny Recommendation	Cost implication	Executive comment	Executive Recommendation
iv) Making the Snickleways leading from the Shambles more inviting and recognisable as permissible routes to Newgate Market			could be considered within existing budgets for property. Otherwise as per 2i)
5. In the short term to encourage more open access from the Shambles and other properties that back onto the market. To encourage pavement cafes and 'walk through' premises where possible.	No costs given	Property owners are able to apply for pavement café licences and so would be welcome to do so.	Agree
6. To improve the market stalls; this can be achieved in the short term by: i) Replacing the existing canopies on the market stalls at an approximate cost of £200 per canopy ii) To reduce the number of stalls in the market to enable freer footfall And in the medium term by: iii) Exploring the type of stall that would be most suitable to the marketplace	i) 100 x £200 = £20,000 ii) no business case presented. iii) no costs presented	i) To be applied to the budget process. ii) Unclear how this can be met – but if linked to 2 iv) could be net neutral. iii) Officers managing the market will have awareness of what is available and being used elsewhere. Information for future budget decisions could be gathered.	i) Note to be subject to budget process. ii) Agree if this can be met at no additional cost with additional stalls on Silver Street. iii) Request that officers maintain information on options available to future budget decisions on the market
7. In the medium to long term to look at using the rear of the market for a new	Initial estimate cost of £21,000 'which may	Would require additional funding	Note to be subject to budget process

Scrutiny Recommendation	Cost implication	Executive comment	Executive Recommendation
store for the market equipment.	not be easy in the present economic climate”		
8. That a programme of reinvestment in the marketplace should be undertaken. To this end it is recommended that there is a 5% reinvestment of income generated by the market per annum.	5% of £450,000 is £22,500	Would require growth bid	Officers be requested to prepare business case for investment in the market.

REASON: In order to provide an appropriate response to the Scrutiny recommendations, whilst taking account of the cost of the proposals within the Council’s budget as a whole.

Action Required

1. Ensure that the Executive's recommendations on the Newgate Market Scrutiny proposals are taken forward and allocated to appropriate Officers RR
RR
2. Schedule report to Executive Member re review of SLA on Forward Plan for April 2011

145. SCHOOL TRAVEL PLANS AD HOC SCRUTINY COMMITTEE - FINAL REPORT

Members considered the final report of the School Travel Plans Ad Hoc Scrutiny Committee. Cllr Potter, as Chair of the Committee, was in attendance to present the report.

The new, booklet-style, final report (Annex 1) had been circulated to Executive Members and made available on the Council’s website. The recommendations agreed by the Committee were set out in paragraph 9 of the cover report.

Having noted the comments of the Labour Group Spokespersons on this item, it was

RESOLVED: That the following be agreed in response to the final report of the Scrutiny Committee:

Scrutiny Recommendation	Executive decision
1 - Improve collaborative working across service areas and Directorates to allow for improved forward planning in Schools	Agreed
2 - Include in best practice guide for schools -'encourage year 6 pupils to cycle/walk to secondary schools on induction days to build pupil/parent confidence, in time for starting at secondary school' (Linked to Rec.10)	Agreed
3 - Instruct officers to investigate sources of sustainable funding for initiatives and incentives for future financial years	Agreed
4 - Instruct officers to investigate the introduction of a 'one-off' cycle allowance for use in purchasing a bicycle and equipment and/or a loan scheme for bicycles and equipment, in place of free bus travel for those that want it and are eligible	Agreed that options for stimulating the use of cycles to travel to schools be further investigated and that any revised strategy should seek to address cost issues for less well off children
5 - Reprioritise the work of Civil Enforcement Officers to allow for an increase in the amount of time they can spend enforcing the parking restrictions outside schools	Agreed
6 - Instruct Communities & Neighbourhoods Parking Services to investigate and provide a future report to the Executive on the use of a CCTV car and sharing the costs with other local authorities and/or public agencies	Agreed to note latest briefing from Neighbourhoods officers
7 - Revise council policy to ensure Development Control can only accept an STP in support of a school planning application if it adheres to the DfT minimum standards contained within the'School Travel Plan Quality Assurance - Advice Note' issued by the DfT & DCSF in2007. In cases where an STP does not meet those standards, instruct Development Control to make it a condition of planning consent, or successor documents.	Agreed
8 - Identify a clear strategy for resolving inter-directorate issues to ensure	Agreed

Scrutiny Recommendation	Executive decision
enforcement of conditions of planning consent relating to STPs	
9 - Include in best practice guide for school 'that a Travel Plan Champion be identified within the school' (Linked to Rec.10)	Agreed
10 - Transport Planning Unit to develop and issue a best practice guide for York schools, to include a toolbox of measures for schools to pick and choose from when producing/revising their STP	Agreed that this be progressed as resources allow.

REASON: In order to provide an appropriate response to the Scrutiny recommendations, taking into account the resources required.

Action Required

Ensure that the Executive's recommendations on the School B Travel Plans Scrutiny proposals are taken forward and allocated to appropriate Officers

146. REVIEW OF CASUAL PLAY OPPORTUNITIES - FINAL REPORT

Members considered the final report arising from the review of Casual Play Opportunities undertaken by the Learning & Culture Overview & Scrutiny Committee. Cllr Looker, as Chair of the Committee, was in attendance to present the report.

The recommendations agreed by the Committee were set out in paragraph 5 of the cover report and paragraph 31 of the final report at Annex 1.

Having noted the comments of the Labour Group Spokespersons on this item, it was

RESOLVED: (i) That the recommendations of the Scrutiny Committee, as set out below, be approved:

- a) The introduction of a pilot scheme, by working with the new Taking Play Forward Strategic Board to:
 - identify three diverse areas within the 'area based service delivery' pilot area which would benefit from such a scheme;
 - identify all the relevant parties from within the Council, external organisations, and from within the identified area of the City to participate in the scheme;

- draft a framework for the scheme for the Executive's consideration.

b) The encouragement of ward committees parish councils and residents' associations to promote the value of outdoor play and take up any opportunities for encouraging community buy-in to play opportunities in their locality.

REASON: In order to support the recommendations arising from this Scrutiny review.

Action Required

1. Ensure that the recommendations arising from the Scrutiny review of Casual Play Opportunities are taken forward and allocated to appropriate Officers MB

147. RACE ONLINE 2012

Members received a report which sought approval to sign up the City of York Council as an official partner in Race Online 2012.

In response to the comments of the Labour Group Spokespersons on this item, Members noted that there were no plans to reduce the number of libraries in York.

RESOLVED: That consideration of this item be deferred until the next Executive meeting, on 1 February 2011.

REASON: To enable Officers to develop the report to give a wider perspective on the subject.

Action Required

Produce a revised report for Executive meeting on 1 February 2011 FW

PART B - MATTERS REFERRED TO COUNCIL

148. REVISED INCOME POLICY

Members considered a report which presented a draft revised Income Policy, setting out the guiding principles to be followed by the Council in ensuring consistency and best practice in the generation and collection of income.

The purpose of the draft revised policy, attached as Annex A to the report, was to provide a concise guidance document maintaining the key principles of the current policy but reflecting the increased payment channels available to customers and the changing financial environment.

Having noted the comments of the Labour Group Spokespersons on this item, it was

RECOMMENDED: That Council approve the revised Income Policy at Annex A to the report, subject to the revision of paragraph 13 of the policy to remove the reference to planning fees as an example of charges set nationally by government.

REASON: To provide appropriate guidance in delivering value for money income arrangements across the organisation and to 'future proof' the policy by taking account of potential changes that may enable councils to set their own planning fees.

Action Required

Refer the recommendation to Full Council

FY

A Waller, Chair

[The meeting started at 2.00 pm and finished at 3.00 pm].

EXECUTIVE FORWARD PLAN (as at 14 January 2011)

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 15 February 2011		
Title & Description	Author	Portfolio Holder
<p>Treasury Management Monitor 3 and Prudential Indicators 2010/11</p> <p><i>Purpose of report: To update the Executive and Full Council on treasury management performance for 9 months of the year 10/11, the Prudential Indicators and compare against the budget taken to Council on 25 February 2010.</i></p> <p><i>Members are asked to: Note the performance of the treasury management activity for monitor 3 2010/11.</i></p>	Keith Best/ Louise Brandford White	Executive Leader
<p>Treasury Management Strategy Statement and Prudential Indicators for 2011/12 to 2015/16</p> <p><i>Purpose of report: The purpose of this report is to ask the Executive to recommend that Council approve:- an integrated Treasury Management Strategy Statement including the annual investment strategy and the minimum revenue provision policy statement: the proposed Prudential Indicators for at least 3 years 2011/12 to 2013/14; the revised Treasury Management Policy and Treasury Management Practices of the Treasury Management Scheme of Delegation</i></p> <p><i>Members are asked to: Recommend that Council approve the above.</i></p>	Keith Best/ Louise Brandford White	Executive Leader
<p>Financial Strategy 2011-17</p> <p><i>Purpose of report: To present the Financial Strategy for the period 2011 - 2017, including the detailed Revenue Budget proposals for 2011/12.</i></p> <p><i>Members are asked to: Recommend the proposals to Budget Council</i></p>	Keith Best	Executive Leader

<p>2010/11 Capital Programme Monitor 3</p> <p><i>Purpose of report: To present the projected outturn position of the 2010/11 Capital Programme and updated budget position for 2011/12 -2014/15 following the monitor amendments.</i></p> <p><i>Members are asked to: Note the monitoring position and the funding of the capital programme and recommend to Council the requests for slippage and adjustments where appropriate.</i></p>	Ross Brown	Executive Leader
<p>Capital Programme Budget 11/12 to 15/16</p> <p><i>Purpose of report: Present the 5 year capital programme budget 11/12 to 15/16 including new capital schemes and appropriate funding arrangements, following this years Capital Resources Allocations Model (CRAM) process.</i></p> <p><i>Members are asked to: Recommend to full Council the approval of the 5 year Capital Programme Budget 11/12 to 15/16, the new schemes and the associated funding.</i></p>	Keith Best	Executive Leader
<p>Third Performance and Financial Monitor 2010/11</p> <p><i>Purpose of report: To provide details of the headline performance and finance issues from the period 1 April 2010 to 31 December 2010.</i></p> <p><i>Members are asked to: Consider the issues highlighted.</i></p>	Peter Lowe/Janet Lornie/Nigel Batey	Executive Member for Corporate Services
<p>Creating a Local Authority Company</p> <p><i>Purpose of report: To agree the creation of a local authority company.</i></p> <p><i>Members are asked to: Approve the creation of a local authority company for the purpose of providing support functions to other organisations.</i></p>	Ian Floyd	Executive Member for Corporate Services

<p>City Strategy Service Review Proposals</p> <p><i>Purpose of report : To provide proposals for the future structure of the Directorate of City Strategy.</i></p> <p><i>Members are asked to: Approve the recommendations for the future structure and delegate authority to the Director of City Strategy to commence the implementation of the proposals.</i></p>	<p>Bill Woolley</p>	<p>Executive Member for City Strategy</p>
<p>Housing Rent Increase 2011/12</p> <p><i>Purpose of report: Increase rents in line with the guideline rent increase (actual increase still to be determined as still awaiting the release of the final determination by CLG)</i></p> <p><i>Members are asked to: Consider the housing rent increase for 2011/12</i></p>	<p>Steve Waddington</p>	<p>Executive Member for Neighbourhoods and Housing</p>

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 1 March 2011

<p>Kent Street Site</p> <p><i>Purpose of Report: To report the terms and conditions provisionally negotiated with the North Yorkshire Fire and Rescue Service to sell the Kent Street site for a new fire station.</i></p> <p><i>Members are requested to: Approve the terms and conditions</i></p>	<p>John Urwin</p>	<p>Executive Leader</p>
<p>Local Development Framework – Submission Draft</p> <p><i>The purpose of this report is to request that Members of the Council's Executive approve the draft LDF Core Strategy Submission document for consultation. Following consultation the document will be submitted for public examination.</i></p> <p><i>Members are asked to consider the Core Strategy along with the associated legal advice and minutes of the LDF Working Group. They are requested to approve the document, along with any appropriate changes for public consultation.</i></p>	<p>Martin Grainger</p>	<p>Executive Member for City Strategy</p>

Table 3: Items slipped on the Forward Plan with the agreement of the Group Leaders

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>Low Emission Strategy Update</p> <p><i>Purpose of Report: To update the Executive on potential measures to be contained within a low emission strategy and on related actions to improve air quality.</i></p> <p><i>Members are asked to: Approve the actions to be taken forward in the Low Emission Strategy.</i></p>	<p>Mike Southcombe /Elizabeth Bates</p>	<p>Executive Member for City Strategy</p>	<p>1 February 2011</p>	<p>15 March 2011</p>	<p>To ensure that the report is considered at the same meeting as LTP3.</p>
<p>Decoration Voucher Scheme Allowances & Disturbance Allowance - Tenants Choice</p> <p><i>Purpose of report: Options for the future value of decoration vouchers and disturbance allowance awarded, in order to achieve improved value for money and contractor performance.</i></p> <p><i>Members are asked to: Consider the options in relation to the decoration/disturbance voucher scheme allowances.</i></p>	<p>Steve Waddington</p>	<p>Executive Member for Neighbourhoods and Housing</p>	<p>15 February 2011</p>	<p>15 March 2011</p>	<p>Added in error to Executive. For consideration at Executive Member Decision Session</p>
<p>The Education White Paper: City of York Response</p> <p><i>Purpose of report: The Schools White Paper : “The Importance of Teaching” was published on the 24 November. This paper describes the steps that have taken place between the Local Authority and the school community to respond to the direction of travel described in the document.</i></p>	<p>Pete Dwyer</p>	<p>Executive Member for Children & Young People’s Services</p>	<p>15 February 2011</p>	<p>15 March 2011</p>	<p>Deferred owing to number of items for consideration at 15 February 2011 meeting</p>

<p><i>Members are asked to: Consider the recommendations</i></p> <p>Race Online 2010</p> <p><i>Purpose of Report: The 9 million people in the UK who have never been online are missing out on big customer savings, access to information and education. They will be even more isolated and disadvantaged as government and industry expand ever faster into digital-only services. Race Online 2012 seeks to get 9 million people online by 2012. It is supported by the Government and led by Martha Lane Fox as UK Digital Champion. York Explore is a Champion Centre for UK Online and provides free help to anyone wanting to get online through a network of cascade centre libraries. We are now seeking to expand that through the Council signing up to Race Online as an official partner. Signing up is straightforward and done online. There are no specific targets, rather a commitment to create a whole council approach to digital inclusion.</i></p> <p><i>Members are asked to: Agree to sign up CYC as an official partner for Race Online 2012 with the pledge to Work with partners to provide opportunities for all York residents to gain the skills to get online within 20 minutes and 12 seconds of where they live - walking, cycling or rowing.</i></p>	<p>Fiona Williams</p>	<p>Executive Member for Leisure, Culture and Social Inclusion</p>	<p>18 January 2011</p>	<p>1 February 2011</p>	<p>To allow further work to be undertaken on the report.</p>
---	-----------------------	---	------------------------	------------------------	--

This page is intentionally left blank



Executive

1 February 2011

Report of the Assistant Director Legal, Governance and ICT**Minutes of Working Groups****Summary**

1. This report presents the minutes of recent meetings of the Local Development Framework Working Group (LDFWG) and asks Members to consider the advice given by the Group in its capacity as an advisory body to the Executive.

Background

2. Under the Council's Constitution, the role of Working Groups is to advise the Executive on issues within their particular remits. To ensure that the Executive is able to consider the advice of the Working Groups, it has been agreed that minutes of the Groups' meetings will be brought to the Executive on a regular basis.
3. Members have requested that minutes of Working Groups requiring Executive endorsement be submitted as soon as they become available. In accordance with that request, and the requirements of the Constitution, minutes of the following meetings are presented with this report:
 - LDF Working Group of 13 December 2010 (Annex A)
 - LDF Working Group of 10 January 2011 (Annex B)

Consultation

4. No consultation has taken place on the attached minutes, which have been referred directly from the Working Group. It is assumed that any relevant consultation on the items considered by the Group was carried out in advance of their meetings.

Options

5. Options open to the Executive are either to accept or to reject any advice that may be offered by the Working Group, and / or to comment on the advice.

Analysis

6. Towards a York Economic Vision

Members are asked to note the comments of the LDF Working Group in respect of the Towards a York Economic Vision contained in the attached minutes at Annex A (minute 27 refers), and endorse the recommendation that the vision document be approved for further stakeholder and wider public consultation, as set out in Annex 2 of the report to the LDF Working Group.

7. Houses in Multiple Occupation and Article 4 Directions

Members are asked to consider the following recommendations to the Executive contained in the attached draft minutes at Annex B (minute 31 refers):

“That it be recommended to the Executive that Option 2 be approved”

and

“That officers continue to work with the stakeholders identified in the report, as well as landlord representatives, with a view to establishing detailed planning guidance which can be applied when the Directive is implemented and also to consider additional ways of mitigating the effects that concentrations of short term let properties might have on local neighbourhoods”.

Option 2 in the report was to *“Progress with implementing a city wide Article 4 Direction, that covers the main urban area, as soon as possible to remove permitted development rights for changes from Class C3 (dwellinghouse) to Class C4 (HMOs)”*

8. Biodiversity Audit

Members are also asked to consider the following recommendations arising from the Biodiversity Audit (minute 32 refers):

“That it be recommended to the Executive that the Biodiversity Audit be approved for publication as part of the Local Development Framework evidence base”.

and

“That it be recommended to the Executive that the list of sites identified in Appendix 1 of the report be approved for formal recognition as Sites of Importance for Nature Conservation (SINC) subject to the two sites listed (British Sugar and Severus Hill) being retained on the Candidate SINC list until the representations have been considered.”

Corporate Priorities

9. The aims in referring these minutes accord with the council's corporate values to provide strong leadership in terms of advising these bodies on their direction and any recommendations they wish to make.

Implications

10. There are no known implications in relation to the following in terms of dealing with the specific matter before Members, namely to consider the minutes and determine their response to the advice offered:
- **Financial**
 - **Human Resources (HR)**
 - **Equalities**
 - **Legal – The legal implications of making an Article 4 Direction are addressed in the Legal Implications section and also the main body of the report to the LDF Working Group which is annexed to this report as Annex C.**
 - **Crime and Disorder**
 - **Property**
 - **Other**

Risk Management

11. In compliance with the council's risk management strategy, there are no risks associated with the recommendations of this report.

Recommendations

12. Members are asked to note the minutes attached at Annex A and Annex B and decide whether they wish to:
- a. Approve the specific recommendations made by the LDF Working Group as set out in paragraphs 6 to 8 above, and
 - b. Give delegated authority to the Director of City Strategy, in consultation with the Executive Member, to publish an intention to make an Article 4 Direction (with 12 months notice), covering the main urban area shown edged red on the plan annexed as Annex D, to consider any representations made and confirm or modify the direction if appropriate, and/or
 - c. Respond to any of the advice offered by the LDF Working Group.

Reason:

To fulfil the requirements of the council's Constitution in relation to the role of Working Groups.

Contact details:

Author:

Jayne Carr
Democracy Officer
01904 552030
email:
jayne.carr@york.gov.uk

Chief Officer Responsible for the report:

Andrew Docherty
Head of Civic, Democratic and Legal Services

Report Approved ✓ **Date** 21.01.11

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex A – Minutes of the meeting of the LDF Working Group of 13 December 2010

Annex B – Draft minutes of the meeting of the LDF Working Group of 10 January 2011

Annex C - Report presented to LDF Working Group for meeting of 10 January 2011

Annex D – Plan indicating the extent of the proposed order (to follow)

Background Papers

Agenda and associated reports for the above meeting (available on the Council's website).

City of York Council

Committee Minutes

MEETING	LOCAL DEVELOPMENT FRAMEWORK WORKING GROUP
DATE	13 DECEMBER 2010
PRESENT	COUNCILLORS STEVE GALLOWAY (CHAIR), POTTER (VICE-CHAIR), D'AGORNE, MERRETT, AYRE, REID, SIMPSON-LAING AND WATT

24. DECLARATIONS OF INTEREST

At this point in the meeting Members were asked to declare any personal or prejudicial interests they might have in the business on the agenda. None were declared.

25. MINUTES

RESOLVED: That the minutes of the LDF Working Group meetings held on 25th October 2010 and 1st November 2010 subject to the amendments as detailed below:

25th October, minute 17, resolution i) add the words 'subject to Members' comments'.

Minute 18 under Appendix 3 add the words 'playing field provision should not be less'

1st November – Minute 21 – amend wording to state 'should' instead of 'would'.

Minute 22 – 4th bullet point, change the word 'effective' to 'important'.

Minute 23 under level of future housing heading, 2nd paragraph, add the words 'Relative to government guidance and need to prove acceptable at enquiry'.

3rd paragraph – add text to reflect some members raised opposition.

26. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's public participation scheme.

27. TOWARD A YORK ECONOMIC VISION

Members considered a report which noted the final publication of 'Towards a York Economic Vision'. It was reported to the Executive on 19th October 2010, who referred it to the LDF Working Group for further consideration. The report considered the next steps in terms of public consultation and how it will be considered to inform key strategies such as the Local Development Framework and Sustainable Community Strategy.

Towards an Economic Vision was funded by Yorkshire Forward and prepared by Professor Alan Simpson and his team following public engagement with key stakeholders in the city. Professor Simpson was present at the meeting and gave a presentation to Members outlining the key aspects of Towards an Economic Vision.

Following the presentation, the Chair made the following comments:

- The report gives a vision but there are constraints on the City due to the rivers and historical listed buildings.
- Timescale and practicality issues – LDF focuses on the next 20 years and longer in terms of the Green Belt.
- Transport strategy is questionable due to lack of investment – York has struggled in the past to secure the level of funding required and it is doubtful in the current economic climate whether funding would be available to achieve the ideas in the vision document.
- Transport and York Central need greater priority and profile, this isn't clear in the document.
- Planting of more trees – has been done before and could be done again.
- Concern that private sector investment will not be forthcoming without investment in transport from the public sector.

Members then made the following comments:

- The document presents a challenge and Professor Simpson is correct in his vision for York.
- There are short term constraints but the ambition is good and the City requires a new transport system.
- Air quality and environment issues are important and it is correct to want to change the current situation.
- Officers need to think carefully and grasp an approach which will give the ideas a fair trial.
- Foot streets, cycling and park and ride facilities are key.
- The need to convince national government that the City needs transformation to gain funding.

- York needs to attract people into the City – boldness and vision is required to attract private funding.
- Copenhagen's focus on cycling is a cost effective transport method and York can learn from European cities.
- The Equality Advisory Group should be added to the list of consultees.

Officers advised that the consensus around a long term vision is that decisions need to be made regarding what is realistic. Small decisions will build up into a long term strategy and officers will need to set out clear ideas that can be delivered.

Members thanked Officers for progressing the vision document.

RESOLVED: That the LDF working group commented on 'Towards an Economic Vision' as above and recommended that the Executive approves it for further stakeholder and wider public consultation as set out in Annex 2.

REASON: To enable proper public consultation on the Economic Vision which seeks to support future investment in the City, encourage high standards of design and give focus on the importance of quality to economic competitiveness.

Cllr S F Galloway, Chair

[The meeting started at 4.30 pm and finished at 5.50 pm].

This page is intentionally left blank

City of York Council

Draft Committee Minutes

MEETING	LOCAL DEVELOPMENT FRAMEWORK WORKING GROUP
DATE	10 JANUARY 2011
PRESENT	COUNCILLORS STEVE GALLOWAY (CHAIR), MERRETT (VICE-CHAIR), POTTER, D'AGORNE, AYRE, REID, SIMPSON-LAING AND WATT

28. DECLARATIONS OF INTEREST

At this point in the meeting Members were asked to declare any personal or prejudicial interests they might have in the business on the agenda. Councillor Potter declared a personal non-prejudicial interest in agenda item 4 "Houses in Multiple Occupation and Article 4 Direction", as a resident in an area with high levels of student housing.

29. MINUTES

RESOLVED: That the minutes of the LDF Working Group meeting held on 13 December 2010 be agreed as a correct record.

30. PUBLIC PARTICIPATION/OTHER SPEAKERS

It was reported that there had been 5 registrations to speak in relation to item 4, Houses in Multiple Occupation (HMOs).

Caleb Wooding, a representative of the Green Party and a Student based in York advised the Working Group that the Council needs to develop a strategy to provide housing for all. The University is expanding and that 2nd and 3rd year students require privately rented accommodation. He suggested the following:

- Improve transport links to the University to all areas of the City and Students would be able to spread out into other areas.
- Private sector accommodation is welcoming for students rather than living in University accommodation.
- A policy that could assist is a lodger scheme that offers a 25% discount on Council tax to take in a student lodger.
- He welcomes further research into the matter.

Mark Warters representing Osbaldwick Parish Council asked Members whether they felt the existing housing stock in York is worthy of protection from being developed into HMOs. In reference to paragraph 24 of the Officers report, he pointed out that other Local Authorities had brought in

measures to bring HMOs under planning controls and asked that York does the same. He felt that there is no need for further consultation and urged Members to progress the matter now rather than waiting until a later date.

Neil McTurk representing York Residential Landlords Association advised that the strength of feeling amongst landlords was apparent from the high numbers in attendance at the meeting. He felt that not all stakeholders affected by the proposals had been consulted. He queried whether the HMOs situation in York is bad enough to warrant article 4 direction. He suggested that Officers already have sufficient powers to tackle HMOs using planning controls and that HMOs are not just lived in by students, but professionals and low income tenants that also require this sort of housing. The Officer's report finds no adverse effect on the schools in the areas with higher numbers of HMOs and asked Members if they wanted a high quality rental sector or a retraction.

John Nixon representing Badger Hill Residents Community Group advised that the problem in Badger Hill is that houses are being converted at an alarming rate. The HMOs in the area have between 4 and 10 occupants and are often next to the homes of elderly people. He welcomed the article 4 direction for the Badger Hill area and feels it should also be applicable in other areas of York. He referred Members to page 62 of the agenda which contained comments submitted by the residents group including the fact that many residents are considering moving from the area.

Councillor Morley, Ward Councillor for Osbaldwick thanked Officers for their engagement with communities. He advised that areas of concentration of HMOs are developing, particularly in the East of the City and he welcomed the direction of the report. He felt that immediate article 4 direction would be too risky and recommended a year's notice period.

31. HOUSES IN MULTIPLE OCCUPATION AND ARTICLE 4 DIRECTIONS.

Members received a report that followed on from a paper that had been considered by the Working Group at their meeting on 6 September 2010. The report provided an update of work undertaken in exploring a planning response to the issue of Houses in Multiple Occupation (HMOs), including the possibility of Article 4 Directions being used. The report provided a summary of work undertaken since 6 September 2010.

Officers updated that they had received 29 emails from landlords, the majority of which stated that the Council already has enough powers to tackle HMO's, that further consultation is required and that members need to consider the role of HMOs in the City and that there is a danger York will be considered to be anti-student.

The report followed on from the 6th September 2010 report and covered the following:

- An update on revised government guidance published on 5th November 2010.

- Information on other Local Authority approaches to implementing Article 4 Directions, such as Manchester.
- Work undertaken on developing an evidence base exploring the spatial extent and concentrations of student housing, quantitative research on crime and housing statistics and qualitative research comprising of street surveys and contact with residents including the Badger Hill Residents Community Group and Osbaldwick.
- Guidance from legal services on the appropriateness of implementing an article 4 direction.

The Chair confirmed the following:

- That Article 4 Direction is not retrospective and that if a dwelling is a HMO already, it would not be affected. Officers confirmed that this is correct.
- That the Working Group could not make a decision on this issue only a recommendation to the Council's Executive.

Members made the following comments:

- The maps produced by Officers show the scale and impact of HMOs on the housing map of the city and that certain Members had in the past suggested setting a policy to ensure that the Universities seek to provide accommodation for their students. Such a policy had not been adopted and some Members had voted against the York University planning application as it had not demonstrated how it would assist in meeting the increased demand for student housing.
- A Member moved to adopt Option 2 and to advertise the making of an article 4 direction. 12 months notice should be given and the whole main urban area as outlined on the Officers housing map should be included. This was seconded.
- Extend the consultation where further information would be useful, especially in respect of the impact on schools.
- Some Members had visited Headingley which has a high level of HMOs. Although York is not on the same level, adopting article 4 direction would be a precautionary approach to stop the same problems occurring.
- Low level and ongoing problems associated with HMOs that concern local residents.
- Members acknowledged that there are planning controls available to tackle HMOs but the article 4 direction would offer the Council more say over how many and the location.
- Officers need to ensure all relevant groups are included in any future consultation.
- Members are not anti-student or landlord, but recognise the need to help residents and get the balance right.

The Chair advised that the housing map is the result of a period of time and build up of HMOs. Recommending an article 4 direction is the easy part and the next step will be the working group and the planning committees deciding what threshold to apply. It is prudent to consult with all relevant groups over the next 12 months and work towards deciding a threshold.

Members considered the following options:

- Option 1: Await the outcomes from the focus group and student survey before considering making an Article 4 Direction to remove permitted development rights for changes from Class C3 (dwellinghouse) to Class C4 (HMOs).
- Option 2: Progress with implementing a city wide Article 4 Direction, that covers the main urban area, as soon as possible to remove permitted development rights for changes from Class C3 (dwellinghouse) to Class C4 (HMOs).
- Option 3: Progress with implementing a more limited, area specific Article 4 Direction as soon as possible, to remove permitted development rights for changes from Class C3 (dwellinghouse) to Class C4 (HMOs).
- Option 4: An alternative approach as directed by Members of the LDF Working Group.

- RESOLVED: (i) That it be recommended to the Executive that Option 2 be approved.
- (ii) That officers continue to work with the stakeholders identified in the report, as well as landlord representatives, with a view to establishing detailed planning guidance which can be applied when the Directive is implemented and also to consider additional ways of mitigating the effects that concentrations of short term let properties might have on local neighbourhoods.

REASON: To enable the Council to manage the spread of HMOs.

32. BIODIVERSITY AUDIT.

Members received a report that presented the Biodiversity Audit Report. The audit identified species and habitats which were of UK or local conservation concern and provided baseline information on which to prioritise further action. Habitat action plans would be developed as part of the Biodiversity Action Plan for the priority habitats and sites identified.

Members considered the following options:

- Option 1: To recommend to the Executive that the Biodiversity Audit be approved for publication as part of the Local Development Framework evidence base; or
- Option 2: To request further work from officers.

Officers went through the key issues in the Biodiversity Audit Report and responded to Members' questions in respect of specific Sites of Importance for Nature Conservation (SINC).

The following written representation was noted:

- Letter from Atkins Limited dated 7 January 2011 in respect of British Sugar SINC designation
- Letter from Colliers International dated 23 December 2010 on behalf of KeyLand Developments Ltd in respect of SINC Citation Site 35, Severus Hill Water Reservoir

Officers were thanked for the work that had been carried out to produce the comprehensive audit.

- RESOLVED: (i) That it be recommended to the Executive that the Biodiversity Audit be approved for publication as part of the Local Development Framework evidence base.
- (ii) That it be recommended to the Executive that the list of sites identified in Appendix 1 of the report be approved for formal recognition as Sites of Importance for Nature Conservation (SINC) subject to the two sites listed above (British Sugar and Severus Hill) being retained on the Candidate SINC list until the representations have been considered.
- (iii) That the written representation received be referred to the North Yorkshire SINC Panel and be given further consideration by the LDFWG in due course.

- REASONS: (i) So that the Biodiversity Audit can be used as part of the Local Development Framework evidence base and to avoid delays to the Core Strategy production.
- (ii) So that the sites identified as SINC's can be used in considering allocations made within the LDF and on any planning applications that may impact upon them.
- (iii) In accordance with the procedures that have been established to provide an objective, consistent and defensible designation system for wildlife sites.

Cllr S F Galloway, Chair

[The meeting started at 5.30 pm and finished at 7.00 pm].

This page is intentionally left blank



Local Development Framework Working Group**10 January 2011**

Report of the Director of City Strategy

Houses in Multiple Occupation and Article 4 Directions**Summary**

1. This report follows on from the paper considered by Members on the 6 September 2010 which provided an update of work undertaken in exploring a planning response to the issue of Houses in Multiple Occupation (HMOs) including the possibility of Article 4 Directions being used. In York, HMOs typically take the form of short term lets catering for student households. The report provides a summary of work undertaken since 6 September 2010 comprising the following:
 - an update of new government guidance regarding Article 4 Directions;
 - information of other Local Authority approaches to implementing Article 4 Directions;
 - work undertaken to date on developing an evidence base exploring:
 - the spatial extent and concentrations of student housing;
 - quantitative research covering crime and housing statistics;
 - qualitative research comprising street surveys and contact with residents, including the Badger Hill Residents Community Group and Osbaldwick Parish Council; and
 - guidance from Legal Services on the appropriateness of implementing an Article 4 Direction.
2. The report provides Members with potential options for progressing this work including undertaking consultation before making a decision on whether to implement an Article 4 Direction.

Background

3. The report presented on 6 September 2010 considered the spatial distribution of student housing across the city at Ward level and explored whether concentrations of student housing was having a detrimental effect on neighbourhoods. As discussed in the previous report the impacts of large numbers of student housing can be social, cultural, physical and economic. However it is often the social element that is considered to be of primary concerns regarding student housing. The perceived indicators of the potential effects of large numbers of short term lets often cited by local residents in student areas comprise:
 - higher incidences of anti social behaviour;

- increased levels of crime and the fear of crime (often with students being the victims of crime themselves);
 - poorer standards of property maintenance and repair;
 - littering and accumulation of rubbish;
 - noise between dwellings at all times and especially music at night, alongside late night street disturbance;
 - decreased demand for some local services, particularly local schools;
 - increased parking pressures arising from shared households;
 - changes in type of retail provision, particularly local shops becoming take-aways; and
 - lack of community integration and 'community spirit' resulting in less commitment to maintain the quality of the local environment.
4. Information collected at Ward level did not indicate any significant deviations from the average across a wide range of indicators such as crime, littering and noise. However it was acknowledged that information at Ward level may be hiding more pronounced concentrations of student housing at a more local level, which may be impacting on neighbourhoods. Accordingly, further work has been undertaken to explore more localised concentrations of student housing. To assess whether these concentrations are having a negative effect on their neighbourhoods information has been collated across a range of indicators. Given that data has historically been collated at ward level and is therefore more readily available at this scale, a mix of quantitative and qualitative data has been critical.

Motion for Accreditation Scheme and Petition for Selective HMO Licensing in Hull Road

5. At the Full Council meeting of 7 October 2010 Members considered a petition received on behalf of residents of Hull Road, asking the Council to apply for selective licensing powers over houses in multiple occupation in the Hull Road Ward. A report is currently being prepared by colleagues in Housing to advise Members of the petition received. This will be presented to the Executive Member Decision Session – Neighbourhood Services on 18 January 2011.
6. At the same Full Council meeting Members considered a motion submitted for consideration directly by Council on selective licensing of student properties. Following amendments to the motion, on being put to the vote the amendment was carried requesting the Director for Communities and Neighbourhoods to work with the local Development Framework Working Group to bring a report to the Executive outlining the options available to the council to address residents' concerns about HMOs in the city, including the introduction of an accreditation scheme. Colleagues in Housing are currently exploring how best to implement an accreditation scheme and have advise that they are likely to report back to Members on this issue in Spring 2011.

Article 4 Directions

Legislation update

7. Since the 6 September 2010 LDF Working Group meeting, Statutory Instruments laid before Parliament, making changes of use from Class C3 (dwellinghouses) to Class C4 (HMOs) permitted development, came into effect on 1 October 2010. This means that planning permission for this change in use is not required. Should Local Authorities wish to exert tighter planning controls on the development of HMOs, permitted development rights would have to be removed through an Article 4 Direction. An Article 4 Direction would mean that planning permission, within a given area, would then be required for a change of use from a dwelling house to an HMO. It should be noted that the effect of an Article 4 Direction is not to prohibit development, but to require a planning application to be submitted for development proposals, to which it applies, in a particular geographical area. As such, there would be a requirement to develop a policy response to provide guidance for determining planning applications.

New Government Guidance

8. On the 5 November 2010 new guidance on the use of Article 4 Directions was published by CLG. Detailed discussion and meetings have taken place with colleagues in Legal Services, which have highlighted the points below:
 - The revised guidance issued on 5 November 2010 says that Local Planning Authorities (LPAs) should consider making Article 4 Directions where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area.
 - The guidance refers to 'potential harm' and says that LPAs may taken into account whether the exercise of permitted development rights would undermine the visual amenity of the area and undermine local objectives to create or maintain mixed communities.
 - The 5 November 2010 guidance also says that there should be a particularly strong justification for the withdrawal of permitted development rights covering a wide area.
 - The previous approach to Article 4 Directions was that they were used to correct an existing problem. Now it appears that a direction can be made in respect of *potential harm* to an area, to control problems before they occur in exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area.
 - This new approach set out in the revised guidance means that a LPA can pursue a wide Article 4 Direction to cover an area where there is not a high concentration of HMOs, provided there is clear and strong justification to do so, such as that there is evidence that a concentration of HMOs would have harmful impacts that are real and not perceived and that HMOs would be displaced from controlled areas to adjacent areas with harmful impacts. A wide direction is therefore necessary to effect control as

multiple directions would otherwise be required which could not be introduced quickly enough.

9. Further discussions have taken place to examine the outcomes of the evidence base in exploring whether the evidence justifies making an Article 4 Direction. Advice from colleagues in Legal Services on this issue is set out later in this report from Paragraph 58.

Planning Fees

10. One of the costs to Local Authorities of using Article 4 Directions to control HMO is that planning applications are free under an Article 4 Direction. This may act as a discouragement to implementing an Article 4 Direction if they have to fund the cost of the applications which arise. However, a consultation on proposals for changes to planning application fees in England has been launched. This gives Local Authorities the power to set their own fees. It also offers an opportunity to extend the range of fees charged, including to Article 4 Directions. The intention is to introduce the legislation in April, so that they can be used from October 2011.

Other Local Authorities Approaches to Article 4 Directions

11. Officers have been monitoring other Local Authorities approaches to HMOs. A summary of emerging approaches to implementing Article 4 Directions for managing HMOs is set out below:
 - Manchester City Council, Milton Keynes Council, Bournemouth Borough Council and Portsmouth City Council have implemented a Local Authority wide Article 4 Direction. Discussions with Officers from Manchester City Council have taken place to fully understand their approach.
 - Canterbury City Council have implemented an Article 4 Direction that covers the main urban area.
 - Newcastle City Council and Exeter City Council have implemented Article 4 Directions at a more local level, covering partial wards and groups of streets.
 - There are differences in the level of detail of Local Authority's evidence base to support the making of Directions.
 - All Local Authorities have highlighted resident's concerns in their justification for implementing an Article 4 Direction
 - In all cases 12 months notice of the Direction has been given to ensure no liability for compensation claims.
 - Portsmouth City Council and Bournemouth Borough Council have proposed that there will be no charge for submitting a planning application for change of use from C3 to C4 once the Direction has come into effect.
12. Research has shown a varied approach to implementing Article 4 Directions with regard to geographic coverage and the level of detail of evidence bases to support making the Direction. However, in accordance with advice from colleagues in Legal Services set out in paragraph 8 above, it is considered

appropriate that a robust evidence base be developed to inform whether an Article 4 Direction is appropriate for York.

Developing an Evidence Base

13. As discussed in the previous report it is important to establish whether there are issues arising from short term lets for students in the city requiring further control through an Article 4 Direction and policy approach. Below is a summary of work undertaken since the last meeting.

The spatial extent of student housing

Spread of student housing

14. An historical mapping exercise has been undertaken to explore the spatial spread of student households since 2000. Data for 2000, 2005 and 2010 has been mapped at Output Area¹ level showing the spread of student housing and can be found at Annex 1. Council Tax student housing exemption data has been mapped. This applies to properties occupied only by one or more students either as full time or term time accommodation. Properties falling within 'Halls of residence' on campus have not been included. It does however include some off campus accommodation owned or managed by the universities. Properties that contain a mix of students and non students have also not been included at this stage; given we are trying to demonstrate the effect of student housing it seemed most appropriate to concentrate on housing likely to be occupied solely by that group. It is acknowledged that the number of households containing a mix of students and non students would be higher.
15. The mapping shows that in recent years concentrations of student households have begun to spread across the city, particularly into parts of the Hull Road, Heslington and Fishergate Wards. It is likely that this represents students living in the private rented sector and attending the University of York. There has also been a marked increase of student households in the Clifton and Guildhall Wards which can be attributed to York St. John University. Concentrations have also been identified in the Heworth Ward, this could be linked to students attending either university.
16. The maps at Annex 1 show that in 2000 there were 6 Output Areas with 20% and above concentrations of student housing, in 2005 this increased to 11 Output Areas and in 2010 this increased further to 19 Output Areas. It should be noted that in some cases the significantly high numbers of student households can be attributed to purpose built managed student accommodation. Further information can be found in the Street Surveys section at Annex 4. In several Output Areas there is evidence that the number of student households has doubled and sometimes tripled in the ten year period from 2000 to 2010. In one Output Area the number of student households is more than six times higher, as shown in Figure 1 overleaf.

¹ From the Office of National Statistics, approximately 125 properties per Output Area

Figure 1: Increases in student households

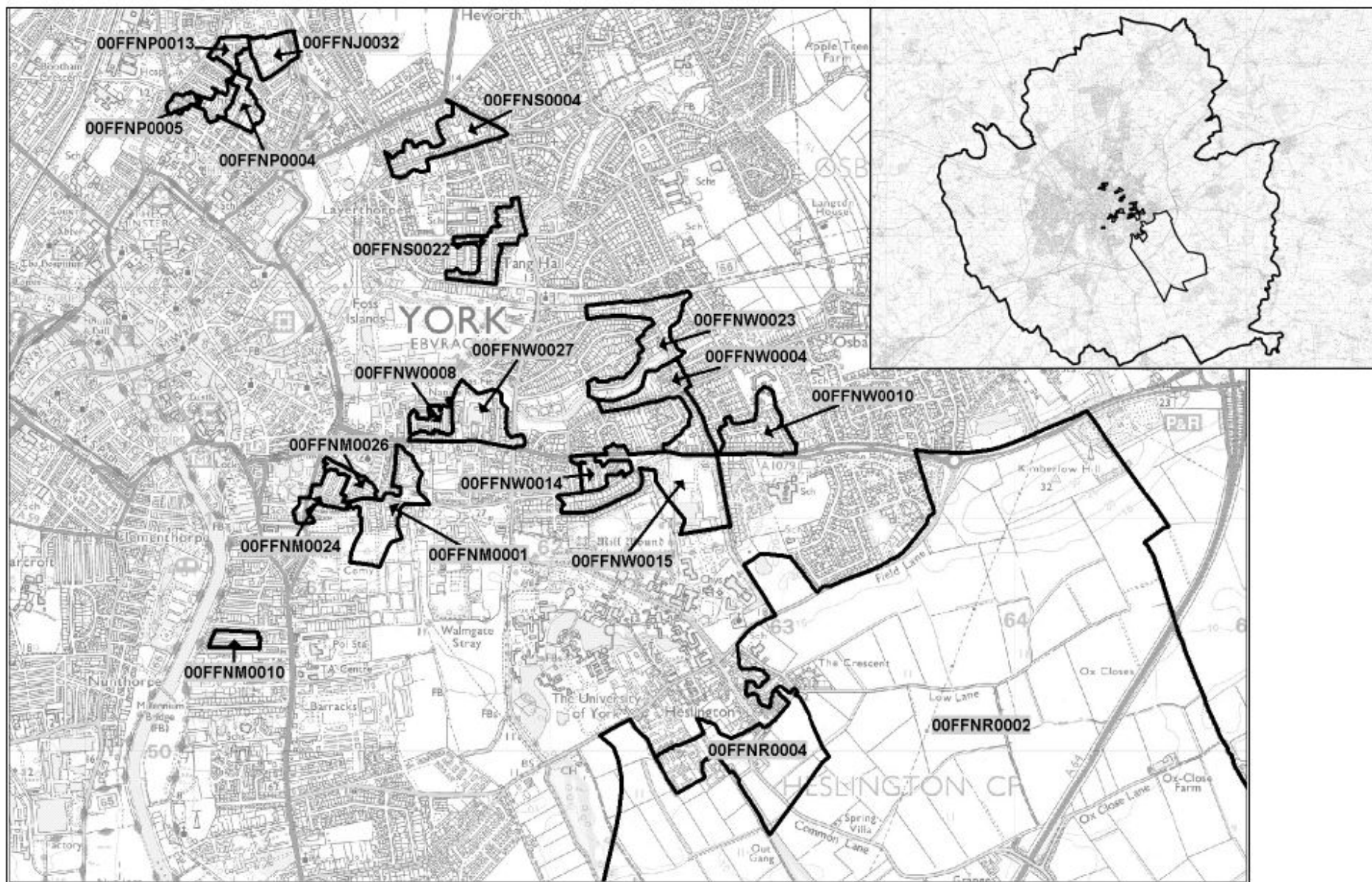
Output Area*	Number of Student Households			Percentage Increase 2000-2010
	2000	2005	2010	
00FFNJ0032	87	88	88	1
00FFNM0001	14	23	29	107
00FFNM0010	17	33	29	71
00FFNM0024	34	39	63	85
00FFNM0026	21	29	46	119
00FFNP0004	8	19	29	263
00FFNP0005	13	21	28	115
00FFNP0013	7	13	26	271
00FFNR0002	35	40	42	20
00FFNR0004	58	65	77	33
00FFNS0004	8	14	46	475
00FFNS0022	12	17	25	108
00FFNW0004	8	15	31	288
00FFNW0008	19	31	37	95
00FFNW0010	9	20	33	267
00FFNW0014	32	55	84	163
00FFNW0015	9	12	31	244
00FFNW0023	5	19	35	600
00FFNW0027	13	62	85	554

* See Figure 2 for location

Source: Council Tax Exemptions Data

17. Based on these past trends it would be reasonable to assert that permitted development comprising a change of use to student HMO would be likely to take place in the future. Moreover, given the clustering that has already taken place in the Clifton/Guildhall Wards and in Hull Road in particular it is likely that if unmanaged this would continue and could create unbalanced communities. It is also likely that new clusters may develop.
18. In addition to student HMOs there are a large number of HMOs occupied by other groups of unrelated people sharing a house or flat, such as young professionals. However the Council has no complete record of these at present.

Figure 2: Location of Output Areas



Localised concentrations of student housing

19. The further mapping work allows the identification of localised concentrations of student housing. Output Area level is considered the smallest scale appropriate to explore these concentrations with regard to data collation and meaningful statistical relevance.
20. The map overleaf at Figure 3 indicates pockets of concentrations in the following wards; Fishergate, Heslington, Hull Road, Heworth, Guildhall and Clifton. 19 Output Areas were identified across these Wards where the proportion of student housing concentrations is at or above 20%.
21. The 19 Output Areas shown more clearly at Figure 4 have been the starting point of our work to explore the potential indicators associated with high concentrations of student housing.

Figure 3: Concentrations of Student Housing Across the City

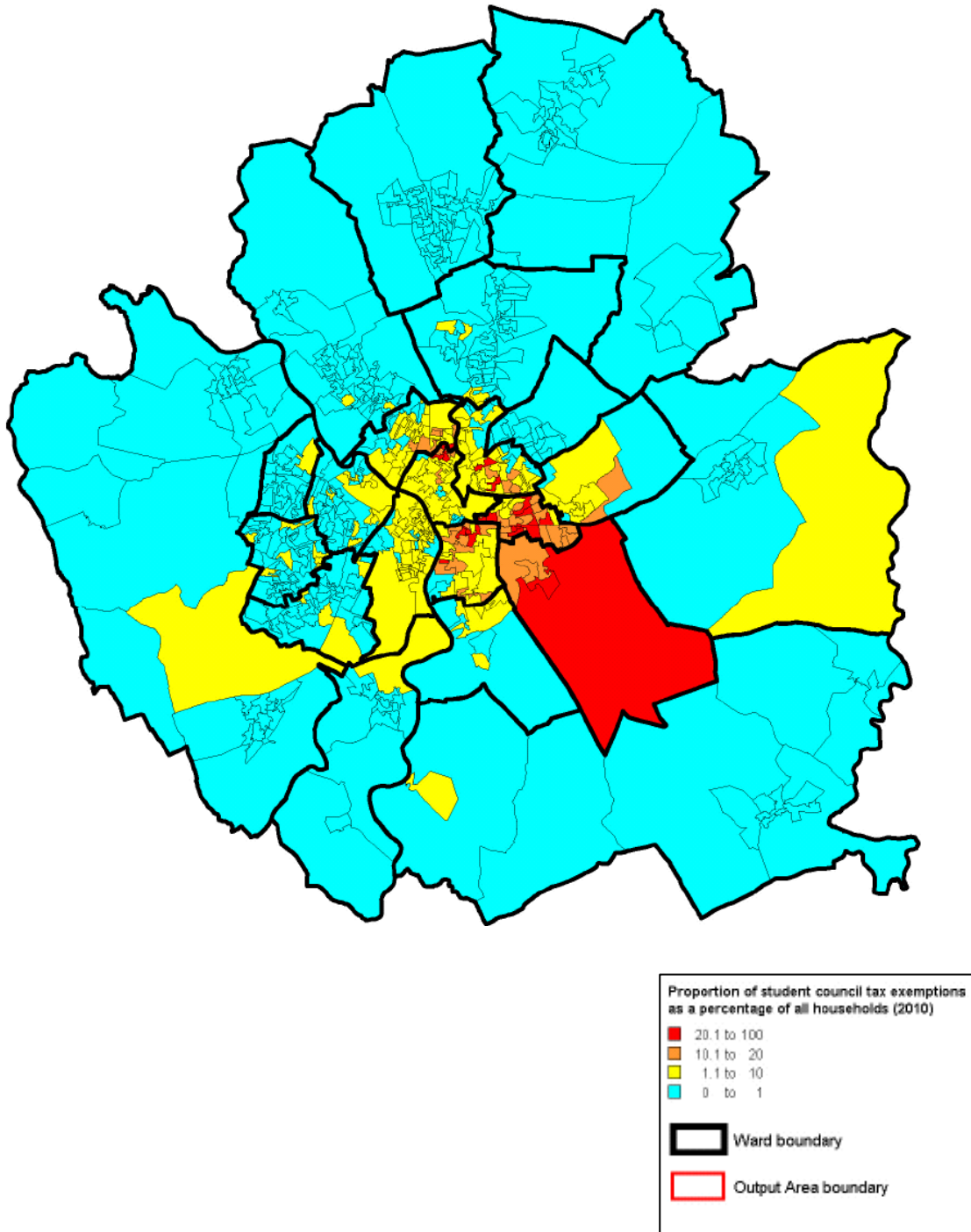
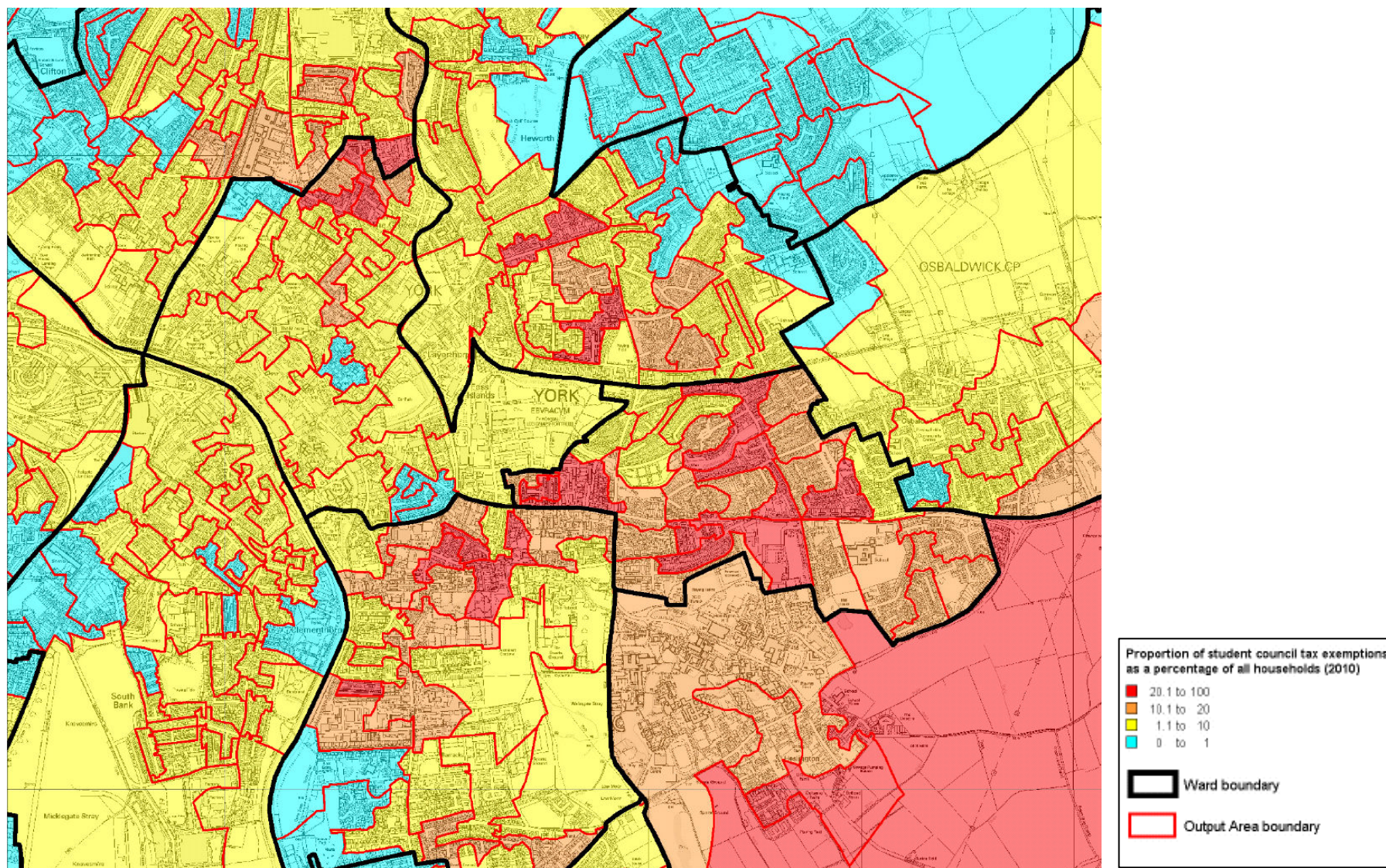


Figure 4: Output Areas with highest concentrations of Student Housing



*Exploring the impacts of student housing*Quantitative research

Safer York Partnership Data

22. Through collaborative working with colleagues at the Safer York Partnership, data has been obtained for the 19 Output Areas with the highest concentration of student housing (see Figure 4). Data has been provided across a range of indicators including incidences of littering, noise complaints and burglaries, it is set out in detail at Annex 2. Data shows that incidences of crime were higher than average in several of the Output Areas with high proportions of student housing. In particular, there is evidence of higher than average incidences of noise nuisances, littering, burglaries and anti-social behaviour in some Output Areas with high levels of student housing. Whilst this shows a correlation between student areas and higher than average incidences of crime, anti-social behaviour, burglary, noise nuisance and litter it should be noted that not all incidences can be directly attributed to students themselves. Indeed students are often themselves the victims of crime, such as burglary.
23. Discussions with colleagues in crime reduction at the Safer York Partnership have highlighted the significant work being done seeking to reduce crime levels in student areas. Work has included setting up a multi agency burglary task group and crime reduction group, which involves partnership working with both the University of York and York St. John University. This involves work to target students moving out of managed university accommodation into the private rented sector in their second year of study, including on campus initiatives, email bulletins and work with the student unions. Colleagues have indicated that landlords generally have a good standard of security in their properties and it is therefore students who are being targeting to become more safety conscious.
24. Despite a number of initiatives targeting student areas and students themselves outlined above, data collected shows that crime levels still remain higher than average in several student areas.

Hometrack Data

25. Members commented at the 6 September LDF Working Group there is anecdotal information that families who were looking to move into larger accommodation were having to move away from particular areas because family accommodation was being bought above the market value for the purpose of subdividing the accommodation. To address these comments we have explored what information is available to substantiate this anecdotal evidence.
26. Following discussions with colleagues in Housing we have contacted officers at the Golden Triangle Partnership who have access to an online tool called 'Hometrack'. This provides in-depth, up-to-date and independent survey of

house prices and market trends in England and Wales. Officers at the Golden Triangle Partnership were able to produce a data report. We have analysed this data (see Annex 3) and drawn the conclusions below:

- There is no positive correlation between student areas and inflated house prices however there appears to be some correlation between student areas and significant percentage increases in house prices between 2002 and 2010.
- There are higher than average percentages of private rented properties in the student areas which could be contributing to increased competition between buy to let landlords and owner occupiers.
- Given that the historic spread and increases in student households identified in Figure 1 and Annex 1 are likely to continue if unmanaged, it is reasonable to assert that prices may continue to rise over the longer term and competition between buy to let landlords and owner occupiers will continue both in existing student areas and in new areas as the clustering effect takes hold.
- Further work into these issues is necessary to determine more definitely the effect student housing may be having on the housing market, particularly for owner occupiers and families. This work would include conducting telephone interviews with Estate Agents to obtain their professional views on whether they are seeing families pushed out of student areas by the buy to let market.

Education Data

27. We have been working alongside colleagues in Education to explore the effect concentrations of student houses is having on school role numbers. This is in response to Members comments that the conclusion from our initial work was not supported by Members' local knowledge of falling roles and potential school amalgamations in some areas.
28. There is a view that a high proportion of students within any given area could mean there will be a lower proportion of school pupils within that same area. Work has been undertaken by colleagues in Education to examine whether this conclusion can be drawn based upon analysis of data in several areas of the city. Specifically, this work sought to identify if there is a relationship, between a high proportion of student households within an area and a low proportion of primary age pupils. Council Tax exemptions and School Census datasets have been aggregated geographically by Output Area and school catchment area.
29. Groups of output areas approximating the catchment areas of six schools have been analysed. These schools comprise:
 - Derwent Infant and Junior (Derwent North and South catchments);
 - Osbaldwick Primary;
 - Badger Hill Primary;
 - St Lawrence's Primary;
 - Park Grove Primary; and

- Dringhouses Primary.
30. The first five of these areas have been chosen because some of the Output Areas that make up their catchment areas have a high proportion of student households. The Dringhouses catchment area is made up of several Output Areas that contain few or zero student households and has been included as a 'control' area by means of comparison.
 31. The outcomes of this exercise identified that although there are a small number of individual Output Areas where both the number of student households is high and the proportion of primary age children is low it is not possible to conclude that there is an overall relationship between the two in the areas analysed. This would indicate that there are other variables which impact upon the proportion of primary pupils in a given catchment area. Future research could examine the relationship between the published league table performance of a school and the number of children living within catchment. For example schools that achieve 'outstanding' reports from Ofsted may be more appealing to parents.
 32. Annex 3 examines each area in more detail, providing an analysis of the relationship between student exemptions and primary pupil numbers.

Qualitative research

Street Surveys

33. Street Surveys have been undertaken for the 19 Output Areas with 20% and over concentrations student housing (see Figure 4) covering the following Wards; Fishergate, Heslington, Heworth, Hull Road, Guildhall and Clifton. The street surveys focused on a range of potential indicators associated with high concentrations of student housing (such as property maintenance, parking pressures, littering) with the aim of providing more localised evidence of any issues. Street Surveys were also carried out in 'control' areas with fewer student households to act as a comparator.
34. Detailed commentaries of the 19 Output Areas can be found at Annex 4. Overall, the street surveys identified some environmental issues, however these were evident in both the areas with large concentrations of student housing and the control areas. As such, the findings were inconclusive and did not offer a direct correlation between high concentrations of student housing and poor quality of environment in the survey areas. However, a number of residents have expressed concern regarding the impact student housing is having in their neighbourhoods, in both in and area the areas surveyed alongside other wider areas such as Badger Hill and Osbaldwick, as discussed below.

Badger Hill Residents' Community Group Survey

35. Following correspondence with representatives from the Badger Hill Residents Community Group (BHRCG) a meeting has taken place to discuss

residents concerns and the outcomes of a survey undertaken by the BHRCG. The main findings of their survey can be summarised as follows. Please see Annex 4 for detailed comments regarding Badger Hill residents' concerns.

- 164 individuals completed the survey² out of a population of approximately 1,200 people (taken from the 2001 Census)
 - Many residents in Badger Hill are becoming increasingly concerned about the growth in numbers of HMOs (often occupied by students) and the impact this is having.
 - 97% of respondents said they had been adversely affected by the growth of HMOs citing noise, parking, litter, poor maintenance and antisocial behaviour as the main issues.
 - 81% of respondents know someone who has moved or is considering because of growth in HMOs.
 - 98% of residents who took part in the survey would like the Council to control HMOs in Badger Hill.
36. The BHRCG have also received a petition from 30 people living in Low Mill Close, Badger Hill, supporting the introduction of an Article 4 Direction for the area to reduce the amount of student housing.

Osboldwick Parish Council

37. A meeting has also taken place with representatives from Osboldwick Parish Council to discuss residents' concerns in Osboldwick. Concerns have been raised by the elderly and young families highlighting that it is an issue effecting whole communities. It was considered that there is an incompatibility between transient students and established residents The main concerns include noise nuisance, parking pressure, the loss of family homes and the general negative effect student housing in Osboldwick is deemed to be having on quality of life and the feel and character of the area. Further detail regarding the Parish Council's concerns is set out in Annex 4.
38. Distribution of HMOs was felt to be a key issue alongside density. Accordingly, it was suggested that HMOs need to be managed through the implementation of an Article 4 Direction. The Parish Council consider that any Article 4 Direction should be on a city wide scale, such as in Manchester, to ensure displacement doesn't occur. Subject to its legal suitability, it is also requested that the 12 month notice period for introduction of an Article 4 Direction could begin (if Members agree in principle to an Article 4) as soon as possible prior to the full direction being drawn up.

Residents' Correspondence

39. Since the LDF Working Group on 6 September we've been contacted by over 50 residents regarding student housing/HMOs. We have noted their concerns

² It should be noted that the survey was distributed to as many owner-occupiers as possible using a network of volunteers across all parts of Badger Hill. This figure relates to individuals rather than households. It was not circulated to all households in the area.

and issues raised. In some cases we have offered to meet with residents (see above). Resident's main concerns relate to restricting the number of HMOs, with some setting out specific issues caused by concentrations of student houses in their street. Several residents also sought clarification of how we would undertake the further proposed work discussed at the 6 September LDF Working Group meeting. A summary of comments received can be found at Annex 4.

Summary

40. To date, the evidence base demonstrates the following:

Spread of student housing

41. Mapping shows a significant spread of concentrations of student housing since 2000 in the following wards; Hull Road, Heslington, Fishergate, Heworth, Guildhall and Clifton. In some cases, the number of student households is more than six times higher from 2000 to 2010. Mapping also shows a clustering effect developing. It is likely that unless managed the spread of concentrations of student housing will continue.

Anti social behaviour/crime

42. Data from the Safer York Partnership indicates that several of the student areas experience above average incidences of antisocial behaviour and crime. In some student areas more than double the average number of incidents of crime and anti social behaviour were recorded. This is despite numerous initiatives targeting student areas and students to decrease crime levels. It should be noted that crime in student areas cannot be attributed to students, indeed students are often themselves the victims of crime, such as burglaries.

Poorer standards of property maintenance and repair

43. Residents have indicated that there are a number of environmental problems visible in areas with high concentrations of student housing such as properties in a state of disrepair and neglected gardens. Stating that a contributing factor is the higher levels of transience caused by large proportions of privately rented properties and lower levels of owner occupation; meaning that people may feel less desire to look after the area if they are only staying for a short time, and landlords may not maintain their properties to the same level as owner occupiers or longer term tenants.

Littering and accumulation of rubbish

44. Incidences of littering recorded by the Council's Neighbourhood Services are above average in several of the areas with the highest proportion of student houses. Work is undertaken by the Council to prepare for the start and finish of each academic year to try to mitigate the environmental problems which

are worse at these times. However, residents have raised littering and the accumulation of rubbish as an issue on a number of occasions.

Noise nuisance

45. Noise nuisance is most keenly felt by long-term residents in areas where student concentrations have risen recently but were traditionally catered for families. Many residents in these areas feel that noise is having a negative impact on their residential amenity. In some Output Areas where there are 20% and over concentrations of student housing the number of noise nuisances complaints received by the Council were double the city average.

Demand/effects on local services

46. Residents have expressed concern that local retail services are catering for the student population at the expense of established residents. Analysis of the street surveys indicated that there were a large proportion of take-aways in the student areas, however this is not restricted to student areas and was evident in the 'control' comparison streets. With regard to schools, there is no positive correlation between high proportion of students and low proportion of school age children, indicating there are other variables which impact upon school role numbers. However, it is acknowledged that where there are few school age pupils living in an area this has implications for the social and community interactions that typically take place between children and parents at the school gate within local communities.

Parking pressures

47. Analysis of the Street Surveys was inconclusive regarding parking pressures in student areas, with many student areas having permit parking as means of control. However, residents have expressed concerns regarding parking on grass verges and the blocking of junctions, which they state is due to more people living in a converted HMO than would generally live in the same size house occupied by a family.

Lack of community integration and 'community spirit'.

48. Residents have expressed significant concerns regarding the effects large concentrations of student housing is having on community spirit, with a number of residents, the BHRCH and Osbaldwick Parish Council commenting a lack of integration between transience student residents and established residents.

Ongoing work

49. As part of our ongoing further work we are in the process of arranging public consultation in the form of a focus group event and an online questionnaire. This would contribute to the evidence base and informing any policy approach. However, given the scale of work involved in setting up, running and analysing the outcomes of the focus group and online student

questionnaire and in light of University term dates it is likely that these elements of our work will not be completed until late January/February 2011. It is also necessary to conduct telephone interviews with Estate Agents to explore whether families are being pushed out of student areas.

Focus Group

50. A focus group will take place early in January, mindful of University term dates. It is envisaged that this would be a half day event. The focus group will further explore student housing issues and discuss balanced communities and a threshold of when a community becomes imbalanced. This would inform any policy approach. It will also be an opportunity to discuss an accreditation scheme (see Paragraph 6). Representatives from the following groups will be invited:

- Residents (those that have sent correspondence expressing their interest in this issue).
- Parish and Ward Councillors.
- City of York Council Officers from a range of teams (planning, environmental health, parking services, housing, education, Safer York Partnership).
- Students.
- Representatives from Student Unions.
- Representatives from all Higher Education Institutions.
- Representatives from the Talkabout Panel.

Online Survey

51. Discussions have taken place with colleagues in Marketing and Communications regarding the possibility of running an online questionnaire to be emailed to students to explore the drivers behind the student housing market. We are in the process of preparing the questionnaire and collaborating with the universities to obtain circulation lists. The survey will explore issues such as the following; rental rates, satisfaction with accommodation, preferred locations to live and reasons why and the likelihood of staying in York, and where they would be likely to locate. It is likely that this questionnaire will be circulated early in the new year, with analysis expected early February.

Telephone Interviews with Estate Agents

52. As set out in paragraph 26, further work is necessary to explore the effect student housing is having on the wider housing market and in particular on owner occupation and family housing. This work would include conducting telephone interviews with Estate Agents to obtain their professional views on whether they are seeing families pushed out of student areas by the buy to let market, relating to the loss of family housing and whether house prices are being inflated by the private rented sector.

Analysis

53. Legislation came into effect on 1 October 2010 whereby changes from C3 (dwellinghouse) to C4 (House in Multiple Occupation) became permitted development meaning that planning permission is no longer required to turn a house into an HMO. As such, the only way for Local Authorities to regain control of HMO development is to implement an Article 4 Direction withdrawing the permitted development right and requiring the submission of a planning application for this change of use.
54. Historic mapping shows a clear spread of student housing in several of the cities Wards over the ten year period between 2000 and 2010, indicating clustering in the Clifton/Guildhall Wards and Hull Road. It is likely that without being managed, changes of use to student HMOs will continue, leading to further clusters of concentrations of student housing. This evidence of the spread of student housing provides a strong justification for implementing an Article 4 Direction on a city wide scale.
55. The emerging evidence base indicates that it is likely that the concentrations of student housing identified in our mapping exercise are having a detrimental impact on their neighbourhoods. These impacts can be identified through quantitative and qualitative work. This work indicates that areas with high concentrations of student housing suffer from crime, burglary, noise nuisance and poor quality of environment. Albeit not all crime can be attributed directly to students, who are often the victim of crime themselves.
56. Although Output Areas in Badger Hill and Osbaldwick are not currently experiencing student household concentrations of 20% or above the outcomes of the BHRCG survey and residents concerns from both areas are important given the evidence of the historic spread of student housing. If left unmanaged it is likely that residents concerns could be exacerbated in the future as student households and clustering continues. Particularly give that these areas are approaching concentrations of 20%.
57. Given recent guidance from CLG and emerging approaches in other Local Authorities, it is Officers opinion that the preferred approach to any Article 4 Direction would be for a city wide Article 4 Direction, covering the main urban area, mindful of advice from Legal on what evidence is required. This is considered to offer the most equitable approach and will give us maximum flexibility in managing student housing/HMOs. It would also prevent the displacement of any issues which would be likely to occur if a Direction was implemented at a smaller scale. It should be noted that the effect of an Article 4 Direction is not to prohibit development, but to require a planning application to be submitted. As such, there would also be a requirement to develop a policy response to provide guidance for determining planning applications. A policy approach could be developed based upon a threshold approach, identified through the consultation described above.

Guidance from Legal Services

58. The Council can remove permitted development rights through the Article 4 Direction process to cover any geographic area where it is satisfied that it is expedient to do so. Directions can be property or area specific, or they can cover an entire Local Authority area. The reasons for making an Article 4 Direction should be justified by evidence of local circumstances being such that there are compelling reasons to impose an exceptional control and should be in accordance with Government guidance. Government guidance states that there should be particularly strong justification for the withdrawal of permitted development rights relating to a wide area. A proportionate approach consistent with the guidance is less likely to be the subject of legal challenge.
59. Planning controls introduced by Article 4 Directions can either take effect immediately or could come into effect after a minimum period of 12 months. In the case of a non-immediate Article 4 Direction, there would be a 12 month period during which landlords can convert their dwellinghouses (C3) to HMOs (C4) using permitted development rights.
60. The main difference between the types of Article 4 Direction is the issue of compensation liability for the Local Authority. There is no provision for compensation claims against Councils in respect of non-immediate Article 4 Directions, that come into effect after a minimum period of 12-months following designation. In the case of Article 4 Directions with immediate effect, Local Authorities are at high risk of substantial compensation claims by applicants, who can claim compensation under section 108 of the Town and Country Planning Act 1990 (as amended). They can do so if their planning applications, submitted within one year of the Article 4 Direction designation, are either refused planning permission or granted planning permission subject to more limiting conditions than permitted development would normally allow. They are entitled to claim compensation for financial losses incurred, including process costs, loss of land value and loss of future income.
61. A formal consultation/publicity period would be required in making any Article 4 Direction and any responses received must be considered before confirmation of the Direction.
62. If the Council introduces an Article 4 Direction to control the change of use from C3 to C4 HMO in any given area, the Council will need to develop a clear planning policy position on HMOs against which new HMO applications can be assessed.
63. It appears from the evidence base work detailed in this report that high concentrations of HMOs are having detrimental impacts on their neighbourhoods sufficient to justify the use of an Article 4 Direction that covers areas where there is an existing problem. A Direction that relates to a wide geographical area such as the main urban area of the city or the entire area of the Local Planning Authority requires particularly strong justification. Whilst the evidence does not appear to justify the blanket withdrawal of

permitted development rights across the entire area of the Authority, it does indicate a need to manage the urban areas that currently have a lesser concentration of HMOs to prevent HMOs moving from areas covered by an Article 4 Direction to those without it. The ongoing consultation work referred to in paragraphs 50 to 52 of the report would enable an informed decision to be made as to the appropriate geographic scope of an Article 4 Direction, which would need to be defined on a plan. This consultation work would also provide a more robust evidence base for a wide Article 4 Direction in the event of any legal challenge.

Options

64. The options below are available to Members.

Option One: Await the outcomes from the focus group and student survey before considering making an Article 4 Direction to remove permitted development rights for changes from Class C3 (dwellinghouse) to Class C4 (HMOs).

Option Two: Progress with implementing a city wide Article 4 Direction, that covers the main urban area, as soon possible to remove permitted development rights for changes from Class C3 (dwellinghouse) to Class C4 (HMOs).

Option Three: Progress with implementing a more limited, area specific Article 4 Direction as soon possible, to remove permitted development rights for changes from Class C3 (dwellinghouse) to Class C4 (HMOs).

Option Four: An alternative approach as directed by Members of the LDF Working Group

Analysis of Options

Option One

65. Whilst it is acknowledged that the evidence base work is robust, consultation forms an important element of the planning system, providing a valuable qualitative strand to evidence base work. Officers will run a focus group event and online questionnaire as set out in paragraphs 50 and 51. Analysis from this work will provide comments from a range of stakeholders and provide a useful understanding of the drivers of the student housing market. After the further proposed work is undertaken the evidence base will be robust and an informed decision can then be made on the appropriateness of an Article 4 Direction and at what geographic scale. The outcomes of the consultation exercise will also form an essential element of policy formation should an Article 4 Direction be implemented.

Option Two

66. The evidence base work undertaken to date indicates that an Article 4 Direction could be justified to allow the Council to manage the spread of HMOs and in particular student housing. Albeit, consultation with stakeholders has not yet been undertaken (see above). The most appropriate scale for an Article 4 Direction is considered to be city wide, as this is felt to be the most equitable approach and offers the most flexibility in managing HMOs. A non immediate Direction, giving 12 months notice so that the council is not liable to compensation is considered to be the only credible option. This is in line with the approach taken by several other Local Authorities (see paragraph 11).

Option Three

67. Implementing an Article 4 Direction relating to a more tightly drawn boundary may be appropriate. This option would involve further analysis of the mapping to assess which areas the Direction should apply. Having regard to the spatial distribution of student housing this is likely to result in several separate areas being identified rather than one contiguous area. It should be noted that this approach may still result in further concentrations of student housing developing in areas adjacent to areas covered by Article 4 Direction. As for Option Two, this option would result in a non immediate Direction being implemented to avoid compensation liability.

Option Four

68. Members may wish to propose an alternative approach. This could include implementing an immediate Article 4 Direction (either city wide or to specific areas) bringing with it potentially significant levels of compensation which the council would be liable to pay. Alternatively, Members may decide that an Article 4 Direction is not appropriate for York.

Next Steps

69. If Members were to approve the Officers recommendation below to undertake the consultation element of the evidence base work prior to making a decision on implementing an Article 4 Direction it is likely that these elements of the evidence base will be completed by January/February and following analysis, reported back to Members in March to allow a decision to be made on implementing an Article 4 Direction. When reported back to Members, Officers will be in a position to provide a recommendation on whether it is appropriate to implement a Direction and the geographic scale of any direction.
70. If members were to go for Option 2 or 3 above, it would be necessary to seek Executive approval to implement an Article 4 Direction. This would require the Executive to delegate authority to the Director of City Strategy, in consultation with the Executive Member, to publish an intention to make an Article 4 Direction (with 12 months notice) to consider any representations made and confirm the direction if appropriate.

Corporate Priorities

71. Exploring the impacts of student housing relates to the following Corporate Strategy Priorities:

- The Sustainable City;
- Thriving City;
- The Learning City;
- The City of Culture;
- The Safer City;
- The Healthy City; and
- The Inclusive City.

Implications

72. The implications are as listed below:

- **Financial:** Yes, the body of the report addresses the significant potential compensation liability should the Council make an Article 4 Direction in any given area with immediate effect. See Paragraph 60.
- **Human Resources (HR):** None
- **Equalities:** None
- **Legal:** Yes, legal and compensation issues are addressed in the body of the report (see Paragraphs 58 to 63). It is difficult to quantify the potential level of compensation the Council may be liable for should it make an Article 4 Direction in any given area with immediate effect. However, the potential for compensation is of significant concern, hence the officer recommendation that an immediate Direction should not be implemented.
- **Crime and Disorder:** None
- **Information Technology (IT):** None
- **Property:** None
- **Other:** None

Recommendation

72. That the LDF Working Group recommend the Executive to:

- (i) Instruct Officers to undertake further work as outlined in Option One.

Reason: To complete the consultation element of the evidence base to justify an Article 4 Direction.

Contact Details**Author:**

Frances Sadler
Assistant Development Officer
City Development Team
Tel: 01904 551388

Chief Officer Responsible for the report:

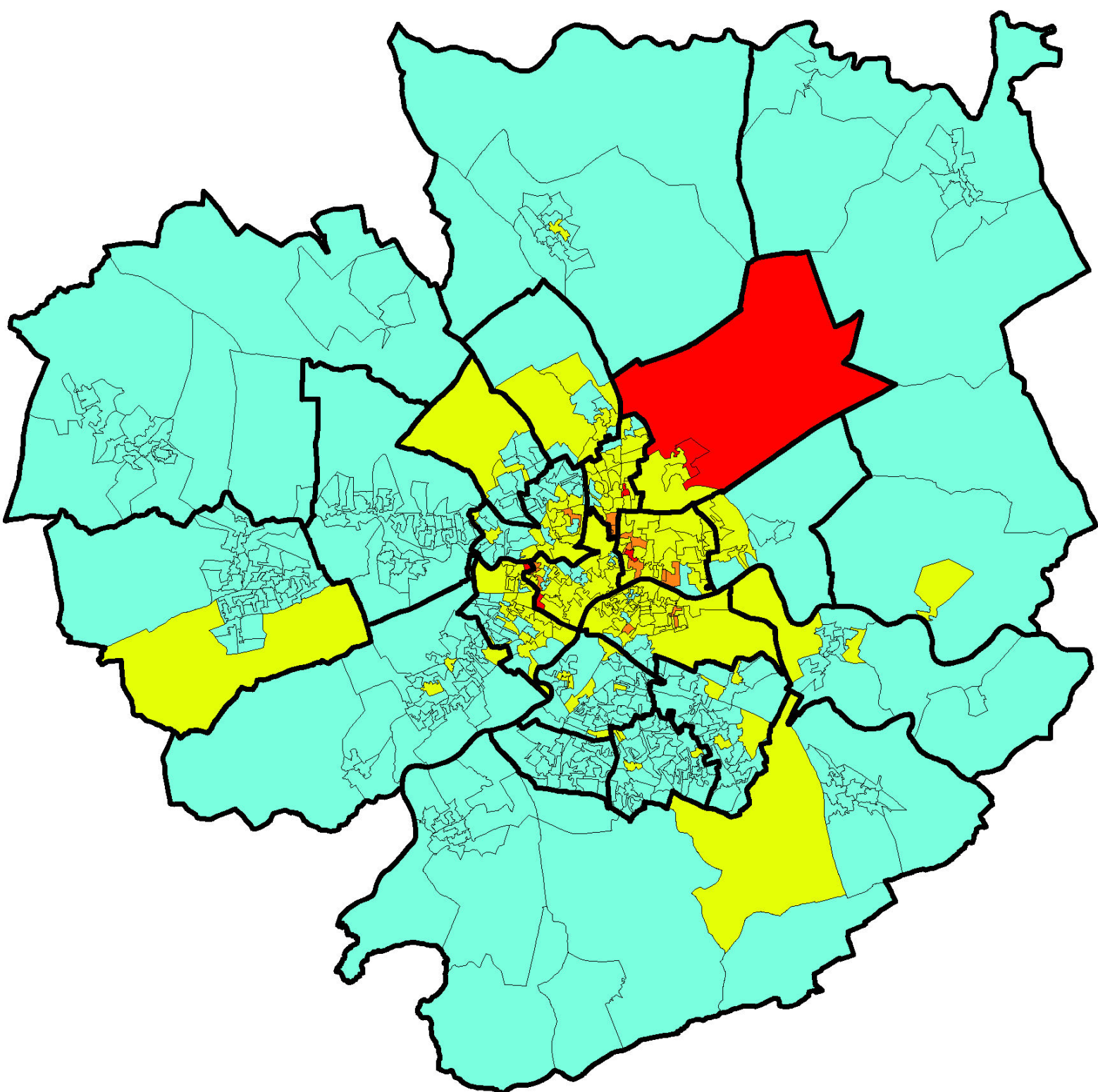
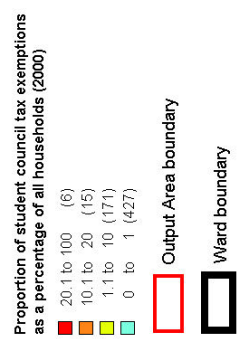
Richard Wood
Assistant Director of City Development and
Transport
Tel: 01904 551488

Martin Grainger
Principal Development Officer
City Development Team
Tel: 01904 551317

Report Approved **Date** 22 December 2010**Wards Affected:** *List wards or tick box to indicate all***All** **For further information please contact the author of the report****Technical Annexes****Annex 1: Spread of Student Housing 2000-2010****Annex 2: Output Areas with 20% or higher proportion of student housing****Annex 3: Quantitative Evidence Base****Annex 4: Qualitative Evidence Base**

This page is intentionally left blank

Annex 1: Spread of Student Housing 2000-2010

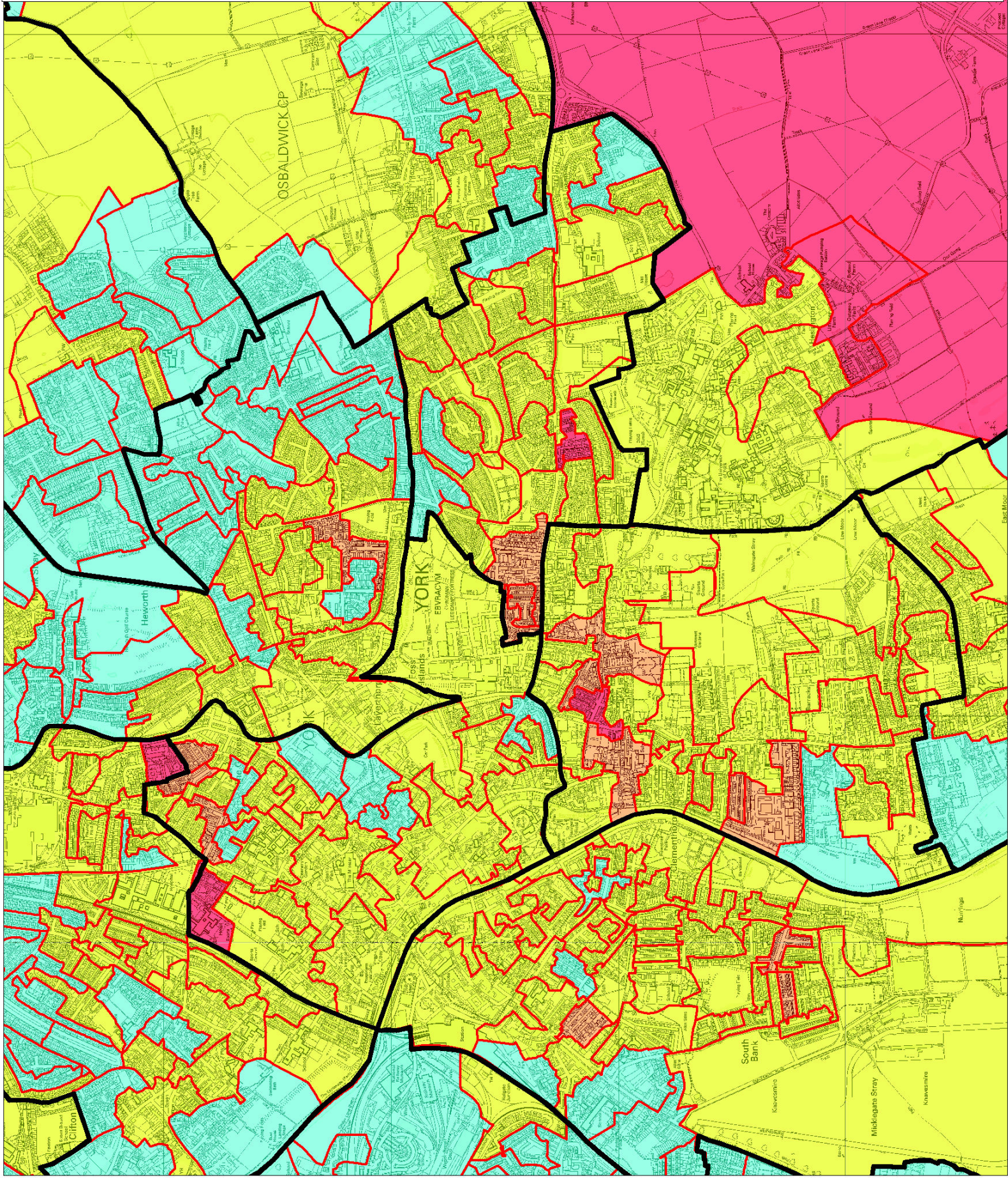


Proportion of student council tax exemptions
as a percentage of all households (2000)

- 20.1 to 100 (6)
- 10.1 to 20 (15)
- 1.1 to 10 (171)
- 0 to 1 (427)

Output Area boundary


Ward boundary



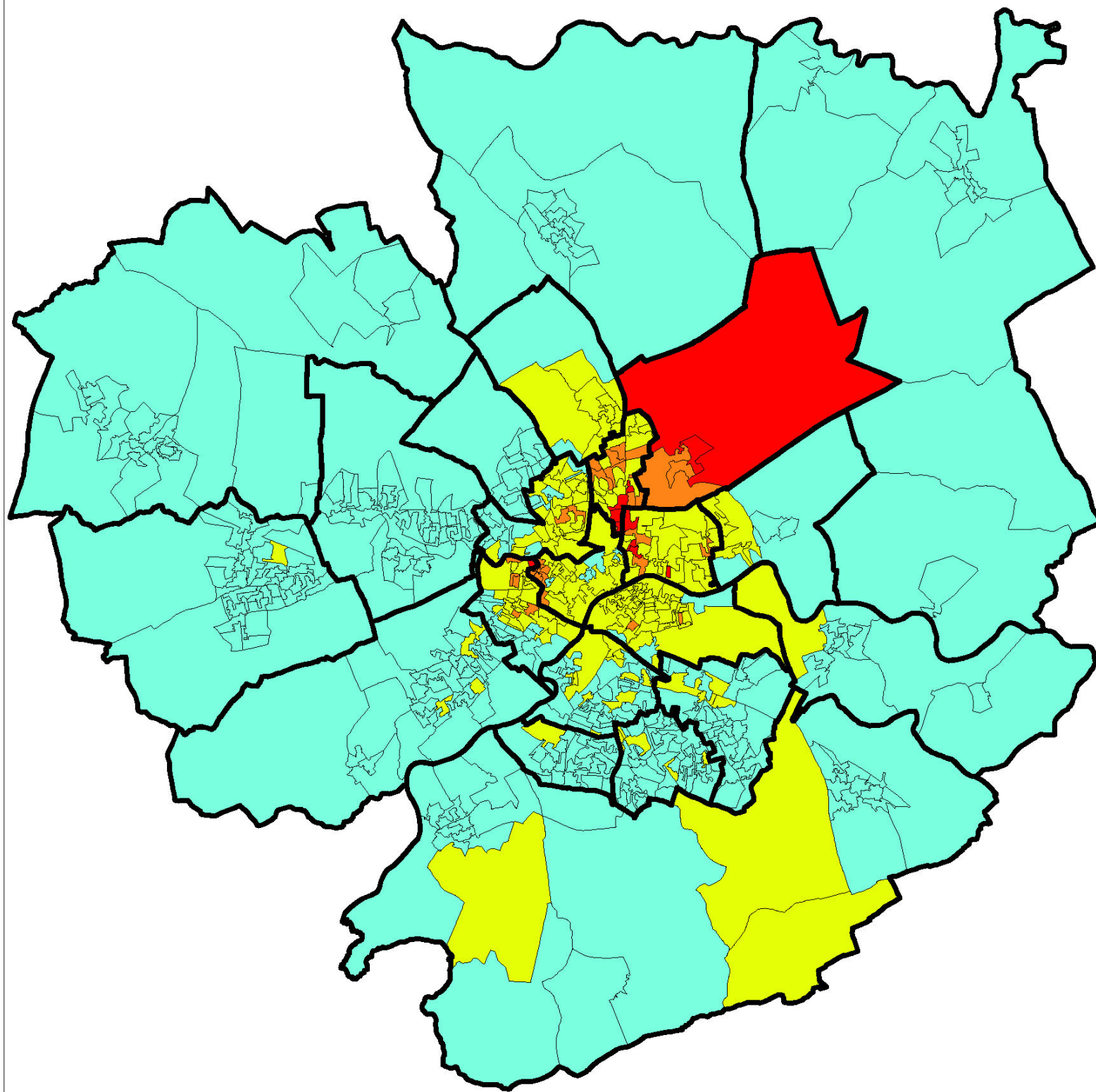
Proportion of student council tax exemptions
as a percentage of all households (2005)

- 20.1 to 100 (11)
- 10.1 to 20 (30)
- 1.1 to 10 (179)
- 0 to 1 (399)

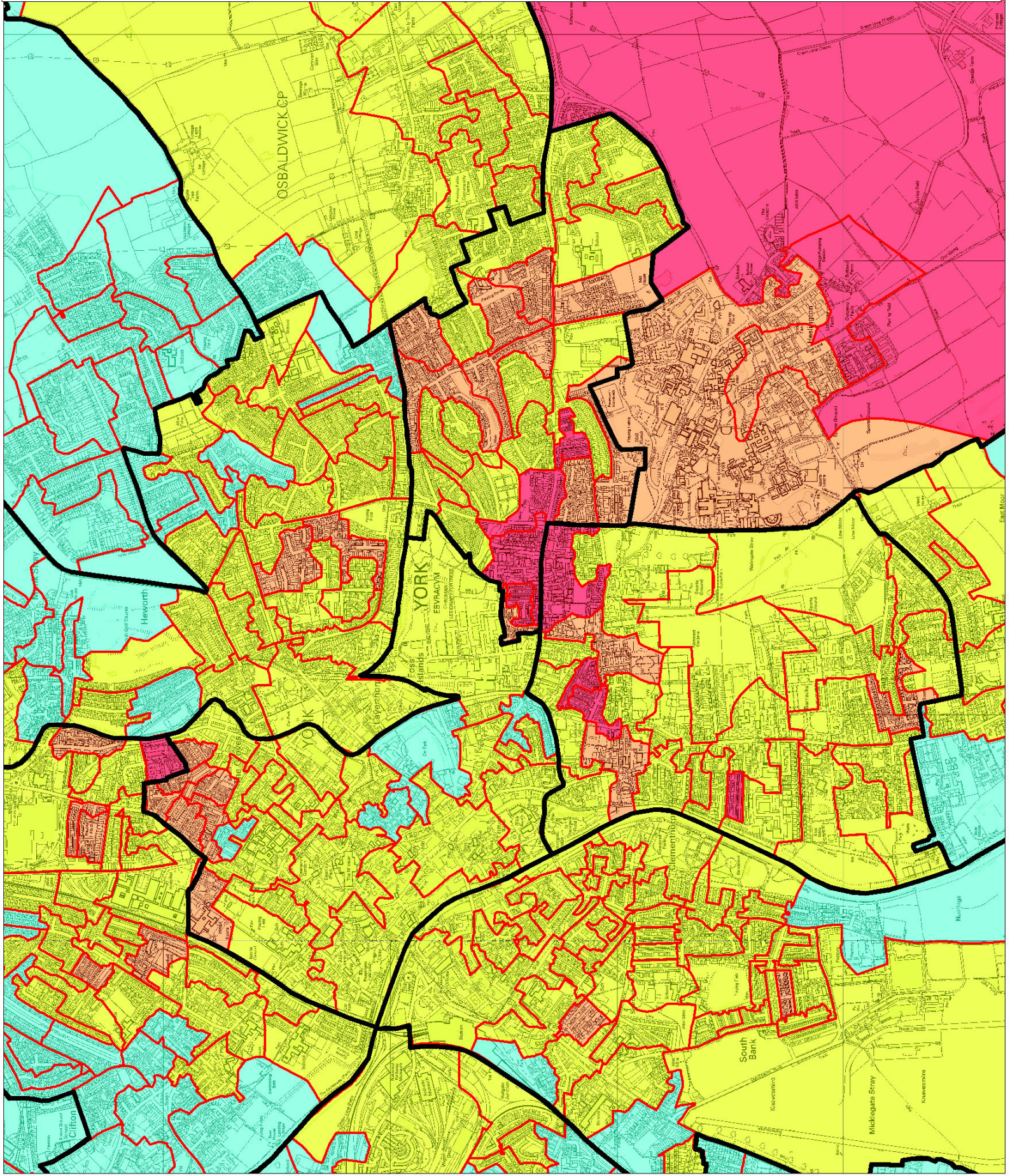
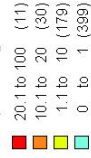
 Ward boundary

 Output Area Boundary

Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office, a Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
City of York Council, Licence No. 1000/20818



Proportion of student council tax exemptions
as a percentage of all households (2005)



Proportion of student council tax exemptions
as a percentage of all households (2010)

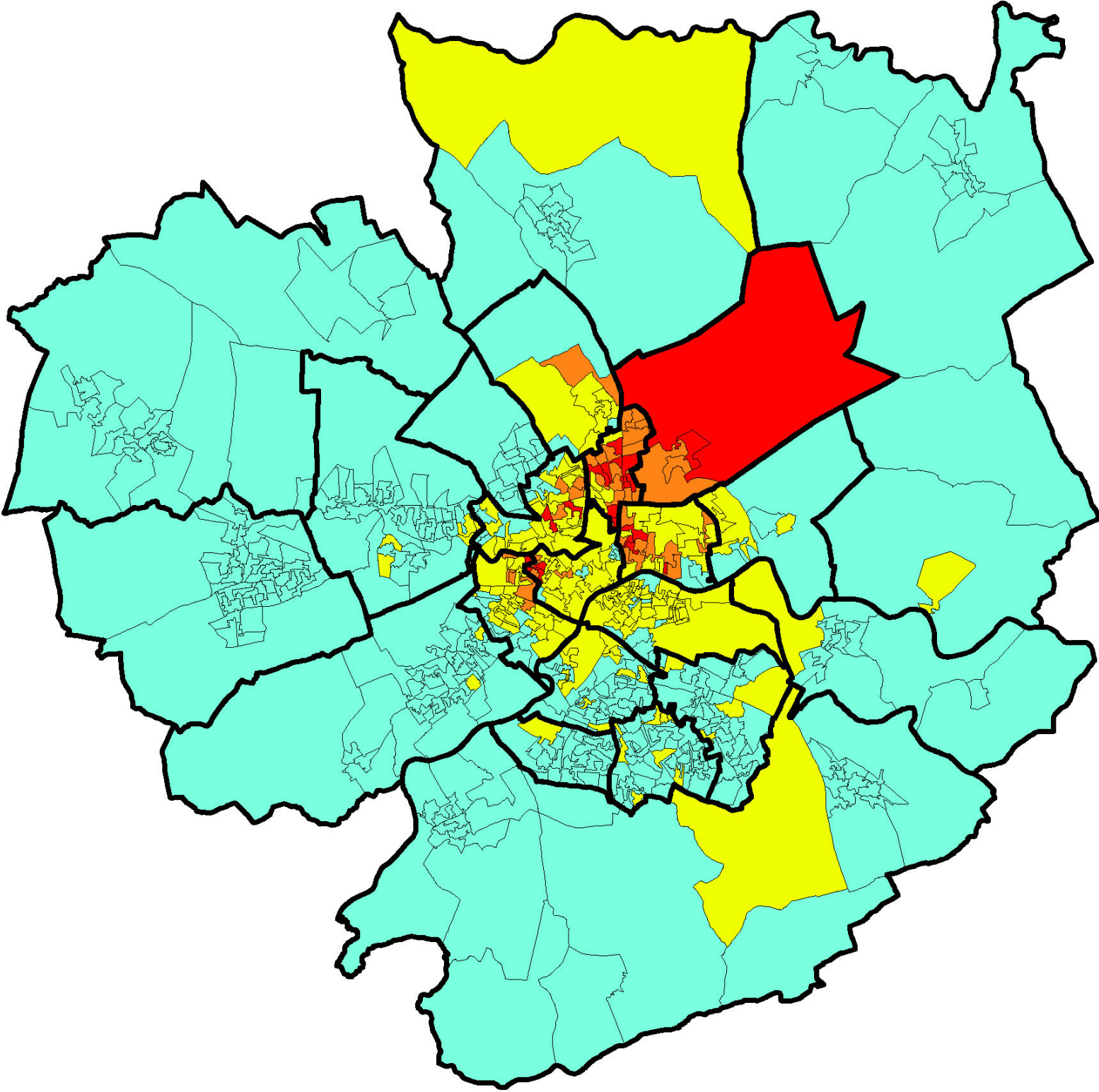
- 20.1 to 100 (19)
- 10.1 to 20 (40)
- 1.1 to 10 (167)
- 0 to 1 (393)

Ward boundary

Output Area boundary

Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office, a Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
City of York Council, Licence No. 1000/20818

Produced By Research and Information, City Development

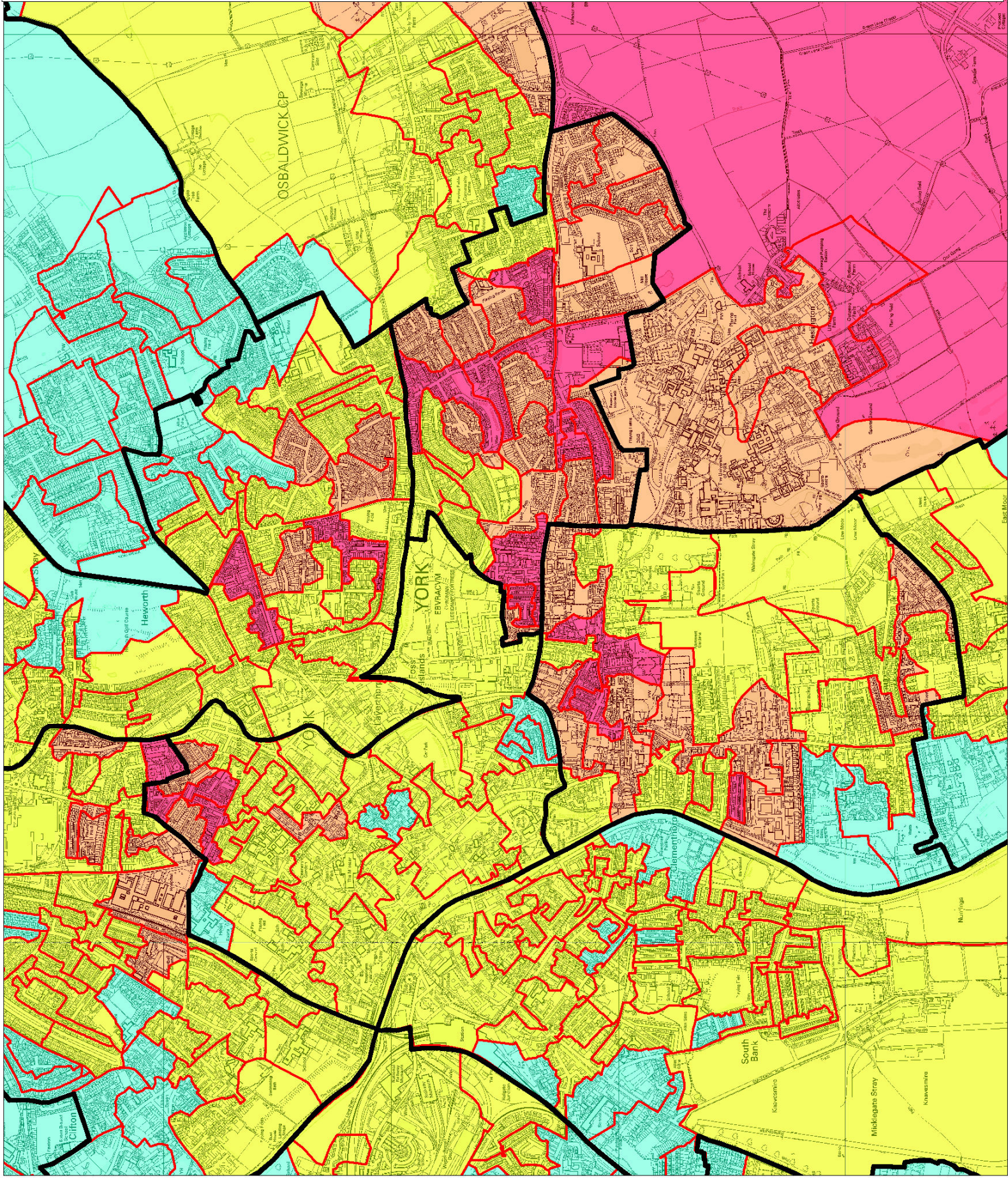


Proportion of student council tax exemptions
as a percentage of all households (2010)

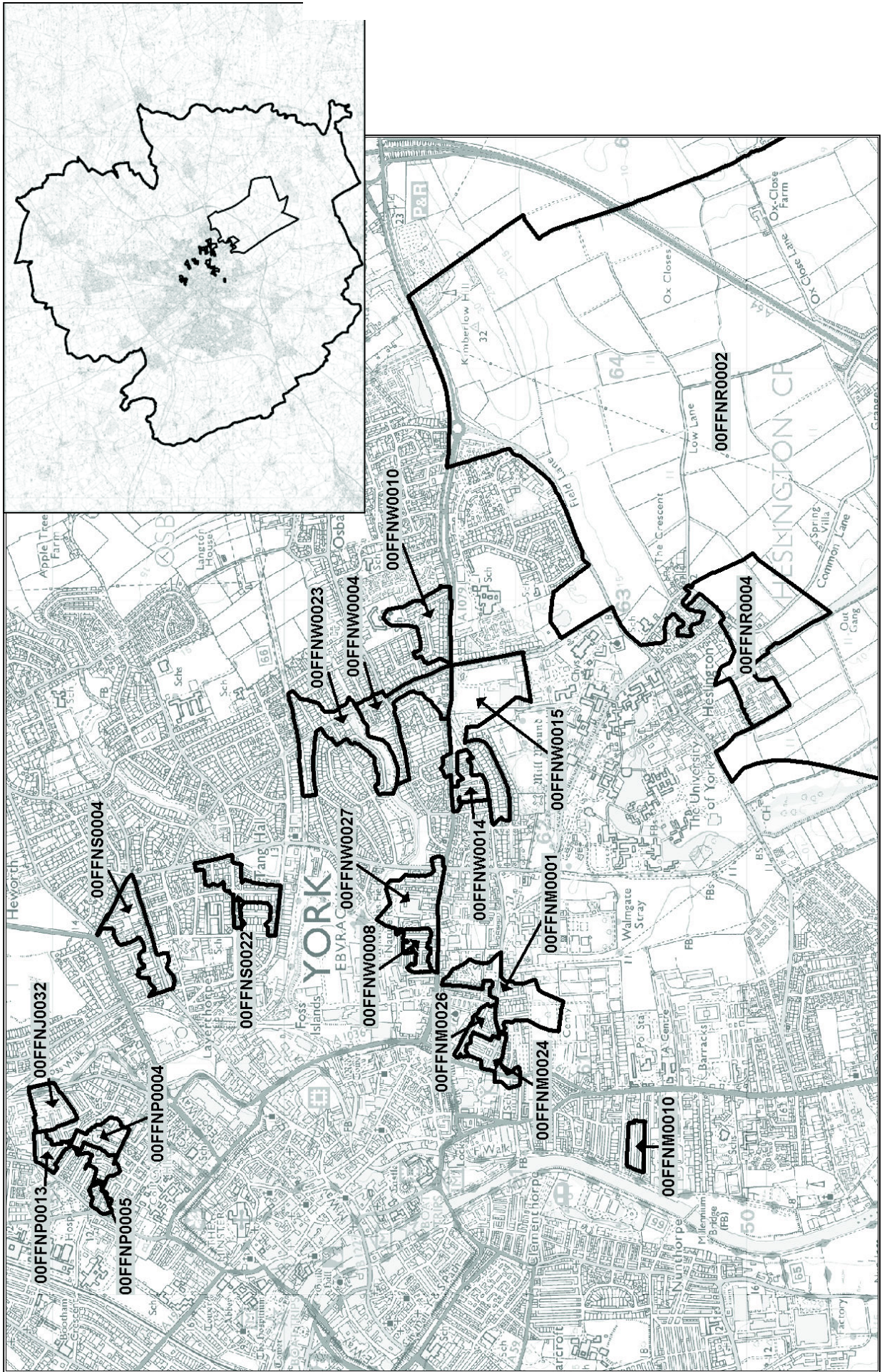
- 20.1 to 100 (19)
- 10.1 to 20 (40)
- 1.1 to 10 (167)
- 0 to 1 (393)

Ward boundary

Output Area boundary



Annex 2: Output Areas with 20% or higher proportion of student housing



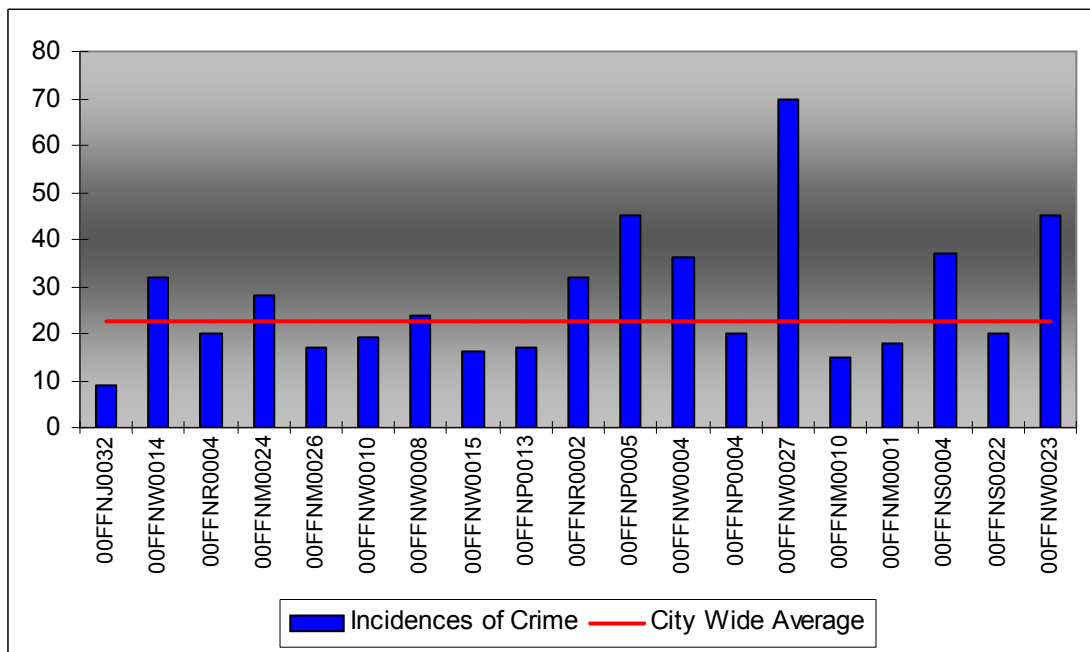
Annex 3: Quantitative Evidence Base

Safer York Partnership Data

Incidences of Crime

Data collected by the Safer York Partnership shows that of the 19 Output Areas with 20% or higher proportion of student housing (see Annex 2), 9 areas experienced higher than average incidences of crime. As shown at Figure A3.1, in some case significantly higher than average incidences and in an output area in Hull Road, the number of incidences recorded was almost three times higher than the average.

Figure A3.1: Incidences of Crime

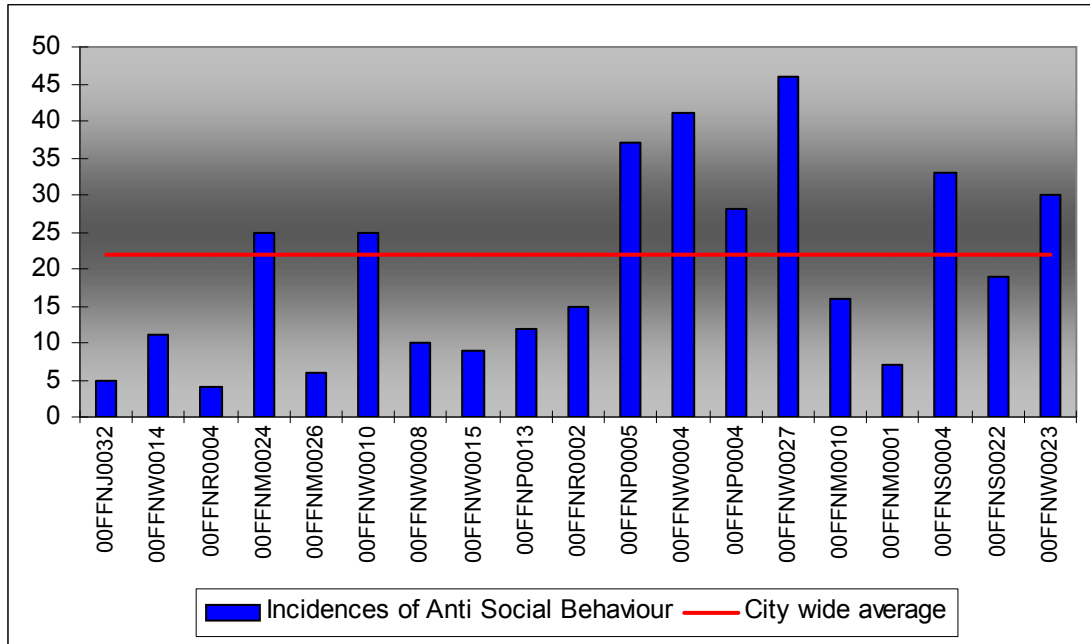


Source: Safer York Partnership 2009/10

Incidences of Anti Social Behaviour

Figure A3.2 overleaf shows that 8 Output Areas were recorded to have had a higher than average incidences of Anti Social Behaviour. In two Output Areas this is approaching double the city average and in one Output Area in Hull Road more than twice the average number of incidences were recorded.

Figure A3.2: Incidences of Anti Social Behaviour

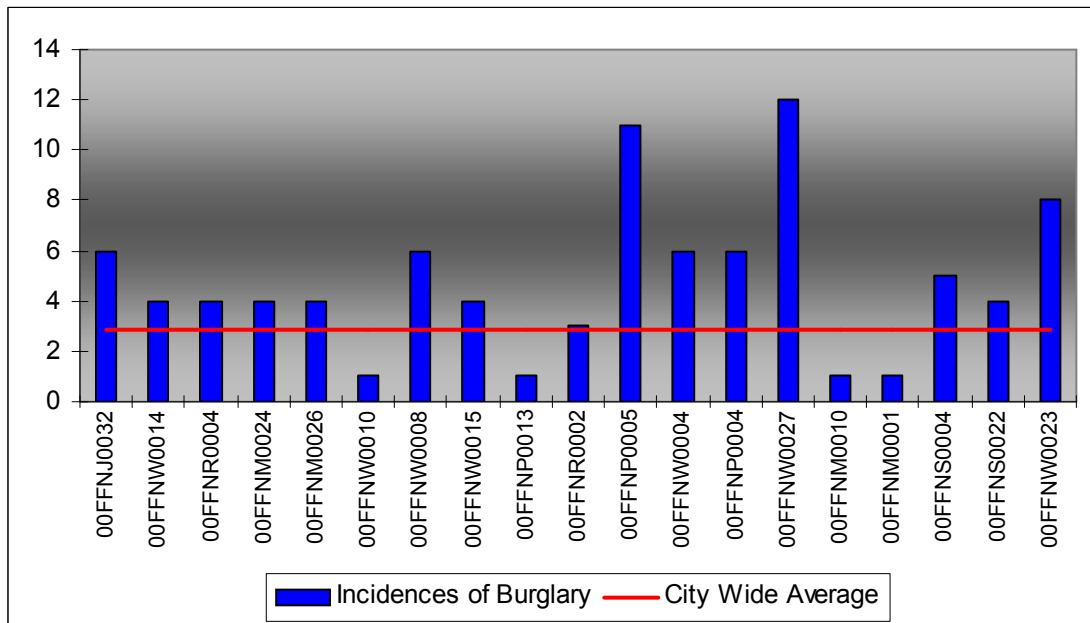


Source: Safer York Partnership 2009/10

Incidences of Burglary

The majority of Output Areas with high proportion of student households experienced higher than average numbers of burglaries. In seven Output Areas the number of incidences were significantly higher than the average. In some cases more than double than the average incidences were recorded and in others the number of incidences were more than three times higher than average. As shown at figure A3.3.

Figure A3.3: Incidences of Burglary

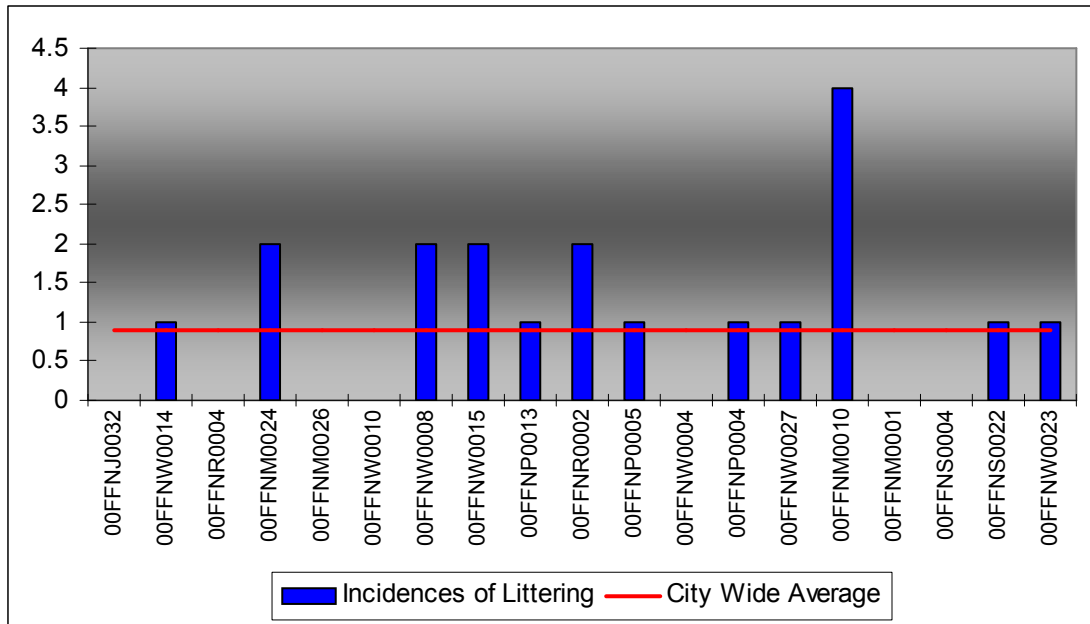


Source: Safer York Partnership 2009/10

Incidences of Littering

Figure A3.4 shows that littering is often above average in areas where there are large concentrations of student housings. In four Output Areas the number of incidences of littering recorded were twice as high as the average. In one Output area, incidences were three times higher than the average. Although, it should be noted that some student areas had not reported incidences of littering.

Figure A3.4: Incidences of Littering

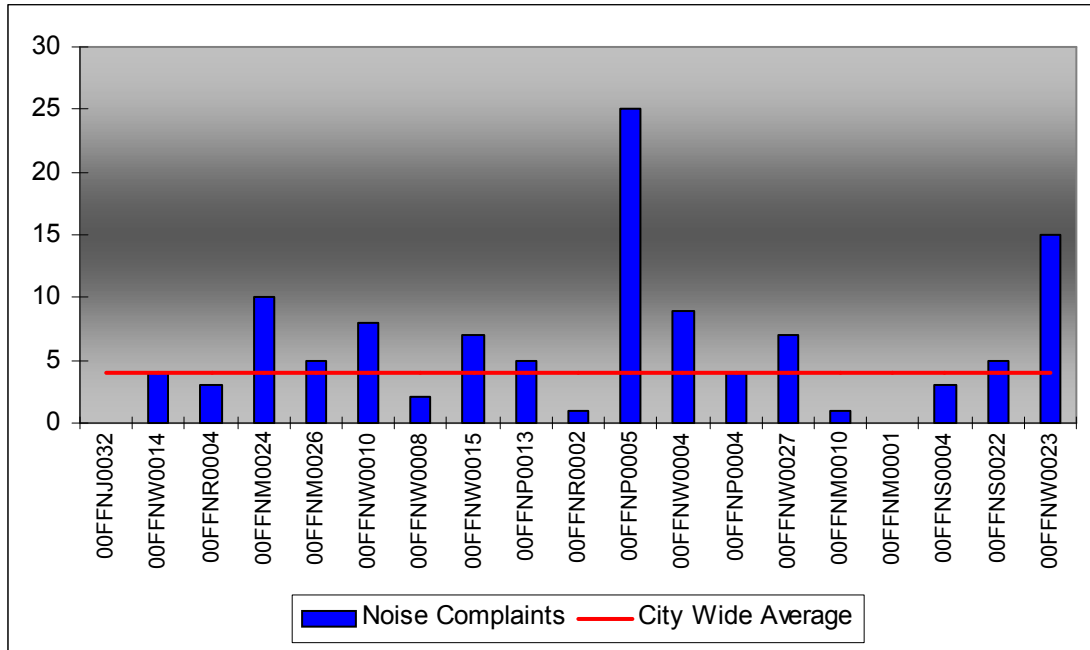


Source: City of York Council Environmental Protection Unit 2009/10

Incidences of Noise Nuisance

Figure A3.5 overleaf shows that noise nuisance is experienced in over half of the student areas. In one case, noise nuisance incidences were 6 times higher than the city wide average.

Figure A3.5: Incidences of Noise Nuisance



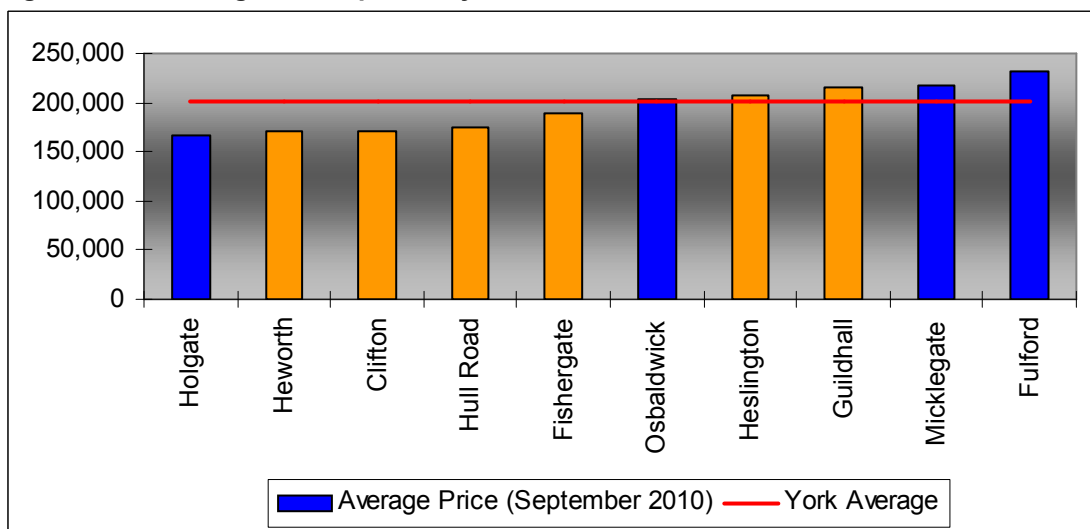
Source: City of York Council Neighbourhood Services 2009/10

Hometrack Data

House Prices

As Figure A3.6 shows, there is no correlation between high house prices and student areas. Only two of the five student areas in the city have higher than average house prices (Heslington and Guildhall), and these are only marginally higher than the average. Clifton, Hull Road and Fishergate all had average house below the city average in September 2010. However it is interesting to explore percentage increases in house prices over time to see if the areas that have experienced increases in student housing have also seen above average increases in house prices.

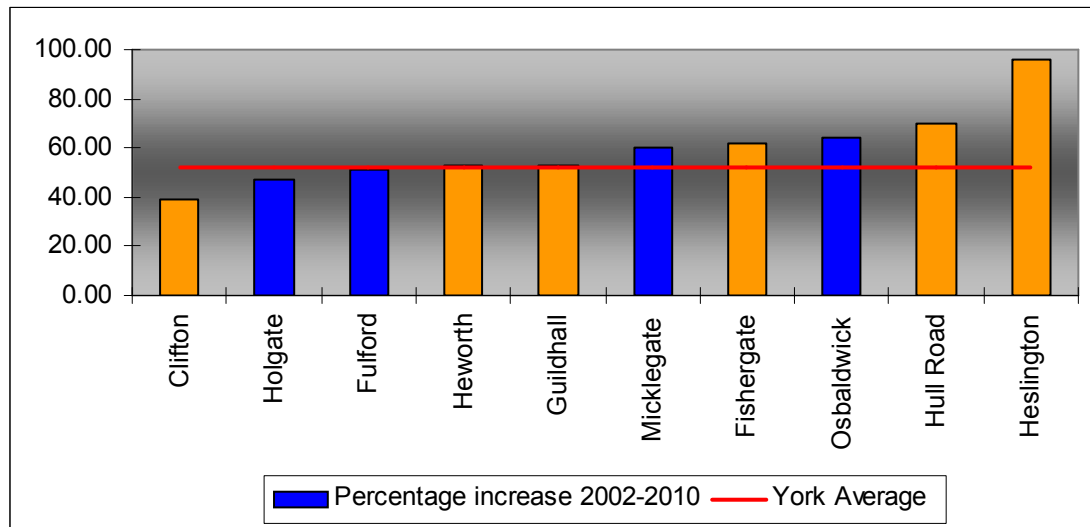
Figure A3.6: Average house prices by Ward in and around student areas



Source: Hometrack Data obtained through the Golden Triangle Partnership

Figure A3.7 shows that two student areas (Hull Road and Heslington) have seen significant percentage increases in house prices between 2002 and 2010. Heslington in particular has seen average house prices almost double in the eight year period from £105,991 in 2002 increasing to £208,000 in 2010. Fishergate, Hull Road and Heslington have all seen percentage increases higher than the city average, with Guildhall and Heworth just below the average.

Figure A3.7: Percentage increase in house prices between 2002 and 2010 by Ward in and around student areas



Source: Hometrack Data obtained through the Golden Triangle Partnership

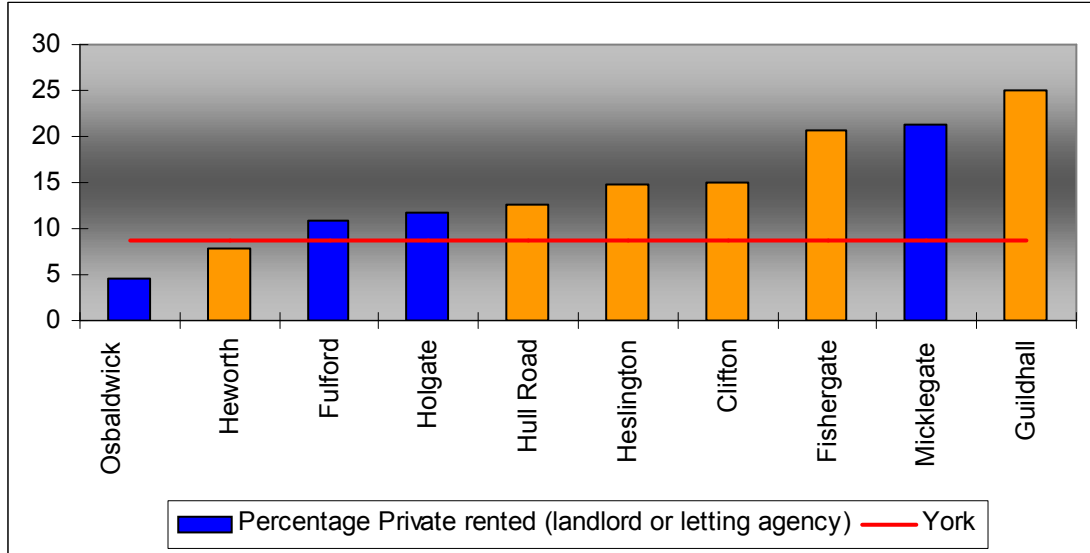
Whilst the data is inconclusive in demonstrating a correlation between student areas and inflated house prices, looking more closely at percentage increases in house prices over time does suggest that in areas that have experienced increases in student housing have also experienced at or above average increases in house prices. Whilst it is not possible to be definite about cause an effect further work, such as speaking to estate agents may provide more certainty.

Tenure

Hometrack Data obtained from the Golden Triangle Partnership indicates that the Wards where there are the largest concentrations of student housing (indicated in orange) have the highest percentage of privately rented dwellings in comparison to the city as a whole and surrounding Wards. Micklegate Ward is show to have a large percentage of privately rented properties which can be attributed to the predominately flatted nature of property types in the Ward and its location next to the city centre. Colleagues in Housing have suggested that in the areas with higher than average numbers of privately rented properties shown in Figure A3.8, there could be increased competition between buy to let landlords and owner occupiers for properties, meaning that families and landlords may be competing for similar properties. Moreover, given the historic spread of student housing identified in Figure 1 of the report and Annex 1 and the associated increases of numbers

of student households it is likely that this competition between owner occupiers and buy to let landlords will increase unless growth in student housing is managed to control concentrations.

Figure A3.8 Percentage of Private Rented Properties in Wards in and Around Student Areas



Source: Hometrack Data obtained through the Golden Triangle Partnership

Education Data¹

School catchment areas are made up of several Output Areas. However 'overall' catchment level proportions can mask individual pockets of low and high concentrations within the catchment area. Thus, examining the relationship between student exemption and primary pupil number proportions at individual OA level within each catchment can make it easier to discern any relationships between the two variables.

However, it is crucial to bear in mind that any conclusions about the impact of student numbers within a specific catchment area **cannot** be used as a basis to draw further conclusions about the number of pupils on roll at the catchment school. This is for a number of reasons:

- Parental preference means pupils can choose to apply for a school of their choice.
- A catchment area may contain a faith school in addition to the catchment school.

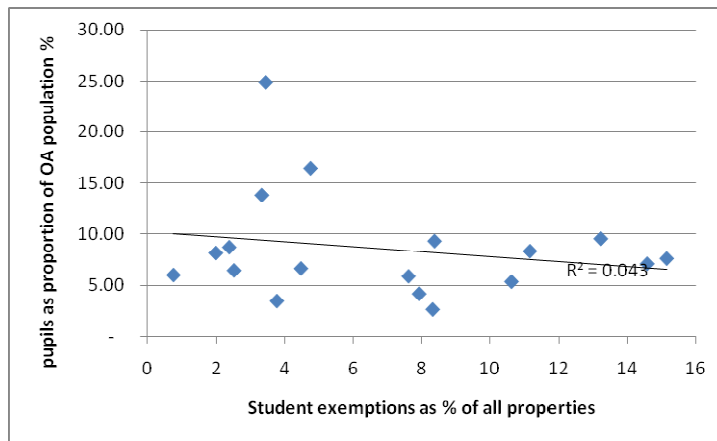
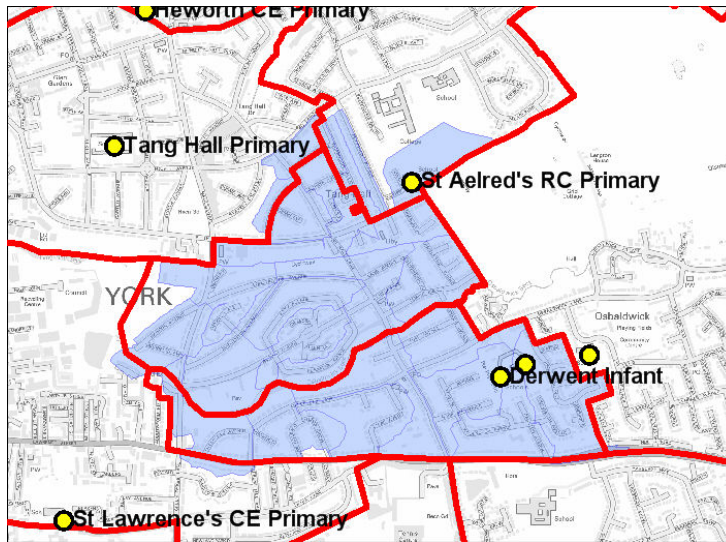
Both of these facts mean that, to varying degrees, **the number of children within catchment can bear little or no correlation with the number on roll within the catchment school**. Thus, whilst it might be possible (for example) to conclude that a high proportion of students inversely affects the proportion of pupils within a school's catchment, it is not possible to draw any conclusions about the effect of this on a given school's number on roll.

The following provides an analysis of the relationship between student households and primary pupil numbers within the areas of concern (see body of report). For all maps, the red lines represent school catchment boundaries and the blue shading/thin blue boundary represents the Output Areas used to approximate catchment area analysis.

¹ Caveat emptor - Please note that this analysis has been conducted in a very short time frame, and remains at 'draft' status. It has not been through any kind of quality assurance process, and as such may contain errors. The conclusions reached should be used as an unofficial 'guide' only. There is also much room for further analysis.

Derwent Infant and Junior Catchment

Whilst there's a general negative correlation between proportion of student exemptions and low proportions of pupil numbers, it is not significant enough to be able to draw a conclusion about the relationship. For example, some Output Areas within the catchment have a low proportion of pupil numbers at the same time as a low proportion of student exemptions. This indicates that there are other factors, not considered here, which are contributing to the low student numbers in these areas.

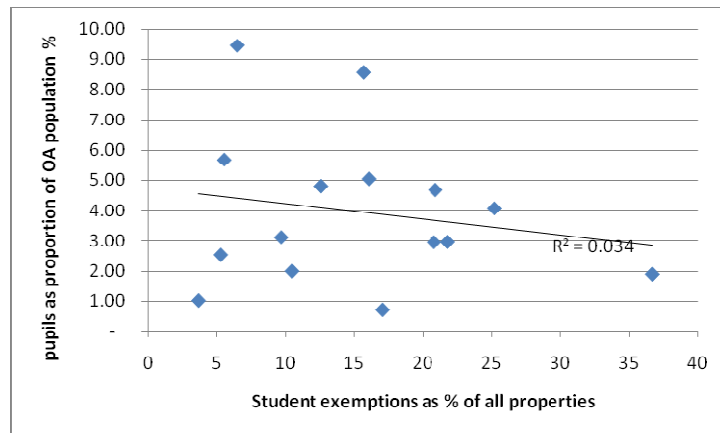
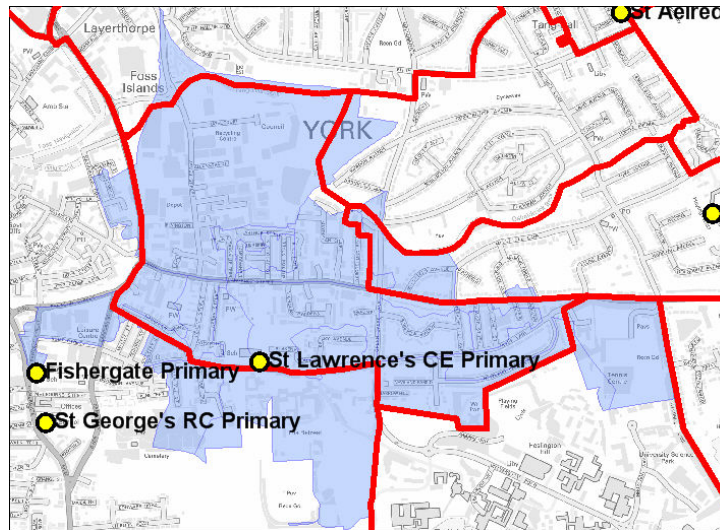


	<i>% student</i>	<i>% pupils of population</i>
<i>% student</i>	1	-
<i>% pupils of population</i>	0.207867267	1
$\alpha =$		0.05
$N =$		18
Critical value =		+/- 0.468

Not significant

St. Lawrence's Church of England Primary Catchment

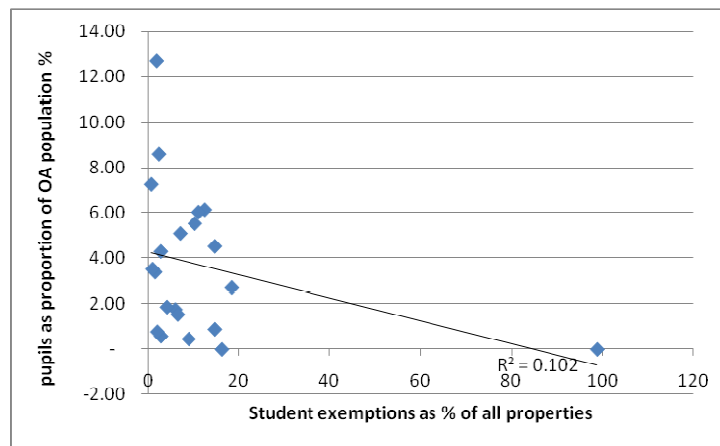
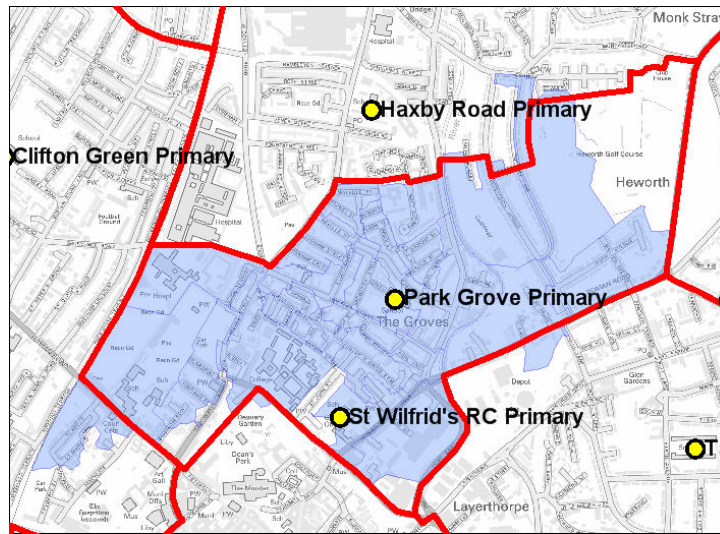
Whilst there's a general negative correlation between proportion of student exemptions and low proportions of pupil numbers, it is not significant enough to be able to draw a conclusion about the relationship. For example, some Output Areas within the catchment have a low proportion of pupil numbers at the same time as a low proportion of student exemptions. This indicates that there are other factors, not considered here, which are contributing to the low student numbers in these areas.



	<i>% student</i>	<i>% pupils of population</i>
<i>% student</i>	1	-
<i>% pupils of population</i>	0.184891042	1
$\alpha =$		0.05
$N =$		15
Critical value =		+/- 0.514

Not significant

Park Grove Primary Catchment



	% student	% pupils of population
% student	1	-
% pupils of population	0.320476688	1
A=		0.05
N=		21
Critical value =		+/- 0.433

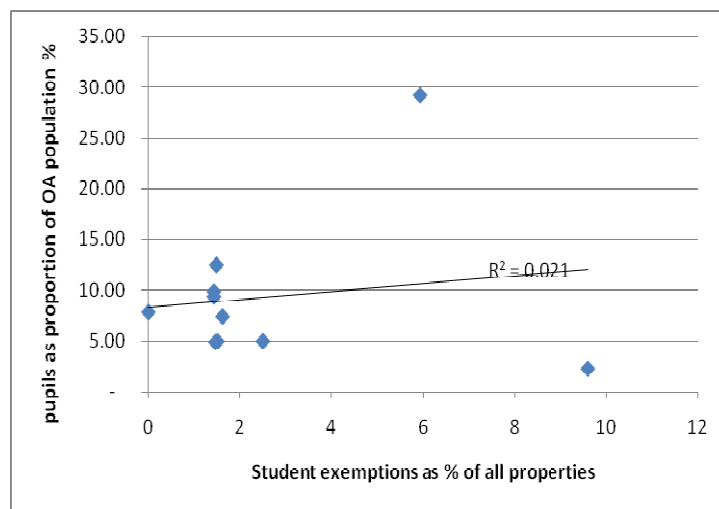
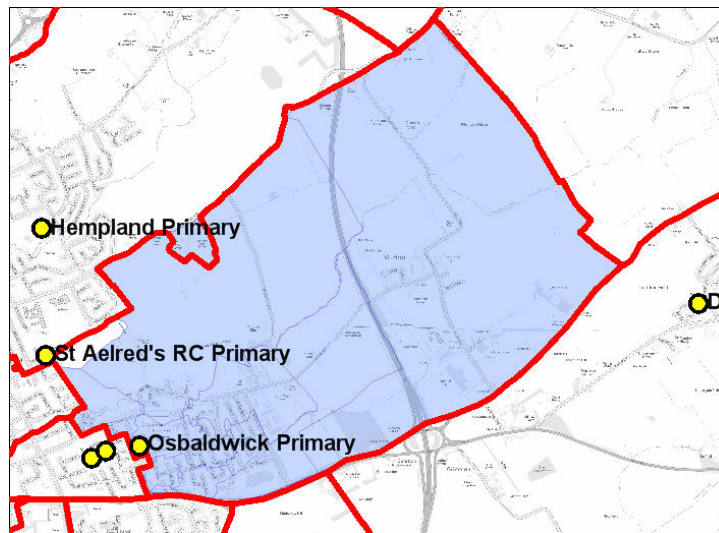
Not significant

Whilst there's a general negative correlation between proportion of student exemptions and low proportions of pupil numbers, it is not significant enough to be able to draw a conclusion about the relationship. For example, some Output Areas within the catchment have a low proportion of pupil numbers at the same time as a low proportion of student exemptions. This indicates that there are other factors, not considered here, which are contributing to the low student numbers in these areas. Furthermore, the inclusion of the Output Area data represented by the last dot on the right of the chart (00FFNJ0032)

is debatable, as it covers an area containing solely dedicated student accommodation for York St John University, i.e. not a representative sample of city accommodation. Removing this Output Area as an outlier reduces any suggested correlation still further.

Osballdwick Primary Catchment

There is a slight positive correlation in this area, but it is insignificant.

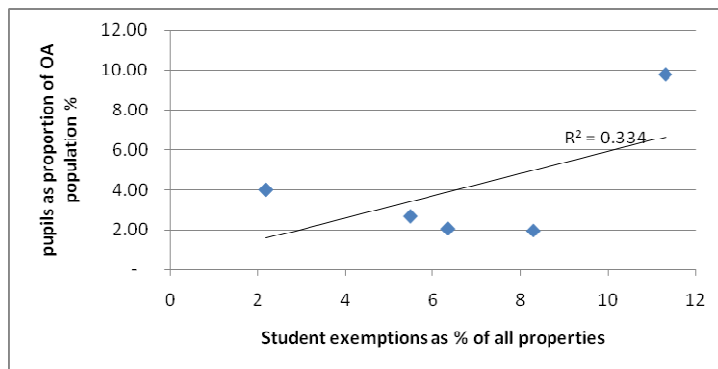
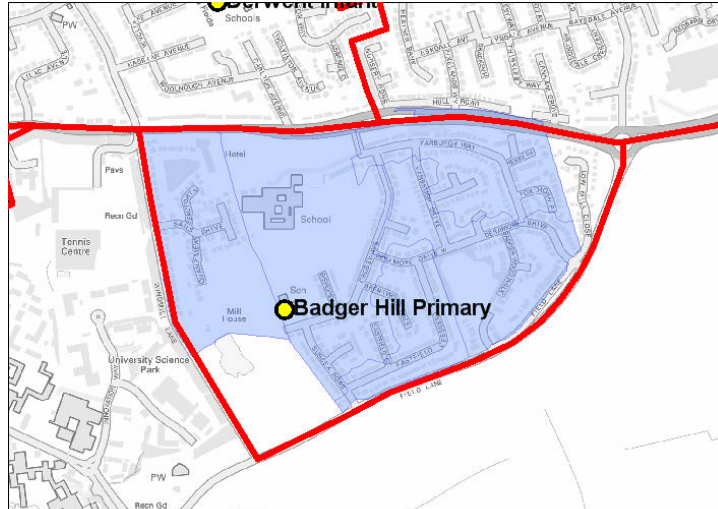


	<i>% student</i>	<i>% pupils of population</i>
<i>% student</i>	1	
<i>% pupils of population</i>	0.145631556	1
$\alpha =$		0.05
$N =$		10
Critical value =		+/- 0.632

Not significant

Badger Hill Primary Catchment

Whilst there's a fair correlation here, the limited number of Output Areas within the Badger Hill catchment makes it difficult to make any solid conclusions about this area.

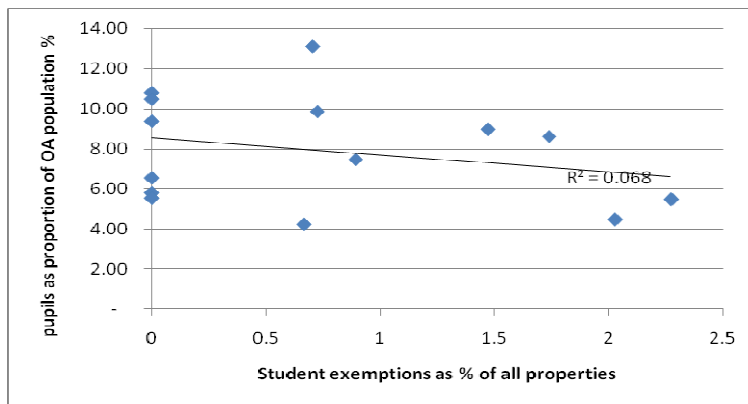
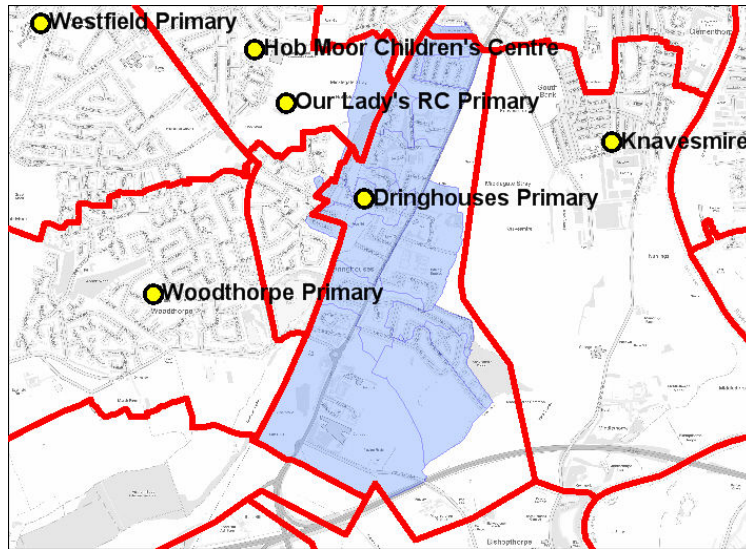


	<i>% student</i>	<i>% pupils of population</i>
<i>% student</i>	1	
<i>% pupils of population</i>	0.57791863	1
$\alpha =$		0.05
$N =$		5
Critical value =		+/- 0.878

Not significant

Dringhouses Primary Catchment

The Output Areas comprising the Dringhouses catchment have a very low proportion of student households. Many Output Areas have no student households. There is a slight negative correlation between student exemption proportion and pupil proportion in the Output Areas across this catchment, but cannot be said to be significant due to the level of variation within the Output Areas with no student exemptions.



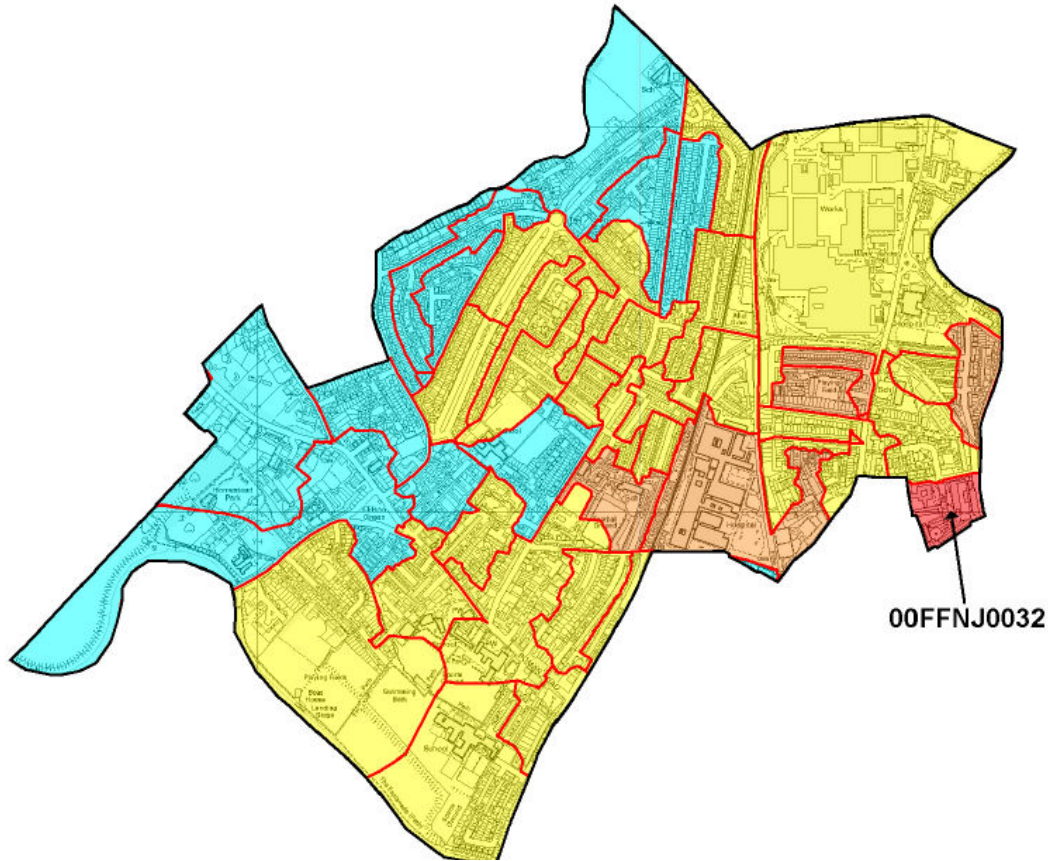
	<i>% student</i>	<i>% pupils of population</i>
<i>% student</i>	1	-
<i>% pupils of population</i>	0.260839297	1
$\alpha =$		0.05
$N =$		14
<i>Critical value =</i>		± 0.532

Not significant

Annex 4: Qualitative Evidence Base

Street Surveys

Clifton



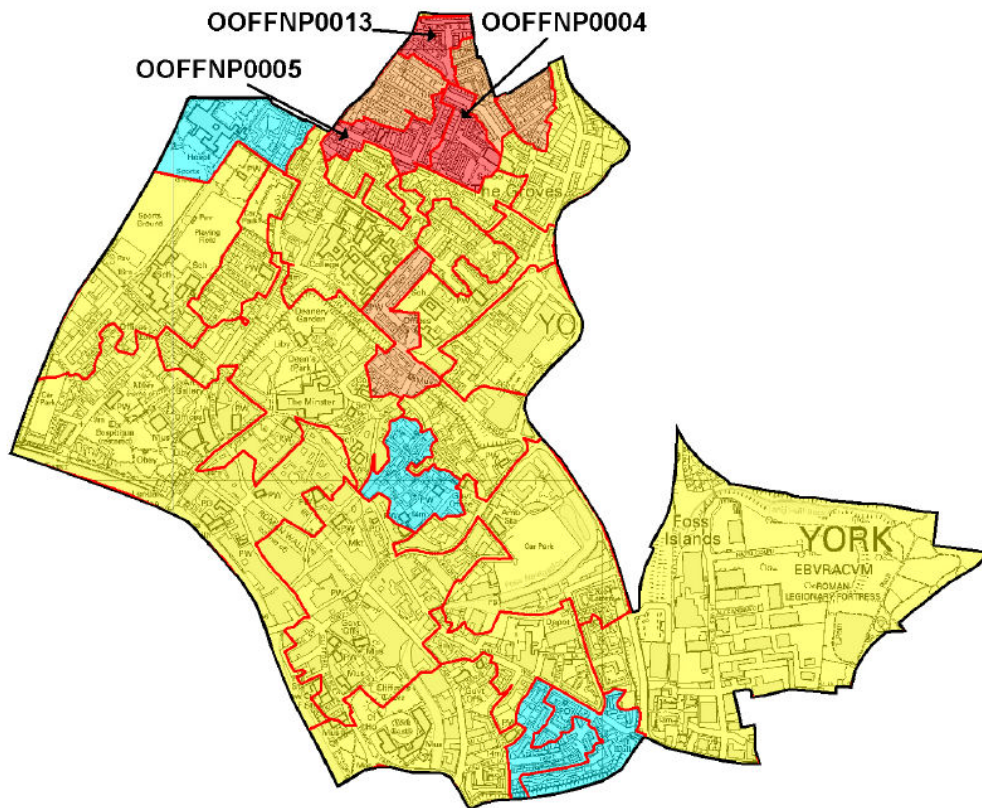
00FFNJ0032: Ramsay Close.

This Output Area covers York St. John's University managed accommodation 'The Grange' which explains the very high proportion of student households identified through the mapping exercise. The urban environment was generally good, with modern purpose built flatted properties which appear to be well kept. Streets were clean with little evidence of litter or overflowing wheelie bins and bins were stored out of sight and not in front of properties. Gardens were also well kept, with none being concreted over for parking space. Although parking included on-street and non-permit, there was no evidence of obstruction to junctions by parked cars. The closest facilities were approximately 300 meters away, on Acomb Road. They consisted of a mix of services, including a take-away and a convenience store.

Comparison Streets: White Cross Road; Huntington Mews; Maplehurst Avenue.

The properties in this area were mixed between traditional terraced housing on White Cross Road and semi-detached and detached modern housing on Huntington Mews and Maplehurst Avenue. The houses were very well kept and there was a pleasant urban environment, especially in the two more

modern estates. There was no evidence of litter on Huntington Mews and Maplehurst Avenue, however there was a significant amount on White Cross Road. There was no evidence of parking pressures, with permit on street parking on White Cross Road; non-permit on street as well as driveways on Huntington Mews but no evidence of blocked roads or junctions and driveways for the housing on Maplehurst Avenue. Gardens appeared very well kept, with a few exceptions on White Cross Road. Bins were stored in front of about half of the properties on Maplehurst Avenue. There is a good mix of services at the end of White Cross Road including a bank, video rental, laundrette and a small supermarket.

Guildhall00FFNP0013: Walpole Street; Stanley Street; Warwick Street.

Whilst there was considerable variation in terms of the quality of the terraced housing the streets and gardens were generally well maintained, however there were several overgrown gardens on Stanley Street. Two 'To Let' signs were noted on Walpole street. There was one example of an overflowing wheelie bin, however general levels of litter were low and there were no wheelie bins left on the street. Parking was on-street and permit. As such there were no incidences of parked cars affecting junctions. There are takeaways on Warwick Street and Walpole Street alongside a sandwich shop and off-license at the end of Walpole Street.

00FFNP0005: Eldon Street; Lowther Street.

The general environment exhibit some issues, with a significant amount of litter and mixed standards of property maintenance with some well kept but others in need of maintenance. The main house type was terraced, but with a large block of flats on Lowther street. There was a mix of untidy and tidy gardens. Bins were generally stored in front of properties, with some being left on the street. Parking is on-street and is for permit holders and therefore there does not appear to be any parking pressures. The area has good access to local facilities located on Lowther Street and includes takeaways, a supermarket, a betting office and a hair salon.

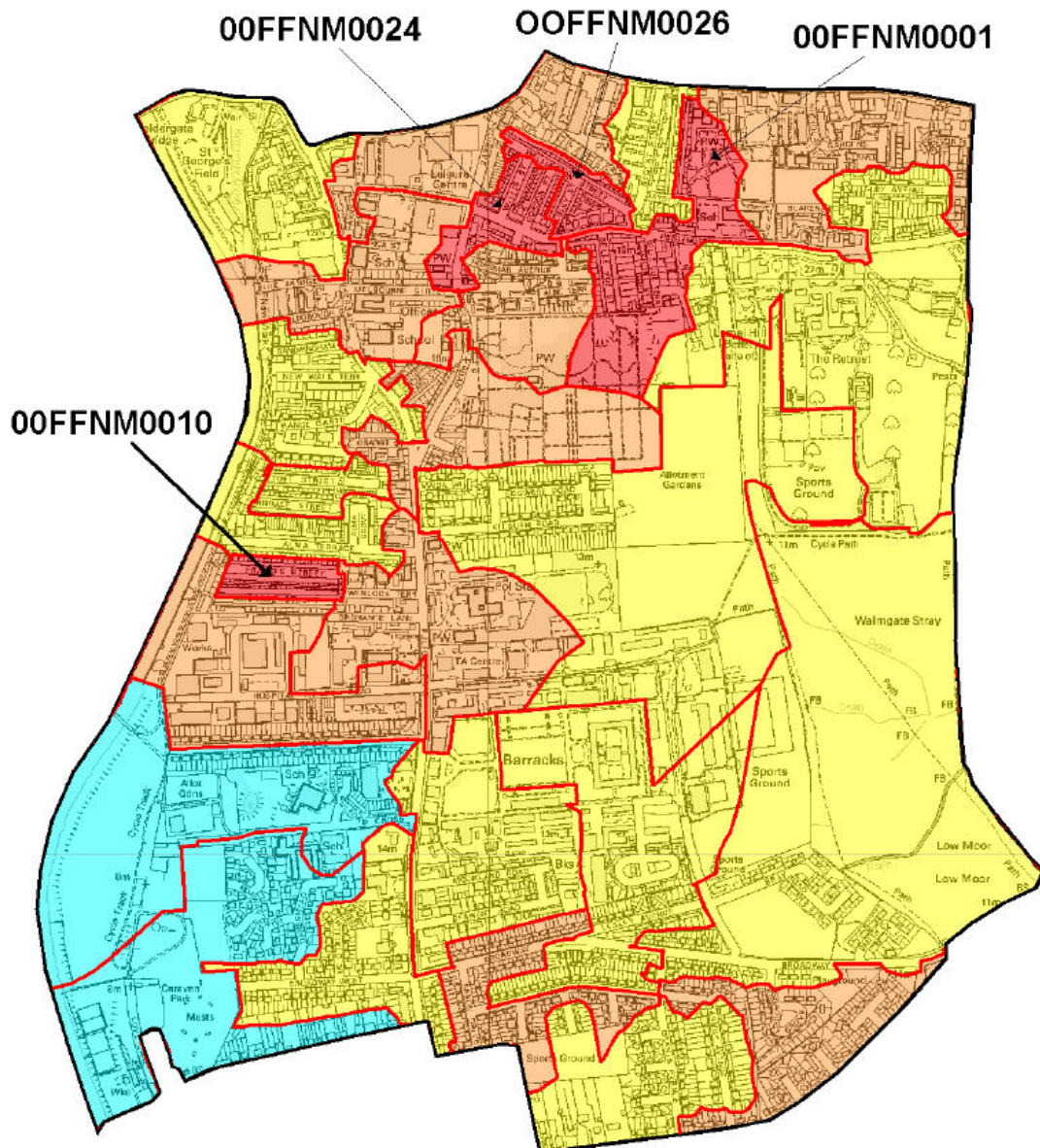
00FFNP0004: Brownlow Street; Neville Terrace; Dudley Street.

The terraced housing in the area is generally good quality and well maintained. Although there was no evidence of overflowing wheelie bins, there was a significant amount of litter on the streets and wheelie bins were often stored on the street. There were also many examples of overgrown gardens. Parking is on street permit parking and therefore there was no issue of parking pressures. There was a good mix of services on Lowther Street which included take-aways, a supermarket, a betting office and a salon. There were two 'to let' signs, one on Brownlow Street and one on Neville Street.

Comparison Streets: Neville Street; Markham Street; Markham Crescent

The streets and properties, consisting of terraced housing with one guest house on Neville Street, were well maintained. The environment was generally well kept with little evidence of litter. Whilst there was one example of an overflowing bin on Markham Street, there were no wheelie bins on the street, albeit they were generally stored in front of properties. Gardens were of mixed quality but generally in good condition. Parking is all on street and permit.

Fishergate



00FFNM0001: Heslington Road; Belle Vue Street; Belle Vue Terrace; Daysfoot Court.

The condition of housing in this area was generally higher than in the other Fishergate output areas. The housing type was mainly terraced on Belle Vue Street, Belle Vue Terrace and Heslington Road, with three detached houses on Belle View Terrace, while the housing was semi-detached on Daysfoot Court. Litter levels were low on all streets, however bin storage was an issue, with bins stored in front of properties. There were six bins on the street on Heslington Road and two on Daysfoot Court; there were examples of overflowing bins on Daysfoot Court, Belle View Terrace and Belle View Street, and a bin bag left on the street on Belle View Street. Gardens were of a mixed quality, with gardens only on one side of the street on Belle View Street.

There were three unmanaged gardens on Belle view street; one at Daysfoot court and four on Heslington Road. Parking was on street and permit, apart from on Daysfoot Court which included private driveways and garages. There was a good mix of local services on Heslington Road, including a supermarket, a take-away, green grocers and Public House.

00FFNM0010: Frances Street; Ambrose Street; Carey Street.

There was a mix of maintenance standards in this area with terraced housing which backs on to Carey Street, and several large housing blocks in the streets adjacent to the Carey Street. A significant amount of litter was evident on Ambrose Street, but there was little on the other two streets surveyed and there was no evidence of overflowing bins. With regard to the quality of properties there was a mixture of well-kept properties and those in need of maintenance. Parking was non-permit, however there no evidence of parking pressures. There was no significant evidence of negative impacts from having large student presence in the area. Local facilities included a hairdresser on Carey Street; a Pharmacy and Public House on Lowther Street and a supermarket about 400m from the area along Lowther Street.

00FFNM0024: Heslington Road; Willis Street; Gordon Street.

The condition of the mainly terraced properties, with several guest houses and maisonettes on Heslington Road, was mixed between the streets surveyed. Whilst there was a small amount of litter observed on the streets, apart from Heslington Road, wheelie bins were stored in front of properties rather than on the street. There was on-street permit parking. Gardens appeared well maintained. Rented accommodation was clearly evident in the area with six 'to let' signs. Services on Heslington Road include a supermarket, a take-away, green grocers and Public House.

00FFNM0026: Wellington Street; Heslington Road; Wolsley Street.

The condition of terraced housing is generally worse in this area away from Heslington Road, than on Willis Street or Gordon Street. Parking is on street and non permit. There was evidence of 'to let' signs on Wellington Street. A significant amount of litter was found on the streets away from Heslington Road, however there were no wheelie bins on the street and gardens were well kept. Nearby services were on Heslington Road and included a supermarket, a take-away, green grocers and a Public House.

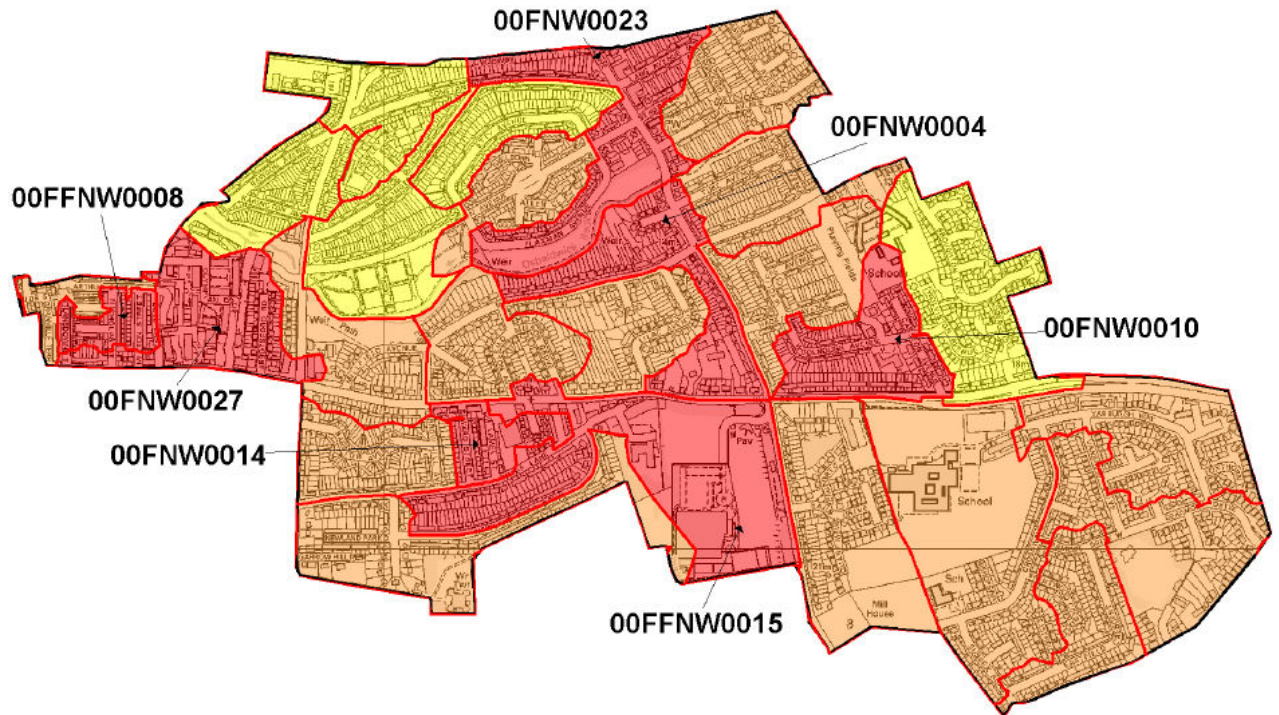
Comparison Streets: Hartoft Street; Farndale Street; Levisham Street.

The area consisted of terraced housing which was generally well kept. The street environment was also well kept with no evidence of litter or wheelie bins on the street. Parking was on street non-permit, the streets were busy with cars however there was no evidence of parking pressures. The streets are served by a local shop selling essentials.

bakery, a pharmacy and a supermarket. There is also a good mix on Fourth Avenue, including a local supermarket, a reptile shop, a sandwich shop, a furniture shop, an electronics store, and two hair salons.

00FFNS0004: East Parade; Heworth Road; Eastern Terrace; Parade Court.

There was a mix of property types in this area, including terraced, detached, semi-detached and flats. There were terraced flats on Eastern Terrace. Properties were in good condition and well maintained. The street environment was generally good apart from one bin lying on its side within a driveway on Heworth Road; overflowing litter in the garden attached to a disused workshop in Parade Court and rubbish bags in front of a block of flats along Eastern Terrace. The condition of gardens was mixed, with several examples of unmanaged gardens. Bins were often stored in front of properties. There was a mix of parking including on street permit, driveways and garages and on street non-permit. Parking pressure were not evident. There was a good selection of services on East Parade and at the junction between Heworth Road and East Parade. These services included; Post Office, supermarket, surgery, hairdresser, travel agent, take-away, cycle shop and a pharmacy.

Hull Road00FFNW0010: Woolnaugh Avenue, Carlton Avenue

The mainly semi detached housing in this area had no notable property maintenance issues. Whilst there was no permit parking there were no parking pressures evident with the on street parking and in driveways. However there were several incidences of gardens being lost to parking. Bins were generally stored at the front or to the side of properties. Litter was not considered to be an issue.

00FFNW0023: Tang Hall Lane; Flaxman Avenue; Alcuin Avenue; Constantine Avenue.

The semi detached housing of this area was well maintained with no significant signs of properties in need of maintenance. However the quality of the environment was a major issue, especially on Constantine Avenue where there were a significant number of unmanaged gardens, seven gardens lost for car parking and high levels of litter all the way along the street and in many of the gardens. Litter was not as much of an issue on the other streets, with two wheelie bins found on the street in Alcuin Court; some evidence of litter on Tang Hall Lane and one bin found on the street in Flaxman Avenue. However there were several unmanaged gardens, with some lost for parking on Flaxman Avenue and Alcuin Court. There was also evidence of gardens lost for parking on Tang Hall Lane. Parking in these streets included on street non-permit on Alcuin Court and Flaxman Avenue with an off street car park on Tang Hall Lane. Constantine Avenue had a mix of parking including driveways, non permit on street parking and evidence of cars parked on footpaths. There is a good mix of services on Tang Hall Lane, including four takeaways; a bakery; a pharmacy and a supermarket.

O0FFNW0015: Thief Lane, Newland Park Close

There were no signs of litter in this area and the properties were all in reasonable condition. However there was evidence of untidy and overgrown gardens and several gardens being used for parking. There was also evidence of garages having been converted into living space.

O0FFNW0014: Lamel Street, Siward Street

This area of primarily terraced housing had a good street environment, with no signs of litter, over grown gardens or poor property maintenance. There was were no parking pressures evident.

O0FFNW0004: Milfield Lane, Tang Hall Lane, Hull Road

There was a mix of housing in this area of semi detached, detached and bungalows. There was no litter on the streets but several bins were on the road. There was limited on street parking which was not permit. Several gardens have been turned into driveways. Where gardens exists there were largely well maintained. There is a Post Office on Tang Hall Lane and a range of shops.

O0FFNW0027: Manor Court, Olympian Court, Abbotsford Road

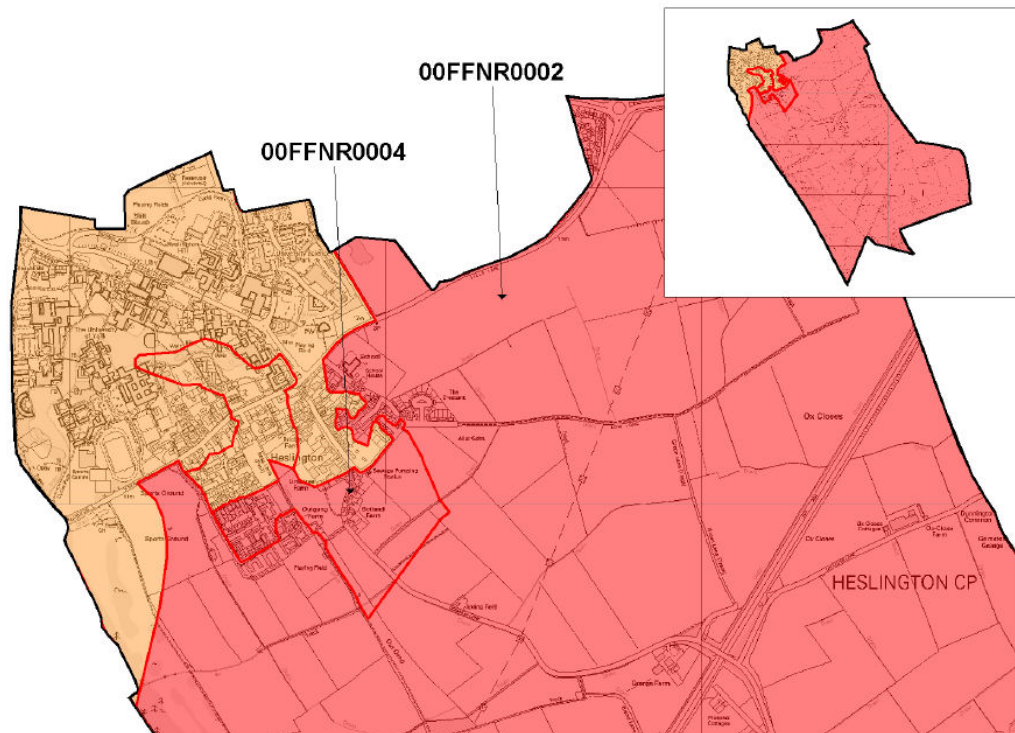
Given the modern, new build flatted development in this area property maintenance was high alongside the street environment. Parking was in residential bays and there were no parking pressures. Abbotsford Road with its older, semi detached, detached and bungalow housing had an average environment, with evidence of some poor property maintenance. Several gardens on this street had been lost and turned into driveways for parking. There was however no evidence of littering.

O0FFNW0008: Milton Street

This area of terraced and modern purpose built flats had a good quality of property maintenance and there was no evidence of littering or overgrown gardens. Parking is on street and is non permit. There were however several 'To Let' signs down the street.

Comparison Streets: Eastfield Crescent; Deramore Drive; Brentwood Crescent.

The area consists of detached, semi-detached and bungalow properties. There was a spacious feel to the area and the majority of cars parked in driveways. Gardens were generally well kept, however there was evidence of litter on Eastfield Crescent and Brentwood Crescent and a bin left on the street on Deramore drive

Heslington Ward00FFNR0004: Westmore Lane

This Output Area covers University of York managed accommodation Halifax College which explains the very high proportion of student households identified through the mapping exercise. The urban environment was generally good, with modern purpose built flatted properties which appear to be well kept. However there was evidence of bin bags being left on the street and some wheelie bins. Green spaces between the blocks of flat are well maintained.

00FFNR0002: School Lane, Heslington Court, Low Lane, Garrowby Lane, Garroway Lane, The Crescent

Halifax College extends into this Output Area (see above). This area also includes Heslington Court which is a sheltered housing scheme. The rest of the area was made up of semi detached properties with gardens and driveways. Gardens and open space were generally well maintained. There was no evidence of parking pressures or littering. Wheelie bins were stored out of view.

Badger Hill Residents Community Group Survey

The following provides a summary of additional comments received as part of the survey undertaken by the Badger Hill Residents Community Group, reflecting specific concerns and issues for some residents in Badger Hill.

- One respondent wrote they and several neighbours have lived in Badger Hill for 44 years and do not wish to move away from each other and our

homes which we have maintained and improved over the years. However they may eventually be driven out by more HMOs in their street and the associated noise nuisance etc.

- Moving out of Badger Hill because of HMO growth will be a consideration for one respondent if the situation accelerates.
- For another respondent, failure to provide adequate parking as promised by the University in their outline planning application was leading to parking problems.
- One respondent felt that the area will become a ghost town during university holidays
- There is a concern from some residents that the growth of HMOs reduces the availability and attractiveness of family homes with another respondent commenting that families are reluctant to buy in area.
- One respondent wrote that Badger Hill was known as a quiet estate but in the last 4 to 5 years the estate is being taken over by student lets with 4 plus living in one house and most having a car(s). Now there is a problem with cars parking on the roadside and on our grass verges, it is not only student cars but cars from people going to the university from away. It makes it hard to get in and out of our own drive as some of the cars are left for days.
- Another resident commented that the whole of the appearance of Badger Hill has changed in the last 2/3 years and there is little doubt it will continue to get worse, once owner occupation doesn't exist other than by a landlord making easy money, then care of the property ceases and the decline worsens.
- Many past residents have moved out according to one resident, to simply escape from what was a decent place to live where families were raised and everyone knew who their neighbours were, and were prepared to help each other.
- One respondent stated that after almost 50 years in the same house they are reluctant to leave but are seriously considering moving away from the estate.
- One couple had wondered why they didn't get much support in past but noted that a number of York Councilors have HMO rental properties on Badger Hill and (other) areas. These Councilors have to register a vested interests.
- Another respondent feels that it is time that garages stopped being turned into bedrooms thus denying students storage space for their belongings and bicycles. They continued that dustbins also have to be left out in front of the property. It would also be helpful if landlords were obliged to attend to the gardens during the year.
- For one respondent, they would consider moving as the estate is changing. They feel let down by the Council as they have not given a thought for the people living here. It is already getting shabby, which is going to devalue properties.
- It is not the students that one respondent objects to, it's the landlords who 'coin in the money,' do not pay Council tax and do not look after the property

Osbalwick Parish Council

Osbalwick Parish Council concerns regarding student housing and HMOs comprise:

- There is inadequate parking provision to accommodate the additional tenants in an HMO which leads to parking problems for neighbouring properties and verge parking leading to a general deterioration of the street environment.
- The potential for noise and disturbance means that HMOs in residential and family neighbourhoods is totally inappropriate. The lifestyle of student residents is incompatible with that of working families and the many elderly residents.
- The change to the character of the neighbourhood is of concern, there are a number of student rental properties and any further increase would bring the area close to a 'tipping point' whereby the residential amenity for existing long term residents is compromised to such an extent that they simply give up and sell up leaving further properties for student landlords to exploit.
- Additional HMOs would see the potential loss of garden space for parking, rubbish storage etc. which would change the character of the area and result in a loss of biodiversity.
- Allowing family housing to be turned into student houses will add more development pressure to the Green Belt. There is a strong need for housing for young people, therefore no more houses should be lost to the student let market. The University of York should ensure adequate provision of student accommodation on campus with rent capping to ensure such accommodation is financially attractive.
- The change in the character of the area is evident in local amenities such as schools and shops, one such example is a local supermarket on Hull Road has secured 24 hour alcohol license to serve the growing student market.

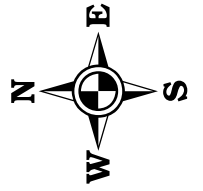
Residence Correspondence

A significant number of residents from Hull Road and Osbalwick Wards, have expressed concerns regarding student housing and HMOs, their comments and queries are summarised below. Fulford Parish Council have also requested to be kept informed of our work on this issue.

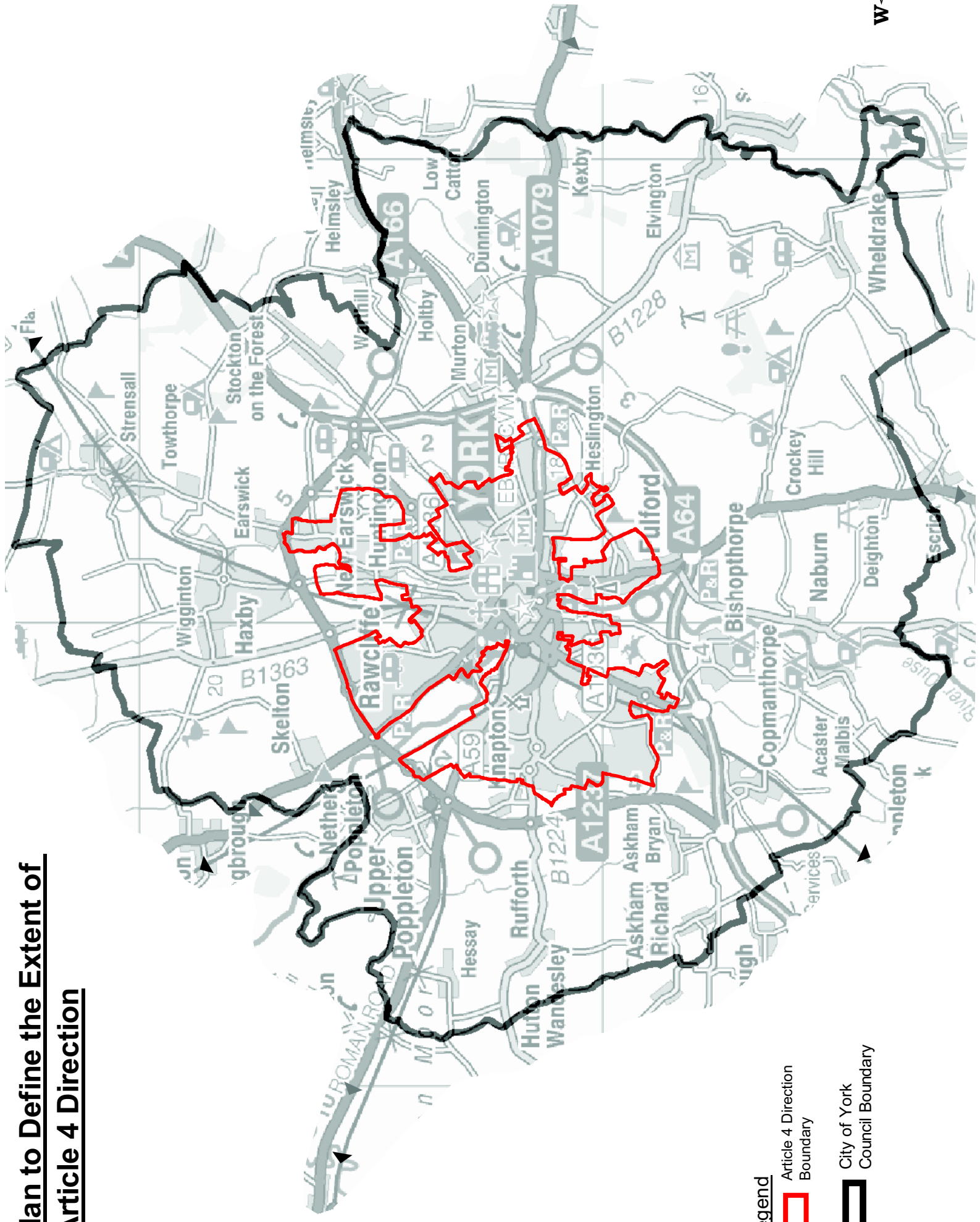
- Action is required to prevent additional student housing
- A policy should be implemented that sets limits for a maximum number of short term let properties that could be permitted
- There are too many student lets in Badger Hill, restrictions on numbers should be introduced
- Concern regarding untidy short term let property garden
- What action can the Council take against landlords of HMO's who do not keep exterior of property in good order

- Concerns in respect of increases in student accommodation in neighbourhood
- There are too many student houses in street resulting in too many student cars
- Tighter controls area needed when converting homes to HMO's
- Landlords should be more responsible for upkeep of properties
- Whilst the majority of students are good, honest, honourable and trustworthy there are some who do cause problems by their behaviour and by doing so bring the whole of their peer group into disrepute in the eyes of others.
- Difficult to see how students can fulfil the role of a good neighbour as in most cases they have leases for no more than a year and during this time are in residence for only 75% of the lease period.
- It is hoped that the Council will want to have some form of control over this controversial issue and that Article 4 Direction is taken on board, if not for the whole city then certainly for designated areas such as Badger Hill.

This page is intentionally left blank



Plan to Define the Extent of Article 4 Direction



- Legend**
- Article 4 Direction Boundary
 - City of York Council Boundary

This page is intentionally left blank



Executive

1 February 2011

Report of the Director of Communities and Neighbourhoods

Race Online 2012

Summary

1. This report asks Members to agree:
 1. To sign up CYC to be an official partner in Race Online 2012.
 2. CYC to work with partners to inspire, encourage and support as many people as possible to get online

Background

2. The links between social disadvantage and internet take up are strong. Nearly 50% of adults living in households earning less than £11.5k do not use the internet anywhere. 48% of people with disabilities are not currently taking advantage of the benefits of being online. A key barrier to disabled people going online is access to the hardware.
3. Of the nine million adults in this country who are not online, four million are amongst the most disadvantaged people:
 - 39% are over 65. while only one in ten people aged 16 – 24 are offline that rises to 1 in 2 of those over 75
 - 38% are unemployed
 - 19% are families with children

Why Get Online?

4. Increasingly both the private and public sector are choosing to communicate with their customers online (offline households are missing out on average consumer savings of £560 a year). To not be online in the future will mean that you are disadvantaged and often out of pocket.
 - As national Government and Local Authorities attempt to deliver efficiency savings online transactions and communications offer much scope. It is estimated that each transaction with government switched online could generate savings of between £3.30 and £12.

- Accessing shopping and services such as water, gas and electricity is easier and often cheaper online. For instance, internet only banks and discounts on online rail bookings
- Being online is now a fundamental part of educational improvement
- Access to employment opportunities – many companies now only accept online job applications. People with good ICT skills earn between 3% and 10% more than people without such skills and good ICT skills are now seen as an essential skill for life
- Information is more easily accessible online for everyone
- Good for the environment – paperless bills and statements help to reduce paper waste

The Local Picture

5. There are some significant differences in internet take up in York as detailed in Annex one. More work needs to be done to get further details of York's digital inclusion statistics. This is being undertaken with the Corporate Performance Team. Figures that we do have show that low internet access at home in York maps to:

- Low income
- Over 65s
- Unemployed people

How are people supported to get online?

6. The council already supports digital inclusion in the following ways:

Library Service

- York Explore Centre is a UK Online Champion Centre and all libraries are UK Online Centres. A UK Online Centre offers two things. Free or low cost access to the internet and trained staff to guide people through their first steps online. Library staff run one to one starter sessions as well as longer beginners courses. They are also on hand at any time when the library is open to help out with queries
- There is an infrastructure of free access to the internet through the People's Network pcs across all libraries with WiFi in Acomb and York Explore Centres. This is a super fast broadband connection through the new city wide fibre optic network. It is used by 10,000 people a year. There are some accessibility options for people with disabilities
- There are four ICT suites in Explore Centres that are used for helping people online
- There are regular workshops and events to tie in with national activity e.g Silver Surfers Day, Get Online Week
- Partnerships including the BBC, IT Services and Aviva help the service to build capacity and expertise to offer more help to people

- York Explore holds the Community Media equipment which is available for hire to community groups to use. There is a radio station and TV studio as well as smaller video cameras. Workshops are held to enable groups to learn the digital skills necessary

Put simply, if anyone goes into any library they can be helped to get online, given an email account and provided with ongoing support all for free. Full details of support with participation numbers offered by the library service are at Annex 2.

Adult and Community Education

- Adult Education are working with a number of organisations to target ICT skills courses at some of the most disadvantaged learners. This includes students with learning disabilities, those from disadvantaged families and groups who may suffer disadvantage by way of their geographical locations or characteristics that they share. The service continues to attract older learners who are at high risk of digital exclusion and offers programmes designed to support their needs and provide an environment and pace of programme to suit them. Recently the service has developed new programmes with the Wilberforce Trust (an organisations that supports people with visual impairment) and programmes specifically aimed at people with mental health issues.
- ACE works closely with Future Prospects to deliver an ICT outreach project called "IT in the Community" that targets particular groups to give them access to computers and the internet by giving them ICT skills. Flexible learning centre provision continues to attract a range of learners many of whom would not be able to access a fixed time and date programme.

7. These activities support just over 2,000 people a year to get online. We estimate the current number of people in York who are offline at about 57,000. So to make more progress we need to involve other partners

Race Online 2012 partnership

8. In March 2010 the Race Online 2012 partnership campaign was launched to join up existing community ICT infrastructures to help the 9 million adults in the UK who have never used the internet to get online. Led by the Government's digital champion, Martha Lane Fox, the initiative asks partners to pledge help to end digital exclusion.

Implications for signing up

9. Once signed up as a Partner to Race Online 2012, the Library Service and Adult Education will develop an action plan and take a lead role in encouraging other partners and organisations to sign up to the pledge, enabling a greater number of people to get online.
10. A significant start has already been made in building on an already nationally recognised private/public partnership with Aviva that transformed York Central Library into York Explore Centre. This partnership is going to focus on digital

inclusion over the next year, linking to the continued success of York Explore. We will explore the potential of involving other private sector companies as a result of this work

11. York will be submitting a UNESCO Creative City for Media Arts bid in 2011. The expansion of access to digital processes, the People's Network and the expertise within the media arts network will be supported by our digital inclusion offer. The ability of the wider community to be tied into the Creative City outcomes will be enhanced by the current proposals
12. In developing the plan a number of actions have already been identified:
 - Take the action plan to the WOW Partnership Board to link digital inclusion into the Sustainable Community Strategy
 - Work with IT Services and Economic Development to support digital inclusion
 - Promoting the benefits of being online by running a series of roadshows over the next two years, starting with the national Go Online event (17 Jan – 14 Feb)
 - Encouraging other organisations to sign up to the pledge
 - Producing a map showing free and low cost WiFi access across the City
 - Developing use of libraries as key access points to online national government and local council services
 - Mapping provision of support and training from basic through to advanced digital skills

Corporate Priorities

13. A digitally inclusive York contributes to all of the Corporate Priorities. As mentioned above, the benefits of being online affects all areas of a person's life and well being ; from being better able to gain employment ; easier access to services and information ;helping the environment and improving communication for disadvantaged groups

More for York Programme

14. Improved digital skills for both residents and employees will support several strands of the More for York Programme – principally Channel Migration which involves more customer transactions taking place online such as paying council tax, taking part in surveys etc.

Implications

15. **Financial:** There are no financial implications. All training and support is provided within existing budgets.
16. **Human Resources (HR):** There are no HR implications

17. **Equalities:** Significant numbers of disadvantaged people lack internet access and the motivation and skills to go online. An enhanced Equalities Impact Assessment will be undertaken to ensure those most at need are included, using the guidance on this website <http://www.odi.gov.uk/odi-projects/digital-inclusion.php>
18. **Legal:** There are no legal implications
19. **Crime and Disorder:** There are no crime and disorder implications
20. **Information Technology (IT):** Increasing the number of people who are online will support CYC's channel migration plans. More people will have the skills and, through the library service, the infrastructure, to access services online.
21. **Property:** There are no property implications

Risk Management

There are no identified existing or potential risks associated with this report.

Recommendations

22. Members are asked to agree to:
 - (a) Pledge to be an Official Partner in the Race Online 2012 Campaign
 - (b) Libraries and Adult and Community Education to lead on developing partnerships to make York a digitally inclusive city

Reason: To inspire, encourage and support people to go online and enable all residents to secure the many benefits of being

Contact Details

Author: Fiona Williams Head of Libraries and Heritage Communities and Culture CANS 3316	Chief Officer Responsible for the report: Charlie Croft Assistant Director for Communities and Culture		
	Report Approved		Date Insert Date
Specialist Implications Officer(s) ITT Equalities Roy Grant Evie Chandler Head of ICT Corporate Equality and Inclusion Manager 1966 1704			
Wards Affected: List wards or tick box to indicate all			All <input checked="" type="checkbox"/>
For further information please contact the author of the report			

Annexes

- 1 Local take up of internet
- 2 Courses offered by the library service

Background Papers and Websites:

Manifesto for A Networked Nation – Race Online 2012 July 2010

www.raceonline2012.org

www.odi.gov.uk/odi-projects/digital-inclusion.php

Annex 1

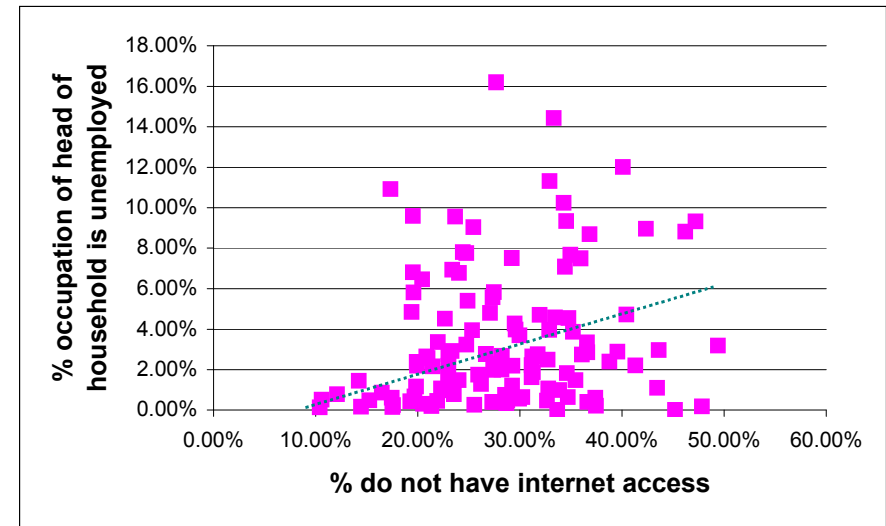
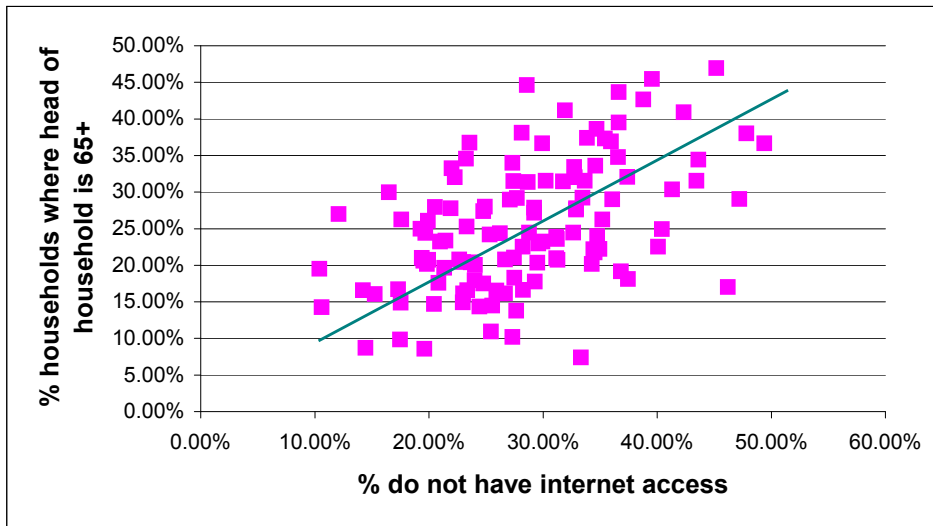
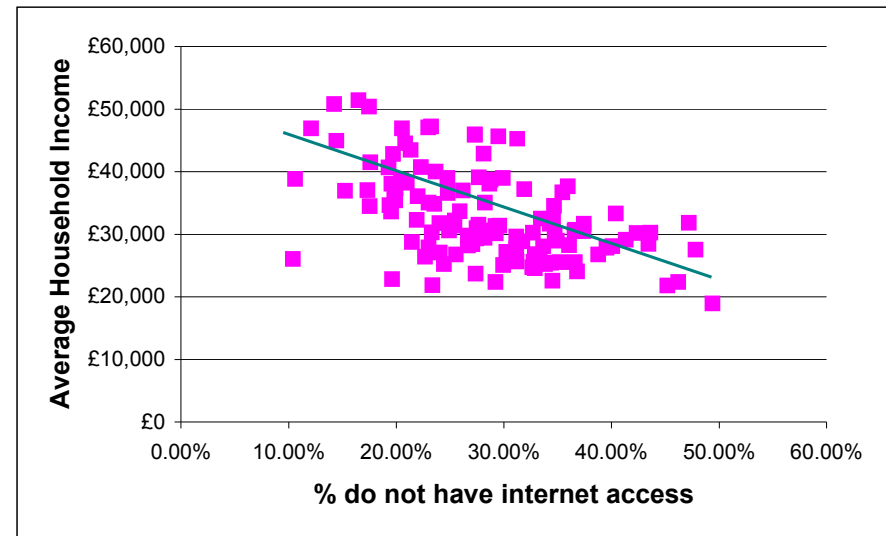
1. Internet Connectivity by Ward

Ward	% Do not have Internet connection
Bishopthorpe	42.69%
Heworth Without	35.78%
Guildhall	34.22%
Huntington and New Earswick	33.15%
Clifton	31.91%
Westfield	31.15%
Hull Road	30.21%
Micklegate	30.19%
Dringhouses and Woodthorpe	30.08%
Heworth	29.94%
Fulford	28.67%
Acomb	28.47%
Osbalwick	28.23%
Fishergate	27.70%
Holgate	26.84%
Derwent	25.78%
Rural West York	25.74%
Skelton, Rawcliffe and Clifton Without	23.13%
Strensall	22.47%
Haxby and Wigginton	22.21%
Wheldrake	15.55%
Heslington	10.40%

Source: Axiom - Lifestyle Data 2009 Computing, Telecomms & Television:Internet Usage:Connectivity: Penetrations

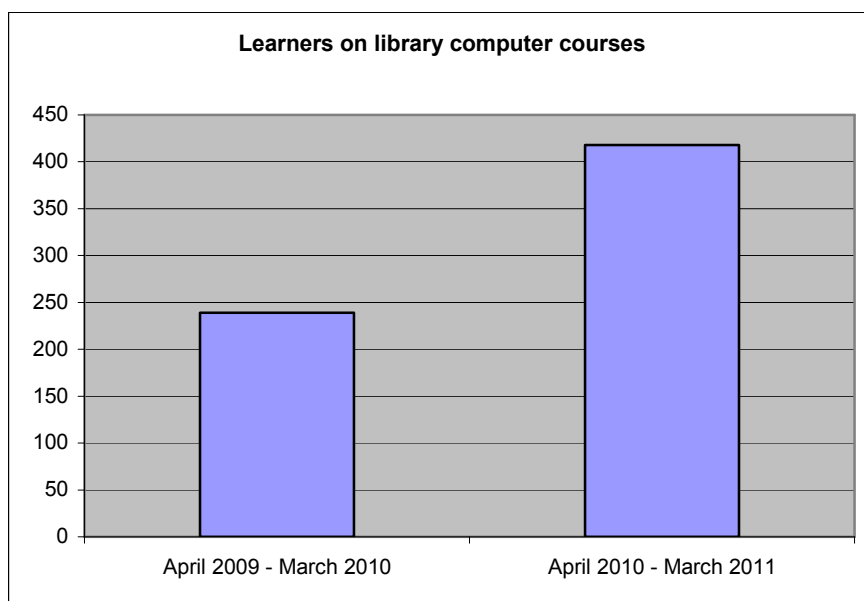
2. Correlating Internet Connectivity with other factors

These scattergraphs have a point for each of York's 118 Super Output Areas. They indicate that in York low internet take-up correlates with other factors. That is - internet take up is lower in areas with more older people, lower household income and to a lesser extent we can see a possible correlation with unemployment. Source: Axiom 2009.



Annex 2 – Details of IT courses in libraries

Formal beginners computer courses:



*Predicted to March 2011

307 learners have attended courses in explore centres to date (a total of 1364 learning hours)

These are the dates for the courses arranged until the end of March 2011 – nearly all are fully booked already.

19-Jan-11	Acomb	Taster Internet
26-Jan-11	Acomb	Myguide
24-Jan-11	Clifton	Taster Basics
31-Jan-11	Clifton	Taster Internet
1-Feb-11	York	ABC Basics and Internet
3-Feb-11	Tang Hall	Taster Basics
7-Feb-11	Clifton	Myguide
10-Feb-11	Tang Hall	Taster Internet
17-Feb-11	Tang Hall	Myguide
22-Feb-11	York	Myguide
23-Feb-11	Acomb	Myguide
8-Mar-11	York	Taster basics
8-Mar-11	York	Taster basics
10-Mar-11	Tang Hall	Myguide
16-Mar-11	York	ABC Basics and Internet
22-Mar-11	York	Myguide

Starter sessions:

To date there have been 360 across all libraries. 142 were in York and 99 in Acomb but all libraries had at least one according to need. The ability to offer these locally is really appreciated by learners.

Myguide:

To date 744 people have registered for an email address with Myguide and over 600 have started one of the Myguide courses. Some of these will be on a course run with Maureen or Liam but the majority are independent learners using computers in libraries (and supported by library staff) or at home. Of particular note Liam has had 70 attendees on the drop-in sessions he has run at Acomb and staff at Haxby Library have helped 24 people complete Myguide modules.

A few examples of individuals we have helped

- a man on his 40s, living in a care-home but determined to be independent. After a couple of starter sessions he now regularly comes into York Explore in his wheelchair.
- a woman who has suffered complete hearing loss so was desperate to learn how to email to contact friends and family. After going on some courses she can now do this.
- Someone who has had a stroke resulting in having no voice and limited mobility. Maureen is working with her to enable her to use a computer.
- Lots of very elderly people including a lady of 91 who is currently making good progress.