

Notice of meeting of

Cabinet

To: Councillors Alexander (Chair), Crisp, Fraser, Gunnell, Looker, Merrett, Simpson-Laing (Vice-Chair) and Williams

Date: Tuesday, 3 April 2012

Time: 5.30 pm

Venue: Fulford School, Fulfordgate, Heslington Lane, Fulford

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 2 April 2012, if an item is called in *before* a decision is taken, *or*

4:00 pm on Thursday 5 April 2012, 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. Exclusion of Press and Public

To consider the exclusion of the press and public from the meeting during consideration of the following:

Annex 1 to Agenda Item 15 (York Central Project Update) on the grounds that it contains information relating to the financial or business affairs of particular persons. This information is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

3. Minutes (Pages 3 - 12)

To approve and sign the minutes of the last Cabinet meeting held on 6 March 2012.

4. Public Participation/Other Speakers

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 Cabinet's remit can do so. The deadline for registering is **5:00 pm on Monday 2 April 2012.**

Please note: Registrations to speak in relation to the urgent item: Beckfield Lane Household Recycling Centre will be extended until 12 noon on Tuesday 3 April 2012.

5. Forward Plan (Pages 13 - 18)

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

6. Water End/Clifton Green Junction: Options for Reinstating a Separate Left Turn Traffic Lane on the Water End Approach (Pages 19 - 54)

This report presents the findings of the consultation exercise undertaken with local residents and interest groups on two of the reinstatement options in respect of the Water End/Clifton Green junction

7. Minutes of Working Groups (Pages 55 - 74)

This report presents the draft minutes of meetings of the Equality Advisory Group and the Local Development Framework Working Group and asks Members to consider the advice given by the Groups in their capacity as advisory bodies to the Cabinet.

8. Review of Admission Arrangements & School Travel Policies (Pages 75 - 93)

This report presents the information gathered in support of the review of admission arrangements and school travel policies and sets out the Committee's findings and recommendations.

9. Delivering the Council Plan - The Workforce Strategy and the Procurement and Commissioning Strategy (Pages 94 - 144)

This report sets out two strategies that are central to supporting the delivery of the Council Plan 2011-15, the Workforce Strategy and the Procurement and Commissioning Strategy.

10. Economic Infrastructure Fund - Governance and Initial Funding Decisions (Pages 145 - 171)

This report sets out proposals for the investment and governance of the economic infrastructure fund (EIF) for the City of York Council.

11. Low Emission Strategy Update (Pages 172 - 198)

This report presents the draft Low Emission Strategy (LES) consultation document. The Cabinet is asked to note the content of the document and approve it for public consultation.

12. Former British Sugar/Manor School Supplementary Planning Document (Pages 199 - 208)

This report outlines work carried out on the preparation of a draft Supplementary Planning Document (SPD) for the former British Sugar/Manor school site. Members are asked to note the consultation findings and approve the revised draft SPD.

13. Castle Piccadilly -Conditional Concession Agreement (Pages 209 - 215)

This report is an update on the progress of this project since the Executive Report of 7 July 2009 and Members are asked to note the steps taken since the identification of a Preferred Concessionaire by the Council.

14. Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document Consultation Outcomes (Pages 216 - 331)

This report informs Members of the outcomes of the recent consultation on the draft Controlling the Concentration of Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD). It also seeks approval for the revised SPD to be used to determine planning applications following the commencement of the Article 4 Direction on 20 April 2012.

15. York Central Project Update (Pages 332 - 363)

This report sets out recent and ongoing progress on the York Central development site and outlines a proposed way forward, which Members are asked to note and endorse.

16. Recruitment to the roles of Director of Public Health and Wellbeing and Director of City and Environmental Services (Pages 364 - 383)

This report outlines for Members the requirements of the Health and Social Care Bill in relation to the appointment of a Director of Public Health & Wellbeing for York. It evaluates structural options available for the permanent appointment, and outlines transition arrangements for public health personnel.

17. Urgent Business: Beckfield Lane Household Waste Recycling Site (Pages 384 - 390)

The motion to Council, on 29 March 2012, from Cllr Reid requesting a halt to the closure plan for the Beckfield Lane Household Waste Recycling Centre has been referred as an urgent item for consideration at this meeting. An officer report on the associated implications is being prepared.

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

Democracy Officer:

Name: Jill Pickering

Contact details:

- Telephone – (01904) 552061
- E-mail – jill.pickering@york.gov.uk

For more information about any of the following please contact the Democratic Services 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.

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- 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);
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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.**

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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.

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Holding the Cabinet to Account

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session) agenda. The Cabinet 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 Cabinet 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

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City of York Council

Committee Minutes

MEETING

CABINET

DATE

6 MARCH 2012

PRESENT

COUNCILLORS ALEXANDER (CHAIR),
CRISP, FRASER, GUNNELL, LOOKER,
MERRETT, SIMPSON-LAING (VICE-CHAIR)
AND WILLIAMS

PART A- MATTERS DEALT WITH UNDER DELEGATED POWERS

107. 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.

The following interests were declared:

- Cllr Simpson-Laing declared a personal, non-prejudicial interest in respect of agenda item 8 – “Community Stadium: Business Case”, as her daughter was a member of York Athletics Club.

The following Members declared personal, non-prejudicial interests in respect of agenda item 7 – “Neighbourhood Working – A New Approach” in so far as it related to staffing matters:

- Cllr Fraser, as a member of the retired sections of Unison and Unite (TGWU/ACTS).
- Cllr Crisp, as a member of the retired section of Unison
- Cllr Williams, as a member of Unison and Unite
- Cllr Gunnell, as a member of Unison
- Cllr Alexander, as a member of GMB

108. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the press and public be excluded from the meeting during consideration of Annexes A and B to agenda item 8 (The Community Stadium: Business Case) on the grounds that they contained information relating to the

financial or business affairs of particular persons. This information is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

109. MINUTES

RESOLVED: That the minutes of the last Cabinet meeting held on 14 February 2012 be approved and signed by the Chair as a correct record.

110. PUBLIC PARTICIPATION

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme and that four Members of Council had also requested to speak.

Councillor Galvin spoke in respect of agenda item 7 – “Neighbourhood Working – A New Approach”. He stated that there was a lack of clarity in the report and it failed to recognise the knowledge that Members had about their own wards and the priorities of residents. He urged that all Members be consulted about any changes to the existing arrangements and that, if necessary, the existing arrangements be retained but with a reduced ward budget.

Councillor D'Agorne spoke in respect of agenda item 7 – “Neighbourhood Working – A New Approach”. He stated that there was a lack of clarity in the report and cited a number of examples. Councillor D'Agorne also expressed concern at the impact that the cuts in budget and in staffing would have on local communities. He also raised issues as to whether the voluntary sector would have the capacity to take on increased responsibilities and stated that the proposed arrangements could lead to increased bureaucracy.

Councillor Healey spoke in respect of agenda item 8 – “The Community Stadium: Business Case”. He queried a number of issues in the report including: the reduction in the contribution from York City FC, the claw back arrangements and the need for there to be signed letters of intent. Councillor Healey expressed concern that, because some of the information in

respect of the business case was restricted, it was difficult to scrutinise this significant public investment.

Councillor Warters spoke in respect of two issues within the remit of the Cabinet. He reiterated concerns raised at the previous meeting about the Military Covenant and urged that support be shown for military families on the housing list, particularly in relation to the Derwenthorpe development. He requested that a written response be provided. The Chair stated that he had discussed this issue with the Chief Executive and that a written response would be forwarded.

Councillor Warters then spoke in respect of agenda item 8 – “Community Stadium: Business Case”. He expressed concern about a number of issues including, the reduction in the proposed contribution from York FC, the siting of athletics facilities at the university and the impact on city centre retail. Councillor Warters stated that there was also a lack of tangible evidence in respect of issues such as the number of jobs that would be created. He urged that the process be carried out in an open and transparent manner and that the Cabinet also take into account the need for funding to be allocated to Osbaldwick for open space replacement.

Virginia Shaw spoke in respect of agenda item 8 – “Community Stadium: Business Case”. She expressed concern that such a major project had reached this stage before a business case had been presented. Concerns were also raised in respect of the spending of public money on architects, the duplication of existing provision, the increase in traffic and the impact that congestion would have on air quality and the effect on city centre business. The Chair responded to issues that had been raised and explained that some of these matters would be for the Planning Committee to consider.

111. FORWARD PLAN

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

It was noted that a report on the Police and Crime Panel would also be presented at the Cabinet meeting in May.

112. MINUTES OF WORKING GROUPS

Members considered a report that presented the draft minutes of meetings of the Local Development Framework Working Group (LDFWG) meeting held on 9 January 2012 and the Young People's Working Group (YPWG) meeting held on 16 January 2012 and which asked Members to consider the advice given by the Groups in their capacity as advisory bodies to the Cabinet.

Members' attention was drawn to the current situation in respect of the establishment of a city centre Youth Cafe.

RESOLVED: That the minutes at Annexes A and B to the report be noted.

REASON: To fulfil the requirements of the Council's Constitution in relation to the role of Working Groups.

113. NEIGHBOURHOOD WORKING - A NEW APPROACH

[See also under Part B minutes]

This item was the subject of pre-decision call-in.

Members considered a report that proposed a new model of Neighbourhood Working through which the Council would work with partners to deliver better services for York's communities.

It was noted that paragraph 19 of the report should read...
"There will be three ward publications a year for each ward..."

The Cabinet Member stated that the proposed model of working had taken into account the financial situation and the changing demographics. It would be more efficient than the current arrangements and would bring improvements for Members, residents and the voluntary sector. There would be clear channels for reporting problems and ward credits would enable funding to be targeted where it was most needed. No decisions had yet been made in respect of staffing.

Members stated that there were a number of flaws in the current arrangements and they expressed their support for the

proposed model of Neighbourhood Working. It would enable resources to be allocated where they were most needed.

Discussion took place regarding the importance of ensuring that there was a fair allocation of youth services in wards and that these were linked to need. The provision of activities for young people was an important issue for many residents.

RESOLVED: That the Cabinet make the following in principle decisions, pending consideration by the Scrutiny Management (Calling In) Committee on 26 March 2012:

- (i) That the model of Neighbourhood Working be adopted, including the arrangements for:
 - i. Community Contracts, as set out in paragraphs 9 and 10 of the report
 - ii. Ward funding, as set out in paragraph 11 of the report
 - iii. A new remit for the Neighbourhood Management and Equalities Teams, as set out in paragraph 14 of the report

- (ii) That the Director of Communities and Neighbourhoods, in consultation with the Cabinet Member for Leisure, Culture and Social Inclusion, be instructed to:
 - i. Carry out a restructure of the Neighbourhood Management Unit and Equalities Team under the Council's Scheme of Delegation in order to deliver the new model.
 - ii. Deliver the new "Love where you Live" approach.
 - iii. Procure a third sector management organisation to undertake the administration of the voluntary sector funding pot.

REASON: To deliver better services for York's communities.

114. PRE APPLICATION ADVICE SERVICE REVIEW

Members considered a report that assessed the operation of the formalised pre-application service for planning advice which was introduced on 4 January 2011, and provided options for the delivery of the service going forward. The report set out the extent to which the service had been used in terms of the number and type of queries received, and the number leading to applications.

Members considered the options detailed in paragraph 22 of the report.

Members noted that minor clarifications were required in respect of bullet point 3 of Option (c).

Members were pleased to note the progress that had been made and stated that this was an excellent service to offer.

- RESOLVED:
- (i) That, subject to minor amendment in respect of bullet point 3 to clarify that where detailed or complex specialist input is required, a specified additional charge may be levied at the outset, option (c) as set out in the report be approved i.e.:-
 - Refinement and enhancement of the service combined with modest increase of the fees to recover more of the costs of provision as required in the budget
 - Removal of second charge for follow up queries and add listed building advice category
 - Introduction of fees for ongoing schemes where no charge has been made for the last 12 months; establishment of “retainer”; fees for regular developers and organisations in the city, and provision for additional charges to be levied where significant detailed or complex specialist input becomes necessary.
 - (ii) That the schedule of fees, as set out in Annex 6 of the report (subject to

modification as in (i) above), be approved.

REASON: In order to continue to provide a consistent and structured approach to enquiries, within the required timeframe.

115. COUNCIL TAX SUPPORT BRIEFING PAPER

Members considered a report that provided key information, issues and concerns with regard to the Government's proposal to replace Council Tax Benefit with Council Tax Support. The brief was based on the document "Localising Support for Council Tax in England" issued by the Department for Communities and Local Government on 11 August 2011 and the Government's response to the outcome of consultation issued in December 2011.

It was noted that when the new system of local support for Council Tax was introduced in April 2013, the amount of subsidy provided to local authorities, including York, would be reduced by 10% relative to current expenditure on Council Tax Benefit, saving around £480 million a year nationally and just over £1m in York. As pensioners were protected from losing any benefit, the benefit loss to working age customers would be much higher.

The Cabinet Member stated that a further report would be presented to Cabinet when further information became available. At that point decisions would have to be taken as to how the scheme should be implemented. Members stated that it would also be important to take account of regional views on its implementation.

- RESOLVED:
- (i) That the report and the implication of the Government's proposal to reduce council tax benefit and localise its administration be noted.
 - (ii) That a further paper be presented to Cabinet once the technical details have been provided by the Government (Spring 2012) setting out more detailed proposals and options for delivering a scheme in York.

- (iii) That, when further consideration is given to the issue, account also be taken of the regional view.

- REASONS:
- (i) To make Members aware of the financial impact on customers of the Government's changes to the Council Tax Benefit scheme.
 - (ii) To keep Members informed of the more detailed technical changes to be outlined in the Government's technical paper due in the Spring of 2012 and the ongoing work to develop local schemes.

116. CHAIR'S COMMENTS

The Chair paid tribute to Bill Woolley who would be retiring from his post as Deputy Chief Executive and Director of City Strategy in the summer. Thanks were expressed for his outstanding service to the Council.

PART B - MATTERS REFERRED TO COUNCIL

117. NEIGHBOURHOOD WORKING - A NEW APPROACH

[See also under Part A minutes]

This item was the subject of a pre-decision call in.

Members considered a report that proposed a new model of Neighbourhood Working through which the Council would work with partners to deliver better services for York's communities.

It was noted that paragraph 19 of the report should read...
"There will be three ward publications a year for each ward..."

The Cabinet Member stated that the proposed model of working had taken into account the financial situation and the changing demographics. It would be more efficient than the current arrangements and would bring improvements for Members, residents and the voluntary sector. There would be clear channels for reporting problems and ward credits would enable

funding to be targeted where it was most needed. No decisions had yet been made in respect of staffing.

Members stated that there were a number of flaws in the current arrangements and they expressed their support for the proposed model of Neighbourhood Working. It would enable resources to be allocated where they were most needed.

Discussion took place regarding the importance of ensuring that there was a fair allocation of youth services in wards and that these were linked to need. The provision of activities for young people was an important issue for many residents.

RECOMMEND: (i) That Council approve a change in the Council's constitution in respect of ward committee arrangements, as set out in the Annex to the report.

REASON: To deliver better services for York's communities.

118. THE COMMUNITY STADIUM: BUSINESS CASE

Members considered a report that set out the business case for the Community Stadium to pre-procurement stage. An addendum to the report was tabled at the meeting and is attached to the on-line agenda papers.

Details were given of the proposals and facility mix and the funding for the scheme. Members' attention was drawn to the risk analysis detailed in the report.

The Chair responded to specific issues that had been raised under the public participation item on the agenda.

Councillors Merrett, Simpson-Laing and Williams abstained from voting as they served on the Planning Committee which would consider the planning application for this site.

RECOMMEND: That Council:

- (i) Approve the business case as presented noting the financial risks and potential resultant liabilities that may arise as a result of proceeding with the scheme.

- (ii) Approve its submission to the Planning Committee in support of the outline planning application submitted by Oakgate Group plc.
- (iii) Approve the inclusion in the Capital Programme of the Community Stadium scheme at the value of £19.2m to be funded from £14.85m of S106 Contribution, £4m of Prudential Borrowing (£200k 11/12 and £3.8m 12/13) and £350k York City FC. Members should note that the funding from York City Football Club could be higher than a £350k contribution and this would result in a reduction of the Council's contribution.
- (iv) Approve the release of the balance of the Council's £3.8m Prudential Borrowing as shown in the capital programme in 12/13 in order to progress the Community Stadium project.
- (v) Approve, that as part of the release of the £3.8m capital funding available, that £2m be allocated for the new athletics facility with York University and commit to the delivery of the project. Note the risks outlined in paragraph 50 of the report that if the stadium scheme does not proceed that £2m of CYC Prudential Borrowing will be spent on delivering athletics provision for the City.
- (vi) To note, and accept, the risks set out in the risk management section of the report, and the financial implications section.

REASON: To enable plans for the community stadium project to be developed and progressed.

Councillor Alexander, Chair

[The meeting started at 5.30 pm and finished at 7.10 pm].

Cabinet Meeting: 3 April 2012

FORWARD PLAN (as at 14 March 2012)

Title & Description	Author	Portfolio Holder
<p>Developing a Thriving Voluntary Sector Purpose of report: To approve grant funding to voluntary sector organisations for the 3 years 2012-2015. (Some of the grants are over £50k and therefore require Cabinet approval). Members are asked to approve the grants.</p>	Adam Gray	Cabinet Member for Leisure Culture and Social Inclusion
<p>Implementing the Review of the City of York Council's Residential Care Homes for Older People Purpose of the Report: Following the Review of the Future of the Council's Elderly Persons Homes, a financial business case has been produced to inform the development of the new build facilities. Members are asked: to consider the business case for the programme of new build developments that replace the council's current nine Elderly Persons Homes and decide the more immediate arrangements for proceeding with the Fordlands site and the Care Village.</p>	Graham Terry	Cabinet Member for Health, Housing and Adult Social Services
<p>Oliver House Elderly Persons Home - Options for the future use of the Property Purpose of the report: To seek a decision from Members on the future use of Oliver House Elderly Persons Home (EPH), when it becomes surplus to the operational requirements of the Council on 31st March 2012. Cabinet is asked to make a decision on the future use of Oliver House, based on the recommendations made within the report.</p>	Tim Bradley	Cabinet Member for Corporate Services

Table 2: Items scheduled on the Forward Plan for the Cabinet Meeting on 12 June 2012

Title & Description	Author	Portfolio Holder
<p>Alternative Delivery Models for Cultural Services Purpose of report: This report asks the Cabinet for permission to further develop a proposal for an alternative delivery model for cultural services.</p> <p>The report will ask the Cabinet to note the initial feasibility work undertaken; agree to the proposal being further developed; agree a consultation plan on the proposal.</p>	<p>Charlie Croft</p>	<p>Cabinet Member for Leisure Culture and Social Inclusion</p>
<p>Delivering the Council Plan Core Capabilities – Three Strategies Purpose of Report: To sign off three strategies which are instrumental to the delivery of the Council Plan core capabilities. These are the Customer Strategy, Innovation Strategy and Asset Management Strategy.</p> <p>Members are asked to agree the strategies.</p>	<p>Tracey Carter</p>	<p>Cabinet Member for Corporate Services</p>

Table 3: Items slipped on the Forward Plan

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>Developing a Thriving Voluntary Sector</p> <p>The purpose of this report is to approve grant funding to voluntary sector organisations for the 3 years 2012-2015. (Some of the grants are over £50k and therefore require Cabinet approval).</p> <p>Members are asked to approve the grants.</p> <p><i>This report was slipped from the November meeting to allow more time for discussion with the voluntary sector. The report was then slipped to the April meeting to await the outcome of the Fairness Commission and to allow the budget to be set by Council through the budget process.</i></p>	Adam Gray	Cabinet Leader	6 March 2012	15 May 2012	The report has now been slipped to the May meeting to allow more time for consultation with the voluntary sector.
<p>Implementing the Review of the City of York Council's Residential Care Homes for Older People</p> <p>Purpose of the Report: Following the Review of the Future of the Council's Elderly Persons Homes, a financial business case has been produced to inform the development of the new build facilities.</p>	Graham Terry	Cabinet Member for Health, Housing and Adult Social Services	3 April 2012	15 May 2012	This item has slipped to the May Cabinet because excellent progress has been made on the key recommendations from the previous Cabinet report.

<p>Members are asked to consider the business case for the programme of new build developments that replace the council's current nine Elderly Persons Homes and decide the more immediate arrangements for proceeding with the Fordlands site and the Care Village</p>					<p>However, complexities arising from the soft marking testing undertaken require a further period of time for effective analysis before recommendations are made to Members.</p>
<p>Oliver House Elderly Persons Home - Options for the future use of the Property Purpose of the report: To seek a decision from Members on the future use of Oliver House Elderly Persons Home (EPH), when it becomes surplus to the operational requirements of the Council on 31st March 2012. Cabinet is asked to make a decision on the future use of Oliver House, based on the recommendations made within the report.</p>	<p>Tim Bradley</p>	<p>Cabinet Member for Corporate Services</p>	<p>3 April 2012</p>	<p>15 May 2012</p>	<p>This item has been slipped to the May Cabinet Meeting to enable further work to be undertaken to determine and evaluate options for this site.</p>
<p>Alternative Delivery Models for Cultural Services Purpose of report: This report asks the Cabinet for permission to further develop a proposal for an alternative delivery model for cultural services. The report will ask the Cabinet to note the initial feasibility work undertaken; Agree to the proposal being further</p>	<p>Charlie Croft</p>	<p>Cabinet Member for Leisure Culture and Social Inclusion</p>	<p>6 Dec 2011</p>	<p>12 June 2012</p>	<p>This report has now slipped to the June meeting to allow more time for public consultation.</p>

<p>developed; Agree a consultation plan on the proposal.</p> <p><i>This report had slipped to the April meeting to allow time for public consultation.</i></p>					
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<p>Equality Act 2010 - Implementing the public sector duties in City of York Council</p> <p>Purpose of Report: The public sector duties in the Equality Act 2010 support public bodies to improve quality of life outcomes in their areas. They came into effect in April and September 2011. The report will summarise the duties as outlined in legislation and how the government and the Equality and Human Rights Commission expect us to meet them. It will outline proposals for action to meet the duties and also minimum standards for these actions.</p> <p>Cabinet will be requested to consider and approve the actions proposed in the report.</p> <p><i>This item was slipped to the February meeting to allow more time to develop an action plan for excellence for the Equalities Framework for Local Government. The item was then slipped to the April meeting to coincide with setting equality outcomes for the Council.</i></p>	<p>Charlie Croft/Evie Chandler</p>	<p>Cabinet Member for Leisure, Culture and Social Inclusion</p>	<p>3 April</p>	<p>3rd July</p>	<p>This item has been slipped to the July meeting to take account of the output of stage two of the Fairness Commission</p>
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Cabinet Report**3 April 2012**

Report of the Cabinet Member for City Strategy

Water End/Clifton Green Junction: Options for Reinstating a Separate Left Turn Traffic Lane on the Water End Approach**Summary**

1. At the September 2011 Decision Session, the Cabinet Member for City Strategy considered seven options for reinstating two traffic lanes on the Water End approach to the Clifton Green junction. These options included retaining the existing layout. For each option, a general description was provided. Advantages, disadvantages and estimated costs were also set out. Road Safety Audit findings were also summarised for the alternative layout options.
2. Following consideration of the seven options, the Cabinet Member resolved that consultation take place with local residents and interest groups on two of the reinstatement options. This report presents the findings of the consultation exercise.

Background

3. Encouraging more people to cycle has been a key priority of the Council, and this was given significant impetus in 2008 when York became a 'Cycling City'. A key infrastructure project within York's Cycling City programme has been to complete an Orbital Cycle Route that connects many existing paths together. The Water End improvements form an important part of the Orbital Cycle Route.
4. The plan in Annex A shows the current layout, which was implemented during the early part of 2009. The removal of the left turn traffic lane has enabled a 1.5m cycle lane to be provided all the way up to the Advanced Stop Line (ASL) at the signals, alongside a single traffic lane that varies in width between 3.0m to 3.9m. This generally works well for cyclists, although it has been observed that a small number of motorists choose to go into the

cycle lane and use it as a left turn traffic lane. Overall the scheme has been well received by cyclists, and numbers cycling along this route have increased significantly, effectively doubling in number from about 80 per hour in the AM peak before the improvements were implemented and around 160 per hour at the present time. For motorists, it was always acknowledged that there would be some increased delays and queue lengths due to the removal of the left turn lane, and it was expected that this would result in some wider traffic re-distribution, plus some choosing to cycle instead.

5. Since implementation, there have been complaints about increased traffic congestion on Water End as a result of losing the dedicated left turn traffic lane. Adverse reaction to the scheme has also come from residents of the Westminster Road/ The Avenue area, which is now experiencing more through traffic than it did before (around 750 vehicles per day before, compared to about 1500 now).
6. To address these concerns, options to reinstate a dedicated left turn traffic lane were considered by the Cabinet Member for City Strategy at the Decision Session on 27th September 2011. Of the numerous possible layouts that were investigated at that time, two were approved for public consultation. For the purposes of this report, they will be referred to as **Option 1** and **Option 2**. Layout plans for the two options are provided as **Annexes B** and **C** respectively.
7. The relevant parts of the September 2011 Decision Session meeting relating to the two options chosen to take forward for public consultation are provided in **Annexes D** and **E**. **Annex D** provides a description of the proposals for **Option 1**, along with summaries of the key advantages and disadvantages. **Annex E** provides the same information for **Option 2**.

Public Consultation

8. A consultation leaflet outlining the two proposed options (the leaflet text which accompanied the layout plans is shown in **Annex F**) was distributed on 22nd December 2011 within the local area to approximately 465 properties. The distribution plan is shown in **Annex G**. In addition to the leaflet distribution, the same information was also made available to view on the council's website and at the council reception at 9 St. Leonard's Place. Brief details were also published in the council's 'Your Voice' magazine,

which was delivered to households across the city together with the quarterly Ward Newsletters in early January 2012. Information was also posted on the Clifton Ward's 'Facebook' page. The deadline for receiving comments on the proposed options was Friday 20th January 2012, although all comments received up to the point of publishing the report have been included for consideration.

Consultation Feedback

9. In total, 178 responses were received from members of the public via e-mails, telephone calls and letters. A breakdown summarising the numbers favouring each option are as follows:
- Support for **Option 1** – 56 (approx. 31% of responses);
 - Support for **Option 2** – 6 (approx. 3% of responses);
 - Alternative suggestions not included as options within the consultation
 - 1) Support to retain existing layout – 106 (approx. 60% of responses);
 - 2) 10 (approx. 6% of responses) – return the junction to its original layout (see **Annex H**).
10. Below, the responses are broken down into the following categories:
- **Those living in Westminster Road and The Avenue** – of the 29 received, only two have a preference to retain the existing junction layout, and most (25) favour **Option 1**.
 - **Local residents living within approximately half a kilometre away from the junction** – of the 48 received, 14 respondents preferred **Option 1**; 3 preferred **Option 2**; and 26 preferred no change to the current junction layout.
 - **Other users of the junction living outside the Clifton area** (being a mixture of motorists, cyclists and pedestrians) – of the 87 received, 17 respondents preferred **Option 1** (of which 15 are motorists and 2 who are both motorists and cyclists); 2 preferred **Option 2**; and 78 preferred no change to the current junction layout (of which there are 50 cyclists, 12 motorists, and 16 who are both motorists and cyclists).

11. The main comments made by members of the public are summarised below, and a more detailed list of their specific comments can be seen in **Annex I**.

12. **Support for *Option 1* –**

- The change in layout would keep the flow of traffic moving.
- This option should be sufficient to reduce the traffic using Westminster Road and The Avenue as a short cut.
- This option is the most appropriate option from the point of view of safety to drivers, pedestrians and cyclists.
- The loss of the last few yards from the pinch-point up to the traffic signals would not be a big disadvantage, given that the inconvenience to a very small number of cyclists would be minute compared with the benefit to a much greater number of motorists.
- Cyclists would not be discouraged as this is the exact scenario in many areas of the city.
- Removal of the cobbles and a hedge trim would provide enhancements to this option.
- No cobbles should be removed anywhere in the city.

13. **Support for *Option 2* –**

- Experience has shown that cyclists are in particular danger just before traffic lights, when many car drivers are impatient to get through the lights and encroach on cyclists' space. Therefore, the introduction of a dedicated cycle lane right up to the traffic lights is required, even though it is the more expensive option.
- This option allows better access for cyclists to the junction, whilst improving traffic flow.

14. **Support for *No Change* –**

- There are safety concerns for all users, including pedestrians, but mainly for cyclists. Potential conflict with motor vehicles (but particularly with larger vehicles) have been identified amongst respondents to be a significant factor against the implementation for either of the proposed options.
- Both options would be a waste of money – In the current economic conditions when vast budget savings are being

identified by the council, implementing the proposed changes against previous Officer advice, and against the feedback received appears difficult to justify, particularly when the proposals are also inconsistent with longstanding council policies.

- Both options would have limited benefit for traffic flow – Motorists are likely to respond to an increase in capacity by filling that capacity, and any perceived gains will disappear over a relatively short time. The only way to improve journey times and reduce congestion is by trying to reduce the amount of motor traffic through current council policies that are aimed at achieving this.
- Both options are against policies to promote cycling – The proposed change to the existing layout can only encourage car use and discourage cycling. Therefore, the proposals are inconsistent with the council's stated objectives in: reducing air pollution by reducing traffic emissions; Sustainable Travel to Schools Strategy; City of York Local Transport Plan; York's "Just 30" physical activity campaign. In addition, the proposals are inconsistent with York's current user hierarchy, which places pedestrians/disabled people and cyclists at the top, and commuting motorists at the bottom.

15. Comments from Ward Members, Other Members and organisations can be seen **Annex J**. In summary, other members, the Cyclists' Touring Club, York Cycle Campaign, North Yorkshire Police, Fire and Rescue Service and the Ambulance service do not generally support either of the reinstatement options.

Road Safety Audit

16. As reported in September 2011, Road Safety Audits have been undertaken on both options, and the key safety concerns are summarised below:

Option 1

- The removal of the existing on-road advisory cycle lane would increase conflict between cyclists and motor vehicles.

- As this option retains the build-out, there would be conflict between cyclists leaving the cycle track ramp and motor vehicles moving into the left turn traffic lane.
- As this option retains the splitter island at the junction, the traffic lanes would be very narrow, which would lead to conflict between vehicles, and between cyclists and vehicles. In addition, the very narrow traffic lanes could lead to increased cyclist usage of the footway, thereby leading to conflicts between cyclists and pedestrians.

Option 2

- There would be conflicts between cyclists and left turning traffic cutting across the central cycle lane.
- Traffic would regularly be queuing across the central cycle lane, resulting in obstruction and potential hazards for cyclists trying to move forward.
- Cyclists in the central lane would be moving between two closely spaced lines of traffic within sub-standard width traffic lanes, which is likely to lead to potential conflicts, especially if larger vehicles are present, given the likelihood of vehicles encroaching into the cycle lane (potentially from both sides). The retention of the splitter island makes the two traffic lanes particularly narrow, thereby exacerbating this problem.
- There will be increased risks to pedestrians from passing traffic due to the limited footway width and close proximity of the left turning traffic without the existing safety buffer provided by the existing strip of cobbles. Again, the retention of the splitter island would make the two traffic lanes particularly narrow, thereby exacerbating this problem.
- Some cyclists, especially those turning left, may choose to ride on the footway in preference to rejoining the carriageway, which would result in potential conflict with pedestrians and a risk from passing traffic due to the limited footway width and close proximity of the left turning traffic (exacerbated by the removal of the existing strip of cobbles).

In summary, the safety auditors conclude that both proposed options would be less safe than the current layout for all users, but especially for cyclists. Although, it should be stressed that the original layout had no accident record in the last three years.

Choices

17. The choices for the Cabinet Member to consider in relation to the reinstatement of a left turn traffic lane, taking into consideration all the feedback from public consultation are summarised below:

Choice 1 – reinstatement of a left turn traffic lane without a continuous cycle feeder lane, as shown in **Annex B (Option 1)**, which could be with or without the sub-option of removing the cobble strip to slightly increase the traffic lane widths;

Choice 2 – reinstatement of a left turn traffic lane with the inclusion of a central cycle feeder lane, as shown in **Annex C (Option 2)**;

Choice 3 – make no change and retain the existing junction layout, as shown in **Annex A**.

Analysis

18. The current layout on the Water End approach to the Clifton Green junction works well for cyclists, and since the scheme was introduced, the number of people cycling along this route has increased significantly. The original brief for the cycling measures identified that cyclists were experiencing difficulties in making their way towards the traffic signals, but particularly in negotiating their way past the pinch-point. The original brief also stipulated that the cycling facilities should be made continuous, without any breaks in provision, given that route continuity is an important factor in encouraging modal shift towards cycling. Therefore, from a sustainable transport viewpoint, the current layout has been successful and is viewed by many cyclists as a much safer means of riding through the junction than before the measures were introduced. In addition, the current cycling facilities now form part of the Orbital Cycle Route around the city, which is designed to provide further opportunities in promoting further cycling activity, and developed as part of the Cycling City initiative.
19. In comparing the two options presented above for reinstating a left turn traffic lane, together with the no change option, several key issues need to be considered and balanced against each other:

- Benefits to traffic flow – Options 1 and 2 are predicted to improve traffic flow to different degrees, and any gains may be short-lived. Therefore, any predicted gains in traffic capacity need to be carefully weighed against the safety concerns identified with either of the proposed layouts.
 - Effects on traffic rat-running traffic – The current volume of traffic is likely to remain at similar levels on Westminster Road and The Avenue, given that any spare capacity is likely to be filled by those coming back to use Water End, having previously relocated to other routes following the introduction of cycling measures.
 - Negatives for cycling – Both options to reinstate a left turn traffic lane will make it much more difficult for cyclists to make progress through the Clifton Green junction in busy or light traffic conditions, and will make the whole cycle route less attractive to use. The longer term affect on congestion levels is also less certain.
 - Road Safety – The Safety Audits identified that both options are less safe than the current layout.
 - Costs – The two reinstatement options vary in cost, but both should be affordable within the available budget allocation.
 - Responses on the two reinstatement options – This indicates a stronger preference for **Option 1**.
 - Overall responses – The majority of those responding to the public consultation favour retaining the existing layout.
 - Lack of Emergency Services support – Apart from the likelihood of affecting their response times, both options are considered to be more dangerous for cyclists.
20. In terms of road safety, the layout on the Water End approach is also considered to be working satisfactorily, since there has only been one relevant injury accident since the scheme was completed in April 2009. This involved a collision between a cyclist and a car just beyond the ASL on the Water Lane approach, and resulted in a slight injury to the cyclist. The safety audit process

has highlighted many potential problems and reaches the conclusion that both options would be less safe overall than the existing layout. However, it should be noted that in the three years prior to the scheme being implemented there were no recorded injury accidents on this arm of the junction, and the doubling of cycling numbers inevitably increases the chances of an accident involving a cyclist occurring.

21. Should the Cabinet Member be minded to pursue the reinstatement of a left turn traffic lane, Officers consider that **Option 1** would present the better compromise solution. This option would still provide cyclists with protection from traffic at the pinch point, whilst providing some benefit to traffic flow through the junction from Water End.
22. The sub-option of possibly removing of the cobbles could not be recommended because of the safety concern over the increased proximity of passing traffic to pedestrians on the narrow footway, which is considered to outweigh any small advantage road users would gain from a 0.25m increase in the traffic lane widths.
23. **Option 2** has the big advantage of maintaining continuity of the cycle route by having an on-road central cycle feeder lane. However, this would come at the expense of some additional safety concerns, plus a slightly smaller traffic capacity gain. In addition, only a very small number of respondents chose this option as their preference.

Council Plan Priorities

24. One of the five themes of the Council Plan is 'To get York Moving' in light of the traffic congestion challenges facing the city. The reinstatement of two traffic lanes would improve the flow of vehicular traffic through the junction. In line with York's Local Transport Plan and the Local Sustainable Transport Fund (LSTF) funded Intelligent Travel York initiative the Council Plan aims to achieve an increase in people travelling by more sustainable modes of transport (i.e. on foot, by bike, bus and rail). Therefore improving pedestrian and cycling networks forms one of the priority actions. The possible reinstatement of the left turn lane offered under both Options 1 and 2 would be a localised amendment to the overall Water End Cycle Scheme. There is a risk that cyclists would find the new layout more intimidating, and some may choose to switch to other forms of travel. The earlier sections of

the report highlight the views of cycling groups and the emergency services, and the safety audit findings. The reinstatement options do have the potential to impact negatively on Council Plan priorities and also raise reputational risks, for example in light of the current national campaign by 'The Times' on cycle safety and cities fit for cycling.

Implications

25. **Financial/Programme** – The Transport Capital Programme for 2011/12 currently includes a provisional budget of £40K for the possible reinstatement of the left-turn lane. Therefore, both Options 1 and 2 should be affordable.
26. **Human Resources** – None.
27. **Equalities** – Pedestrian safety may be affected on that part of the footway on Water End, directly opposite The Green, if the existing layout were to be amended.
28. **Legal** – The council would need to go through legal proceedings if any alterations to Clifton Green (a registered Village Green) were proposed, or if any compulsory purchase of land adjacent to Clifton Green were pursued.
29. **Crime and Disorder** – Any cyclists that resort to riding on the footway as a result of the existing layout being amended would be committing an offence.
30. **Information Technology** – None.
31. **Property** – None.

Risk Management

Risk Category	Impact	Likelihood	Score
Organisation/Reputation	Medium (3)	Probable (4)	3x4=12
Physical	High (4)	Possible (3)	4X3=12

32. In compliance with the Council's risk management strategy, the main risks in reinstating the left-hand lane that have been identified in this report are:

- The potential damage to the Council's image and reputation if scheme proposals are not brought forward, especially in view of previous press coverage concerning traffic congestion on Water End and rat-running traffic using Westminster Road / The Avenue. Conversely, many people may also be unhappy if the current scheme is altered.
- The physical risk of increased casualties linked to the proposed road layout changes.

33. Measured in terms of impact and likelihood, the risk scores have been assessed at less than 16, which means that at this point the risks need only to be monitored, as they do not provide a real threat to the achievement of the objectives of this report.

Recommendation

34. Of the two reinstatement options consulted on, the public consultation shows a clear preference for option 1 and the cabinet member is recommended to consider whether this option should be followed when balanced against other consultation responses and the safety audit findings detailed in this report.

Reason: To address the issue around traffic congestion caused by the external layout at the Water End facility.

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Cabinet Member Responsible for the report

Cllr Dave Merrett
Cabinet Member for City Strategy

**Report
Approved**



Date 3/4/12

Specialist Implications Officer(s)

There are no specialist officer implications.

Wards Affected: Clifton

All

For further information please contact the authors of the report.

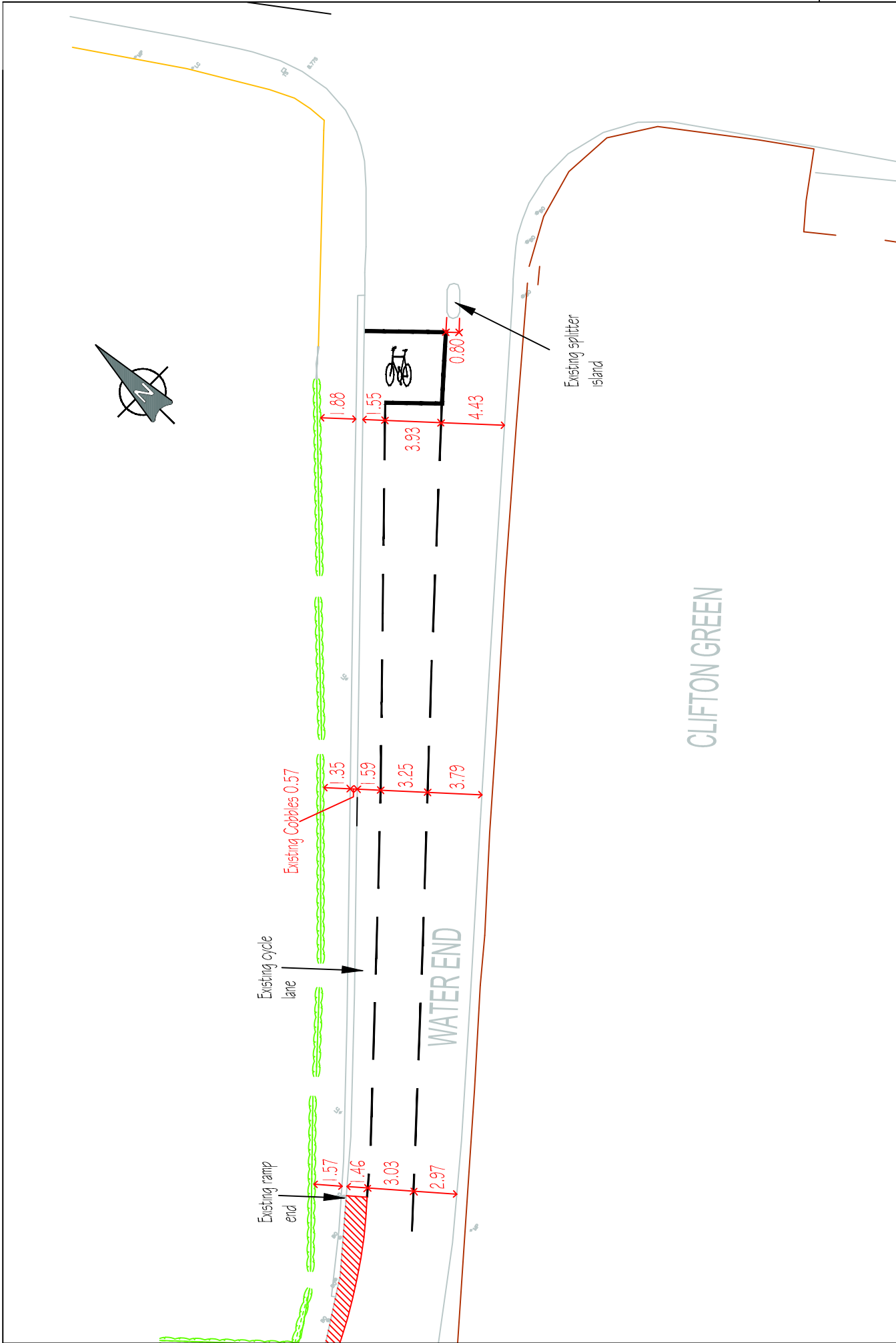
Background Papers:



- “Called-In Item: Water End/Clifton Green Review – Reinstatement of Left-turn Traffic Lane and Chicane Trial”, a report to the meeting of the council’s Executive (Calling-In) on 21 December 2010.
- “Water End/Clifton Green Review – Reinstatement of Left-turn Traffic Lane and Chicane Trial”, a report to the Decision Session – Executive Member for City Strategy on 7th December 2010.
- “Cover Report – Water End Councillor Call for Action”, a report to the meeting of the council’s Executive on 6 July 2010.
- “Cover Report – Water End Final Report”, a report to the Economic & City Development Overview & Scrutiny Committee on 17 May 2010.
- “Water End – Proposed Improvements for Cyclists”, a report to the Executive Members for City Strategy and Advisory Panel on 20 October 2008.

Annexes:

- Annex A Plan showing “Clifton Green Junction, Water End – Current Layout (Post Implementation of Cycle Scheme in 2009)”.
- Annex B Option 1 Plan showing “Clifton Green Junction, Water End – Reinstatement of Left Turn Lane Without a Cycle Lane.
- Annex C Option 2 Plan showing “Clifton Green Junction, Water End – Reinstatement of Left Turn Lane With a Central Cycle Feeder Lane.
- Annex D Option 1 – Description.
- Annex E Option 2 – Description.
- Annex F Consultation Leaflet Text.

- Annex G Consultation Distribution Area Plan.
- Annex H Original Junction Layout (Prior to the Introduction of Cycling infrastructure in 2009).
- Annex I Summary of Public Comments.
- Annex J Summary of Comments from Members and Organisations.



 	Drawn Checked SCALE DATE	H. Reade M. Durkin NTS August 2011	REV	AMENDMENTS	DATE	Clifton Green Junction, Water End As Existing (Post cycle scheme)	TS/CYC/04093226/B
	<p>THIS DRAWING IS AN EXTRACT FROM THE PROJECT'S DESIGN AND CONSTRUCTION DOCUMENTS. IT IS THE PROPERTY OF YORK CITY COUNCIL AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF YORK CITY COUNCIL. DRAWING NO. 1000 00001</p>						

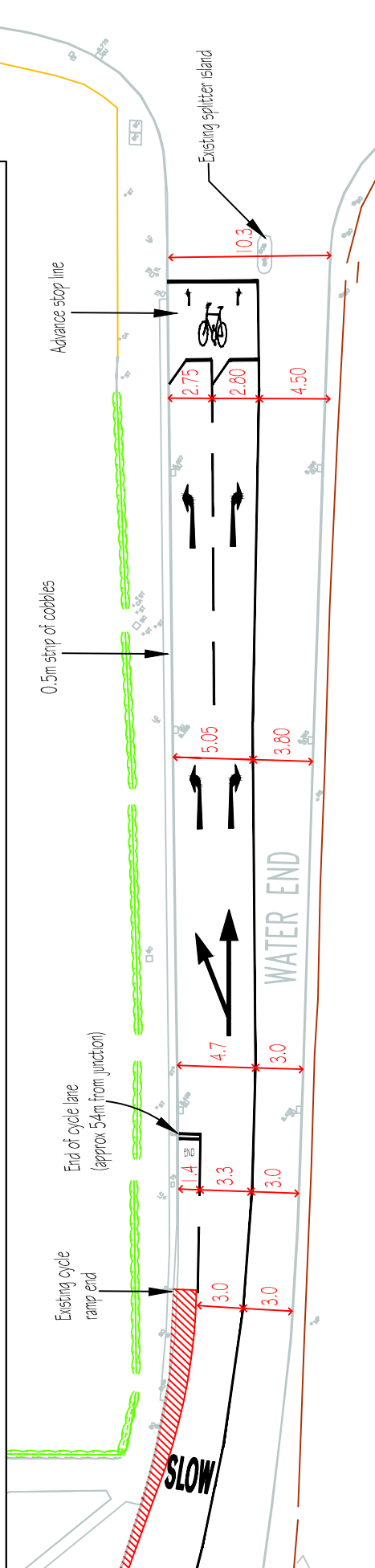
OPTION 1

NOTES

This option restores the original traffic lane layout at the junction, but also retains the cycle track build-out, which addresses the problems cyclists used to face at the pinch-point and ensures a safe exit off the raised cycle track onto the carriageway. The proposal includes a short length of advisory cycle lane beyond the end of the cycle track ramp to give cyclists a degree of protection as they rejoin the carriageway (for at least ten metres beyond the cycle track ramp). It also retains the existing splitter island to protect cyclists from turning traffic and help pedestrians to cross the road. The plan shows the lane widths that are achievable, although it should be noted that both the left-turn and right-turn lanes approaching the junction would be sub-standard, which would create queues of tightly packed traffic and specific difficulties in accommodating larger vehicles that would be likely to encroach into other traffic lanes.

The main advantage of this proposal is that the traffic capacity of the junction would be increased. Between 3 and 4 vehicles would be able to make use of the filter each change of the lights with an additional 2 during the full green. This option restores approximately 55% of the capacity of the original left-turn filter lane.

The estimated cost of this scheme is around £12,000.



Possible scheme enhancements:

The plan above shows the best arrangement of lane widths that could be achieved without removing the cobbles at the edge of the footway. The usable space could be increased by removing the cobbles (gaining approximately half a metre) and cutting back the hedge boundary (potentially gaining around a further half metre in width). This would enable the carriageway to be widened slightly.

The main advantage of this is that slightly wider traffic lanes could be provided, which would properly accommodate wider vehicles and reduce the potential conflicts between cyclists and other traffic. However, the main drawbacks are that:

- Traffic in the left-turn lane would be placed very close to pedestrians on a narrow footway.
- If the hedge is trimmed back, any future growth would encroach into the footway, resulting in even less space available for pedestrians.
- If trimmed back too severely, there is a risk that the hedge could die, and would need replacing.
- This would also increase the cost of the scheme to around £30,000.

- PROS
1. Reinstatement of a left-turn traffic lane
 2. Traffic capacity of the junction would be increased
 3. Retention of existing cycle ramp at pinch point
 4. Retention of splitter island at junction mouth for pedestrian safety
 5. Relatively cheap and easy to implement

- CONS
1. Removal of the cycle lane on the approach to the junction
 2. Traffic lanes will be very narrow
 3. Increased potential for conflict between cyclists and traffic
 4. Some cyclists may be discouraged from using this route

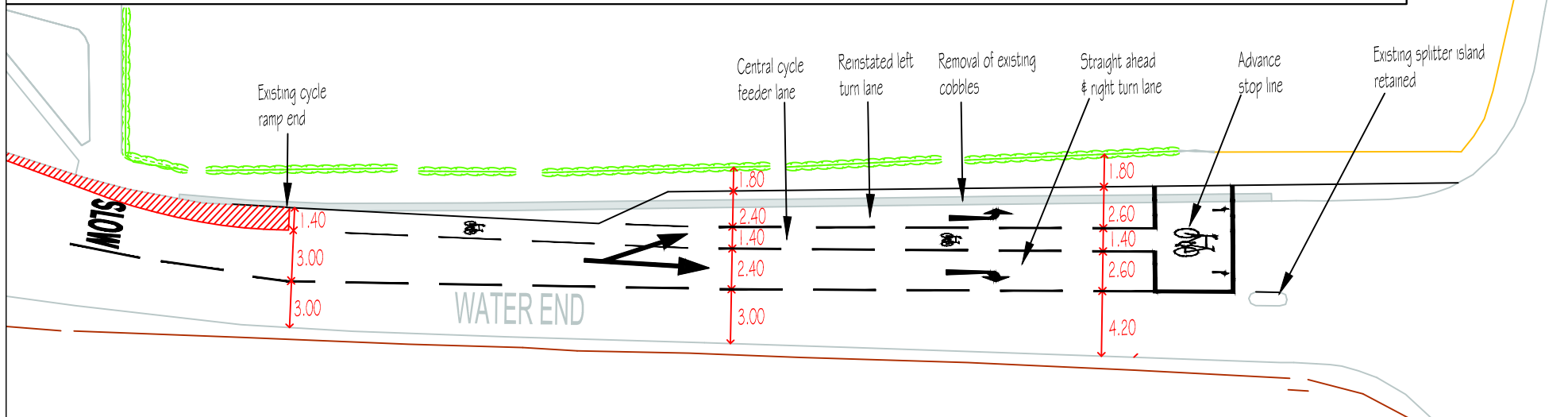
NOTES

This option also restores a short left-turn lane, but additionally provides a central cycle 'feeder' lane placed between separate left and right-turn traffic lanes. This is achieved by removing the existing strip of cobbles running alongside the footway, plus severely trimming back the boundary hedge to the adjacent properties. It also retains the existing splitter island to protect cyclists from turning traffic and help pedestrians to cross the road. The main advantage of this option is that a continuous facility would be retained for cyclists all the way from the cycle track to the Advance Stop Line (ASL).

Calculations show that the short left-turn lane would improve the traffic flow capacity of the junction, and would be especially advantageous in the morning peak period when there is a higher proportion of drivers making the left turn. On average, 2 vehicles would be able to make use of the filter lane, and a further 2 vehicles during the full green. This would restore approximately 40% of the capacity of the original filter lane.

The estimated cost of this scheme is around £35,000.

OPTION 2



- PROs**
1. Reinstatement of a left-turn traffic lane
 2. The inclusion of a continuous cycle feeder lane
 3. Retention of the existing cycle ramp at pinch point
 4. Retention of splitter island at junction mouth for pedestrian safety
 5. Traffic capacity of the junction would be increased (but not as much as Option 1)

- CONS**
1. Potential for conflict with traffic at the point where vehicles will have to cut across the cycle lane to enter the left-turn filter lane
 2. Traffic lane widths will be narrow, which could result in the cycle feeder lane being encroached into by traffic, particularly larger vehicles
 3. Potential for left turning traffic to block the cycle lane
 4. Relatively expensive to implement
 5. Traffic in left-turn lane would be placed very close to pedestrians on a narrow footway
 6. If the hedge is trimmed back, any future growth would encroach into the footway, resulting in even less space available for pedestrians
 7. If trimmed back too severely, there is a risk that the hedge could die, and would need replacing

Option 1: Reinstating a Left Turn Lane without a Cycle Lane

1. **General Description:** This option (see **Annex B**) restores the original traffic lane layout, but also retains the cycle track build-out, which addresses the problems cyclists used to face at the pinch-point. The proposal includes a short length of advisory cycle lane beyond the end of the cycle track ramp to give cyclists a degree of protection as they rejoin the carriageway (for at least ten metres beyond the cycle track ramp). **Annex B** also shows the lane widths that are achievable, although both the left turn and right turn lanes approaching the junction would be sub-standard, which would create queues of tightly packed traffic and specific difficulties in accommodating larger vehicles that would be likely to encroach into other traffic lanes.
2. In the original layout, before the changes were implemented, that the left turn lane was only marked out on the carriageway surface for a distance of approximately 22 metres from the advance stop line, although traffic was sometimes able to queue in two lanes as far back as the pinch-point and perhaps on occasion slightly beyond. However, although the road markings would replicate the original layout, this option would also result in a shorter distance being available for left turners than was available previously (given the presence of the cycle track build-out), but as discussed below, would still produce reasonable benefits for traffic flow.
3. **Advantages:**
 - The main advantage of this proposal is that the traffic capacity of the junction would be increased. Between 3 and 4 vehicles would be able to make use of the filter each change of the lights with an additional 2 during the full green. This option restores approximately 55% of the capacity of the left turn filter lane. It would take on average 7 minutes to clear the lights from a vehicle joining the back of the queue on Clifton Bridge, and 5.4 minutes from Westminster Road.
 - This layout would still enable cyclists to get reasonably close to the junction via the off-road facilities, and would be protected from traffic at the pinch-point, which was a particular problem for cyclists in the original layout (shown in **Annex A**).
 - Because there would be no work required to remove the cycle track build-out, the risk of any damage to the existing water main (which was fractured during the construction of the current scheme and resulted in significant local flooding) would be significantly reduced.
 - The short central cycle feeder lane in the original layout served very little practical purpose, as mentioned in paragraph 3 above, and could therefore be omitted. This would allow the traffic lanes to be widened slightly, closer to the junction.

- Retaining the splitter island would provide a benefit to pedestrians crossing the Water End junction mouth for accessing Clifton Green (where there is a gap in the boundary fencing). The splitter island also provides protection for cyclists waiting in the ASL box from vehicles turning right into Water End from Shipton Road.

4. ***Disadvantages:***

After rejoining the carriageway, cyclists would face difficulties and safety issues in moving forward from the build-out to access the ASL. These difficulties would vary depending upon the status of the signals ahead, as discussed below:

- **Whilst the signals are at full red**, traffic queues will be building up or will have already built up. Under these circumstances, cyclists could be blocked by traffic queuing in the left turn lane, or face danger from vehicles moving across their path to reach the left turn lane. In addition, if two traffic lanes have formed beyond any rejoining cyclists, then reaching the ASL would be difficult, either on the nearside of vehicles in the left turn lane, or through the middle of the two lanes of queuing traffic.
- **When the left turn filter is on** cyclists would be able to follow any clearing vehicles in the left turn lane, and either turn left with the traffic, or enter the ASL before the right turn lane gets a green signal. However, the left turn filter signal would only be on for approximately 15 seconds before the full green signal for Water End, which means that any benefits under this circumstance are infrequent and short lived.
- **When there is a full green signal** traffic will be flowing in the right turn lane with some traffic peeling off to enter the left turn lane. During this phase, cyclists rejoining the carriageway would need to avoid any vehicles that may want to turn across them to access the left turn lane, with the potential for dangerous vehicle conflicts. The majority of cyclists would also be attempting to seek a suitable gap in the traffic flow to move across into the right turn lane. This situation is considered to be the most difficult and hazardous for cyclists.
- The limited length of the left turn lane means that the entry to the lane is quite quickly blocked, so that the utilisation of the filter arrow is quite low at only 3 or 4 vehicles for each change of the lights. When the left filter comes on, these vehicles will clear in around 6 to 8 seconds, but there will be other drivers in the main traffic queue wanting to turn left who will see the left filter signal showing, but will be unable to progress forward to use it. This is likely to lead to some frustration and negative reaction to the layout. The Water End approach still has significantly less capacity than pre-scheme. It would require an additional 10 to 15 seconds of extra green time to restore this. Whilst indications are that some of this green is available in off-peak periods, it is not available during the peaks without causing severe adverse effect on other legs of the junction.

5. **Estimated Costs:** The costs involved in making the amendments to provide this layout would be relatively low, probably somewhere in the region of £10 to £12k. This includes all of the road marking changes and alterations required to amend the traffic signal equipment, but mainly to plane out the existing advisory cycle lane and reinstate a patch to restore the carriageway surface. Also, because no changes would be required in relation to the cycle track build-out, the risk of damaging the water main would be reduced.

6. The notes associated with the plan in **Annex B** also highlight possible enhancements that could be made to this layout, which would gain a small amount of extra carriageway width. By removing the cobbles and trimming back the hedge, an additional metre could be distributed between the two traffic lanes. This would provide wider traffic lanes that could accommodate larger vehicles more comfortably, and reduce the potential for conflicts between cyclists and other traffic. However, there would also be some drawbacks associated with these enhancements, which are listed below:
 - Traffic in the left turn lane would be positioned much closer to pedestrians on a narrow footway (the cobbles currently provide a buffer strip between pedestrians and cyclists using the cycle lane);
 - Future hedge growth would encroach into the footway area, resulting in even less width for pedestrians;
 - If trimmed back too severely, there is a risk that the hedge could die and would need replacing.
 - The aforementioned enhancements would increase the cost of the scheme to around £30,000.

Annex E

Option 2: Reinstating a Left Turn Lane with a Central Cycle Feeder Lane (to include road widening by removing cobbles)

1. **General Description:** This layout (see **Annex C**) is based on removing the existing strip of cobbles running alongside the footway, plus severely trimming back the boundary hedge to the adjacent properties, to create additional road space for a central cycle 'feeder' lane to be accommodated between separate left and right turn traffic lanes. It also retains the existing splitter island.
2. **Advantages:**
 - A continuous facility would be retained for cyclists all the way from the cycle track to the ASL.
 - Calculations show that the short left turn lane would improve the traffic flow capacity of the junction, and would be especially advantageous in the morning peak period when there is a higher proportion of drivers making the left turn. On average, 2 vehicles would be able to make use of the filter lane, and a further 2 vehicles during the full green. This would restore approximately 40% of the capacity of the original filter lane.
 - Retaining the cycle track build-out would protect cyclists from traffic at the pinch-point, which was a particular problem for cyclists in the original layout (shown in **Annex A**).
 - Because there would be no work required to remove the cycle track build-out, the risk of any damage to the existing water main (which was fractured during the construction of the current scheme and resulted in significant local flooding) would be significantly reduced.
 - Retaining the splitter island would provide a benefit to pedestrians crossing the Water End junction mouth for accessing Clifton Green (where there is a gap in the boundary fencing). The splitter island also provides protection for cyclists waiting in the ASL box from vehicles turning right into Water End from Shipton Road.
3. **Disadvantages:**
 - Both the left turn and right turn traffic lanes approaching the junction would be very sub-standard in width, and therefore cyclists are still likely to experience significant difficulties reaching the ASL, despite the provision of a continuous central cycle feeder lane. The main risk to cyclists is the potential for conflict with motor vehicles at the point where vehicles will have to cut across the cycle lane to enter the left turn filter lane. In addition, because of the narrow traffic lanes, there will be occasions when vehicles queuing or moving directly adjacent to the cycle lane may need to

encroach into the cycle lane, thereby creating further potential conflict with cyclists.

- The short length of the left turn lane means that entry would quickly become blocked by vehicles queuing back in the main traffic lane. When the left filter signal comes on, the vehicles in the left turn lane (two on average) will clear in around 6 to 8 seconds, but there will be other drivers in the main traffic queue wanting to turn left who will see the left filter signal showing, but will be unable to progress forward to use it. This is likely to lead to some frustration and negative reaction to the layout.
 - Although this layout would restore around 40% of the capacity of the original left turn traffic lane, it would require an additional 10 to 15 seconds of extra full green time to be allocated to the Water End approach to fully restore the lost capacity. Whilst indications are that some spare green time is available in off-peak periods, it is not available during the peaks without causing severe adverse effect on other legs of the junction.
4. **Estimated Costs:** This option would involve removing the cobbles to create additional carriageway width, which would not only involve the provision of a full carriageway construction in the area concerned, but would also require an area of carriageway re-profiling to smooth out the road camber. A new kerb alignment associated with these changes would also be required. In total, the implementation costs are estimated to be approximately £30k to £35k.



Options for Reinstating a Left-turn Traffic Lane at Water End/Clifton Green



The existing approach from Water End to the Clifton Green junction.

This leaflet gives details on the final two options for reinstating the left-turn traffic lane at the junction, which were chosen from several considered at the Decision Session meeting in September. The layouts are shown on the plans in the middle pages of this leaflet, together with descriptions and a summary of the pros and cons for each one.

We would like to receive comments on the options no later than Friday 20th January 2012. Please see the contact details on the back page.

A decision about these options should be made in early March 2012.

Contact Details

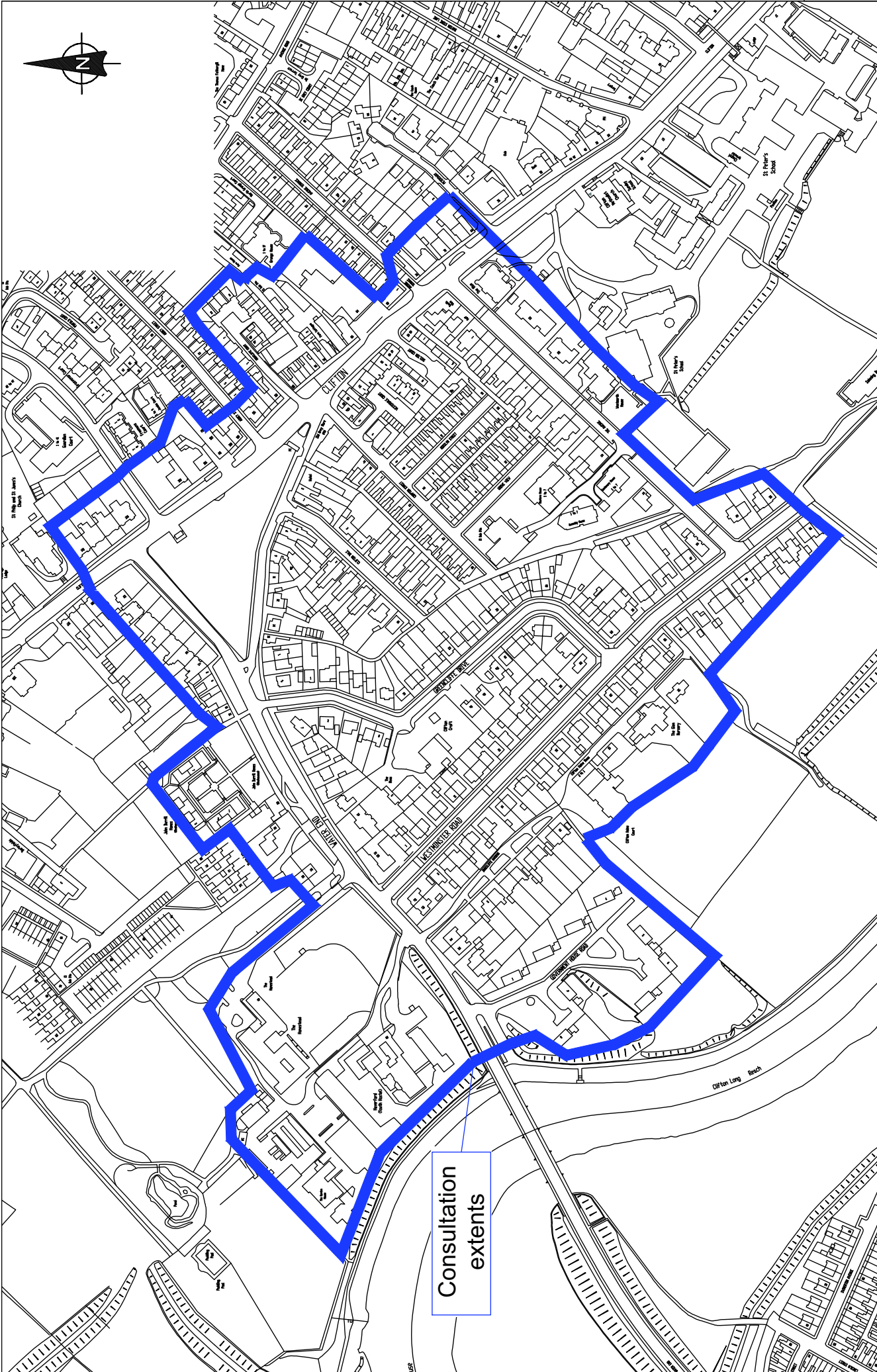
To comment on the proposed options outlined in this leaflet, please contact Jonathan Pickles, Engineer (Transport Projects) either by: a letter sent to 9 St. Leonard's Place, York YO1 7ET; by e-mail to jonathan.pickles@york.gov.uk; or call him on 01904 553462.

Additional Information

The information contained within this leaflet is also available to view on the council's website (the details can be found at www.york.gov.uk/cliftongreenjunction) under the Transport Schemes section. If you require any further information, please contact Jon Pickles (see contact details above).

Westminster Road / The Avenue

It is expected that the restoration of a left-turn traffic lane at Clifton Green will result in fewer motorists using Westminster Road and The Avenue as a through route to avoid delays at the junction. However, the council is also committed to carrying out an investigation into the possibility of introducing a road closure to address this problem, and this will be reported to the Clifton Ward Committee in due course.

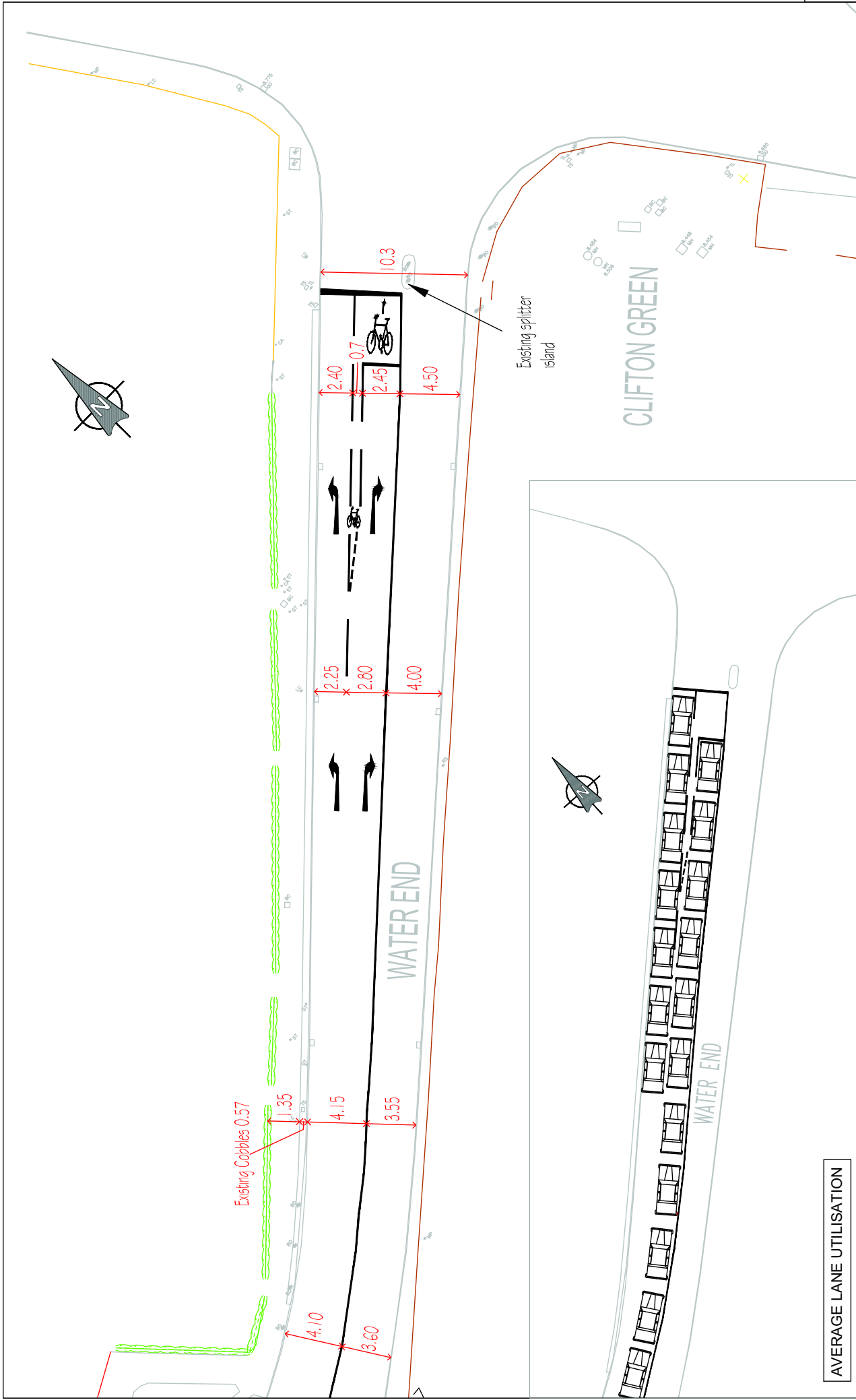


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Water End / Clifton – Left Turn Re-instatement
Consultation Distribution Area

INITIAL	REV	AMENDMENT	DATE
BP			
JP			

SCALE Not to Scale
DATE 21/09/2010



AVERAGE LANE UTILISATION

Clifton Green Junction, Water End
Original Layout (Pre Cycle Scheme)

MADE SHOW THE DRAINAGE SERVICE ENGINEER THE OFFICE OF THE COUNCIL AND THE OFFICE OF THE CHIEF EXECUTIVE OFFICER OF THE METROPOLITAN POLICE IN ACCORDANCE WITH SECTION 107(1) OF THE ROAD TRAFFIC ACT 1988.

TS/CYC/0409326/A

Drawn	M. Reade	REV	AMENDMENTS	DATE
Checked	M. Durkin			
SCALE	NTS			
DATE	August 2011			



Support for *Option 1* –

- The change in layout would keep the flow of traffic moving.
- This option should be sufficient to reduce the traffic using Westminster Road and The Avenue as a short cut.
- This option is the most appropriate option from the point of view of safety to drivers, pedestrians and cyclists.
- The loss of the last few yards from the pinch-point up to the traffic signals would not be a big disadvantage, given that the inconvenience to a very small number of cyclists would be minute compared with the benefit to a much greater number of motorists – cyclists coming off the cycle ramp will simply merge and take their turn with vehicles as they used to do before.
- Cyclists would not be discouraged as this is the exact scenario in many areas of the city - it would be ideal to have separate cycle paths, however it is not possible in some areas. A good example is Lendal Bridge. Also, along Bootham where the cycle lane is intermittent for car parking, cyclists are not deterred. Also, a cycle lane with moving traffic on either side (as in ***Option 2***) is much less safe than allowing the cyclist to be in control of making the decision whether to stop and wait for traffic to move, or get off their cycle and walk along the road edge.
- Removal of the cobbles and a hedge trim would provide enhancements to this option.
- No cobbles should be removed anywhere in the city.
- Could further adjustments also be made to the phasing of the lights to let a few more cars through the junction from this direction? I appreciate that this would be at the expense of flow from the other directions (but the other roads into this junction never seem as bad).

Support for *Option 2* –

- Experience has shown that cyclists are in particular danger just before traffic lights, when many car drivers are impatient to get through the lights and encroach on cyclists' space. Therefore, the introduction of a dedicated cycle lane right up to the traffic lights is required, even though it is the more expensive option.
- This option allows better access for cyclists to the junction, whilst improving traffic flow.

Support for no change –

- Neither proposal retains the current safe cycle access on approach to and through this busy junction. Both options show a disregard for the safety of cyclists and would wreck the whole of the Water End cycling scheme, and in Option 2 the amenity and safety of pedestrians. It made a huge difference when the layout was altered to the benefit of cyclists and I felt much safer using the junction. The proposal to design sub-standard width traffic lanes is a recipe for serious injury or worse for cyclists when coupled with the largely aggressive and impatient driving shown by a great number of motorists at

this junction. So, I'm surprised that sub-standard solutions are being considered, given York's claim to be a 'Cycling City'.

- The Council's own traffic calculations show only a minimal improvement in vehicular flow through any amended junction and I would suggest that this is not a persuasive enough argument when balanced against the increasing hazard faced by cyclists across the city. The present layout safely allows everyone to use this junction, whether on foot, cycling or in a car. Both proposals now under consideration are biased in favour of the overly considered car lobby and neither should be implemented.
- Both options would increase deterrence to cycling and add to the congestion, which leaves me wondering what exactly the policy is in York, given that the proposed options are inconsistent with the aims of LTP3 and York's current user hierarchy. The current arrangements are beneficial to those who cycle and provide an example to those who don't. As part of the Council's sustainability agenda and its drive to reduce congestion and air pollution it makes sense to penalise those who drive and visibly reward those who choose to travel by alternative means.
- Traffic used to be backed up before the cycle lane was introduced and will continue to be so if the cycle lane is removed. Squeezing in another lane of traffic merely to make the motoring lobby shout a bit less will not solve the traffic issues at this junction. This would only add 5 or 6 cars into a left-turn lane before access to the lane is blocked off by all the vehicles wishing to go straight ahead or turn right.
- Motorists will respond to an increase in capacity by filling that capacity and the perceived gain will be eliminated in a fairly short period of time. Thus, any gain will be very short lived and the only way of actually improving journey times is by reducing the amount of motor traffic. The motivation behind making the proposed changes is purely political, and merely seeks to placate a vociferous lobby of motorists who refuse to accept the reality that they themselves cause the congestion through their own choice to take a vehicle onto the finite amount of space available on the roads.
- The council proposes to remove provision for cyclists at the very point where it is most needed to ensure their safety. Cyclists are to be dumped into the traffic flow at the point where it splits into two lanes, which is exactly where they will be in the most danger.
- I am concerned about narrow traffic lanes causing larger vehicles to take wider turns or squashing cyclists on the inside who have not been able to get across, or get to the front easily. Larger vehicles can also mount the curb when turning left, thus making pedestrians vulnerable. 26 cyclists have been killed in London this year alone through large vehicles turning left across cyclists moving straight ahead. Surely the prevention of accidents for pedestrians and cyclists is more important than people being late for things - maybe they should leave earlier, or use a different route!
- Whatever is decided I would like to propose the additional feature of a "Keep Clear" box to allow traffic from Clifton Dale/Green to turn right safely into Water End. This would be particularly important if two lanes were reinstalled.
- As a cyclist I would not be prepared to negotiate the junction as proposed in either scheme, nor would I allow my children to. We find it quite remarkable that the Council is even considering reinstating the left hand lane at this

cost for such little added benefit whilst openly admitting that the proposed changes adversely affect safety.

- As a frequent user of the Clifton Green Junction in rush hour, I firmly believe that the council is in danger of wasting more money in trying to solve an insoluble problem. A high proportion of the traffic that is blocking back in mornings originates from the A59, trying to enter the city via Bootham by cutting down Boroughbridge Road and along Water End and this traffic would enter the city much more smoothly if it were possible for traffic to join the A19 via the A1237 and the Rawcliffe Bar intersection. Until York Council bites the bullet and funds the dualling of the A1237 and puts in proper grade separated junctions at Rawcliffe and at Poppleton anything else will be fruitless tinkering.
- Traffic planning needs to be about more than simply tackling congested spots in a sequential unplanned manner as if it were a game of '*whack-a-mole*'. The Council's efforts to reduce car use and promote alternative transport with soft measures such as bus and cycling promotion, travel plans and speed limits, need to be backed up with reallocation of road space to other users. Without this, induced traffic will take the place of any trips removed from the road. There is abundant evidence for this. One paper, "Smarter Choices: Assessing the Potential to Achieve Traffic Reduction Using 'Soft Measures'" (Cairns et al 2008) surveys over 250 instances of the use of soft measures, concluding that such measures could play a very significant role in reducing traffic, but it is critical to 'lock-in' the benefits of such measures with policies to control induced traffic" such as "including prices, service improvements, traffic control and management and infrastructure changes". Reallocation of road space away from car users is the most cost-effective method of doing this. So if you will not take any difficult decisions to "lock-in" the benefits of the soft measures, you may as well not bother doing them. Added to this is the fact that compared to the proposed options, the current layout is safer for cyclists.
- The introduction of the cycle lane taking cycles all the way up to the traffic lights at Clifton Green has brought a significant benefit. This junction was certainly the most difficult one for me to negotiate on my journey to Heworth from Clifton. I admired the progressive policy of the City of York in making the radical change of introducing the lane. It was a nightmare trying to get through the traffic before the cycle lane was introduced. The cycle lane has been greatly appreciated by those of us trying to pursue a greener form of travel through cycling to work. I find it disappointing that at these times of austerity, and given the policies on encouraging cycling by both local and central government, the City of York Council is prepared to consider investing officer time and other resources to making changes of this kind for the benefit of 2 or possibly up to 5 cars each change of lights. This is not the time to make any change.
- The council should only change the layout of lanes if such change is calculated to result in fewer casualties and fatalities than the present arrangements. To reinstate a left hand turn lane is not worth doing if it costs lives.
- I do not want the council to spend tax payers' money making changes that could conceivably make the junction even less safe and more intimidating for cyclists or impact negatively on pedestrians. Any alterations to road infrastructure have got to demonstrably improve the journey for, and the

safety of, cyclists and pedestrians. Neither of the two options proposed meet those criteria, and therefore neither should be introduced.

- The queues are sometimes caused by the signal timings, when only a few vehicles are allowed through, causing driver frustration and unnecessary delay. Alter the signal timings and save a lot of unnecessary expenditure.
- It is unacceptable for the Council to spend tax payers' money to knowingly make a junction more dangerous. What would the position of the Council and Councillors be regarding civil and/or criminal liability should a cyclist subsequently be killed or injured? It is astonishing that just a short time after the cycle lane was introduced, money is going to be spent to remove it. This is a pathetic indictment of the short-termism and waste inherent in our political system.
- This change can only encourage car use and discourage cycling and thus runs counter to the council's stated objectives in: Reduce air pollution by reducing traffic emissions; Sustainable Travel to Schools Strategy; CO2 emission reduction; City of York Local Transport Plan; York's "Just 30" physical activity campaign.
- The proposed alterations would lead to a second rate cycling facility. Many cycle routes in York are simply tokenism, because they are either there for a very short distance, or are so narrow as to be meaningless. This junction is currently excellent for cyclists. To spend money to keep irate car drivers happy, when we are faced with increased congestion levels if we continue with our current car use, seems pointless.
- The Council needs to honour and implement its own policies. These policies seek to promote sustainable transport, specifically pedestrian movement, cycling and travel by public transport, reduce air pollution and promote enhancements to the quality of the environment. Increasing capacity for motor vehicles at this location will facilitate greater car use, particularly in the peak periods when the dominant purpose is commuting. Furthermore, where there are conflicts of interest due to limited road space, as at this location, we believe the Council should then prioritise on the basis of its own hierarchy of users, which seek to safeguard facilities for the disabled, pedestrians and cyclists above all others. It seems to us that both options fail to meet the Council's own policies and criteria.
- It was unfortunate that the introduction of the single traffic lane with a dedicated cycle path at Water End was followed by significant re-working of the roundabout on the northern ring-road and the intersection of the A19; I suspect this displaced much of the traffic stuck on the outer ring-road onto Water End during most of 2011.
- You can't fit a quart into a pint pot. The road is too narrow to have the extra left-turning lane. When this did exist, there was still always congestion at this point because one large vehicle would block both lanes. Neither of the proposed options will solve the problem of congestion on this route, and therefore motorists will still use Westminster Road and The Avenue as a means of avoiding congestion.
- Neither of the options proposed are really safe for cyclists and seem potentially hazardous for car drivers too. I do remember the junction how it used to be, and felt that it didn't work well at all with two car sized lanes scraping past each other. I do however, think that the current configuration works very well, and I think people must accept that at peak times in an old

city that congestion at junctions is a natural occurrence. It makes very little difference to my car journeys but an enormous one to my cycling journeys.

- As a motorist and cyclist with Special Needs and in this respect a member of the York Access Group, I cannot speak highly enough of the improvements in safe passage that I am enjoying as I make my way to and from the City Centre from Acomb where my wife and I live.
- Surely we don't want the council being investigated by the police for making a junction more dangerous, should any incidents occur following any changes. Tackling congestion should not be prioritised over the safety of cyclists.
- If either proposal were introduced, then the council's cycling campaign will become an utter farce - I may as well buy myself a car. The facts are that many cyclists are knocked down in York each year and any plans which increase this risk to cyclists is frankly disgusting.
- Cyclists have a lovely run up to the lane along Water End coming over Clifton Bridge, so why propose to remove it when they get to the most dangerous part of the road?
- The amount of vehicle traffic likely to use the 'extra' lane is going to be very small as 'clearly' only cars at the head of any queue can gain access to it. The council needs to give a clear signal that they are serious about supporting modal shift or it will not occur, as the current situation sends a message to every driver that they only have to moan and it appears that the council will just take a 'political' decision to back-track.
- I cannot see that restoring the original layout will provide sufficient improvement to warrant the decreased safety of the junction or the damage to York's reputation as a cycle friendly city, and could impact future investment in similar schemes.
- Radical measures are required to encourage more people to walk and cycle. A large amount of work and investment has already been made in efforts to encourage cycling and walking, but both proposals to reinstate a left turn traffic lane go against this, by spending more money on destroying what is considered to be an essential part of the cycle network at a location where it is most needed.
- I previously commended the council for the new cycling infrastructure on Water End. When driving, there are rarely significant congestion problems. By bike, the journey is safer and quicker, and the route connects with other safe off-road routes. I am appalled to learn that there are now proposals to remove the final section of the cycle route – both proposals will cause real danger to cyclists. I would be surprised if they have been drawn up by people with experience of using cycle routes. I strongly urge the council to avoid expensive alterations, which will result in greater danger, especially at this time of financial austerity.

Those with alternative suggestions –

- Put the layout back to its original state, i.e. before the cycling measures were introduced;
- Use part of the Village Green to create the sufficient space required;
- Point closure for Westminster Road and The Avenue is the only way to prevent 'rat-running' traffic cutting through;
- Get rid of the Village Green altogether and turn the whole of the Clifton Green area into a huge one way gyratory.

Ward Member Comments

- Cllr Douglas prefers **Option 2**, because it affords lane protection for cyclists and is also a similar format to that which is used in several other places in the city. This in turn means that regular road users will know how to negotiate the junction.
- Cllr Scott – no comment.
- Cllr King – no comment.

Other Member Comments

- Cllr Hyman would like to see the existing layout retained for safety reasons, as highlighted by the Emergency Services responses, and the Road Safety Audit process.
- Cllr D'Agorne would also like to see no changes to the existing layout. He also comments that in taking the question of safety in highway design very seriously it makes no sense to deliberately exclude the safer status quo as an option, unsupported by any empirical evidence that this should be excluded as an option. Cllr D'Agorne is also concerned about removing a facility provided as part of the Cycle City funding.
- Cllr Taylor thinks that the existing layout is now quite reasonable and is safer for cyclists, neither option improves upon this, and changing things would be a waste of public money.

Comments from Organisations

- **Cyclists' Touring Club (CTC) – Richard Twigg:** “Firstly it is important to point out that the CTC, who have over 600 members in the York area, are extremely keen to continue supporting York City Council's objective of being ‘one of the country's premier cycling cities’ and appreciate the work that has gone into the development of the proposals to date. However we feel that the options you have put before us regarding Water End junction run the risk of:
 - (a) knowingly jeopardising the safety of cyclists and pedestrians;

(b) providing options which do not solve the extant problems in this area nor provide long term improvements for all; and

(c) wasting a significant slice of the £3.68m Cycling City budget by ripping out the improvements paid for out of that budget.

Therefore **we cannot support either option** because they will:

1. Be extremely dangerous for cyclists exiting the cycle lane onto the road directly at a point where left-turning traffic will cut across them;
2. Bring vehicles in close proximity to pedestrians;
3. Allow large vehicles to block "sub-standard" lanes negating any benefits;
4. Not address the issue of motorists using Westminster Rd. as a rat-run (closing Westminster Rd. in the future will only exacerbate things); and
5. Not significantly reduce the waiting times for traffic at Water End.

We also feel that the case for the "do-nothing" option is a very strong one for reasons of safety risk, reputational risk and conflict with local policy objectives. Cyclists are a very vulnerable group of road-users and if the proposed changes are made to this junction it will increase the likelihood of a serious road accident and so it will deter them from using this route which means they will return to their cars. There are a number of families and children who regularly need to negotiate this junction to access Homestead Park, the River Ouse, the Sustrans route, local schools and sports clubs etc... Therefore it seems that the Councillors need to take another look at the safety issues associated with these options as previously highlighted to them.

The proposals appear to conflict with the City of York Council's objectives regarding sustainability, health and safety. As an

environmental and sustainability consultant on major transport projects for 20 years I am fully qualified to comment on this.

Lastly, we are concerned that the City of York's reputation may be put at risk on this matter by promoting a more dangerous transport solution and by the apparent wasteful use of taxpayers money (it has been argued that a sum of money commensurate with that spent on the Water End scheme from the Cycling City budget should now be spent elsewhere on cycling improvements in York by way of completing the City's commitments under it's Cycling City status).”

- **York Cycle Campaign – Adrian Setter:** “Further to my personal response below, this matter was discussed at the monthly meeting of York Cycle Campaign on 10th January. The meeting resolved to reject both of the options offered, wishing instead for the junction to be left unchanged. In addition to the points made below, I have been asked to point out that this junction is part of the "Orbital Cycle Route", one of the principal visible legacies of the Cycling City York programme and that, since it is typically the most intimidating section of a route that determines a cyclist's decision on whether to use it or not, the changes proposed would seriously erode that legacy.

Neither of the proposed options is acceptable, and that the layout of the junction should remain unchanged. My reasons are, briefly:

- I understand that Council officers have assessed both options as being more hazardous than the existing layout. It is unacceptable for the Council to spend money knowingly to make a junction more dangerous. I can hold this position as a matter of principle, without even considering what the position of the Council and Councillors would be regarding civil and/or criminal liability should a cyclist subsequently be killed or injured.
- The junction was congested long before the removal of the left-hand filter lane, and reinstating it will not fix the congestion problem. If there is any small increase in capacity at the

junction, the release of suppressed demand will very soon restore the current levels of congestion.

- Whilst many people, mostly people passing through the area, rather than residents, have complained about congestion, it is clear to any observer of local politics that the reason for the proposed changes is pressure from residents of Westminster Road and The Avenue on their ward Councillors, not to do with the congestion directly, but to do with traffic diverting along those streets to avoid it. Changing the junction will not solve that problem, because it will not stop traffic backing up as far as, and beyond, Westminster Road. The only fix for the issue of through traffic on those roads, if one is really needed, would be direct measures to stop traffic using that route.”
- **North Yorkshire Police – Steve Burrell**, Traffic Management Liaison Officer: “I have studied both options and offer the following observations on behalf of the North Yorkshire Police:-
 - Both these options have previously been safety audited. I agree with the audits findings and reiterate the concerns identified.
 - The new proposals are less safe than the current and existing layout.
 - The options pro's and con's list most of the main safety issues and concerns, which cannot be ignored or disregarded.
 - I understand that the present layout has increased the number of cycle journeys made in the area. The new proposals appear to fly in the face of general CYC policy with regards to modal shift, as the potential for conflict will be identified by cyclists and is likely to reduce the attractiveness of this route and the gains in cycling will be lost.
 - My understanding is that the proposed changes are politically led with regards to a perceived increase in congestion by motorists. Changing the layout to one of those proposed will be a backwards step as the dispersed traffic and modal shift achieved, will be reversed and the traffic flow and queues will return to its previous levels.

Therefore, based on the above road safety issues, the North Yorkshire Police cannot support the proposals.”

- **Fire & Rescue Service:** “This junction does present the Fire and Rescue Service with difficulties when responding to incidents on blue lights, particularly during peak periods when traffic is queuing in both directions. For fire appliances to be able to progress, vehicles are required to move out of our way and at times this is extremely difficult and could potentially place cyclists at risk. Having looked at and considered the two options from an emergency response perspective;

(Option 1) would return the junction to its original state leaving us with little room to manoeuvre when it becomes necessary to overtake two lines of queuing traffic on approaching the lights at red with stationary oncoming vehicles. This often makes it necessary for us to wait for the lights to change in order to proceed.

(Option 2) would allow traffic in the outside lane to move into the cycle lane if necessary allowing us a little more room to manoeuvre, however it still wouldn't be wide enough with oncoming traffic present and would present an added risk to any cyclists who might be occupying the central cycle lane.

Compared to Option 1 and 2 the existing layout provides other road users with the greatest amount of room to be able to move safely out of our way and on that basis alone we would prefer that the existing layout is maintained.

Further to this, a 'green wave' system for Acomb fire station would prevent the majority of problems we have at this junction and reduce our waiting time at the lights during periods of heavy traffic. The green wave system would enable us to press a button at Acomb station which would set the lights at Clifton on green and eliminate any traffic congestion at that junction when emergency vehicles reach that point. I am led to believe that this matter was discussed several years ago but unfortunately never implemented.”

- **Ambulance Service** – The ambulance service have responded by reiterating their previous comments, as follows: With regard to the possible changes to the Water End/Clifton Green junction we would not be in support of the proposals. In support of this stance please take the following aspects into account:
 - Currently we have issues with the ability of an ambulance to make progress along Water End during heavy traffic volume periods as there is limited capacity for vehicles to move. This is compounded by the vision of the junction when travelling towards Clifton Green as the ambulance staff have to commit to travelling in the opposing lane in heavy traffic; oncoming traffic does not have the vision until it is committed to the same lane. The introduction of the secondary traffic lane would potentially reduce the capacity further, especially as this is below recommended width.
 - There is potential for an increase in road traffic collisions and therefore casualty incidents due to vehicles having to cross the cycle lane to join the left turn lane.
 - The narrow lanes potentially increase the risk to cyclists that are now dedicated to having to travel between two lanes of moving vehicles.
 - Cyclists' intention to turn right from Water End has the potential of a collision with a vehicle heading straight on, which further raises the risk of casualty incidents.
 - Removal of the splitter island commits pedestrians to a complete crossing of the junction head with no dedicated footway adjacent to the Green.
 - The reduction of both the cycle lane and the left turn lane below recommended width causes some concern, as this brings the cyclist and motorist closer together.
 - This is a bus route and presumably there will be no change to bus services locally. The potential for vehicles to encroach on the opposing lane, due to the restrictive lane width, is greater and potentially lends itself to creating an obstruction to emergency vehicles.
- **Rawcliffe Parish Council** – At the time of writing the report, the parish council have not responded.



Cabinet

3 April 2012

Report of the Cabinet Member for Corporate Services

Minutes of Working Groups

Summary

1. This report presents the draft minutes of meetings of the Equality Advisory Group and the Local Development Framework Working Group and asks Members to consider the advice given by the Groups in their capacity as advisory bodies to the Cabinet.

Background

2. Under the Council's Constitution, the role of Working Groups is to advise the Cabinet on issues within their particular remits. To ensure that the Cabinet 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 Cabinet on a regular basis. In accordance with the requirements of the Constitution, draft minutes of the following meetings are presented with this report:
 - Equality Advisory Group of 20 February 2012 (Annex A)
 - Local Development Framework Working Group of 5 March 2012 (Annex B)

Consultation

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

Options

4. Options open to the Cabinet are either to accept or to reject any advice that may be offered by the Working Groups, and / or to comment on the advice.

Analysis

5. Whilst there are no specific resolutions from the Equality Advisory Group that require Cabinet approval, Members' attention is drawn to the feedback from the workshops that formed part of the meeting (minute annex). The workshops focussed on the impact of decisions on areas of growth and savings and considered how any negative effects could be lessened.
6. Members are asked to consider the following resolution from the LDF Working Group in respect of the Strategic Housing Market Assessment (Annex B minute 26 refers):

“That the LDF Working Group recommends that Cabinet approve Option 1 i.e. to accept and sign off the findings of the North Yorkshire SHMA and the York specific annex to enable the SHMA to be used as an evidence base to inform the Local DF”

7. In respect of the LDF's consideration of York Central and Former British Sugar Sites – Update on Transport and Access Approach, Members are asked to consider the following recommendations contained in the attached draft minutes at Annex B (minute 27 refers):

“(i) That Cabinet be recommended to endorse the approach outlined in the draft York Northwest Transport Masterplan, and its use in pre-planning enquiries, and planning applications within the York Northwest corridor”.

“(ii) That Cabinet be recommended to endorse the proposed approach to accessing the York central site, the next steps to arriving at a preferred option, and the ultimate use of a preferred access approach to inform ongoing plan preparation development enquiries and public funding bids.

(iii) *That Cabinet be recommended to endorse the proposed approach to undertake work to pursue the delivery of new pedestrian/cycle links and rail halt/link at the Former British Sugar/Manor School site, with the next step to engage with appropriate parties to take this forward”.*

8. The LDF Working Group’s recommendations in respect of the Supplementary Planning Document Former British Sugar/Manor School site are the subject of a separate report to Cabinet.

Council Plan

9. The aims in referring these minutes accord with the Council’s recognition that to achieve the priorities set out in the Council Plan it needs to be a confident, collaborative organisation completely in touch with its communities.

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**
- **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 draft minutes attached at Annexes A and B and to decide whether they wish to:
- (a) Approve the specific recommendations made by the Local Development Framework Working Group, as set out in paragraphs 6 and 7 above, and/or:
 - (b) Respond to any of the advice offered by the Working Groups.

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

Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director Governance and ICT

Report √ **Date** 21 March 2012
Approved

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex A – Draft minutes of the meeting of the Equality Advisory Group of 20 February 2012.

Annex B – Draft minutes of the meeting of the LDF Working Group of 5 March 2012.

Background Papers

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

City of York Council

Draft Committee Minutes

Meeting	Equality Advisory Group
Date	20 February 2012
Present	<p>Councillors Crisp (Chair), Jeffries, Ayre (Substitute for Councillor Aspden), Steward (Substitute for Councillor Richardson) and Watson (substitute for Councillor Barnes)</p> <p>Community Representatives: David Brown – York Access Group John Burgess – York Mental Health Forum Sue Lister – York Older People’s Assembly David McCormick - Staff Equalities Reference Group Irene Mace – York Carers Forum Diane Roworth – York Independent Living Network Rita Sanderson – York Racial Equality Network Katie Smith – York Carers Forum Carolyn Suckling – Access Group Paul Wordsworth – Churches Together in York George Wright - Humanist</p>
Apologies	<p>Cllr Aspden – City of York Council Cllr Barnes – City of York Council Cllr Richardson – City of York Council Marije Davidson – York Independent Living Network Daryoush Mazloum – YREN Claire Newhouse – Higher York Sarah Nicholson – Youth Council</p>

22. 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. Councillor Jeffries declared a personal interest

in items on the agenda as Co-Chair of York Independent Living Network. David McCormick declared a personal interest in items on the agenda as an employee of City of York Council and Chair of the Staff Equalities Reference Group.

23. Public Participation

There was one registration to speak under the council's Public Participation Scheme.

Carolyn Suckling expressed concerns regarding the taxi card scheme. She stated that the scheme in York was much less generous than in other areas and that provision in York was inadequate. She suggested that the Council may be failing in its statutory requirement to provide both a bus pass and a taxi card.

The Chair stated that she would look into the issues raised and provide a response to Mrs Suckling. She would also report back to the Group at the next meeting.

24. Minutes

Resolved: That the minutes of the meeting held on 24 November 2011 be approved and signed as a correct record.

25. Update on actions agreed at last meeting

Information was tabled that provided an update on the action that had been taken to address issues raised at the previous meeting:

(i) Council Management Team meeting with EAG

The meeting with the City of York Council management team had taken place on 19 December 2011. The group requested that the notes from the meeting be circulated to them.

(ii) Older People's Champion

Members of the group commented that information had been circulated in the community that named Councillor Simpson-Laing as the Older People's Champion. Clarification was sought as to whether this was an official appointment by the Council. The Chair explained that the Council had not appointed an Older People's Champion but, as Councillor Simpson-Laing was the Cabinet Member for Health, Housing and Adult Social Services, she was likely to be the most appropriate contact for many of the issues that had been previously referred to the Older People's Champion.

(iii) Training for Taxi Drivers

The group reiterated their concerns that the disability awareness training for taxi drivers was too basic. It was agreed that this would be an item for a future meeting.

(iv) Resources for YREN

Clarification was sought as to whether the comments made by YREN in respect of their need for additional resources to increase capacity and meet the growing demand for their services had been taken into account by Cabinet. The Chair confirmed that Cabinet had taken this issue into account.

(v) Choice Based Lettings

Officers confirmed that they had forwarded the group's concerns to the relevant Assistant Director. An item would be included on the agenda for a future EAG meeting to consider the issues raised in more detail.

26. Presentations on Council Budget

The Group heard presentations about the council's budget, including the main growth and savings proposals.

The Cabinet Member for Leisure, Culture and Social Inclusion and the Cabinet Member for Corporate Services would ensure that the Group's comments on the proposals would be taken

into account when the budget decisions were implemented. It was noted that the Council would set the budget at a meeting on 23 February 2012.

The presentations focussed on the following issues:

(i) The Current Budget

An update was given on the current budget. There were some significant financial issues including:

- Increased cost of pensions
- Increased cost of waste
- Demands on adult social care
- Demands on children's social care

These pressures were being faced within the context of a Government reduction in formula grant funding and specific grant reductions.

(ii) Budget for 2012/2013

- There would be a £5m cut in the formula grant.
- Pressures remained in respect of social care and the costs of waste.
- It was intended to set a 2-year budget framework.
- The two priorities were to protect vulnerable people and to promote growth in the economy.
- £20m savings were required over the 2-year period. There would be £11m in savings next year.
- There would be a 5-year planning framework.
- Details were given of some of the implications of the Localism Bill, including changes around benefit support. From 1 April 2013, Authorities would set their own criteria for council tax benefits. There would be a 10% reduction in funding for this. The existing level of support for pensioners and vulnerable people had to be retained.
- The Council would be able to retain any growth in business rates.
- It was proposed that there would be an increase in council tax. Although the Government had stated that it would give a 2 ½ % grant if the Council did not increase council tax, this would only be guaranteed for one year and hence Cabinet was not recommending this option.

Officers responded to questions that the Group raised regarding the proposed budget.

(iii) Consultation

Details were given of the consultation that had taken place on the budget and the feedback that had been received including:

- Two meetings with the voluntary sector
- A meeting with business leaders
- A meeting with the Youth Council
- On-line budget tool
- CMT meeting with EAG
- The work of the Fairness Commission

(iv) The Budget EIA Process

The Group was informed of the consideration that had been given to the impact of the budget proposals. The aim had been to protect the most vulnerable people and the protected characteristics and also those with limited financial means. The aim had been to protect their health, safety and general well-being.

An equality impact assessment (EIA) had been completed on the overall impact of the budget proposals. This had taken into account the information gathered at consultative and engagement events with equality groups.

The Group was informed that each proposal also had its own EIA.

27. Group Work on the Impacts

It was noted that the Cabinet agenda papers for the meeting of 14 February 2012 had included a detailed list of proposed savings and areas of growth. Several of these proposals had been identified as being likely to have a significant impact for some people. The group was asked to

- Consider the impact as assessed by council officers
- Identify any issues that council officers may have missed

- Work together to consider how to lessen any negative effects

The feedback from the Group would be taken into account when decisions were implemented.

Workshops were held around the following proposals:

- Communities and Neighbourhoods proposed savings
- Fair Access to Care Services
- Future of sheltered employment

The feedback from the workshops is attached as an annex to the minutes.

The Chair stated that there would be ongoing communication with voluntary groups to seek to address the issues that had been raised.

28. Urgent Business - Fairness Commission

Rita Sanderson stated that YREN had welcomed the opportunity to meet with the Fairness Commission and to contribute to consultation events on behalf of its members and associates, but had been concerned that some of the issues that they had put forward had not been reflected in the Fairness Commission's Interim Report. This was of particular concern as the report was to be used as an evidence base for the City of York Council when considering the budget. Whilst it was appreciated that YREN had been reassured that there would be further opportunities, in the second round of consultation, to contribute, it was felt that an opportunity may have been missed.

Councillor Crisp, Chair

[The meeting started at 6.00 pm and finished at 9.10 pm].

Feedback from group discussion at EAG 20.02.12

1. Proposed savings to Fair Access to Care services (Pete Dwyer and Kathy Clark)

Issue: The service is looking to review and assess the current programme which currently supports approx 3,000 people. The specific review would impact on approx 160 of these.

Discussion:

- Ensuring consultation takes place with communities of interest and all affected
- Ensuring that capacity is developed amongst voluntary sector if they are to take on a service delivery role
- As the Council increasingly moves to a commissioning role, are we sure that the “marketplace” is mature enough to provide same quality of care as the council did?
- Need to be more proactive in approaching communities of interest [to assess their needs], rather than waiting for referrals
- Recognising the ‘culture’ of some groups not wanting to access support services e.g. BME groups, carers
- The disadvantage created by withdrawing funded care from those with moderate needs can be lessened by making sure that charges introduced are affordable.
- Access to the assessment of care needs is still difficult for some.
- Will some people lose their personal budgets because of the proposed changes? Will the changes also affect access to [assistive] equipment?

2. The future of sheltered employment (Yorcraft) (Pete Dwyer and Kathy Clark)

Issue: The Council supports the service by a quarter of a million each year, the same group of people work at the centre, no one moves onto other forms of

employment and no one new can access it because of the limited number of spaces available. Council proposes to stop funding the service.

Discussion:

- Must consult with disabled people benefiting from the service now before any decision is made
- Is there a barrier to new people going in/current employees leaving? Is the service supported now to be self-funded in the future? Can you introduce non-disabled workers to ensure capacity to take on additional work and become self funded?
- If York apprenticeships are working successfully, why can't the same model be used for people with learning difficulties?
- How about using the "Job carving" model?
- How inclusive is the current programme for BME groups?
- The current programme needs an exit strategy
- Have you considered setting up Yorcraft as a co-operative?
- It will be challenging to create equivalent jobs in the wider job market. Can resources go towards investing to deal with concerns about this?
- Look at whether you now double fund the care of some service users. e.g. do you pay for day care when the person is also paid to be in Yorcraft?
- Will the change mean that some vulnerable people will be pushed out of their comfort zone?

3. **CANS proposed savings** (Charlie Croft)

Charlie Croft outlined 3 proposed areas of savings:

- Restructuring of ward budgets
- Restructuring of the Neighbourhood Management Team
- Review of funding and spending in the voluntary sector

Discussion:

- Concern from OCAY about the loss of ward funding

- How does this saving work if voluntary sector groups are being asked to do more eg run services previously run by CYC?
- If the Labour administration proceeds with a third party third sector approach, where does the accountability sit? It's 'another tier to go through'.
- There's a recognition that CYC is moving towards a commissioning role
- The current format of ward committees has limitations
- Very difficult to get core funding to vol sector groups, important to look further ahead as vol sector can be better at running things
- Recognition that we have to refocus the approach, targeting where the need is, can't be all things to all people
- Good relationships built up with the NMU team over a long period of time

Feedback from A1 sheets on the wall:

"Consultation with users and potential users should be from the beginning of reviews"

"When working to outcomes, these need to be appropriate to each organisation's users"

"Employment review should be 'overall' rather than just Yorkcraft"

City of York Council

Committee Minutes

MEETING	LOCAL DEVELOPMENT FRAMEWORK WORKING GROUP
DATE	5 MARCH 2012
PRESENT	COUNCILLORS MERRETT (CHAIR), D'AGORNE, LEVENE, POTTER, REID, RICHES, SIMPSON-LAING AND WATT (VICE-CHAIR)
APOLOGIES	COUNCILLOR BARTON

23. DECLARATIONS OF INTEREST

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

Councillor Simpson Laing declared a personal interest in item 4 as she is on the York and North Yorkshire Housing Board. Also a personal interest in item 5 as she resides within the York Central area.

Councillor Riches declared a personal interest in item 5 as he resides within the York Central area.

Councillor Merrett declared a personal interest in item 5 in relation to cycle issues as a member of the Cycling Touring Club.

Councillor D'Agorne declared a personal interest in item 5 in relation to cycle issues as a member of the Cycling Touring Club.

24. MINUTES

RESOLVED: That the minutes of the last meeting held on 9th January 2012 be approved subject to the following amendment:

Minute 22 recommendation be amended to reflect that Councillor Reid had asked for it to be made clear that the SPD

would come back to the LDF Working Group.

25. PUBLIC PARTICIPATION

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

26. STRATEGIC HOUSING MARKET ASSESSMENT.

Members considered a report which had been commissioned by the York and North Yorkshire Strategic Housing Partnership to provide a comparative sub-regional Strategic Housing Market Assessment.

On 12 December 2011 the York and North Yorkshire Strategic Housing Market Assessment was approved by the York and North Yorkshire Housing Board. Officers reported that it is now for each of the individual authorities to sign off the report and for Members to approve the York specific appendix as an evidence base to inform the Local Development Framework and the councils planning policies for new homes.

Members received a presentation from property and planning consultants GVA who had been commissioned to undertake the new SHMA on behalf of North Yorkshire Strategic Housing Partnership.

Members raised the following queries about the data contained in the SHMA:

- Concerns regarding some of the data not reflecting current prices in York, for example a 1 bedroom self contained property is considerably more than £375 per calendar month.
- The treatment of Students in the figures, particularly in relation to international migration and whether Houses of Multiple Occupation are defined as a single household.
- The assumptions used behind the international migration figures and the possibility they may change due to government policy.

- The SHMA appears conservative in how it concluded the need for affordable homes and consideration needs to be given to how it feeds into the Core Strategy.
- The figures are subject to constant change and it is difficult to say what is correct.
- The SHMA provides a snapshot analysis and projects housing need over the next five years. Some of the data used (eg house prices, rents, household incomes) may be updated or refreshed during the lifetime of the study.

Following the presentation, Members agreed Option 1 with the understanding that some of the information contained in the SHMA is already dated, particularly in respect of Government Policy and the Councils housing waiting list. They asked that clarification of the points raised be provided at a future meeting.

RESOLVED: That the LDF Working Group recommends that Cabinet approve Option 1 to accept and sign off the findings of the North Yorkshire SHMA and the York specific annex to enable the SHMA to be used as an evidence base to inform the Local DF.

REASON: To ensure the council has an up to date and robust evidence base that will inform the Local Development Framework

27. YORK CENTRAL AND FORMER BRITISH SUGAR SITES - UPDATE ON TRANSPORT AND ACCESS APPROACH.

Members considered a report which was presented to them further to a report to the LDF Working Group in December 2011. It set out the findings of work undertaken to establish a transport approach and site access strategy on the York Central (YC) and former British Sugar/Manor School sites.

At the meeting in December 2011, Members deferred endorsing any York North West transport approach until such time as the background studies had been made publicly available and additional work requested by Members had been undertaken.

Officers outlined the report and members made the following comments:

- Timeframes for commencement of development on York Central were discussed. Officers confirmed that following recent discussions with Network Rail, it was now clearer what their requirements would be and consequently progress has been made.
- Asked that Officers continue to consider the impact on the route to schools, particularly Poppleton Road School, from the Leeman Road area.
- A meaningful approach to the consultation with residents should be undertaken. This should include an exhibition showing the proposed access to York Central from Water End, given that it is a large piece of engineering which will change the landscape in the area.
- As part of ongoing discussions and negotiations attention should be paid to differentiating between those infrastructure elements that are essential and those that are desirable.

Members thanked Officers for the additional work which had been carried out since the December meeting.

- RESOLVED: (i) That Members noted and recommended that Cabinet to endorse the approach outlined in the draft York Northwest Transport Masterplan, and its use in pre-planning enquiries, and planning applications within the York Northwest corridor.
- (ii) That Members noted and recommended that Cabinet endorse the proposed approach to accessing the York central site, the next steps to arriving at a preferred option, and the ultimate use of a preferred access approach to inform ongoing plan preparation development enquiries and public funding bids.
- (iii) Note and endorse the proposed approach to undertake work to pursue the delivery of new pedestrian/cycle links and rail halt/link at the Former British Sugar/ Manor School Site, with the next step to engage with appropriate parties to take this forward.

- REASONS:
- (i) To ensure that development in the corridor responds appropriately to its transport related context in promoting sustainable travel and mitigating residual impacts.
 - (ii) To ensure that this strategic regeneration site is re-developed and appropriately serviced.
 - (iii) To ensure that these strategic opportunities are progressed and appropriate provision is made for delivery

28. SUPPLEMENTARY PLANNING DOCUMENT FORMER BRITISH SUGAR/MANOR SCHOOL SITE.

Members considered a report which summarised the responses received on the consultation on the draft Supplementary Planning Document (SPD) for the former British Sugar/Manor School site which took place last year. A revised SPD document had been produced incorporating suggested changes to respond to issues raised and was attached as a report annex showing tracked changes.

The report asked Members to note the consultation findings and recommend approval of the revised document for approval.

Officers outlined the report and Members attention was drawn to the following key points:

- Policy Framework – the document now reflected the approval of the 2011 York and North Yorkshire Strategic Housing Market Assessment by the York and North Yorkshire Housing Board.
- Quality Place/Environment – additional reference to the need for all types of open space had been added to strengthen the requirement following consultation.
- Figure 17 – additional plans had been included to clarify the access approach.

Members queried whether the Council would be considering the adoption of green spaces within the site and felt that it was important for officers to consider at an early stage how such spaces would be managed as service charges are often unaffordable for potential residents of new properties.

RESOLVED: (i) Note the responses received to the consultation.

- (ii) Recommend to the Cabinet that Option 1 is taken forward, with the proposed revisions to the SPD outlined in Annex 2 to be used for development management purposes and the addition of further mention of the management of green spaces at the site.

REASONS: (i) To ensure the SPD is revised to take account of issues raised from the consultation together with other issues which have emerged since publication of the draft.

- (ii) To provide robust planning guidance to assess the acceptability of emerging development proposals and future planning applications for the area.

Cllr D Merrett, Chair

[The meeting started at 5.00 pm and finished at 7.00 pm].

**Cabinet****3 April 2012**

Report of the Chair of Learning & Culture Overview & Scrutiny Committee

Review of Admission Arrangements & School Travel Policies – Cover Report**Purpose of Report**

1. This report presents the information gathered in support of the review and the Committee's findings and recommendations.

Background to Review

2. At a scrutiny work planning event held in July 2011, Members of this committee discussed a range of possible topics for scrutiny review this municipal year. The issue of the changing demographics for York's primary schools was raised as a matter of concern and as a result it was agreed to proceed with this review.

Background Information on Admissions to York Schools

3. The Local Authority (LA) is the admissions authority for all 43 Community and Voluntary Controlled Primary Schools (including Infant schools) across the LA area. The LA also coordinates the admissions process for all schools, whether Community, Voluntary Controlled, or Voluntary Aided.
4. The LA first established the policies upon which its admission arrangements are based in 2002, following extensive consultation. The principle behind the arrangements is that every child has a guaranteed place at the school where their home address falls within its catchment area. However the arrangements include an equal preference system whereby parent/carers can select up to 5 schools for which they have a preference. Each of these preferences is considered by the LA and/or Voluntary Aided schools, but only one school is offered. This will be the highest ranked school that can be offered.
5. For September 2011 entry, the LA allocated 1,966 places. 93% of these allocations were for the parent/carers' first preference. 97% were

allocated a school at either their first or second preference. Only 61 parent/carers appealed against the LA's decision, and of these, only 2 were successful. 80% of these appeals were heard on Infant Class Size grounds i.e. the limit of 30 pupils to one teacher in a class of 5, 6 or 7 year olds.

6. Where there are more applications for places than places available at any given school, applications are ordered according to the oversubscription criteria within a Local Authority's Admissions Policy. The criteria apply to both Community and Voluntary Controlled schools. If a child meets more than one criterion e.g. is both a sibling and resident in the catchment area, then they are categorised under the higher of the two priorities. However, the admission of pupils with a statement of special educational needs is covered by separate admission regulations which are allocated *before* the application of an LA's oversubscription criteria.
7. If after the allocation of places there are applicants who are unsuccessful in obtaining a place of their first preference (or a higher preference than they were allocated), then these applicants will form a waiting list. Through this system, applicants who are unsuccessful on the offer day of 1 April may receive a place through either the independent appeals process, or through movement from waiting lists where applicants change their preferences, take up a place in the independent sector, or through movement in and out of the LA area.
8. In addition, the committee received a detailed presentation on primary school demographics across York which drew attention to the ongoing issues around supply and demand i.e.:
 - Ensuring the Local Authority's Admissions oversubscription criteria are fair and the catchment system works for parents and the LA?
 - Ensuring the Local Authority's school travel policies are fair and appropriate and understanding the implications for school travel given the changing demographics
 - The provision of new schools and the changing role of the Local Authority (LA) in relation to Academies and Schools' partnership
 - The effect of new housing developments e.g. Germany Beck, Fulford (175 primary pupils), Derwenthorpe, Osbaldwick (135), British Sugar (250+) and York Central
9. Having considered all of the background information presented, the Committee agreed to focus their review on the examination of whether:

- a) The oversubscription criteria in use in York's Community and Voluntary Controlled schools, is made up of the right priorities, and in the right order?
- b) The current School Travel Policies are fair and appropriate given the changing demographics?

Consultation

10. Senior officers working within School Organisation & Support assisted the Learning & Culture Overview & Scrutiny Committee with their work on the review. The committee also met with the head teachers from Hempland Primary School and Scarcroft Primary School.

Council Plan 2011-15

11. This review supports the Council Plan in that the provision of appropriate and improved local infrastructure (including schools) will help to build strong communities.

Options

12. Having considered the final report shown in booklet format at Annex A, detailing the work carried out by the Learning & Culture Overview & Scrutiny Committee in support of the review, the Cabinet may chose to amend and/or approve or reject the recommendations arising from this review.

Review Conclusions

13. Objective A – Oversubscription Criteria
Having considered all of the information provided in relation to the LAs Oversubscription Criteria and the steps taken by the Local Authority to respond to oversubscription in 2011-12 where it occurred, the Learning & Culture Overview & Scrutiny Committee agreed that the current criteria was made up of the right priorities, in the right order, and that it was robust enough to stand up to legal challenge. On that basis, the committee therefore agreed it was not necessary to recommend any changes to the Oversubscription Criteria.
14. Objective B – School Travel Policies
Having considered all the information provided in support of the second objective of this review, the Committee agreed the current arrangements for the provision of free school transport on a denominational basis were

not fair or equitable to all pupils across the city. However, in order not to adversely affect those families with children currently receiving free transport on a denominational basis, the Committee agreed the best approach would be that of a phased withdrawal i.e. those currently receiving free school transport on a denominational basis would continue to do so until they leave school, but any new pupils taking up denominational places as from September 2013 would not receive it.

15. Prior to the Cabinet approving the withdrawal of free transport on a denominational basis, statutory consultation with the relevant bodies will need to be undertaken and an Equality Impact Assessment carried out. If the Cabinet then choose to approve its withdrawal, a further consultation period informing parents of the forthcoming change will need to be carried out. Officers have confirmed that all the required consultation could be completed by July 2012 to allow for any approved changes in policy to be reflected in the relevant documentation, in time for it to be sent out in summer 2012 to parents of those pupils due to transfer to secondary school in September 2013.
16. Having appreciated why any withdrawal of free denominational transport could not begin until September 2013. And, having carefully considered the alternative approaches to withdrawing the transport detailed in the options shown on the final page of the attached booklet, together with the savings each option could potentially realise, the Committee agreed the fairest option was Option 3 i.e. the withdrawal of all free denominational transport and introduction of concessionary fares.

Recommendations Arising from the Review

17. Having considered all of the information provided and their findings, the Learning & Culture Overview & Scrutiny Committee agreed to make the following recommendations:

In regard to Objective A:

- i. That no changes be made to the Local Authority's oversubscription criteria.

In regard to Objective B, the Local Authority commences appropriate statutory consultation, regarding:

- ii. A phased withdrawal of free denominational transport be commenced as from 1 September 2013 in line with Option 3

- iii. The introduction of concessionary fares on transport provided by the Local Authority, whilst that provision exists, for new pupils taking denominational places, as from 1 September 2013
- iv. Working with those schools offering denominational places to support the implementation of this change in policy.

Reason: To ensure that the LA's provision of free school transport is fair and equitable to all.

Associated Implications

17. **Financial** – The withdrawal of free transport on a denominational basis would realise a saving for the Council from the school year 2013-14 onwards, as shown in Annex G of the full final report. This saving would change year on year dependant on the number of denominational places offered to children living more than 3 miles and less than 15 miles from a qualifying school, and based on a phased withdrawal, would grow over the first five years i.e. as each school year ends, and a cohort of year 11 pupils receiving free transport leave school.
18. **Equalities** – The Committee agreed that the provision of free transport on a denominational basis was neither fair nor equitable to all pupils in the city, and therefore agreed its withdrawal was necessary. However, in order not to adversely affect financially those families with children currently receiving free transport on a denominational basis, they agreed its withdrawal should be phased.
19. The Equalities Act duty not to discriminate on grounds of religion or belief in the provision of services does not apply to the provision of school transport. However, the public sector equality duty does still need to be considered. As Members are aware this duty requires the Council to:
 - Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act
 - Advance equality of opportunity between people who share a protected characteristic and those who do not
 - Foster good relations between people who share a protected characteristic and those who do not
20. The Council will normally confirm its compliance with that duty by completing an equalities impact assessment. This will be done as part of

the statutory consultation process outlined in the recommendations arising from the review.

21. **Legal** – In certain circumstances the Council has a duty to provide free school transport and this may include travel to a denominational school. The duty applies to “eligible children”. A child is eligible if he or she:
 - a. has special educational needs, disability or mobility problems which prevent him or her walking to school;
 - b. cannot reasonably be expected to walk because of the nature of the route to school;
 - c. lives outside walking distance and no suitable alternative arrangements have been made for him; or
 - d. is entitled to free school meals or his parents receive the maximum amount of tax credits
22. The recommendations arising from the review do not affect these duties. The proposal is that the Council adopts a policy of not funding transport where doing so is discretionary. It would be unlawful to adopt any policy which was incapable of allowing exceptions. The Council’s procedures do allow for appeals to Members against the application of the policy and this therefore allows exceptions to be considered.
23. In making a decision the Cabinet must have regard to guidance issued by the Secretary of State. The key part of the relevant guidance says:

“the Secretary of State hopes that local authorities will continue to think it right not to disturb well established arrangements, some of which have been associated with local agreements or understandings about the siting of such schools

The Secretary of State continues to attach importance to the opportunity that many parents have to choose a school or college in accordance with their religious or philosophical beliefs, and believes that wherever possible, local authorities should ensure that transport arrangements support the religious or philosophical preference parents express.”
24. The Cabinet must consider that guidance but Members do not have to slavishly follow it. If there are other factors which, in the Cabinet’s view, outweigh the considerations referred to by the Secretary of State, then a decision can be made to reduce the discretionary support.
25. The Human Rights Act includes a right to education in accordance with parental religious convictions. There is judicial authority that does not

include a right to transport to a particular school and, even if that authority is wrong, the right to education applies only so far as it is compatible with the provision of efficient instruction and training, and the avoidance of unreasonable public expenditure.

26. **Other** – There are no other known implications associated with the recommendations arising from this scrutiny review.

Risk Management

27. There are no known risks associated with the recommendations arising from this review.

Recommendations

28. The Learning & Culture Overview & Scrutiny Committee ask the Cabinet to:
- i. Note the contents of the final report attached
 - ii. Consider the recommendations as shown at paragraph 16 of this cover report.

Reason: To fully inform the Cabinet of the outcome of the review

Contact Details

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Andrew Docherty
Assistant Director - Governance & ICT

Report Approved **Date** 17 Feb 2012

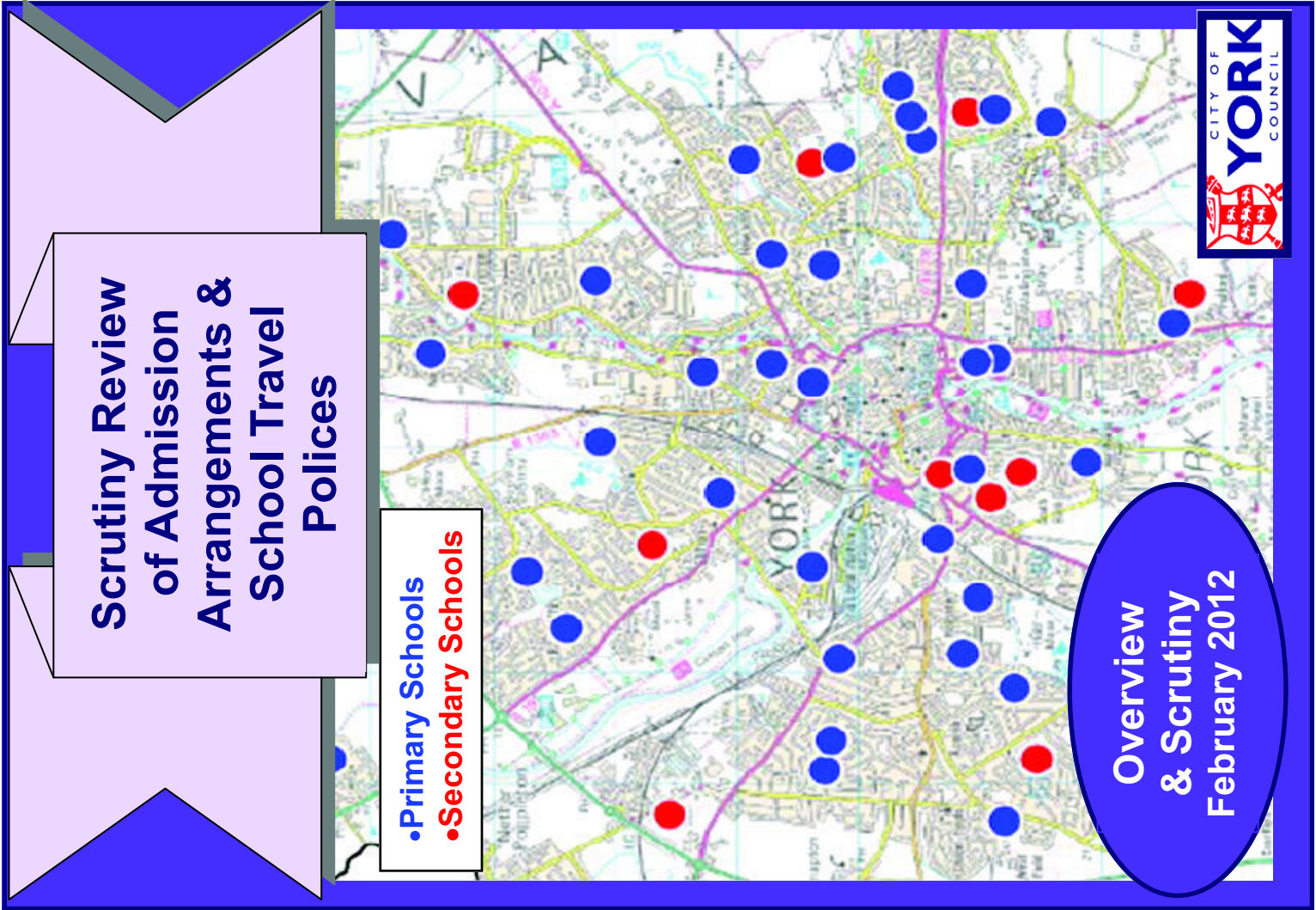
Wards Affected:

All

For further information please contact the author of the report

Background Papers: N/A

Annex A – Final Report from School Admissions & School Travel Policies Scrutiny Review (Booklet)



CHAIR'S FOREWARD

I am pleased to present this report on our review of Demographics in York School, and would like to thank all those who contributed.

Choosing the right school for a child is a very emotive decision for parents and, with the birth rate rising, the Committee felt the need to ensure that the City of York Council's school admissions policy was meeting the needs of parents, children and schools.

We were pleased to find that it is, and therefore agreed no changes were needed. We also endorsed the innovative ways that schools are regaining classroom space and reorganising classes to ensure that the maximum number of children get a place at their preferred school.

Having looked at the issue of providing free transport for children attending faith schools, we concluded that it was unfair that some children receive free transport and others attending the same school do not and we recommended changes to the Local Authority's policy.

We sought an approach to this which would have the least impact on the parents of those children currently receiving free transport to a faith school.

**Councillor Ann Reid
Chair**



COMMITTEE MEMBERSHIP

The Learning & Culture Overview & Scrutiny Committee carried out this review between September 2011 and January 2012.

The Committee was made up the following members :

Councillor Ann Reid (Chair)
Councillor Lindsay Cunningham-Cross
Councillor Jenny Brooks
Councillor Fiona Fitzpatrick
Councillor Lynne Jeffries
Councillor David Levene
Councillor David Taylor
Councillor Brian Watson

ACKNOWLEDGEMENTS

The Committee would like to thank the Head teacher from both Hempland Primary School and Scarcroft Primary School for their contribution to this review.

Also, the Committee would like to thank the following council officers who supported the work on this Review:

- Mark Ellis, Head of School Services & Directorate Support
- Tom Chamberlain, School Admissions, Directorate Support and Community Transport Manager

RECOMMENDATIONS

The Learning & Overview Scrutiny Committee proposed the following recommendations:

Recommendation One:

That no changes be made to the Local Authority's (LA) current oversubscription criteria.

The oversubscription criteria in York are as follows:

First priority: ('Looked After') Pupils looked after by a local authority – this applies to all pupils who are in the care of a

local authority or are provided with accommodation by the authority (see section 22 of the Children Act 1989);

Second priority: ('Catchment') Pupils who live within the catchment area normally served by the school – catchment areas are designated by the City of York Local Authority and are made available to parents via the annual Guide for Parents or from the School Services team;

Third priority: ('Exceptional') Pupils considered by the Local Authority to have exceptional social or medical needs which relate to the preferred school – the Local Authority may consult with other medical /educational professionals for a further opinion as to whether a pupil should be allocated a place to an individual school due to a particular medical condition or social need;

Fourth priority: ('Siblings') Pupils with siblings at the school in September 2011 – siblings are defined as brothers or sisters living in the same house, as their primary place of residence, including half and step-brothers or sisters;

Fifth priority: ('Distance') Pupils who live closest to the school using the nearest available safe walking route - distances are measured by a GIS mapping system from the child's home address to the entrance of the school.

Recommendation Two:

That a phased withdrawal of free denominational transport be commenced as from 1 September 2013 in line with Option 3 in Annex G of the full final Report.

The Committee carefully considered the alternative approaches to withdrawing the transport detailed in the options shown within Annex G, together with the savings each option may potentially realise.

Recommendation Three:

That as from 1 September 2013, the Local Authority to introduce concessionary fares on transport provided by the Local Authority, whilst that provision exists, for new pupils taking up denominational places.

The Committee agreed the fairest option was Option 3 i.e. the withdrawal of all free denominational transport and the introduction of concessionary fares.

Recommendation Four:

That the Local Authority works with those schools offering denominational places to support the implementation of this change in policy.

The Committee recognised that the change in policy would affect the families of those pupils currently receiving free transport on a denominational basis. Also, that the schools affected may wish to offer alternative arrangements to those pupils, and therefore agreed the LA should offer support in the transition period.

The full final report from the review can be viewed online at: <http://democracy.york.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13029&path=13028>

COUNCIL PLAN 2011-15



The review supports the Council Plan 2011-15 in that the provision of appropriate and improved local infrastructure (including schools) will help to build strong communities.

INFORMATION GATHERING

Between September and November 2011, two meetings were held to gather information in support of the review topic:

Meeting 1

To receive a presentation on demographics in schools across the city, and consider and agree a remit and workplan for the review

Meeting 2

To receive an report presenting information on:

- Data on September 2011 intake
- Comparison data for Oversubscription Criteria
- National Adjudicator Determination September 2009
- CYC Denominational Transport Numbers & Costs for 2010/11

The Committee also met with two Head Teachers to discuss the issues they had faced around their 2011-12 oversubscription, and the impact on parents of the order of priorities within the LA's oversubscription criteria.

Issues Affecting Demographics in Primary Schools

Admissions oversubscription criteria:

- Does the catchment system work for parents and the LA?
- Is it fair?

Increase in number of primary pupils due to new housing:

- Germany Beck, Fulford (175 pupils)
- Derwenthorpe, Osbaldwick (135)
- British Sugar (250+)
- York Central (?)

New school provision:

- Changing role of LA
- Academies
- Schools' partnership

Implications for school travel:

- Are school travel policies fair and appropriate given changing demographics?

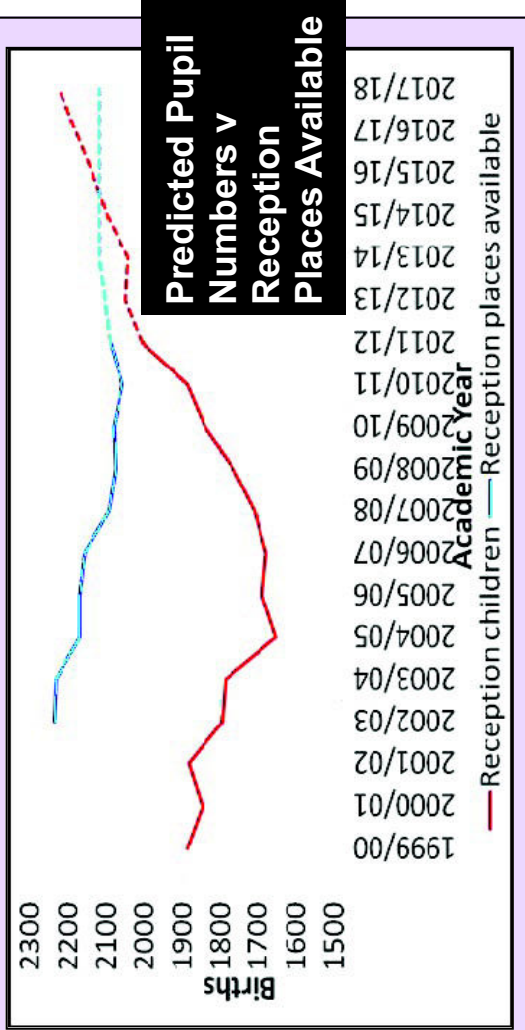
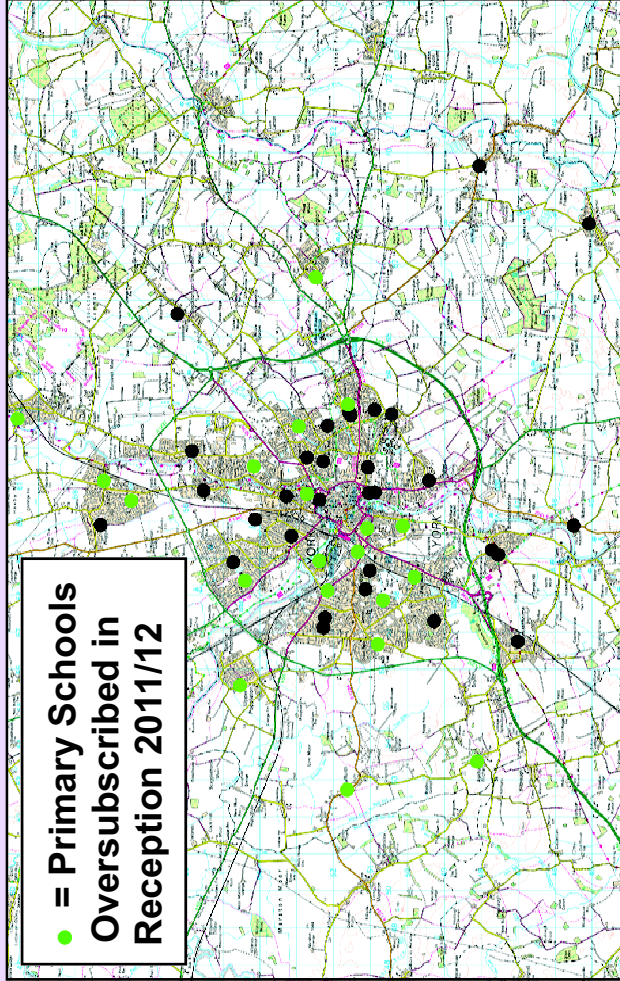
OBJECTIVES

At their second meeting, having considered all of the information presented in support of the review topic, the Committee agreed to focus their review on;

- a) The oversubscription criteria in use in York's Community and Voluntary Controlled schools and whether it was made up of the right priorities, and in the right order?
- b) The current School Travel Policies - were they fair and appropriate given the changing demographics?

OBJECTIVE (I) - THE OVERSUBSCRIPTION CRITERIA

Where there are more applications for places than places available at any given school, applications are ordered according to the oversubscription criteria within a Local Authority's Admissions Policy. The criteria apply to both Community and Voluntary Controlled schools.



LA Actions Taken In Response to Oversubscription In Primary Schools For 2011-12 Intake

There were 23 oversubscribed primary schools in 2011-12. The LA had to increase the admission limit for 12 of those schools, some of which had some places available, but would have been oversubscribed if action had not been taken. In many cases, that was achieved by working closely with neighbouring schools.

The LA also took the following steps:

- Changing the Guide for Parents and Admissions letters to include specific guidance on the potential for siblings being unsuccessful in future years.
- Longer term place planning, including increasing the size of the intake, where this is possible – often from 30 to 45, particularly in areas currently short of places.
- Increasing the number of preferences from 3 to 5 to increase parental preference and reduce 'unplaced' (un-preferenced) allocations.

Comparison With Other LAs

The Scrutiny Committee were pleased to note the LA were already working with schools across the city to identify space in existing buildings currently being used for other purposes e.g. Art Rooms, Afterschool Clubs, and Integrated Children's Centres etc.

The Committee looked at the oversubscription criteria in use by other neighbouring / similar sized LAs and found that like York, half gave a higher priority to children living in a school's catchment area over those with siblings already in a school.

OBJECTIVE (II) - SCHOOL TRAVEL POLICIES

The Committee held two further meetings to progress the review.



Meeting 3

To consider additional information in support of the agreed Objectives for the review, including:

- CYC Home to School Transport Policy
- Comparison Data for Home to Denominational School Transport
- Breakdown of the costs for the provision of free transport e.g. for those children with denominational places, special needs and for geographical distance reasons

National Policy

The national policy on the provision of free school transport specifies that children from low income families will qualify for free transport if they live more than 2 miles and less than 15 miles from the school.

In regard to **free school transport for denominational places**, the national policy states its provision is discretionary and therefore LAs do not have to provide it, they only have to give its provision due consideration.

The Committee learnt that in York, the LA had previously agreed to provide free transport to those children with denominational places to those living more than 3 miles & less than 15 miles from a qualifying school.

The Committee carefully considered the numbers and costs involved with providing free transport, and noted that it was not provided just for geographical distance reasons and for those with special needs, but also for the those children with denominational places.

Consideration of Free School Transport For Denominational Places

Whilst respecting parent's choice, the Committee

agreed that the current arrangements for the provision of free school transport on a denominational basis were unfair and inequitable to all pupils across the city i.e. pupils receiving a denominational place and therefore receiving free transport were at an advantage over other pupils attending the same school.

Taking account of the need to still provide transport for those pupils living in rural areas, on the basis of distance from school, Members considered information on the cost of a phased withdrawal of the free transport currently being provided by the LA on a denominational basis.

Officers provided information on a number of options, detailing a range of potential savings broken down into primary and secondary school and by transport type, on a year by year basis. These provided a range of potential savings particularly with school buses. Members noted that for Private Hire and Buses the cost would step down over time as fewer vehicles (or smaller vehicles) were required.

The Committee also received feedback from East Riding of Yorkshire Council on their experience of withdrawing the same provision in 2005.

Options considered for a phased withdrawal of all free denominational transport up to 2019 & Potential Savings

Option 1 - Withdraw but still transport to catchment school	£105,160.00
Option 2 - Withdraw but children still choose to attend denominational school	£137,745.00
Option 3 - Withdraw but charge a concessionary fare	£137,745.00


Members noted that any decision to withdraw the provision would need to be followed by a consultation period in the 2012 spring term, to allow for any approved changes to be reflected in the relevant documentation, & in time for it to be sent out in summer 2012 to parents of those pupils due to transfer to secondary school in September 2013.

At a meeting in January 2012, the Committee agreed their final report & recommendations.

FURTHER INFORMATION

For further information on this review or for a copy of the full final report, please contact:

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Cabinet	April 3 rd 2012
Report of the Cabinet Member for Corporate Services	

Delivering the Council Plan – The Workforce Strategy and the Procurement and Commissioning Strategy

Summary

1. The Council Plan 2011-2015 sets out three supporting core capabilities, to become
 - A confident collaborative organisation
 - Completely in touch with our communities
 - Relentless focus on our priorities.

2. This report sets out two strategies that are central planks to support the delivery of the Council Plan, the Workforce Strategy and the Procurement and Commissioning Strategy. Both these strategies will develop capability and capacity in each of these three areas.

Workforce Strategy

Background

3. The Workforce Strategy 2012-15 replaces the Workforce Plan of 2010-12 which was the council's first strategy of this kind focussed on the future size and shape of our staffing resource. In producing the first corporate Workforce Plan it was acknowledged that an annual refresh would always be needed to ensure the Plan reflects changing priorities and current needs, and meets the essence of workforce planning: *'ensuring the council has the right people, with the right skills, in the right places, at the right time to deliver the right services to our customers'*. This was particularly the case in 2011 with unprecedented changes in government policy and impacts on national and local spending decisions.

4. In the light of these impacts, instead of a refresh, a fundamental review of workforce priorities has been undertaken over the last 9 months to ensure that the workforce is sufficiently shaped and skilled to deliver the priorities laid down in the new Corporate Plan. The council has worked with equalities groups both inside and outside of the council, and with trade unions as well as Human Resources and learning and development professionals to develop the Strategy shown at Annex 1.

5. The draft Workforce Strategy sets out the strategic priorities for the development of the council's workforce, and how core competencies will be delivered through the following priority areas:

Skills and Behaviours Development – to have visionary and ambitious managers and leaders who can develop, motivate and lead our workforce to deliver our services effectively in challenging times. To further develop our teams so that in providing our services they can demonstrate flexibility, innovation, decision-making and at all times excellent customer service.

Recruitment and Retention – to recruit and retain a workforce with the skills and values we need, promote jobs and careers as an employer of choice, and identify, develop and motivate talent. To develop and maintain a diverse and inclusive workforce, actively challenging and addressing accessibility barriers and issues.

Pay, Reward and Recognition – to provide good and flexible reward packages within the current financial constraints and ensure fairness across all groups of employees. We will recognise great work and ideas.

Wellbeing and Engagement – to be an organisation where risks are managed sensibly and proportionately to ensure the levels of accidents and incidents of occupational ill health are as low as possible. We will actively promote and manage wellbeing including effective and active employee engagement.

Performance and Change – to be an organisation that can transform quickly and effectively, that is highly productive and focussed on achievement, that values and engages with employees and has a culture that is collaborative, innovative, inclusive and creative.

Delivery Plan

6. The council's Human Resources (HR) team have worked with the University of York to produce a detailed draft plan to support the delivery of the key actions described under each priority area in the Strategy.
7. A Workforce Steering Group or Strategy Board is to be established to begin to deliver the work programme, chaired by a member of the Corporate Management Team. Directorate leads supported by senior HR officers will become workstream or priority leads, and will report back to the Board on progress. This will secure cross council ownership of the Strategy, and allow a number of pieces of work to be delivered concurrently, which will be more effective than the actions being buried within an operational HR service delivery plan.

Consultation

8. To supplement the engagement described in paragraph 4 above, the work with the Staff Equalities Reference Group (SERG) in particular, has resulted in the restructuring of the group's 2012 work programme to focus on each of the five Strategy priorities described above. The first event held in recent weeks focussed on Health, Safety and Well-being and will inform, for example, the development of a Dignity at Work Policy. The event planned for May 2012 will focus on Recruitment & Retention and will, in particular, focus on plans for the 2012 apprenticeship recruitment process and how the council can attract candidates from communities of interest, and then retain them with effective succession planning programmes. Outcomes from engagement activity is shown in Annex 2 and Annex 3.

Communication Plan

9. If approved a programme of communication with staff will commence initially with articles on the staff intranet site and in the staff magazine with links to the Strategy. An easy read version of the strategy will be produced and we are considering a British Sign Language version to be made available electronically and/or on a DVD. All employees will receive a copy of the Strategy, with alternative versions and languages available upon request. Progress against the delivery plan will be reported through the Strategy Board and as part of the council's regular performance management reporting framework, and monitored by the Effective Organisation Overview & Scrutiny Committee.

Procurement Strategy

Background

10. Over the last two years the council's approach to procurement has developed significantly but the formal Council Procurement Strategy has not been refreshed for a number of years and is now out of date. This strategy reflects the new approach that has been developed over the last year and is designed to deliver savings and improved outcomes from public expenditure. It sets out how we intend to use procurement to deliver greater social economic and environmental benefits through our supply chain and how we will make it easier for a wide range of suppliers to do business with us. It also reflects changes to the legislative framework within which public sector procurement operates. The new Procurement and Commissioning Strategy is attached as Annex 4.

Efficiency

11. The council, like other public sector bodies, faces challenging financial times. As a result of the Government's deficit reduction programme and subsequent reductions in grant funding, accompanied by increases in demand for social care services, rising land fill costs and increased fuel costs, the council has had to make savings of £21m in the year 2011/12 and will have to make a further £19.7m savings over the next two years.
12. In 2010/11 the council spent approx £122m on goods and services from capital and revenue budgets. It is therefore essential that procurement drives out value for money and delivers savings to contribute to these totals. In the recent budget report nearly £11m savings will be delivered over the next two years from efficiency measure, service reviews and procurement. In order to contribute to these totals procurement activity must utilise a commercial approach focussed on :

Demand Management – We will make sure that what we buy delivers the outcomes we seek. We will only buy what we really need at a quality that is good enough to do the job but not better than we need.

Category Management – By grouping together products and services according to their function and aggregating our spend we can maximise our buying power and achieve economies of scale.

Contract Management - By managing contracts from the point of award until expiry, we will be able to ensure we get what we pay for and that suppliers perform well for the duration of the contract.

Supplier Relationship Management - We will build strong, long term, positive relationships with our suppliers across all sectors, to ensure that all parties are delivering against the commitments, and engage suppliers and customers in positively shaping future requirements and solutions.

Making it easier to do business with us – ensuring that all our commissioning and procurement activity is well advertised and web enabled and that the cost to a supplier in bidding for work is as low as possible by standardising and simplifying bidding processes. There will be no unnecessary barriers to doing business with the council, opening up opportunities to a range of suppliers from all sectors.

Collaboration – working with other public sector bodies to improve our buying power and reduce the cost of procurement activity. Working with the public and suppliers of all sizes to explore innovative solutions

Social Economic and Environmental Benefits

13. In the current economic climate the local economy needs all the support it can get and making the most of our spend in the local economy is a real opportunity for us to contribute. The **Public Services (Social Value) Bill 2012** has just been given Royal Assent and it makes provision for broad social, economic and environmental benefits to be considered alongside cost and quality in all public sector procurement.
14. This strategy makes a commitment to use this “triple bottom line” evaluation in all procurement activity in order to maximise the beneficial impact of public sector spend in the city and in our communities. This does not mean that we will always use local suppliers, we need to balance the cost and quality of services to achieve the best balance of overall benefits. It does however allow us to take account the impact of the procurement upon our local economy (e.g. jobs created), on our environment (e.g. CO2 reductions) and on our communities (e.g. greater social cohesion).
15. Demonstrating social value can be a difficult and resource intensive process. An organisation has to describe a variety of soft outcomes demonstrating what social value has been achieved. We are developing our evaluation models to include social value but we will also work with the voluntary sector and SMEs to enable them to articulate and quantify their social value without this becoming an onerous burden that favours larger organisations.
16. The **Localism Act 2011** comes into force on April 1st 2012. However following delays from central government in developing guidance, the Community Right to Challenge aspects of the Act will not be introduced until October 2012. This will give social enterprises and community groups, parish councils and local authority employees the right to express an interest in taking over the running of a local authority service. The local authority must consider and respond to this challenge; and where it accepts it, run a procurement exercise for the service where the challenging organisation can bid. This makes it easier for local groups with good ideas to put them forward and drive improvement in local services.
17. City of York Council is extremely open to considering new and better ways to design and deliver services. We recognise the potential to employ alternative service delivery methods to provide high-quality services at good value. We therefore positively embrace this aspect of the Localism Act and await guidance on the mechanisms for expressing interest from Government (now due October) and we will define and disseminate our approach to as soon as this is received.

Current Progress

18. In the last year we have made significant improvements to the procurement activity of the council. We have :
- Developed Forward Procurement Plans for each Directorate setting out when we will be tendering for goods and services
 - Engaged with local suppliers through a series of meet the Buyer days
 - Engaged with the voluntary sector to explore opportunities for them to bid for work
 - Procured a new Supplier and Contract Management system that will help us manage our forward plan, identify opportunities for collaboration and category management, make it easier for companies to bid for work
 - Created a Contracts Register which will be published online so that all suppliers can see when bidding opportunities are coming up
 - Recruited a new team of commercial procurement experts to implement the new commercial approach set out above
 - Recruited Apprentices to build the skills of young people in this important discipline
 - Led a procurement challenge as part of GeniUS! York, a digital platform seeking to inspire and enable everyone in York, including residents, visitors and businesses, to join forces in the bid to solve key city-wide challenges
 - Aligned the work of the procurement team with that of both legal and financial teams to improve focus and establish a benefits realisation regimen
 - Provide dedicated support to Directorate Management Teams to assist with the delivery of procurement savings
 - Taking a regional lead on joint procurement of catering and PPE to drive out better deals from combining our spend across authorities
 - In discussion with Higher York to explore potential joint procurement on travel and accommodation, facilities management, car park cash collection, physical secure and non-secure storage solutions.
19. We have used innovative approaches to get greater financial advantage from contracts and to engage local and voluntary sector organisations in new and innovative solutions. Some examples are:
- Taxi service for vulnerable children and adults – The procurement was structured to provide opportunities for collaborative bids and/or SME bids by breaking the tender down into 7 separate lots. The result was that one local consortium was successful in winning all lots within the contract on a cost and quality evaluation. Savings of 17% (circa £314,000 per annum) will be delivered over three years and it is expected further efficiencies will be achieved through rationalisation of administrative functions.

- Fleet purchase – The procurement to replace an aging and uneconomical fleet of light commercial vehicles (LCV's) was undertaken using a regional framework. The average discount awarded to the council was 38%, which resulted in a cost avoidance of approximately £986,000.
 - Tenants Choice – Through renegotiation and restructuring of existing contracts and implementing process changes within the service to allocate work more effectively informed by customer feedback, we delivered a £500,000 savings over an 18 month period. Further savings are expected from a retendering exercise which is just concluding.
 - Homecare - Due to insufficient capacity within the local market, the council decided to create a “tiered” approach for the procurement thus giving small, local providers the opportunity to bid either as a consortium for the bulk requirement in Tier 1 or for the smaller requirements in Tiers 2 & 3. As part of the procurement process we removed the historical block purchase of hours to a model which pays for the actual hours of care provided, delivering a saving (cost avoidance) of approx £280,000 over three years.
 - Integrated Substance Misuse Treatment Services - By redesigning the service delivery model i.e. three suppliers being replaced by one supplier to eradicate duplication in services delivered and to make the service more streamlined, approximately £150,000 per annum has been saved over the term of the contract. This saving has been put into providing a brand new and cutting edge Abstinence Programme for Drugs and Alcohol that ties into the Government Drugs Strategy 2010 and is now a Government requirement to provide this service
20. We are tendering for catering facilities in West Offices and Hazel Court and have engaged local SME's and voluntary sector/social enterprises to bid. The tender will be evaluated on broader social and economic benefits such as opportunities for employment for people with learning disabilities and a commitment to fair-trade beverages.

Delivery Plan

21. Though much good work has been done there still a lot to do; a full strategy delivery plan is being developed and will be made electronically available in April. Detailed Forward Procurement Plans have also been developed and these will be monitored on a quarterly basis through Directorate Management Teams.

Consultation

22. There has been significant consultation on the Strategy with equalities groups, local businesses and the voluntary sector. The Strategy was positively welcomed by the majority of consultees and the main thrust of the feedback

was to understand how the commitments in the strategy would be achieved. This has been very useful in helping us to build the delivery plan. A detailed synopsis of the feedback is included at Annex 5.

23. A key question raised through the consultation related to the intention to encourage spend with local SMEs. Consultees were keen to understand how we would define “local”. Given the focus in the Local Economic Partnerships (LEPs) is upon functioning economic geographies we propose to mirror the LEP arrangements and use the same boundaries as the Leeds City Region and the York and North and East Yorkshire LEPs.

Council Plan

24. These two strategies are essential for the delivery of all of the priorities within the Council Plan by:
- Developing the workforce to have the right skills and behaviours to address future challenges and deliver customer focussed efficient services.
 - Ensuring that our spend on goods and services is shaped by customers and delivers both financial, economic social and environmental benefits that properly connect with local communities and gain public trust.

Implications

- 25.
- Financial** - The Procurement Strategy will assist the council with the delivery of substantial savings. The potential to drive down costs will need to be balanced with the potential to deliver social economic and environmental benefits through the commissioning and procurement activity.
 - Human Resources (HR)** – Contained within the Strategies.
 - Equalities** - Both Strategies have been consulted widely and are key to ensuring that there is equality and fairness of opportunity for all current and prospective employees for our suppliers and ultimately for customers. Equalities Impact Assessments are attached to this report as Annexes 3 and 6.
 - Legal** – The delivery of the Procurement Strategy will require continued close working with the commercial legal team to develop tender documentation and contracts that create a level playing field for suppliers across all sectors yet still ensure that the council complies with EU legislation and has a strong legal framework to ensure suppliers deliver the required outcomes. The requirements of the Localism Act 2011 and the Public Services (Social Value) Bill 2012 are both provided for in the Procurement Strategy.
 - Crime and Disorder** – None.
 - Information Technology (IT)** - Implementation of a new Supplier and Contract Management System and the new ITrent HR and payroll

system are both essential to support delivery of these strategies. Both are partly implemented and work will continue through the year.

- g. **Property** - The forthcoming move into two Administrative buildings will bring with it the need for the whole workforce to work flexibly. This is central to the Workforce Development Plan.

Risk Management

26. The needs of the organisation have changed significantly over the last 2 years and the current Workforce Plan (2010-12) will not help us to create and support a skilled and flexible workforce that can deliver the Council Plan.
27. The existing Procurement Strategy is out of date and is largely focussed on compliance with EU legislation and Financial Regulations. There is a strong risk that this will not deliver the level of financial savings now required. It also does not set out how the Council might comply with the Localism Act and the Public Services (Social Value) Bill and there us therefore a risk of external legal challenge if we do not establish a list of challengeable services and evidence how we are evaluating the social economic and environmental impacts of potential suppliers as part of the tendering process.

Recommendations

28. Cabinet are asked to:

- a) Agree the Workforce Strategy

Reason: To ensure the delivery of the core capabilities that support the Council Plan and continue to develop the workforce so that they can met the needs of the organisation now and in the future.

- b) Agree the Procurement and Commissioning Strategy

Reason: To ensure the delivery of the core capabilities that support the Council Plan and improve the social economic and environmental outcomes and the level of savings derived from all council procurement and commissioning activity.

Contact Details

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	Chief Officer responsible for the report: Ian Floyd 551100	✓	Date	15 th March 2012	
Wards Affected: List wards or tick box to indicate all				All	✓
For further information please contact the author of the report					

Background Papers:**Annexes**

Annex 1 Workforce Strategy

Annex 2 Workforce Strategy consultation feedback

Annex 3 Workforce Strategy Equalities Impact Assessment

Annex 4 Procurement and Commissioning Strategy

Annex 5 Procurement and Commissioning consultation feedback

Annex 6 Procurement and Commissioning Equalities Impact Assessment



CONFIDENT, COOPERATIVE AND HIGH PERFORMING PEOPLE



CITY OF YORK COUNCIL WORKFORCE STRATEGY 2012 - 2015

Workforce Strategy 2012 - 2015

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 - 9 Skills and Behaviours Development
 - 11 Recruitment and Retention
 - 13 Pay, Reward and Recognition
 - 15 Wellbeing and Engagement
 - 17 Performance and Change

Foreword

I am pleased to introduce the City of York Council's Workforce Strategy for 2012-2015.

As stated in our Council Plan, the work of the council continues to shift and change, more so now than at any time in our history. This is a period of change and transformation and it is vital that York's Workforce Strategy clearly and succinctly sets out how we will develop and harness everybody's skills to deliver our priorities for the City.

This Workforce Strategy will enable us to focus and continue our efforts to become a confident, cooperative and high performing council in every aspect of our work addressing the needs of our customers and our local communities.

We face tough challenges and decisions across York and to achieve high-quality services for the City, it is vital that we continue to develop and support our workforce.

This Workforce Strategy sets out the necessary actions to support and develop our aspirations and in doing so, it provides a clear, supportive and cohesive way forward.



Cllr Julie Gunnell
Cabinet Member &
Portfolio Holder for Corporate Services

Introduction

Introduction

One of my job titles - as well as Chief Executive and Town Clerk - is 'Head of the Paid Service', which gives me lead responsibility for the employment, leadership, management and support of staff who work for the council. This is a role I take very seriously. Without great professional and committed staff, who are trained and supported to do their jobs well this council will not achieve its objectives. This strategy spells out what we will do to ensure that this is the case.

This is a challenging time for us in the public sector. We are having to examine all aspects of what we do as we deal with the consequences of a significant reduction in funding from central government. We need to focus resources and the work of ourselves, the employees, on the key issues for people in this City. This means that we will be living with change for some time - changes to what we do, how we do it and some reductions in the numbers of staff employed in the council.

Against this backdrop our commitment is to be a decent and fair employer that recruits and supports people to be confident in their work and give of their best. We will be an employer that involves and engages staff in shaping proposals for change. We will provide development opportunities for staff so that people have the skills required for roles as they change. Where post numbers have to be reduced or where it is proposed to transfer services to other providers we will work through all the options for staff and prioritise vacancy management, retraining and redeployment so that compulsory redundancies are a last resort. I want to thank you all for the way in which you have worked through the changes we have made so far. Your commitment and professionalism means that we continue to deliver great services to the people of this city.

When we recruit we will recruit the best person for the job. We will be seeking to encourage recruitment from all communities in the city, so that we can become more reflective of the communities we serve particularly in terms of age, race and disability.

In the last year we have been working as part of a pilot authority on 'open innovation' which invites everyone - across all sectors of the city and tiers of the workforce - to be involved in finding new ways to tackle some of the challenges we face. We will take the learning from this to work together as 'Team York', collaborating across boundaries to find solutions for our residents. We are a member of the co-operative councils network and we will be building co-operative ways of working and also supporting employees who want to think about the option of employee owned mutuals and social enterprise.

In the following pages you will find more about the priorities and commitments of the workforce strategy. I will be reviewing delivery on a regular basis and I want to know from you too how you think we are doing. You can contact me as ever on kersten.England@york.gov.uk .

I look forward to hearing from you.



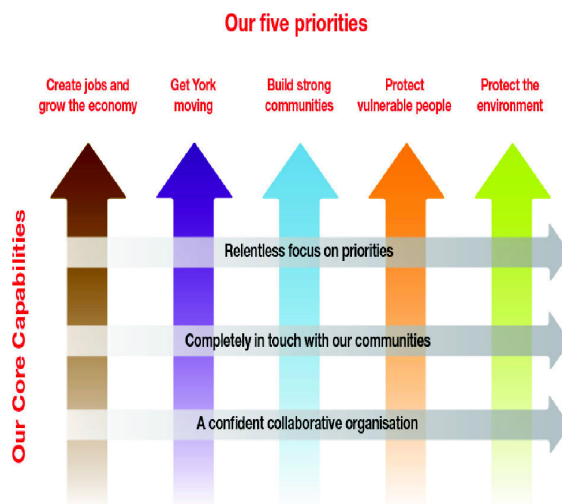
Kersten England
Chief Executive

Background

Background

As with all public sector organisations we are facing very challenging times ahead. We need to respond to significant constraints in funding whilst remaining effective and motivated, as well as be willing to adapt and respond to the changing work and services we need to deliver.

To focus us on what we need to do to meet the challenges ahead we have a Council Plan that sets out five priorities for the next 4 years:



These priorities will shape and give focus to everything we do as a council but we must be equally clear about how we as a workforce need to adapt to new styles of working and changing capabilities.

This Strategy makes clear what we need to do, sets out our vision for the workforce and identifies what we need to focus on to achieve this. It takes into account our own particular workforce composition and this context has guided some of our priorities and actions.

Change is likely to affect all of us in some form or other. It is important that our plans and actions are made with a clear understanding of how they will impact on all groups and that they do not lead to disadvantage or inequity.

So what are we like as a workforce?

We have a workforce of around 7,400 people and provide services to around 200,000 people. As a unitary authority we are responsible for providing all local government functions (except fire and police) and because of this we have one of the largest and varied workforces in the city.

We are currently spread across 16 different locations but a major project is underway to reduce this to fewer sites in the city and move to a new civic headquarters building in 2012.

The majority of us are female (74%), 71% of us work part time and the average salary is the equivalent of £20,700 per annum (£10.76 per hour), and yet we only have 13% of women senior managers.

Only a small number of us are from a Black, Asian or minority ethnic background , (4%) and 2% of us are disabled. We are a mature workforce, over 68% of us are 40 years of age or older with only 3% of us between 16 and 24.

The vast majority of us live within the council's boundary, with 80% of us being customers as well as employees.

So how do we compare to our community?

We employ significantly fewer disabled people than there are in York but have a closer match to the proportion of people from black or minority ethnic backgrounds.

Our biggest mismatch compared with the population of York is in the employment of people under 25 years of age.

So, to be more reflective of our community we would need to employ more women in higher paid roles, more people from a black or minority ethnic background, more disabled people and they would need to be in the younger age

bracket, particularly within the 16 to 24 age band. The population figures for York show that the 20-24 age group rose by 52% in 2010 so there is potentially an increased number of people in the labour market in this age range to target.

We have a more qualified population than the rest of the region to draw upon. The number of people in York with NVQ level 4 qualifications or above is 13% higher than the region as a whole and nearly 81% of our young people attain 5 GCSEs at grade A to C, which is higher than both the regional and national average.

York is in the fortunate position to have an unemployment rate below the regional average, this is excellent for the city but means there is greater competition for attracting and retaining the most skilled people.

The Vision and Strategy

Our Vision

Our vision for York is to have a workforce that understands our priorities, is innovative and creative, diverse and inclusive, flexible, ready and willing to respond to changes in the work we do and how we do it. We want everybody to feel involved in how we operate and how we deliver our services and to work together effectively to deliver what our customers need.

At a time of transformation in local government we will continue to review our organisational design and look to operate in future on a more “matrix” or cooperative style of structure which reduces bureaucracy and allows staff to operate more flexibly. We will simplify transfer arrangements and other means to allow staff to move outside the organisation when appropriate and to work more closely with partners to plan and deliver services across traditional boundaries. We will also require more flexible terms and conditions and reward systems.

This in turn means that we will be clearer on responsibility and accountability with a more disciplined focus on outcomes.

Performance management will be key and will extend throughout the organisation. We will develop, implement and maintain a consistent framework which ensures that all staff understand their role and responsibility within the organisation and how they are accountable for their actions and behaviour. We will ensure they are supportively led and managed to be able to perform well.

We will engage more with our staff. People need to be appreciated and we will encourage ideas and innovation from everybody. Engaged and productive staff enable the delivery of excellent services whilst disengaged staff incur a loss of productivity, higher absence and lower performance. Our staff will know that they are part of the solution, not the problem as we deal with transformation and constant change. Innovation often flourishes at such times and we will ensure that we provide the opportunities for this to happen.

We will provide inspiring and effective leadership at all levels of the organisation with our staff being empowered to make decisions to fulfil their customers' needs. York will develop leaders who can work in a collaborative way to achieve goals using shared knowledge and who can motivate, lead and manage our staff to deliver services in the most effective way.

We will put policies and practices in place that drive and support performance management and change to fulfil our vision for the workforce of the future. We will have a relentless focus on this priority and identify the key actions that will help us to achieve it. One of the measures of our success in delivering this strategy will be in meeting the principles of the Investors In People Standard.

Our Strategy

To achieve our vision we will focus on:

1. Skills and Behaviours Development

to have visionary and ambitious managers and leaders who can develop, motivate and lead our workforce to deliver our services effectively in challenging times. To further develop our teams so that in providing our services they can demonstrate flexibility, innovation, decision-making and at all times excellent customer service.

2. Recruitment and Retention

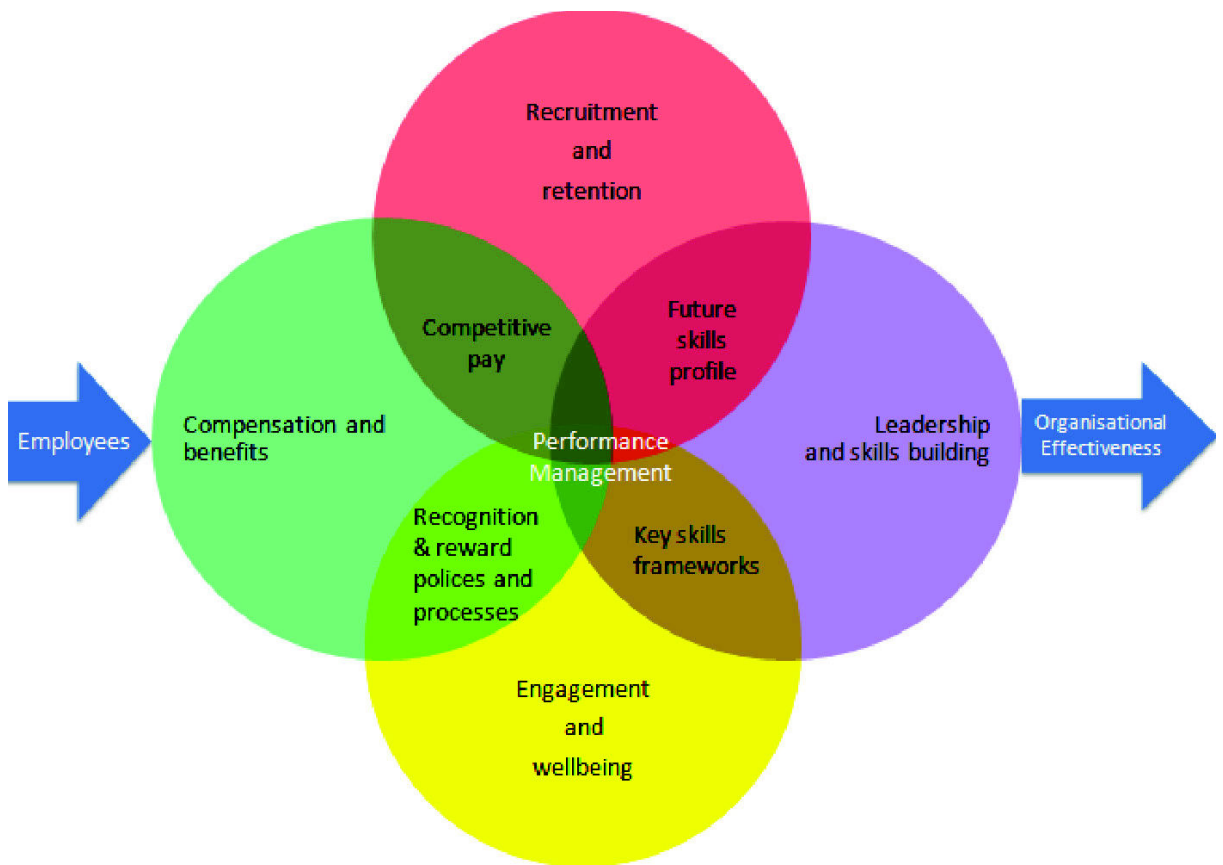
to recruit and retain a workforce with the skills and values we need, promote jobs and careers as an employer of choice, and identify, develop and motivate talent. To develop and maintain a diverse and inclusive workforce, actively challenging and addressing accessibility barriers and issues.

3. Pay, Reward and Recognition

to provide good and flexible reward packages within the current financial constraints and ensure fairness across all groups of employees. We will recognise great work and ideas.

4. Wellbeing and Engagement
 to be an organisation where risks are managed sensibly and proportionately to ensure the levels of accidents and incidents of occupational ill health are as low as possible. We will actively promote and manage wellbeing including effective and active employee engagement.

5. Performance and Change
 to be an organisation that can transform quickly and effectively, that is highly productive and focussed on achievement, that values and engages with employees and has a culture that is collaborative, innovative, inclusive and creative.



Skills and Behaviours Development

What do we want to achieve?

We will have inspiring and ambitious managers and leaders who can develop, motivate and lead us to deliver our services effectively in challenging times. We will be effective at identifying and nurturing our leaders of tomorrow so that we can maintain a continuous high performing leadership team.

To further develop our teams to have the skills to deliver those services in a manner which demonstrates flexibility, innovation, decision-making and at all times a customer focussed approach. To contribute to the development and delivery of the priorities laid down in a city-wide Learning & Skills Strategy.

We are committed to driving up basic levels of attainment in essential skills (literacy, numeracy & IT) in the council or in preparation for employment elsewhere in the city.

Why is this a priority?

Our ability to lead and manage through the challenges of transformation will be critical to meeting our priorities. We will strengthen our focus on the skills required to do this at the very top levels and with all our managers responsible for leading staff.

In this challenging environment it is more important than ever that learning and development is absolutely focussed on what is critical to effective performance and delivery of priorities. We will deliver this in the most responsive and cost effective ways.

What actions will help us to respond to these needs?

- Identify the skills and behaviours required at the different levels in the council.
- Provide programmes to develop the skills and behaviours of leaders and measure the learning through effective 360° performance management feedback.

- Develop talent management programmes to develop and retain those with potential making sure that under-represented groups are targeted as part of this.
- Design a competency framework to help identify learning and development needs of job holders.
- Develop a programme to educate employees on the skills needed to build effective partnerships.
- Produce a learning and development plan and delivery model that focuses activity on the essential and key skills, knowledge and behaviour required to meet our priorities.
- Develop toolkits and use positive and inclusive examples to ensure fairness in access to skills and opportunities.
- Outcomes of learning and development activity can be clearly linked to the delivery of our priorities and key workforce objectives.
- Performance of staff is increased through development of essential and key skills.
- Increased fulfilment of staff's development aspirations.

Our existing framework of leadership and management standards (LAMS) has been in place since 2007 and was developed to support the aims of the council at the time.

We now need to revisit these standards and check whether they remain fit for purpose and support the new vision and strategy.

The challenges of working in the council of the future may need different skills and behaviours and a review in 2012 will be vital to identify what will make our leaders and managers effective in this new environment.

Key outcomes

- Leadership skills are clearly demonstrated and performance improved.
- Learning and skills activity across the council and the city is delivered in a way to maximise provision in the most cost effective way.
- Potential future leaders have been identified, the diversity profile of the group is representative of the workforce and people are engaged on a talent management programme.

Recruitment and Retention

What do we want to achieve?

We will have the right people in the right place at the right time with the essential skills and values needed to meet our goals and their aspirations. We will be reflective of the community we serve, at all levels of our organisation, allowing us to be completely in touch with them. We will balance the buying in of talent to refresh our workforce with opportunities for existing staff to progress and develop.

Why is this a priority?

We will continue to change as the council continues to respond to financial challenges, service redesign and changing needs of customers. So, it is vital that we provide resources in the most cost effective ways and retain our talented people.

We will look at retention in the broadest way to enable us to retain as many of our talented people delivering services to our customers as we can. We will consider all options, including employee mutual or social enterprise service delivery models.

We will undertake more effective workforce planning so that we can predict future workforce needs and prepare for changes in the size and composition of the workforce .

What actions will help us to respond to these needs?

- Develop an approach to organisational design which identifies key future staffing requirements and how best to resource this.
- Create opportunities for younger people to join the workforce through pre-apprenticeship work placements, apprenticeship and other programmes such as internships.
- Create job structures and pathways such as talent pools and secondments that enable our staff to progress and encourage under represented groups to apply for opportunities.



We have made the five commitments regarding recruitment, training, retention, consultation and disability awareness to have attained the disability symbol.

- Identify barriers to under-represented groups applying for jobs in the council and look for ways of removing them.
- Promote and embed flexible working practices across the organisation to support different styles of work and help attract the widest possible range of people.

Key outcomes

- The shape and size of the organisation is flexible to respond to priorities.
- An effective vacancy management strategy is in place.
- The number of young people gaining basic skills, completing apprenticeships and securing onward employment has increased.
- Employees are more satisfied with opportunities to progress.
- Talented people are delivering our services through direct employment or other service delivery models.



The 'Apprenticeship Challenge' aims to create places for 100 apprentices within 100 days in the city. We have risen to the challenge by offering 34 of the 100 places to young people.

Our apprentices are working towards the Level 2 qualification and the first entrants started on the scheme in September 2011.

The council is one of the key partners of the challenge programme in York and it is also being supported by the National Apprenticeship Service and The Press.

Pay, Reward and Recognition

What do we want to achieve?

We want to be able to recruit and retain a diverse range of effective people, and pay, reward and recognition is a fundamental part of this. We will work hard to provide the best reward package for employees we can within the difficult financial constraints we face and ensure fairness across all groups of employees within the council. We will recognise great work and ideas, and will provide opportunities to our employees to help improve morale.

Why is this a priority?

Balancing the pay bill with fair and motivating reward is particularly challenging in the current financial climate, but we still want to be competitive enough to retain the best people and at the same time maximise support for those who experience financial challenges.

Having modernised and simplified some of our pay arrangements we will work with the trade unions to review the remaining groups to ensure consistency in treatment and, where practicable, harmonise terms and conditions between groups. As part of these packages of changes we will seek to minimise the financial impacts on our workforce and will seek to

agree ongoing support packages and initiatives which give employees other benefits which may be financial or non-financial.

We will ensure benefits such as flexible working practices are fair and maximise accessibility for all of our diverse communities.



Launched in August 2009 the staff lottery was created to help fund the development of staff benefits as well as offering cash prizes to employees. The funds raised are split 50/50 between the two.

The lottery has funded lunch time wellbeing workshops such as Alexander technique, Kinesiology, reconnection healing.

The council choir “**CANSing**” is supported by the lottery and a range of new spend suggestions are being considered.

Our first lottery winners

Dave Meers, a care manager in the Learning and Disabilities team at Systems House, and **Janine Higson**, housing options advisor, both in HASS, each struck lucky in the council's new Staff Lottery winning the top

prize of £500 in the August and September draws.

Dave was initially troubled by the phone call from Human Resources: "It's not often I get a call from HR so I thought it couldn't be good news - but I was absolutely stunned and delighted to hear I'd won the top prize in the first lottery draw - I never usually win anything. I'd joined it straight away I have two numbers when it was introduced, as I work with a lot of colleagues in the health service who have their own lottery and heard how good that was. I've treated myself to some new golf clubs and I'm going to spend the rest on a holiday."

Janine Higson, who also has two numbers, was in the perfect setting when she got her good news. Sitting on a balcony sipping a glass of wine on the last night of her holiday in Turkey, she got a call from one of her colleagues at work. "I thought they were pulling my leg at first as I'd been convinced I'd win the first draw because it was on my birthday. It was a nice ending to the holiday and couldn't have come at a better time - my old laptop was nearing its end. I also had to buy cakes for the office... we've all been doing a national lottery syndicate for ten years and only won the odd tenner."



What actions will help us to respond to these needs?

- Carry out an ongoing review of the terms and conditions of employment for the whole organisation to ensure fair, consistent and efficient practice.
- To review options to address low pay in our workforce.
- Develop a total rewards approach to pay and benefits including widening of salary sacrifice schemes.
- To develop schemes of support to secure future opportunity and employment.
- Develop an ongoing scheme to recognise outstanding work in our organisation building on the success of the 2011 eXtra Factor Awards.

Key outcomes

- Our employees understand the total value of their employment package.
- We know and recognise our outstanding teams and people and they feel valued.
- The cost of the employment package is sustainable for the future but is fair within the current economic climate and does not financially exclude individual members of staff.
- We are confident in the fairness of our pay and reward practice.



We launched our first Benefits Booklet in 2009 in partnership with the NHS. The Shepherd Group have since joined the scheme and we are looking at increasing our partners to maximise benefits potential.

We have expanded the range of discounts available year on year and are committed to introducing more voluntary benefits and salary sacrifice schemes over the next year.

Wellbeing and Engagement

What do we want to achieve?

We will manage risks sensibly and proportionately to ensure the levels of accidents and incidents of occupational ill-health are as low as possible. Staff wellbeing will be an integral part of our employee support mechanism and will be actively managed and promoted. We will have a strong and positive employee relations and engagement culture to ensure our employees feel well informed, involved and have a way of feeding back their views in a variety of ways.

Why is this a priority?


We need to do all we can to ensure that we are fit, ready and able to attend work. We will move beyond traditional boundaries of health and safety and encompass both the physical and mental wellbeing of staff particularly where new service delivery models are introduced. We will continue to work towards the ultimate goal of achieving a level of wellbeing that is consistent with the best organisations and we will work in partnership and city wide to achieve this.

What actions will help us to respond to these needs?

- Provide policies and practices that reflect the requirement for new ways and styles of working and service delivery.
- Ensure safe systems of work are in place.
- Ensure managers have the knowledge and skills to carry out effective risk assessments within a Health & Safety culture.
- Improve incident reporting and investigation.
- Improve the provision of health surveillance and occupational health services to focus on improving attendance, wellbeing and proactive support.
- Develop a programme of wellbeing activities & initiatives accessible to all of the workforce and responds to Wellbeing Surveys.
- Develop a Dignity at Work policy.
- Review how we interact with employees through both collective employee relations and directly.
- Develop ways of increasing engagement and morale to make the best use of the talents and involvement of staff.

Key outcomes

- A healthier workforce with:
 - A reduction in number of days lost through workplace accidents
 - A reduction in occupational ill-health.
- Employees know how to carry out their work safely and managers promote a health & safety culture.
- Employees are more satisfied with their work/life balance.
- Flexible working practices are more wide spread.
- A suite of 'good employer' support exists for all staff.
- Bullying and harassment is not tolerated or accepted in any part of the organisation.
- We have a strong and positive employee involvement and engagement culture.



WORKPLACE WELLBEING SURVEY

From 4 April to 6 May

DON'T BOTTLE IT UP!

Please take part - YOUR views are important

How do you feel about working for the council? What issues are affecting your physical and mental wellbeing? The Workplace Wellbeing Survey is your chance to tell us.

Your views will help us create a structured programme to support your health and wellbeing at work.

The confidential questionnaire takes about ten minutes to complete and includes questions about work related issues and your general health and lifestyle.

You can complete it online from any internet enabled computer - at home, the library or at work - or ask your manager for a paper version.

Contact the Health and Safety Team if you need help or advice on 5541 31 or healthandsafety@nsw.gov.uk.

PRIZE DRAW FOR STAFF TAKING PART, COURTESY OF ENERGISE

WIN a three-month gym membership, an eight week cycling course or 200 worth of petrol

energise

YORK COUNCIL

The 2011 employee wellbeing survey took place over the summer. The Joint Health & Safety Committee and the Health, Safety and Wellbeing Team are now working with services to deliver their action plans.

Performance and Change

What do we want to achieve?

We want to be able to transform quickly and effectively, be highly productive and focussed on achievement. We will be clear about the council's priorities and how our own fit into these so we can champion everything it stands for. We will value each other and have a culture that is collaborative, innovative and creative.

Why is this a priority?

We are facing rapid change, the transformation of services is being driven by increasing customer demands and the need to reduce the cost of provision. We will have to be flexible and able to adapt our services quickly to meet these challenges. Service delivery models may need to be very different to what we currently have with employee mutuals and social enterprises being developed to ensure the retention of employment within the city.

What actions will help us to respond to these needs?

- Develop effective change management processes and ensure managers understand how to manage the different types of change and how to support employees through them.
- Build links with partners and other organisations, in the city to identify common workforce issues and develop a shared approach to addressing these.
- Develop a consistent performance management framework through staff appraisal that links to business plans, ensures staff understand their role and priorities and that they are supportively.



In July 2011 we secured recognition as an 'Achieving' authority for

our commitment to, and delivery of, equitable services and outcomes for our employees and the people of York.

Our ambition is now to reach the 'Excellent' level in two years time and to do this we must ensure that our commitment to equalities is fully embedded in everything we do.

- Ensure that diversity best practice is incorporated into all employment and employee activity and that the workforce is monitored carefully to drive improvement. Any barriers to creating a diverse and inclusive workforce are identified and clear actions to counter these are implemented.

Key outcomes

- Staff understand the Council and their own priorities and know what they need to do to achieve these.
- The council has an approach to change management and all managers are trained.
- Increased collaboration and partnership solutions on workforce issues.
- The workforce profile more closely matches that of the community.
- Staff are more satisfied with the opportunities for them to contribute to how the council works.
- Increased customer satisfaction with effectively delivered services.

Carer Friendly



Employer

We have just attained a 'Carer Friendly Employer' chartermark in recognition of

the support we offer to carers in the workplace.

To achieve the chartermark we needed to show that we considered and supported carers in all relevant employee policies or had an action plan in place to do so.

Our Human Resources team and Staff Equalities Reference Group are working to develop new support material for line managers in respect of managing and supporting carers at work .



**Staff Equalities
Reference Group**

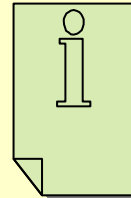
*age *pregnancy and maternity
 *gender *religion and belief
 *disability *working carers
 *ethnicity *sexual orientation
 *gender reassignment
 *marriage and civil partnerships

Staff Equality Reference Group:

- ✓ asks staff for opinions;
- ✓ recommends how to make policies and practices fairer;
- ✓ helps council to be a more equal and diverse employer.

More information on: [Staff equalities reference group](#)

**SERG & EAG Focus Group
Report 5
10th November 2011**



Topic covered: Work force Strategy 2011 -2015

Copies of the work force strategy were provided. The elements of the strategy discussed were:

- The Vision and Strategy statements
- The five key strategic objectives - Skills and Behaviours, Recruitment and Retention, Pay, Reward and Recognition, Wellbeing and Engagement, Performance and change

SERG recommendations:



- Review language used within the strategy to be more inclusive
- Through the action plans that are developed under the five strategic objectives, ensure accessibility for staff in all forms is considered e.g. attitudes, physical space, variety of opportunities



Concerns about the Workforce Strategy:

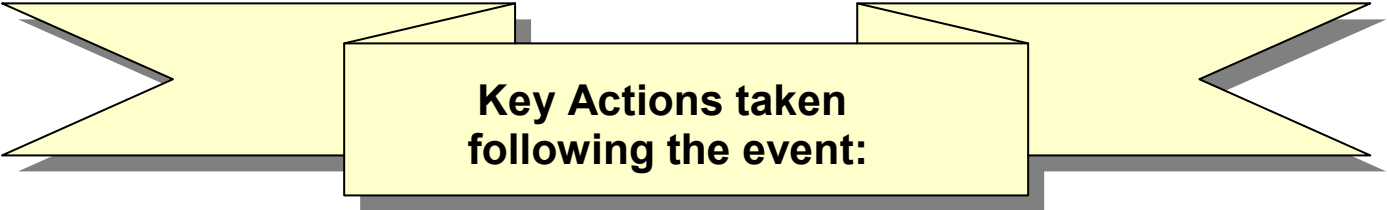
- **Terminology use**, certain words used could be deemed to exclude some staff
- The strategy needs to be in an **easy read** format to make accessible to all staff
- It does not establish links with other council documents i.e. Council plan, work force strategy action plans etc
- **Well being and engagement**, the low level declaration of protect characteristics is unlikely to improve if staff
 - fear reprisal,
 - don't identify themselves in a particularly category,
 - don't believe it will bring positive change.



Your suggestions

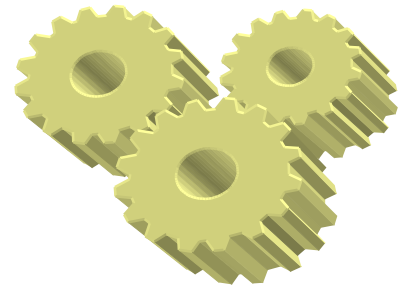
To improve recruitment and retention of minority groups the Council needs to improve its accessibility in the following ways:

- Staff attitudes e.g. training and awareness of equalities;
- Physical spaces e.g. disability access, provisions for faith rooms, facilities;
- Use of flexible working opportunities to support individual employees needs at all levels e.g. temporary roles, secondments; part time positions, etc
- Development of **staff benefits**, to include extension of salary sacrifice schemes



**Key Actions taken
following the event:**

- ✓ Revised Workforce strategy being considered by CMT & Cabinet
- ✓ SERG will consider the equalities implications of the action plans being developed under each of the five strategic objectives, through an annual programme of engagement events and focus groups



CBSS Workforce Strategy– EIA action plan summary

	Who is the contact/lead officer for this action plan
Workforce Strategy	Name: Judith Bennett
	Job Title: Strategic Workforce Development Manager
	Contact Details: Judith.bennett@york.gov.uk
Describe the Strategy:	
What is the purpose of the strategy	
<p>The workforce strategy sets the vision and priorities for action for the workforce for the next 4 years. “Workforce” is all people who are directly employed by the council, now and in the future` . “Vision” is what we want the workforce to look like in 4 years time.</p> <p>This particular EIA is about the vision. There will be separate EIAs developed for each priority area of the Strategy by the cross council delivery group.</p> <p>The workforce strategy will focus on 5 key areas:</p> <ol style="list-style-type: none"> 1. Skills and Behaviours Development 2. Recruitment and Retention 3. Pay, Reward and Recognition 4. Wellbeing and Engagement 5. Performance and Change <p>This strategy will be monitored and updated reviewed again in 12 months as part of an ongoing development plan.</p>	

Key Issues	Key Actions	By/ timescale
To ensure that the 5 strategic objective action plans have been discussed and consulted with the equalities reference group to understand any equalities implications.	<p>Five Staff Equalities Reference Group engagement events to be held in 2012 / 2013 to review the equalities implications of each of the 5 strategic objective action plans.</p> <ol style="list-style-type: none"> 1. Skills and behaviours development 2. Recruitment and retention 3. Pay, reward and recognition 4. Wellbeing and engagement 5. Performance and change 	<p>2013 TBC</p> <p>June 2012</p> <p>Sept / Oct 12</p> <p>Feb / April 2012</p>
All of the action plans that put the work force strategy into practice will need to consider the equalities implications of the protected strands.	Governance arrangements set up will oversee the EIAs developed under each action plan	Ongoing
Need to ensure the workforce strategy is accessible to read for all employees	Develop easy read work force strategy document	July 2012

Procurement & Commissioning Strategy

City of York Council 2012- 2014

Vision

To work together with partners and suppliers to develop imaginative commissioning and procurement solutions that deliver quality, value for money goods and services and deliver broader economic social and environmental outcomes.

Context

City of York Council (CYC) has historically spent approximately £120 million each year on goods and services that contribute to the delivery of services to the residents of York. The deficit reduction programme initiated by the Government has had a massive impact upon CYC. Reductions to core budgets and withdrawal of grants have necessitated savings of £21m this year. This is only the beginning. Further budget reductions will continue to affect us for the next three years. In 2012-2014 an additional £22m of savings are needed, a position made worse by the reduction in available capital budgets. It is therefore a necessity that we spend less, year on year, on goods and services.

These severe reductions in funding come at a time when the demand for Council services has never been greater. With an

ageing population and an increasing number of looked after children, social care spend is growing. The economic downturn is also creating pressure on vital income budgets. With funding cuts of this magnitude it is not possible to simply tighten our belts.

We will need to rethink the services we deliver; ensuring that they are both cost effective and that they address the needs of the residents of York at a time when every pound spent must deliver real value. Effective procurement has therefore never been as important. We need to spend money only on things that deliver real value to the people of York. Goods and services need to represent good value for money, to be of an appropriate quality and to represent the best deal available.

Procurement will help us to deliver our broader objectives and support our values. A commitment to sustainability, fairness and the development of our local economy will be built into our purchasing decisions. We will develop a mixed economy of delivery, with the Council commissioning services from those who are best placed to deliver them effectively, across all sectors, private sector or community and voluntary sector.

It is essential to balance cost and quality in the procurement of all goods and services. Clearly identifying needs, making the most of our buying power, using competition to drive down costs, shaping markets to deliver what we need and ensuring that we get what we pay for, are all important parts of excellent procurement. Economic considerations must be balanced with the

need for environmental and social outcomes. This must all be done within the bounds of European Union (EU) Procurement legislation within which we will explore the potential for encouraging local sourcing and the use of local labour. We can build in measurement of broader social outcomes or carbon reduction targets alongside more traditional measures of cost and quality.

Council Priorities

Commercial Procurement will support the delivery of the Council plan by:

- Focussing expenditure on our priorities and avoiding spend on things which are inessential or merely “nice to have”, whilst ensuring that all specifications are driven by customer requirements
- Protecting vulnerable people through sourcing appropriate levels of quality goods and services.
- Delivering excellent value for money
- Supporting the local economy
- Building strong communities by encouraging innovation, providing opportunities for local people to be engaged in designing and delivering services
- Collaborating with other public sector organisations to ensure maximum benefit for York
- Protecting our local environment by ensuring we source sustainable goods and services and build carbon reduction targets into our contracts

A New Approach

This strategy responds to the growing challenges faced by the Council. It represents a significant departure from the more traditional public sector procurement approaches, grounded in compliance.

The Council’s procurement and commissioning activity will be driven by 6 objectives

Commissioning & Procurement

The activities involved in identifying and defining the goods and services we need to buy, or indeed deliver ourselves, is the key starting point for subsequent procurement activity. Our commissioning and procurement activities will work in an integrated way, informed by our business intelligence, and will be actively shaped and designed by our service users and partners. Specialist commissioning skills will be augmented by specialist procurement skills to achieve the best results and outcomes for our residents.

Delivering Quality & Value for Money

Our procurement and commissioning activity will deliver value, both financial and social, ensuring that the maximum benefit is achieved throughout the life of the contract and that whole life costs and broader social benefits are delivered throughout the procurement process.

We will procure goods and services which meet the quality criteria to deliver our

desired outcomes. We will manage contracts and supplier relationships to ensure the benefits of contracts are delivered throughout the lifetime of the contract.

We will not operate approved supplier lists but may, where appropriate use framework agreements. Decisions will be taken on a case by case basis to ensure fairness and transparency to all potential providers.

Social, Economic & Environmental Benefits

In addition to considerations of cost and quality we will use commissioning and procurement to achieve social, economic and environmental outcomes. We will carefully manage the risks of each procurement, balancing compliance and control with the potential to innovate and achieve more significant savings and social outcomes.

We will work towards the adoption of an approach for addressing low pay, for example, a living wage in all services contracts. This is a journey and we will need to work with suppliers to develop their business models in order to comply with this ambition.

We will embed the principles of the Single Equalities Act in all tenders and contracts. We expect our suppliers to support our commitment to equalities, to be responsive to the needs of our communities, to ensure services are accessible to all groups and are appropriate to those with differing needs, to

commit to developing a diverse and inclusive workforce

We will ensure that opportunities to promote and encourage local economic growth are built into appropriate contracts whilst ensuring compliance with EU legislation. When contracting with national/international suppliers we will encourage them to engage York's local providers in the delivery of services e.g. through offering apprenticeships and sub-contracting with local SME's and the VCS .

We will ensure that (where relevant to the subject matter of the contract) sustainability criteria are built into our procurements e.g carbon reduction measures.

We will tailor our procurement approach so that we achieve the optimum mix of social economic and environmental benefits.

Developing our markets

We will work with existing and potential suppliers to ensure there is market capacity to deliver our requirements no matter what size of organisation we are procuring from. We will identify where market capacity may be weak and where new markets may need to be developed in order to deliver against our requirements. This approach aims to encourage new, innovative supplier and delivery models and restrict dependence on a small number of suppliers.

Through the use of open innovation forums we will explore the innovative ideas of potential suppliers to solve our problems.

Collaboration

We will collaborate with public sector partners in the city, in the region and nationally to share best practice and seek out opportunities to jointly commission and procure goods and services to maximise financial benefit and avoid duplication. Strategic collaboration will enable all partners to identify joint outcomes and approach the market for innovative solutions which will deliver long term wide ranging benefits.

CYC will explore new models of service delivery and will work with communities and suppliers to establish new and innovative procurement approaches

We will encourage a diverse range of suppliers to work with us, including consortiums and social enterprises of all kinds in order to deliver social value and allow opportunity for suppliers without an existing relationship with us to have the same opportunity as incumbents. It will encourage innovative ideas and delivery models.

Effective Planning

We will embed the Procurement Activity Planning (PAP) alongside budget and service planning. These detailed forward plans of procurement activity across CYC will set timescales and resources and will be

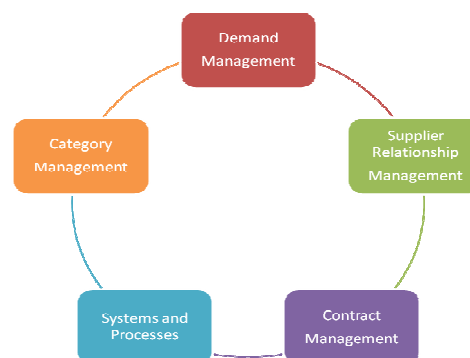
monitored by each Departmental Management Team. This will enable us to combine our own spending power, collaborate with others and engage the market and our communities to explore innovative solutions.

A list of existing contracts and details of the Procurement Activity Plan will be published on the Council website to allow suppliers time to prepare, innovate and collaborate. We will provide objective feedback to all bidders so they can learn from the process.

We will align major procurement activity with the Council's business planning systems.

The Commercial Approach

All of these principles will be delivered by adopting the following commercial procurement approach.



Demand management

We will only buy what we really need and make sure that the level of quality we specify is good enough to do the job over time but not better than we need. We will

eliminate unnecessary spend, remove waste and reduce the overall amount of money being spent on goods and services. We will apply the key principles of Demand Management which are:

Eliminate – is the requirement really needed or can the consumption be stopped?

Replace – can we use lower cost or more effective alternatives?

Reduce – can we use less of a product or service?

Category Management

By grouping together products and services according to their function (e.g. travel, construction etc) across the whole Council (or in collaboration with other organisations) we can manage the overall spend and maximise our buying power and achieve economies of scale.

This does not mean that we just let a small number of huge contracts but that we ensure tenders are structured in a way that provides a level playing field for all potential bidders irrespective of size.

Supplier Relationship Management

We will build strong, long term, positive relationships with our suppliers across all sectors, not just when actively procuring goods and services but also when

considering alternative delivery models e.g. social enterprises.

We will establish strategic relationships with suppliers to ensure that both parties are delivering against the commitments within the contract and also build upon mutual experience and knowledge to embed continuous improvement practices throughout the contracted period and beyond. Effective engagement with suppliers will also inform future specifications to ensure we are approaching the market with requirements that meet our needs and are commercially attractive to the market, and therefore generate value for money contracts that can be successfully delivered.

Our procurement and commissioning activity will be driven and informed by engagement with customers and our partner organisations.

Key components of supplier relationship management are:

- Understanding of individual supplier capabilities and capacity and ensure that suppliers deliver to their full potential
- Overall performance management of suppliers
- Building strong, durable relationships with key suppliers

- Managing continuous improvement in activity and capability
- Working to develop the market where there are gaps in supply for current or known future markets.

Contract Management

By managing contracts from the point of award until expiry, we will be able to ensure we get what we pay for and that suppliers perform well and consistently over time especially as contracts evolve to match the changing needs of our services. This will ensure contracts continue to deliver over the lifetime of the agreement.

Making it easy to do business with us

Implementation of a new supplier and contract management system in 2012 will enable suppliers to update their information and load copies of relevant certificates and policies (e.g. insurance and health and safety) to help simplify the tender process and remove multiple requests for the same information each time we are tendering. This will reduce the time required to tender for all suppliers but especially SMEs and VCS providers.

By providing potential suppliers with accurate information about our requirements we will simplify and coordinate procedures for doing business with the Council. We will work

collaboratively to agree effective contract monitoring arrangements.

We commit to making all procurement activity fair and transparent and encourage a diverse range of providers to bid for work irrespective of size and regardless of value.

All CYC staff involved in commissioning and procurement will be trained to ensure that we have a consistent approach to all our procurement activity.

A suite of standardised documents and contracts will be developed for use across the Council to ensure consistency and to make the procurement process more accessible to suppliers.

Deliverables

We will :-

- have a rolling 12 months Procurement Activity Plan
- Reduce our overall spend on goods and services
- Reduce our uncontracted spend
- Implement a new Supplier and Contract Management System
- Build a skilled professional procurement and commissioning network – internal and external
- Active collaborative procurement with partners
- Increase the proportion of CYC spend with local businesses
- Contract with a wide range of organisations from different sectors

- Performance manage and realise the benefits of all contracts

Summary of consultation feedback on Procurement & Commissioning Strategy

Consultation undertaken in the form of:

- A bespoke event for the CVS and SME's with a face to face discussion session
- Presentation of the strategy at the York Business Forum & to Equalities Advisory Group
- Distribution of the strategy via e-mail via: Federation of Small Businesses, Visit York, Regional Procurement Group, Higher York, Staff Equalities Reference Group (SERG) & the Equalities Leadership Group (ELG).

Summary of feedback points	CYC Response	How this will be delivered.
Please can you clarify the definition of local in this context and also what the proportion of local to not local spend is currently	Based on an analysis of CYC's spend data for 2009/10 approximately 60% of non-pay spend over £1000 was with suppliers in the Yorkshire & Humber Region	
What is the definition of a "local" supplier?	Given the focus in the Local Economic Partnerships (LEPs) is upon functioning economic geographies CYC proposes to mirror the LEP arrangements and use the same boundaries as the Leeds City Region and the York and North and East Yorkshire LEPs.	CYC will report on an annual basis how much money is spent with local suppliers and seek to improve this on an annual basis.
In the area of consultancy do you operate approved supplier lists with fixed time entry points to become such a supplier. If CYC operates similar processes this will both reduce the ability of new companies to become suppliers and restrict	CYC does not operate a single sourcing approach via frameworks. There are times when it is appropriate to access goods and services using frameworks especially if there is no existing local market. We don't take our	The use of frameworks will be assessed on a case by case basis. If a framework is identified as being the best route to market for a particular project, there will still be a requirement for the successful supplier to demonstrate the benefits to the local

supplier competition. Also do you take your approved suppliers from others (like the RDA) approved lists thereby unwittingly limiting competition	approved suppliers from others unless using a framework. It is CYC's preference to undertake due diligence itself.	economy by using local labour, apprentices etc.
How do I get onto the Council's preferred supplier lists?	CYC will not operate preferred supplier lists in future.	
Corporate Social Responsibility (CSR) should be taken into account in the assessment criteria for procurement. I.e. what do the companies do to support the third sector in the city or other voluntary work. There are many local businesses in this great city that do a large amount in these areas and this should be recognised in some way.	CYC is committed to a greater focus on demonstrating CSR outcomes from our procurement activity.	Training will be provided to all officers undertaking procurement and commissioning activity to ensure a clear understanding of how to demonstrate tangible CSR benefits. Commercial Procurement team and the Sustainability Team will set a short, medium and long term target of how this will be applied across specific categories of spend in addition to individual contracts.
The FSB would like to see it MANDATORY for all businesses supplying goods and services to the council to stick to 30 days payment terms through the supply chain.	CYC's standard payment terms are 28 days from receipt of invoice (10 days for local SME's).	New contracts will have a clause stating that suppliers to CYC must have reciprocal payment terms down through their supply chain. This will be monitored as part of the contract management approach.
Tendering procedures need to be simple & without duplication. There should be no unreasonable terms such as massive insurance cover levels	The strategy makes a commitment to simplifying tendering processes and removing inappropriate barriers to participation in tendering exercises. A pragmatic approach is	By standardising the documentation used for tendering and contracting by CYC this will ensure that the process is not overly bureaucratic. Guidance will be issued to

	required to ensure appropriate levels of insurance etc are required depending upon the goods/services to be provided.	everyone undertaking procurement or commissioning activity to support the assessment of the appropriate level of indemnity required on a case by case basis.
The council must not aggregate contracts. This bars SMEs from tendering.	Due to the need to deliver value for money there are times when the overall spend on categories are best aggregated. However, the way in which this requirement is then tendered will be undertaken in a way to enable access from a wide range of suppliers e.g. consortiums, partnerships, SME's, Voluntary Sector etc.	Tenders will continue to be split into a variety of lots/packets of business to ensure that the process is accessible to all.
There needs to be an understanding by those placing contracts at the council that SMEs can OFTEN undercut bigger firms as they have less overheads. There may be more admin work at the council office in placing smaller contracts but the total saving could be higher with a local SME. Thus, a little more council cost at the admin stage could reap greater savings	This will be considered as part of our approach to "whole life costing" for the delivery of services. This will consider if greater savings can be delivered by smaller suppliers and whether this overcomes potentially larger costs of the procurement and contract management activity.	Detailed cost models will be required as part of the tendering process to enable CYC to identify all costs associated with the delivery of contracted goods/services. This will form part of the evaluation criteria on a case by case basis.
Is there any reason why you should not publish lists of contracts already placed, with suppliers and prices paid? If this were publically available alternative suppliers would be able to	Details of all expenditure over £500 is posted onto CYC's website as part of government requirements.	In addition to publishing spend data, CYC will also be publishing a copy of its Forward Procurement Plan on a rolling 12 months basis to provide time for suppliers who

<p>identify and suggest to CYC where they could offer savings or propose alternative better value packages.</p> <p>This would also probably help local suppliers to use the advantages of their 'localism' to deliver a better price or a better service.</p> <p>This would not conflict with normal competitive tendering procedures</p>		<p>may be interested in tendering with sufficient time to prepare.</p>
<p>Page 6 deliverables also identifies 'implement a new supplier and contract management system' – The council currently uses SMSC Alito procurement for some of its procurement and other systems outside of this. Why is it necessary to develop a new system when surely if all procurement was put on the Alito system it save the need fund this new package?</p>	<p>The contract for the existing supplier and contract management system is expiring which has driven the requirement for a new system to be procured.</p>	<p>CYC has assessed various systems available to the market and has procured a system which is right for York's requirements, is easier to use for suppliers and which provides a greater level of detail than the current system. All suppliers registered on the existing system will be contacted with details of the new system as part of our launch communications for the new system.</p>

CBSS Procurement & Commissioning Strategy– EIA action plan summary

Name of Strategy	Who is the contact/lead officer for this action plan
Procurement & Commissioning Strategy	Name: Zara Carter Job Title: Head of Procurement Contact Details:zara.carter@york.gov.uk
Describe the Strategy:	
What is the purpose of the strategy	
<p>This strategy responds to the growing challenges faced by the Council. It represents a significant departure from the more traditional public sector procurement approaches, grounded in compliance.</p> <p>The Council's procurement and commissioning activity will be driven by six objectives:</p> <ul style="list-style-type: none"> • Commissioning – (Commissioning & Procurement to work in an integrated way with the Innovation team to shape and design services to achieve best results and outcomes for residents) • Delivering Quality & Value for Money • Demonstrate Social, Economic & Environmental Benefits • Develop our Markets • Collaborate • Plan Effectively <p>The Procurement & Commissioning strategy sets out an overall vision of the role, organisation and purpose of procurement activities at the Council. In doing so it:</p> <ul style="list-style-type: none"> • Promotes the achievement of community benefits through fostering the social and economic well-being of the 	

<p>local community;</p> <ul style="list-style-type: none"> • Increases the involvement of a diverse range of suppliers in public sector procurement activity • Ensures equalities impacts are considered in procurement process • Develops equalities practices and diversity of third party suppliers • Supports the development of a vibrant local economy; • Promotes openness and transparency in all aspects of the Council's procurement activities; • Sets out a clear and measurable framework continuum showing progress in embedding equality best practice across the Council and the wider business community. <p>This strategy will be monitored and updated reviewed again in 12 months as part of an ongoing development plan.</p>		
Key Issues	Key Actions	By/ timescale
Lack of awareness amongst suppliers regarding CYC's Equality Strategy.	Post details of the council's Equality Strategy onto the Procurement section of the council website with relevant links to legislation details.	April 2012
Little or no measureable information about how the council's suppliers comply with equality legislation.	Develop a model to centrally capture and monitor this information from suppliers to ensure compliance and identify areas of improvement.	May 2012
Lack of awareness by council staff procuring goods and services outside the corporate procurement team that they and suppliers must adhere to equality legislation.	Create a CYC Procurement and Commissioning Group and develop communication and training plan to share this information and ensure an understanding of the impact on the council as a result of non-compliance	May 2012

Lack of evidence to suggest that suppliers' tender responses are assessed upon adherence to equality legislation by staff procuring goods and services outside the corporate procurement team.	Create a new standard evaluation model to ensure all procurement activity is assessed using same equalities criteria.	April 2012
Improve understanding by local suppliers about how the council procures goods and services.	<p>Host "Meet the Buyer" events for local suppliers to explain how we procure goods and services.</p> <p>Provide procurement support at the Yorkshire Business Forum meetings held quarterly.</p> <p>Run seminars with the York Community & Voluntary sector to respond to specific questions about procurement, in general, and equality in procurement specifically by the council.</p>	<p>Annual event</p> <p>Ongoing</p> <p>Ongoing</p>

<p>Lack of awareness of EU Procurement Legislation from local suppliers.</p> <p>Many unsure about how the council is embedding equalities and diversity best practice in the procurement of goods and services.</p>	<p>Host regular training seminars at for suppliers to explain how the council is bound to adhere to the EU Procurement Legislation.</p> <p>Ensure suppliers understand where to find information about this and what the mandated timescales etc are for tenders. Information to be updated on the council website.</p> <p>Provide information to suppliers about how to tender for business and how tenders and quotes are assessed upon pre-defined criteria by posting information on the council website.</p> <p>Ensure suppliers are aware of how to contact the Commercial Procurement Team for queries by attendance at seminars and accessing information via the council website.</p>	<p>Ongoing</p> <p>April 2012</p> <p>May 2012</p> <p>May 2012</p>
<p>Variety of inconsistent documents used for commissioning & procurement activity across the council.</p>	<p>Implement a standard set of documents including Pre-Qualification Questionnaires, Invitations to Tender, Terms & Conditions. These will ensure access to tendering for all suppliers and will ensure a consistent approach in our procurement and commissioning activity. Training courses will be offered to suppliers to explain the documentation and how to submit a bid (including consortium bids) to CYC. The aim is to remove confusion from the tendering process and provide access to a wide range of suppliers.</p>	<p>April 2012 onwards</p>

Lack of understanding of how to incorporate Social, Economic & Environmental (SEE) criteria into procurement and commissioning activity	Creation of a toolkit to provide officers with support in developing measureable SEE criteria.	May 2012



Cabinet**3rd April 2012**

Report of the Cabinet Leader

Economic Infrastructure Fund – Governance and Initial Funding Decisions**Summary**

1. This report sets out proposals for the investment and governance of the economic infrastructure fund (EIF) for the City of York Council.
2. A summary of key points is provided below:
 - The EIF is a strategic investment fund of £28.5m over 5 years which will be used to unlock progress toward Council Priority 1: Creating Jobs, Growing the Economy, and by extension, the York Economic Strategy, 2011-15. It also will seek to deliver against wider sub-regional objectives through the Leeds City Region (LCR) and York and North Yorkshire and East Riding (YNYER) Local Enterprise Partnerships.
 - The Fund will be administered in coordination with, although is a separate fund to, the Delivery and Innovation Fund (DIF). Processes for considering and agreeing business cases for funding may be aligned where projects span both.
 - The Fund will be used to kickstart critical economic infrastructure that otherwise would not be possible in the current risk averse climate.
 - The Fund will be used strategically to leverage as much external funding as possible, both public and private investment
 - The Fund will invest in the following ambitions as relates to the overall Council objective of creating jobs, growing the economy:
 - a. To ensure the infrastructure is in place to provide an environment for economic growth and job creation (***Get York Moving***)

- b. To facilitate a digital infrastructure and business capacity that would place York as the most digitally connected economies in the UK. (***Digital York***)
 - c. To facilitate a viable city centre as an asset for attracting high value investment (***Reinvigorate York***)
 - d. To unlock the potential of our communities by connecting them to jobs, skills and enterprise opportunities (***Economic Inclusion***)
 - e. To develop a sustainable local economy (***Sustainable Economy***)
- The Fund will be assessed against criteria measuring GVA/jobs created, value for money, strategic fit, impact on worklessness and sustainability.
 - The final decision on funding through EIF will rest with Cabinet. The process of developing and bringing forward projects will be managed by an officer group made up of the Chief Executive (as Lead for EIF), the Director of CBSS (in his capacity as S151 officer) and Head of Economic Development (in providing operational management to the Council's Priority 1: Creating Jobs, Growing the Economy).
 - The Council's Creating Jobs, Growing the Economy Programme Management Board will consider business cases for the projects identified and will agree which projects to go forward to Cabinet
 - Project funding decisions will be made throughout the year on a rolling basis
 - Most projects will be Council-led and managed, working with external partners where possible and appropriate. However, for the Economic Inclusion theme, the potential for calling for external projects is being scoped. Such an approach would enable the Council to invite innovative, potentially community-led projects to address the objectives of this theme.
 - Funding from the EIF of £2.5m has already been identified to support Access York activities, and funding has been earmarked for the Better Bus Fund (amount tbc)
 - Business cases are currently being prepared for a city centre action and investment plan under the Reinvigorate York theme; the potential for a pot of EIF to be ring fenced for the Council to invite external bidders to put forward projects under the Economic Inclusion theme; and a further business case for the Council's investment in an access to finance/business support project for local business.

- Funding of £430K over the five year project is sought at this initial phase to provide the level of officer capacity required for effectively managing the EIF and maximising the further investment the Council is able to leverage through strategic investments made. This officer capacity would also support the Council's internationalisation strategy and action plan.

Background

3. At its meeting of 23rd February, City of York Council agreed to the development of a fund of critical mass to enable projects of strategic importance to the city's ambitions for creating jobs and growing the economy.
4. The development of a fund of this nature responds to the need to act more strategically with regard to investment in the city's economic future.
5. The **Economic Infrastructure Fund (EIF)** will seek to ensure we maintain and grow our successful economy. With the partial re-localisation of business rates, improvement in our overall business rate levy will bring potential direct financial reward – for example total borrowing costs on £20m of debt are £1.8m – this is only some 2.2% of our business rates collected annually – if we can grow the economy, create jobs and investment, benefits may be realised that will exceed the debt costs in time. It is proposed that any gains from the localisation of business growth are used in the first instance to cover borrowing costs associated with the EIF – with a view to potentially the whole borrowing costs being covered from this additional income in time.
6. It will work alongside the **Delivery and Innovation Fund (DIF)** of £3.5m to be administered to support areas requiring one-off investment; support major project delivery; facilitate the development of new and innovative ways of working.
7. The EIF is only one part of the Council's total capital programme of £187m, and as such, is only one source for progressing the Council's priority for growing the economy and creating jobs. The lion's share of the fund - £20m – will be for capital spend, whilst £8.5m will be available for revenue spend.

8. Where possible, the Council should work with private sector partners in developing the fund and maximising the leverage achieved through coordinating the fund with other financial mechanisms, as well as in setting the parameters for the Fund.

Rationale

9. The rationale for the fund is based on the potential for the Council to enable investment in critical economic infrastructure to create the conditions for growth, and in so doing also supporting wider investment in the local economy.
10. In the current economic climate, the appetite for risk is low and investment both by the private and public sectors is constrained – meaning the development of such infrastructure has stalled. The Council's EIF will enable the local authority to facilitate this investment strategically – providing strategic investment to infrastructure to create both the environment for growth but also kickstarting that growth in the business base and employment base.
11. The EIF will be used to kickstart both supply and demand in the local economy – in other words, both the supply of the space and infrastructure (both hard and, where appropriate, soft) for the economic growth and jobs creation we seek; as well as stimulating demand through the attraction and support of new business investment and economic activity in the local economy.
12. In facilitating strategic intervention, the EIF will be used to invest in 'market stewardship', creating market resilience, and preventing and responding to market failure. It is likely to focus on:
understanding and stimulating demand, in the short and long term;
building economic resilience for the city to ensure that the city is in a position to benefit quickly from future economic growth;
anticipating and providing the conditions to create new markets;
and influencing supply to meet demand and need.
13. Funds of this nature have already been developed in Manchester and Bristol, and a similar fund has now been launched in Sheffield. These funds generally focus on funding major transport as well as other infrastructure related investment, but generally always share a focus on economic growth. A similar fund is being explored at Leeds City Region (LCR) Local Enterprise Partnership.

Principles

14. The Fund will be administered to the following principles:
- The EIF is a strategic fund – all other funding options should be explored where possible, and this assessment of other funding options demonstrated by project sponsors
 - Where possible, the EIF should be used to leverage in further funding – whether from private or public sector investment
 - The Fund will be strategic and fundamentally aligned to the wider city strategy for growth – as identified through the York Economic Strategy and sub-regional strategies as set by the Leeds City Region and York and North Yorkshire Local Enterprise Partnerships.
 - The Fund will seek to provide a “return on investment” although this return on investment will be measured not necessarily in repayment to the Fund but in the form of investment in the city’s economy.

Headline objectives and ambitions

15. The Economic Infrastructure Fund (EIF) will be developed and invested to achieve the following objectives:
- To support the Council’s Priority 1: Creating Jobs and Growing the Economy, which in turn will enable the Council’s contribution to the city’s economic growth ambitions as set out in the York Economic Strategy. By extension the Fund will also support the city’s contribution to sub-regional ambitions as set out by both the LCR and York and North Yorkshire and East Riding Local Enterprise Partnerships (LEPs).
 - To ensure maximum value for money for the city in utilising the latest funding opportunities and flexibilities
16. The Fund will invest in the following specific ambitions as relates to the overall Council objective of creating jobs, growing the economy:
- To ensure the infrastructure is in place to provide an environment for economic growth and job creation (**Get York Moving**)

- To facilitate a digital infrastructure and business capacity that would place York as the most digitally connected economies in the UK. (***Digital York***)
- To facilitate a viable city centre as an asset for attracting high value investment (***Reinvigorate York***)
- To unlock the potential of our communities by connecting them to jobs, skills and enterprise opportunities (***Economic Inclusion***)
- To develop a sustainable local economy (***Sustainable Economy***)

17. These ambitions are fundamentally aligned with the Council Plan and the York Economic Strategy. Detail of these ambitions are set out in **Appendix A** to this report.

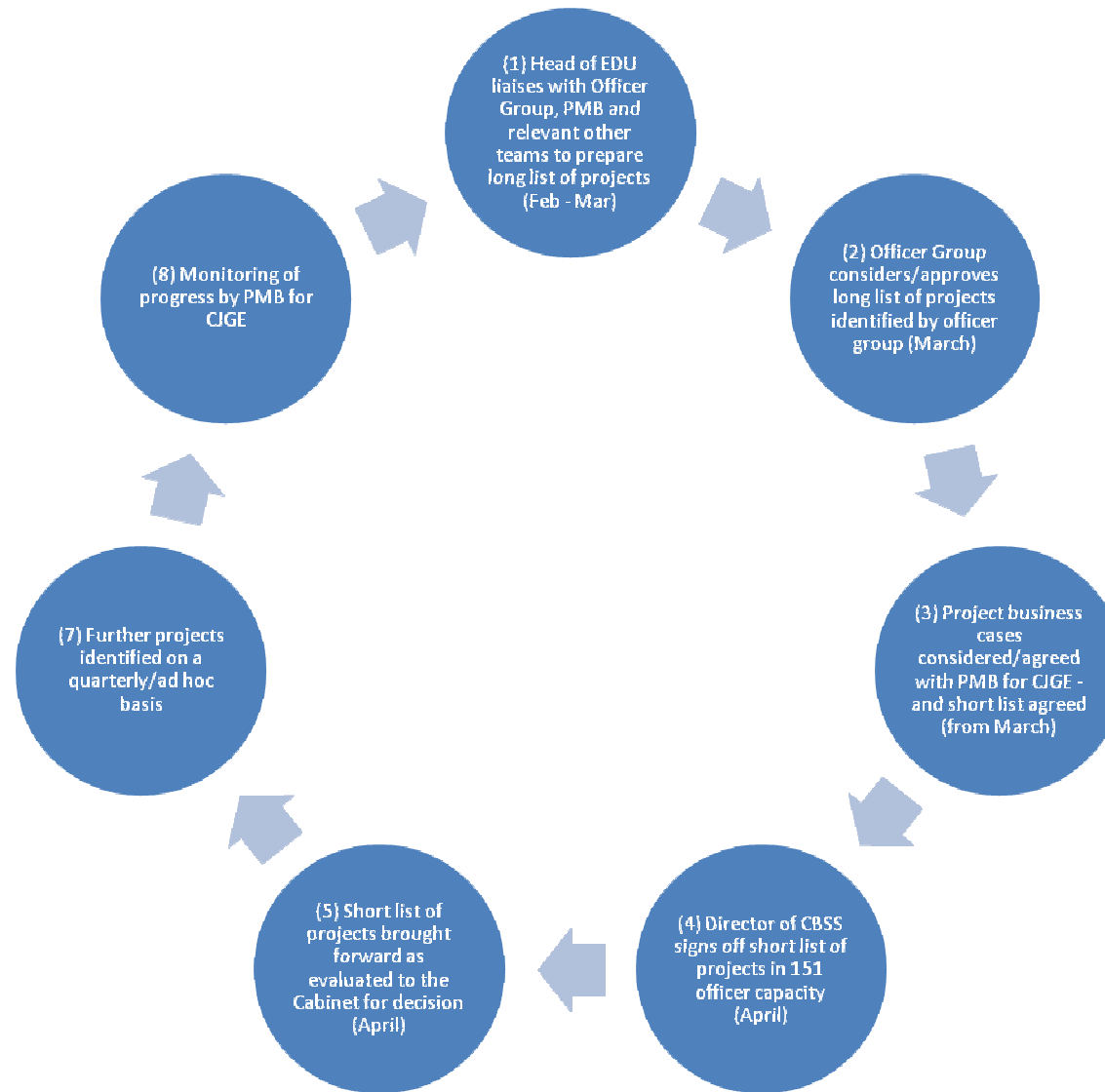
Criteria for the EIF

18. EIF funding will be awarded on the basis of greatest impact to the creation of jobs and/or GVA, and will be assessed against simple assessment framework. This framework will be based on five broad criteria:
- **GVA and jobs created:** Green Book appraisal techniques will be used to estimate the net GVA and jobs a project creates. It provides information of low, medium and highly-skilled jobs created in the short, medium and long-term, including supply chains. By including indirect job creation and growth, the potential differential between higher value added and lower value added activities will be taken into account.
 - **Value for money:** the Framework provides guidance on the expected total return on investment per pound spent – both public and private.
 - **Strategic fit:** this measures the project alongside York's agreed strategic objectives, as set out in particular within the Council Plan, and by extension the York Economic Strategy.
 - **Impact on worklessness:** this will measure how jobs to be created are connected to the workless population, in terms of transport and skills. It also considers local sustainability

issues, and takes into account associated training (including apprenticeships), at various skill levels.

- **Environmental sustainability:** this considers carbon use and other relevant standards that projects will be familiar with and anyway need to consider, such as energy efficiency and the use of resources.

Decision process



Source of projects

19. As the Fund is managed by the Council and the Council is the accountable body, most projects undertaken through the EIF will be led and managed by the Council working with partners where possible and appropriate
20. However, an opportunity is being scoped as to whether we can ring-fence an amount of £500K to £1m under the **Economic Inclusion** theme to allow external bids from communities/social enterprise and/or the private sector to deliver projects that meet this objective.

Forward planning

21. In order to ensure that the Fund is administered in as strategic a way as possible, the Council will develop a forward plan of investment for the Fund, referring to the delivery plan for Creating Jobs, Growing the Economy.
22. By extension, this Fund will enable the Council to deliver its responsibilities and role in the city-wide York Economic Strategy and Investment Plan – thereby aligning activity with wider partners to unlock the growth potential of the city – both in terms of GVA and jobs – and/or target those communities facing the greatest challenges in terms of deprivation and worklessness.

Rolling assessment process

23. The Fund will operate on a rolling basis, with project being brought forward as and when appropriate business cases are developed.

Developing business cases

24. A small **officer group** consisting of the Chief Executive, the Director of Customer & Business Support Services and Head of Economic Development will coordinate management of the Fund.
25. The Head of EDU will be responsible for identifying an initial list of projects, working with the **Programme Management Board** for Creating Jobs, Growing the Economy and relevant teams from across the Council. Where appropriate/ necessary to the delivery of a Council priority, identify any externally-managed projects as appropriate.

26. This list will be considered/agreed by the Officer Group, and the list prioritised as appropriate.
27. Business cases for priority projects will be presented to the Programme Management Board. The Board will shortlist those projects deemed best value for money, producing an evaluation/scoring matrix to be considered alongside the shortlist of projects by Cabinet.
28. In his capacity as S151 officer, the Director for CBSS will sign off project proposals which are then put to Cabinet for a decision.

Due diligence

29. Although most projects will be Council – led and managed, there may be occasion to provide assistance to projects led and/or managed from outside the Council. In these cases, the Finance Team will undertake the necessary due diligence to ensure that funding decisions made in these cases are sound.

Current forward plan for the EIF

30. Funding from the EIF has been allocated to Access York in the amount of £2.5m and further funding allocated to the Better Bus Fund (exact amount tbc).
31. The current forward plan for future projects to be proposed for EIF funding, include the following, which will be brought to Cabinet as and when the business cases have been assess through the PMB:
 - A package of projects through Reinvigorate York – identifying critical investment through the city centre action and investment plan being developed with retailers and other businesses from across the city centre to future-proof and develop the economy of the centre.
 - A proposal for an amount of EIF to be ring-fenced for external bids to be made under the Economic Inclusion theme.
 - A proposal for investment in a project to improve access to finance and support for start-up businesses in the city

Capacity for management of the Fund

32. In order to effectively administer the fund, there will need to be a suitable virtual team in place to support the development of bids and to ensure connectivity/coordination with the work being done in the city to attract private sector investment – thereby maximising the overall value for money to be generated by the Fund.
33. As such, it is proposed that at a minimum, the following officer support be secured from the Fund:
 - a new post to project manage and coordinate relevant proposals for the fund, as well as the internationalisation agenda for the Council; and
 - a new post for coordinating funding more generally and seeking out further external grant funding, working with funding providers where possible to either match or supplement the EIF investments where possible, and supporting a city-wide approach where possible to accessing funding to support the YES Investment Plan.
34. Given the remit of these officers, it is estimated that the total cost for this capacity per annum will be in the region of £86K (pending job description, evaluation and grading). Thus, an allocation of £430K will be required over the life of the five year fund.
35. This officer capacity is considered the minimum required to effectively maximise the value of the EIF to the Council and city. The potential to use EIF to match and/or attract further investment into the city from private or public sources provides a strong value for money case for allocating this investment to this capacity.
36. As a target, it is intended that this officer capacity will be set a target of generating approximately £1 in cash and in kind contributions for every £1 of EIF invested, with the anticipation that this target is reviewed each year. The rationale for consistent review of the target is that the officers in question will need to develop a foundation and contacts for generating this external funding.
37. These two officer posts will be part of the Economic Development Unit (EDU) but will fundamentally work across the Council's Directorates and external partners.

38. In addition, the following capacity will be secured from existing resources:

- additional support in the form of capacity from the EDU to provide research and intelligence support for evaluation of project impacts and monitoring of performance
- administrative support from the Finance Team to coordinate administration of the Fund

Composition of the Fund

39. The Fund will be comprised of the amount received through the New Homes Bonus (min £8.5m) as well as a further £20m to be borrowed by the Council

40. Sources of funding would include:

- **New Homes Bonus** – all of the NHB could be allocated to this fund– estimated £8.5m – this would allow for an overarching consideration of the priorities to which this money could be put.
- **Prudential Borrowing** – profile to vary per annum in line with expenditure patterns over a 5 year period totalling c£20m.
- Any **external funding** that can be matched to schemes The new Park and Ride schemes are included in the EIF and include significant external finding
- **Capital receipts** from strategic review of assets
- **Potential Business Rates gains** from localisation of business rates

41. The fund would be a mix of capital and revenue funding to allow flexibility. It would look as follows:

	12/13 £m	13/14 £m	14/15 £m	15/16 £m	16/17 £m	Total £m
NHB Grant (indicative only)	1,300 *	1,800	1,800	1,800	1,800	8,500
Prudential Borrowing	2,000	4,000	5,000	5,000	4,000	20,000
Total	3,300	5,800	6,800	6,800	5,800	28,500

Consultation

42. The decision to create the EIF was taken at Full Council on 23rd February.
43. The development of (a) the governance for the EIF and (b) the forward plan and initial funding decisions outlined in the above report has been developed in consultation with the Programme Management Board for Council Plan Priority 1: Creating Jobs Growing the Economy.
44. This Board includes the Chief Executive, the Director for CBSS, the Assistant Directors for Economic and Asset Management (City Strategy), Planning (City Strategy), Transport and Integrated Strategy (City Strategy), Education (ACE), Lifelong Learning and Culture (CANs), and Office of the Chief Executive (OCE); as well as the Housing Strategy Manager.
45. The report is also being circulated to CMT for comment and input.

Options

Options on Governance

46. The options for the governance of the Fund include the following:
 - a. **An open EIF governance process.** The first option would be to put out an open call to projects for the Council to fund through EIF. This would mean including external bidders from the outset and inviting a competitive bidding process.
 - b. **A Council-only EIF governance process.** The second option would be to only consider Council-led and managed projects.
 - c. **A mix of Council-led and managed projects and externally managed projects.** The third option would be to manage a majority of the funding through Council-led and managed projects, but to scope the option for ring-fencing a part of the EIF for external bidders to put business cases forward where it makes most sense for projects to be led from outside the Council, as in the case of Economic Inclusion.

Options on Capacity for Management of the Fund

47. With regard to options for capacity for management of the Fund, the following options are available:
- a. **No change to existing officer capacity.** It could be decided that the Fund should be managed with existing officer capacity, split from between the EDU and the Finance Team.
 - b. **A funding team.** In other Councils across the UK, there are teams of officers dedicated exclusively to identifying and bidding for external funding, and managing use of that funding. For CYC, a team of this nature could be used not only to manage the EIF, but to identify and bid for funding against which the EIF could be used as match. This option is additional capacity to the previous option.
 - c. **Additional officer capacity to supplement EDU in project managing the Fund.** The provision of additional officer capacity to the EDU would enable relatively minimal cost to achieving not only coordination of the EIF with other funding streams and maximising the ability of the Council to match EIF money invested against other external pots of funding, but also support for the wider work of the Council to attract not only public but private sector investment through EDU—either by existing businesses or inward investors.

Analysis of Options

Analysis of options on governance

48. **Option 44a** would have the benefit of encouraging partners and the community to come forward with projects for the Fund, but the challenge this option presents are prohibitive. By opening up a competitive bidding process, the Council would require a level of capacity that the organisation does not have and would occupy large amounts of time for both Council officers, members and more importantly, those external bidders that would be spending time assembling business cases. In addition, as the Council is the accountable body taking on risk for the prudential borrowing in the Fund, the Council has a responsibility to manage the risk of the Fund delivering against its objectives.
49. **Option 44b** would have the benefit of being the simplest option in governance terms by restricting the consideration of projects to

those being led and managed by the Council. It would allow for the most direct management of risk. However, there are projects that may be appropriate to the Fund's priorities that are best led from outside the Council in which this option would not allow for external partner involvement.

50. **Option 44c** achieves a balance of managing risk and capacity for effective investment of the Fund, whilst allowing for external bids where projects are best led/managed from outside the Council. There is some additional capacity that will be required for managing this option (see options on capacity for management of the fund), and officers with this task will have the challenge of engaging effectively with external bidders/partners.

Analysis of options on capacity for management

51. **Option 45a**, whilst the lowest direct cost to Council, would ultimately lead to a lack of effective coordination of the Fund and significant missed opportunities in the form of funding streams that might otherwise have been tapped into with additional capacity. Both the EDU and Finance Team are already stretched to capacity for their current work programmes, and any additional call on their capacity will detract from their priorities.
52. **Option 45b**, whilst ideal in terms of providing maximum officer capacity and focus on the management of the Fund, is prohibitive in terms of costs in the current budget climate.
53. **Option 45c** provides the minimum additional officer capacity required to achieve coordination of the Fund, effective project management for those projects selected for EIF funding, and more importantly, maximisation of return on investment in the form of funding leveraged from external funding streams and other sources of investment. That this additional officer capacity would be managed within the existing EDU minimises the overall cost of this capacity to project management support. There is funding required from the EIF for these posts for the five years of the Fund of £430K, but the potential for these posts to generate additional funding should more than justify this cost to the Council.

Council Plan

54. The Fund will support the delivery of Council Plan Priority 1: Create Jobs Grow the Economy directly by providing strategic

funding to projects that will facilitate new jobs and economic growth.

55. The Fund will indirectly support the other Council Plan priorities through the development of strategic transport connectivity (as per Priority 2: Get York Moving), and economic inclusion initiatives that will connect individuals to job opportunities (as per Priority 3: Build Strong Communities).

Implications

Financial

56. The development of the EIF has already been agreed by Council, although the financial implications of the Fund are relevant to the current report. The Fund will be comprised of the amount received through New Homes Bonus (minimum £8.5m) as well as a further £20m to be borrowed by the Council.

Human Resources

57. The implication of the funding sought for officer capacity will have the implication of recruitment to two new posts, funded to 2015/16 within the Economic Development Unit.

Equalities

58. There are no equalities implications arising from this report.

Legal

59. There are no legal implications arising from this report

Crime and disorder

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

Information Technology

61. There are no information technology implications arising from this report.

Property

62. There are no property implications arising from this report.

Other

63. There are no other implications arising from this report.

Risk Management

64. There are no known risks arising from the report.

Recommendations

65. Cabinet is recommended to:

- Approve the proposed objectives, priorities and governance for the EIF
- Note progress to develop business cases for projects to support the Reinvigorate York theme and the scoping of the opportunity to open the Economic Inclusion theme to external parties
- Approve £430K as recommended for officer capacity to deliver the Fund over 5 years (i.e. £86K per annum)

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Appendices:

Appendix A. EIF Objectives and Detail of Funding

APPENDIX A: EIF Objectives and Detail of Priorities for Funding

(1) Sustainable Economy

Objective: To develop a more sustainable local economy

Background

The city of York economy is ostensibly one of the strongest economies in the North of England – it is the third-fastest growing city in the UK (Cities Outlook 2012), the most resilient economy in the North of England (Ekosgen, 2011) and has strong rates of employment and low rates of JSA claimants (Cities Outlook 2012).

The city is home to internationally leading research and industry strengths in the biosciences and creative/digital arts, and strong financial and professional services and specialist engineering. Further, the visitor economy is one of the strongest in the UK, attracting over 7 million visitors a year.

The city is a smart city – with two universities, two FE colleges, and the UK's first science city, as well as the 7th highest proportion of high level skills of any city in the UK.

In fact, the city's biosciences and green credentials are significant – with leading research in biorenewables and biosciences and a thriving natural environment, the city has the potential to not only create a sustainable future within its boundaries, but indeed to play a key role in the wider national and international agenda for tackling climate change and CO2 emissions.

However, the city faces significant challenges economically. Forecasts however predict slow growth in the city between 2011 and 2015, averaging just 0.75%¹. If the city is to exceed this there are a number of key issues it must address. Overall productivity is only 85% of the national average².

The city is home to a public sector employment base that is higher than the national average (at 33%), lower than average business starts and productivity and the city's record of attracting new investment remains lower than what would be expected from its asset base. Persistent issues of a lack of space – either the right type or price – for businesses to start and grow, and a lower than expected proportion of knowledge

¹ Statistic from Yorkshire Forward Chief Economist Unit, August 2011, based on Regional Econometric Model data

² Huggins Competitiveness Index (2010)

intensive employment – meaning the high level skills in the city may not be sufficiently utilised. Further, firms in York export less than the national average at a time when demand is highest from outside UK borders.

Further, although the city’s green industries are a clear strength in the city’s industrial and research base, the value of this asset is not fully realised.

Projects to be funded through EIF

The EIF will be used to kickstart projects that will enable the development of a more sustainable economic future for the city and work to strengthen local supply chains. Specifically, the Fund will be used to

- support business start up through finance and mentoring support programme(s) (revenue)
- provide the space for business to start and grow – through investment or partial investment in commercial premises as appropriate (capital)
- attract inward investment through targeted marketing activity and improvements to the business environment (revenue and capital)
- support the development of the city’s business base and industry expertise in green industries (as defined by the Yorkshire Cities report of August 2011 – defined “as those concerned with activities that help to decarbonise the energy system, improve resource efficiency and preserve and enhance the natural environment”³) – through capital and revenue spend as identified as appropriate

Investment made in these objectives will need to demonstrate how they support and work with wider city partners in the delivery of their ambitions.

Strategic Fit

Projects to be funded through this objective will align with York Economic Strategy ambitions 1, 2 and/or 5, and will likely have some impact on both LCR and YNYER LEP-level priorities for economic growth.

³ Yorkshire Cities (2011). [*The Prospects for Green Jobs to 2020: Definition of Green Jobs Paper.*](#)

(2)Digital York

Objective: To facilitate a digital infrastructure and business capacity that would place York as the most digitally connected economies in the UK.

Background

York's transformed economy has a focus on the knowledge economy and key sectors which are dependent on digital technology: Biosciences, creative industries, financial and professional services and tourism. Businesses require the speed and security of information transfer and the opportunity to innovate. Maintaining York's position as a World Class City and a great place to expand businesses and attract new investment in these targets sectors will require high speed broadband coverage for all businesses. Our objective, as set out in the 2011 council Plan, is ensure that 95% of all businesses have a minimum speed connection of 25 megabits per second by the end of 2014. This objective is in the process of being revised upwards. The speed of technological change suggests that 25 megabits may be insufficient if the city wishes to be at the forefront of digital connectivity.

Digital connectivity brings with it the opportunity for private sector investment. CYC is in discussion with private providers to invest in new digital network within the City (broadly the city within the outer ring road). Rural York i.e. the area outside of the outer ring road, is unlikely to support new investment unaided and we are seeking to maximise use of the BDUL allocation for York and North Yorkshire. BDUK resources will require match funding.

The provision of wi fi, in support of York's tourism sector and businesses is a key element of the infrastructure provision. The following are the target locations for wi fi: city centre, business parks, significant parks and recreational areas, park and ride buses and the railway station together with the proposed York Central development. Private sector investment will provide opportunities for some wi fi investment.

Exploitation of enhanced digital infrastructure, together with the provision of space for digital and creative industries, will be critical. Work is underway to look at large screen opportunities within the city centre as a means of disseminating digital news and information generally. The private sector and third sector partners will be instrumental in the provision of workspace where there is a gap in the York portfolio, and city centre start up and incubation space is the immediate priority. The York and North Yorkshire and East Riding LEP is leading on the design of a digital engagement programme.

Projects to be funded through EIF

A range of options are being explored to identify investment opportunities. Some projects may be able to proceed without public sector, or CYC, financial support. However, the possible projects which are being developed, some of which might make demands on the EIF, are:

- Supporting next generation broadband provision in outer York;
- Wi-fi provision within and adjacent to the City Centre, business parks, green spaces and park and ride routes.
- Investment in city centre creative and digital workspace
- Provision of Sinema; The Super Intelligence Network (Big screens)
- Delivery of digital connectivity business development programme
- Development of a rolling programme of York specific smart applications (targeted at the visitor economy, transport provision, community intelligence, etc)

Strategic Fit

Projects funded through this objective will align with York Economic Strategy Ambition 4, and will impact particularly on the YNYER LEP plans for digital connectivity and the roll out of BDUK.

(3)Reinvigorate York

Objective: To facilitate a viable city centre as an asset for attracting high value investment

Background

The city centre of York is a vital asset and contributor to the overall York economy.

Although high streets across the UK are facing significant challenges, York's city centre is proving relatively resilient, although challenges are clearly on the horizon.

York's high street is relatively resilient with a footfall increase of 13.5% between 2010 to 2011. Nonetheless, York's vacancy rate is rising – it is currently around 10% and the council's data indicated a rise of 2% in 2010, from 7.1% in 2009 for shop units in the A classes. However, vacancy rates are far better than the average 14% across the rest of the UK. 2010 saw the biggest increases in vacant units being on gateway streets: Micklegate, Walmgate, Fossgate and Goodramgate.

The market and the 'gates' to the city suffer from lower footfall and in need of reinvigoration.

Although there has been a decline in rents for York between 2006 and 2011 has been 10%, this drop has been far less than the 35% decline for Leeds, 23% decline in Harrogate and 43% decline in Hull.

Despite office space being in high demand, vacant office space remains – there is a need to invest for these empty premises to 'move on'.

The city centre is currently home to 1230 businesses employing 31,000 employees. A majority of these businesses are small, with just over 800 in the 1-10 employee bracket.⁴ Although incredibly diverse in its sectoral make-up, the physical space within the city is predominantly retail (GOAD Class A1).

With retail trends proving increasingly challenging to the high street offer in York – trends like the increasing trend to online transactions and the rise in popularity of product aggregators like Amazon and Ebay – the city centre is facing a clear need to diversify its offer. If the city centre is to continue to demonstrate the resilience it has to date, the city will need to step up its efforts to support the evolution of the city centre to respond to demand for new uses and supporting the existing businesses invested in the city centre.

It is for this reason that the Council is working with partners to pull together a city centre action and investment plan which will set out the vision and activity to support achieving the future city centre to which we aspire.

Projects to be funded through EIF

Activity set out in the city's emerging city centre action and investment plan sets out a vision of a diversified city centre offer that meets market demand and provides a focal point for economic, social and public activities in the city.

The Fund will be used to unlock/bring forward investment in the city centre, and specifically:

- Projects to develop/enhance the necessary infrastructure (i.e. premises, public spaces, and streets) in order to attract new

⁴ BRES (2010).

businesses to locate in the city centre and to encourage growth of existing businesses as appropriate

- Projects that support innovative use of city centre vacant and otherwise underused spaces

Strategic Fit

Projects funded through this objective will align with York Economic Strategy Ambition 4, for a world class place, and will support activity identified by the emerging city centre action and investment plan..

(4)Get York Moving

Objective: To ensure the infrastructure is in place to provide an environment for economic growth and job creation (**Get York Moving**)

Background

An effective transport system is critical to the success of our city. Through consultation on our Local Transport Plan residents and businesses pinpointed congestion as the most important transport challenge for York.

York's transport network faces considerable pressures from a growing population and economy. Key issues include high traffic flows on the outer ring road, congestion on the inner ring road, increasing levels of emissions and pollution and a situation where traffic is intruding on people's shopping, leisure or visitor experience in York, particularly in our city centre.

York is a compact historic city. Its rich heritage of historic buildings, open strays, city walls, railways and historic street layout all affect movement. In simple terms York doesn't have the space to fit more and more cars in.

Supporting and developing public transport services and enabling and encouraging more walking and cycling provide a means to tackle congestion.

Projects to be funded through EIF

There is clearly a wide range of projects that fit this theme; the EIF will specifically be used to fund those projects that will connect people to jobs and opportunity – thereby adding to the flexibility of the labour market in York.

Specific projects to be funded through the EIF under this theme include:

- Public transport access to employment, including Park and Ride services in particular
- Other transport solutions that would unlock access for residents to employment opportunities

A number of projects have already secured EIF funding:

Access York Phase 1 - £2.5m has been allocated to the Access York project to increase the capacity of the city's Park & Ride service. It is anticipated that the new sites at Askham Bar and Poppleton Bar will open by Easter 2014 subject to final approval of the DfT's £15.3m contribution to the £21.9m scheme.

Better Bus Area Fund Bid - £2.0m has been allocated to support the BBAF bid to improve public transport in the city. The bid includes the following main elements:

1. A bus priority spine to enhance bus reliability through the city centre
2. A city centre network of bus interchange hubs
3. A comprehensive ticketing and marketing strategy for the wholesale enhancement of the bus network.

The scope of the BBAF project will be reviewed if the bid is unsuccessful. It is anticipated that the funding identified from the EIF will continue to be allocated to the key proposed public transport infrastructure measures identified in the bid.

Further funding will be sought for progressing a number of the larger transport schemes, initially for feasibility studies to enable robust future bids for internal and external funding to be prepared. For example:

1. Station Interchange Feasibility Study (£50k) – to tie in with rail franchise programme.
2. Access York Phase 2 (City Centre and Outer Ring Road Upgrade) Business Case development (£150k) – to tie in with devolved major scheme funding programme.
3. British Sugar/York Business Park Rail Halt study (£20k) - to tie in with British Sugar Planning Application and planning conditions on adjacent land

Early commitment to funding the development of business cases for these schemes will ensure that the city will be able to take advantage of any external funding opportunities which may arise e.g. devolved major transport scheme funding.

Subject to satisfactory scheme development it is anticipated that funding may also be sought from the EIF for:

1. Public Transport Improvements to support the Quality Bus Contract.
2. Freight Transshipment
3. Further expansion and improvement to the Park & Ride service

There are also a number of transport schemes which will complement the Reinvigorate York project.

Strategic fit

Projects funded through this theme will align with the city's Council Plan Priority for Get York Moving, as well as with the ambitions in the York Economic Strategy to create a world class infrastructure.

(5) Economic inclusion

Objective: To unlock the potential of our communities by connecting people to skills, jobs and enterprise opportunities (***Economic Inclusion***)

Background

York benefits from a highly skilled and educated workforce, with young people that consistently attain above regional and national averages and the city placed seventh out of the UK's 64 cities for working age adults qualified at NVQ levels 4⁵. This backdrop has allowed the city to show a degree of resilience though the recession, keeping more people in employment (71.7%) when compared to regional (68.4%) and national (70.4%) rates. York has less unemployment too at 2.6% below the regional and 1.6% below national averages; and a lower percentage of its working age population claiming Job Seekers Allowance - 2.5% compared to 4.4% regionally and 3.7% nationally⁶.

Whilst one of the most equal cities in the country i.e. one of the lowest gaps between those on the highest and lowest incomes⁷, it has pronounced pockets of deprivation, with eight LSOAs falling within the 20% most deprived in England⁸. Despite the diversity of its economy and the high level skills of the labour pool that it draws on, average wages in York as a whole are lower than the Great Britain average.

⁵ York Economic Strategy Draft 2011-15

⁶ York Fairness Commission Interim Report (Nov 2011)

⁷ Cities Outlook 2012. Centre for Cities (2012).

⁸ Index of Multiple Deprivation 2010

Evidence shows that York's high averages on a range of indicators are masking areas of significantly weaker performance. This drop off is concentrated (although not exclusively) amongst specific groups and in specific parts of the city, namely the eight areas of the city that fall in the poorest 20% and one (Kingsway West) in the 10% most deprived areas nationally.

Although less people in York claim benefits (7.4%) than regionally (13%) and nationally (12.3%), some areas of the city have higher numbers of claimants - Westfield (16%), Guildhall (14%), Heworth (12%) and Clifton (11%). Along with Hull Road, these five wards make up 52% of York's long term unemployment. The number of workless households is increasing, and of greater concern, the number of workless households *with children* increased by 50% from 2,000 in 2008 to 3,000 in 2009. As of 2010/11, it accounted for 10% of all households with children.

In terms of specific groups of people, York's females have been hard hit by the recession with claimants at the highest level for 13 years. Although rates of youth unemployment remain lower than regional and national averages, young people in York have been affected, particularly those that live in the city's most deprived wards. NEET rates remain a challenge, yet there has been good progress on increases in apprenticeship starts but with some way still to go to meet regional and national 16-18 participation rates.

Whilst there are issues around low skill and low pay jobs and in-work poverty, sustained employment is by and large regarded as the key route out of poverty, disadvantage and inequality for most people. The same can be said for helping people to progress out of low quality work, although it is hard to access good data around people's perceptions of the quality of work that they undertake, for example around fulfilment, satisfaction with pay and conditions, skills needs etc. Efforts to move people away from welfare dependency and into long term quality employment where there are for example routes for progression and opportunities for training and development; as well as understanding peoples' motivations, aspirations and breaking generational benefit dependency is key here.

Projects to be funded through EIF

Learning from previous experience by the UK Government and local authorities in administering the Neighbourhood Renewal Fund (NRF) is instrumental in defining where funded interventions are likely to be the

most effective.⁹ Evaluations from this and the subsequent Working Neighbourhoods Fund identified fundamental barriers to the effectiveness of economic inclusion initiatives where there was insufficient connectivity to job opportunities – in other words, although seemingly self-evident, the effectiveness of interventions to support inclusion is reduced where there is insufficient business investment. Thus, such interventions are best focused as part of wider strategy for connecting individuals to job opportunities and skills development and utilisation of the resident base.

The EIF will be used to fund:


- projects that enable those communities most disadvantaged and/or excluded in York to realise their full potential through connections to jobs, skills and enterprise opportunities

Whilst some of these projects may be undertaken by the Council working with partners, the Council is scoping the potential for ringfencing between £500K and £1m for projects developed and led externally. This process of calling for externally led projects will be coordinated with a similar call for external projects from the Delivery and Innovation Fund (DIF) to ensure a seamless process for those that may be interested in putting forward a project for funding. The details of this external call will need to be confirmed following a brief scoping exercise.

Strategic Fit

Projects funded through this priority will support particularly York Economic Strategy Ambition 1, and will impact on York's contribution to LCR and YNYER LEP activity to improve skills and employability. These projects will be a key to the Council's strategic response to the Fairness Commission, particularly with regard to the Jobs, Income and Economy theme.

⁹ Department for Communities and Local Government (2010). Evaluation of the National Strategy for Neighbourhood Renewal: Local research project.

	
Cabinet	3 April 2012
Report of the Cabinet Member for City Strategy and Air Quality	

Low Emission Strategy Consultation

Summary

1. This report presents the draft Low Emission Strategy (LES) consultation document. The Cabinet is asked to note the content of the document and approve it for public consultation.

Background

2. On 8 June 2010 the Executive approved the development of an overarching LES for the city. A LES is a package of measures aimed at improving vehicle efficiency (through eco-driving and improved maintenance) and accelerating the uptake of low emission fuels and technologies. A LES can assist in reducing emissions of local air pollutants and greenhouse gases. LESs are additional tools for tackling emissions and can complement existing sustainable development and sustainable transport initiatives.
3. In 2002 York declared its first Air Quality Management Area (AQMA) due to predicted exceedances of government targets for nitrogen dioxide (NO₂) around the inner ring road. NO₂ is mainly a traffic pollutant and has been linked to respiratory illnesses such as asthma, bronchitis and emphysema. There is a disproportionately high impact on elderly people, young children and the infirm, some of society's most vulnerable groups. In York it is estimated that somewhere between 94 and around 163 people die prematurely every year due to the impacts of air pollution¹. Nationally poor air quality gives rise to more premature deaths than alcohol and obesity combined.

¹ Committee on medical effects of air pollution (COMEAP, 2009) estimate 29,000 premature deaths each year in UK. Environmental Audit committee estimate up to 50,000 premature deaths (Environmental Audit Committee Report, March 2010). UK population in 2010 - 62,262,000, York population in 2010 – 202,400 (Office of National Statistics 2011)

4. Between 2002 and 2005 annual average nitrogen dioxide concentrations across the city centre AQMA appeared to be decreasing, but this trend was reversed in 2006 and year on year increases have been recorded since. Main Street, Fulford, continues to breach the annual average objective for nitrogen dioxide and a new AQMA was declared in Fulford in April 2010. An Air Quality Action Plan (AQAP) for this area is currently being prepared, with a view to incorporating this work into a revised, overarching AQAP for the whole city in 2012. The public have been consulted and a third AQMA is will be declared for the Salisbury Terrace area in April 2012.
5. The annual average nitrogen dioxide objective is being met at most locations outside of the existing AQMAs. However, elevated concentrations of nitrogen dioxide have been recorded on Queen Street and it is likely that these properties will be brought within the boundary of the AQMA following a review in May 2012.
6. The current AQMAs are designated on grounds of predicted exceedances of the annual average nitrogen dioxide objective. However, the short term hourly objective for nitrogen dioxide may also be being breached on Rougier Street, George Hudson Street and Bridge Street. If additional monitoring confirms that the short term objective is also likely to be breached, this will need to be declared.
7. This continued decline in local air quality and the implications of this for public health are the main drivers for the development of a LES in York.
8. On 15 March 2011 the executive considered a draft framework for the LES. The vision, objectives and a list of proposed LES measures were approved at this meeting and permission was given to proceed to the development of a draft consultation LES based on the approved framework. The draft consultation LES has now been completed. The executive summary is included as Annex A of this document and a summary of all the proposed LES measures and proposed timescales can be found at Annex B. An electronic copy of the full draft LES has been circulated with this report.
9. The draft consultation LES consists of six main parts:
 - (i) An executive summary (included at Annex A)
 - (ii) The drivers for emission reduction
 - *an overview of the policy, legislation and research driving the need to reduce emissions*
 - (iii) Local air quality and carbon emissions in York

- *a review of local air quality and carbon emissions in York forming an evidence base for emission improvement*
- (iv) A LES for York
- *The main body of the report. It introduces the vision, objectives and main measures to be introduced in York by the LES. A summary of the LES measures is included at Annex B*
- (v) Baseline data requirements
- Consideration of the baseline data required to monitor the success of the LES
- (vi) Annex A – Low Emission Vehicles and Fuels
- An overview of the low emission vehicle and fuel technologies currently available
10. The LES is a holistic document providing an overview of all the actions CYC is currently taking and intending to take to reduce emissions of local air pollutants and carbon dioxide (CO₂) in the city. A number of these measures, particularly those relating to energy use in existing homes and buildings, are already being successfully delivered through the Climate Change Framework and Action Plan (CCFAP) and the Public Sector Housing Strategy (PSHS). Delivery of these measures will continue to take place in the existing format and will not be replaced or replicated by the new measures emerging from the LES. Their contribution to emission reduction must however be recognised as forming part of the overall emission reduction strategy for the city.
11. The new emission reduction measures emerging from the LES are focused primarily on reducing emissions from transport by improving vehicle efficiency (through eco-driving and improved maintenance) and accelerating the uptake of low emission vehicles and fuels. This will be achieved predominantly by providing residents, businesses, developers, transport providers and visitors with the infrastructure and incentives necessary to allow them to use and invest in low emission vehicles and fuels. However some regulatory controls may also be necessary in the future. The LES measures will be delivered across a variety of council functions including fleet management, procurement, sustainable travel, sustainable development and marketing.
12. The draft consultation LES is a high level strategy document giving an indication of the measures to be taken to further reduce emissions in the city. Once formally adopted, the new measures arising from the LES will be incorporated into a revised Air Quality Action Plan (AQAP3) for the city. To date York has prepared two AQAPs. AQAP1 was produced in 2004 following the declaration of the city centre AQMA. AQAP2 was

produced in 2006 to incorporate the additional air quality improvement measures in LTP2. Both AQAP1 and AQAP2 are predominantly modal shift based plans aimed at improving air quality by shifting car trips to walking, cycling and public transport.

13. Recent air quality monitoring has shown that modal shift measures on their own are not delivering the level of air quality improvement needed to protect the health of the most vulnerable persons. Updating the current AQAP to incorporate LES measures is therefore essential to address the continuing deterioration in air quality and to tackle traffic emissions. Many of these emissions are from buses, taxis, Heavy Goods Vehicles (HGVs) and Light Goods Vehicles (LGVs) that provide essential public transport and other services to the city. The LES will aim to reduce emissions from these essential vehicles and aim to ensure that in the future only the lowest emission vehicles are able to enter areas of air quality concern.
14. Once incorporated into AQAP3 the broad measures outlined in the draft consultation LES will become S.M.A.R.T. (specific, measurable, achievable, relevant and time-related) targets subject to ongoing monitoring and annual reporting procedures. The level of emission reduction likely to be gained from these measures will also be assessed. AQAP3 will contain specific air quality improvement measures for the Fulford and Salisbury Road AQMAs. Research is currently ongoing to determine what specific measures might be most appropriate in these areas.

Changes to LES since draft framework

15. As the consultation draft LES has evolved there have been some changes to the original content proposed in the draft framework (March 2011 report to the Executive). Paragraphs 16 to 19 detail the main changes to the report layout and content in relation to the draft framework.

Changes to LES objectives

16. The wording of the previously approved objectives has been slightly amended. This has mainly been undertaken to allow all LES measures relating specifically to the CYC estate and transport fleet to be grouped together and to allow measures aimed specifically at improving air quality in the existing city centre AQMA to be easily identified. The exact changes to the wording of the objectives are shown in Annex C.

Changes to LES measures

17. Since the draft framework in 2011, more progress than expected has been made in some areas allowing the timetable for delivery of some LES measures to be accelerated e.g. the Low Emission Zone (LEZ) feasibility study, originally scheduled for the end of 2013 in the LTP3 capital programme should be completed by the end of 2012, due to additional Defra funding.
18. As a result of the ongoing fleet and transport review significant progress has also been made in relation to reducing emissions from CYC travel activities: mileage rates have been reduced and trials are being undertaken for a 'green travel decision tree', a Nissan Leaf electric vehicle and a car club. Timescales for reducing emissions from CYC travel activities have therefore also been accelerated since the draft LES framework. A revised summary of the LES measures is given at Annex B

Changes to LES document layout

19. The proposed chapter in the draft framework relating to low emission vehicle and fuel technologies has been incorporated into the draft consultation LES as an annex rather than a chapter in the main document, as it was considered to be supporting information and not part of the main strategy.

Consultation

20. The draft LES has been developed in conjunction with officers throughout the council and particularly those from city strategy, CANs and procurement. A first draft of the LES consultation document was sent out to all members of the LES steering group and all service directors during December 2011. Detailed comments were received from EPU, the Sustainable Travel Service, the Integrated Strategy Unit and the sustainable development team. The comments and suggestions received have been incorporated as far as possible into the final draft consultation LES presented here.
21. Permission is now being sought for public consultation. It is proposed that the draft consultation LES will be made available to the public on the CYC consultation webpage for a minimum of four weeks along, together with a questionnaire to gather views about the LES. Paper copies of the document will also be made available at key council receptions and the main library. The opportunity to comment on the document will be publicised in the local press and in relevant CYC publications.

22. The draft LES is also of national significance as it is one of the first documents of its type in the UK. The development of the draft LES has been strongly supported by the Low Emission Strategies Partnership (LESP) and its progress is being monitored by numerous local authorities around the country interested in adopting a similar approach. Officers from Newcastle City Council and Tyneside Council have recently visited York to learn from our experiences, and air quality staff from York have travelled to the West Midlands to discuss progress with a group of authorities that are working on an area wide LES. Regular updates are also provided to other councils in the Yorkshire region through the Yorkshire and Humberside Pollution Advisory Council (YAHPAC). Bradford City Council has recently launched the start of its own LES development process.
23. Due to the national interest in the LES it is also proposed to make the draft consultation LES available to the wider air quality community for comment. This will be achieved by posting it on the Leeds City Region regional group initiative website www.lcrrgi.org.uk and the LESP website (www.lowemissionstrategies.org/). Notification of the consultation will also be sent to Air Quality Bulletin (the main journal used by local authority air quality officers) and the Institute of Air Quality Management (IAQM) (the main professional body for air quality professionals).
24. The public consultation period for the draft LES is scheduled to take place during May 2012; it is proposed to take the results, together with a final LES document for formal adoption to the Cabinet in September 2012.
25. Members of the public will be given a further opportunity to comment on specific LES measures during the development of AQAP3. At this stage more information will be available regarding the timescales, funding and likely impact of individual LES measures. The development of AQAP 3 and the proposed opportunities for further public engagement will be the subject of a future report.

Options

26. (a) To approve the content of the draft consultation LES as summarised in Annex A (executive summary), Annex B (summary of LES measures) of this report, and provided in detail within the full version of the draft LES circulated electronically with this report. To allow officers to proceed directly to the public consultation as detailed in paragraphs 20 to 25 of this report. (Approval of the draft consultation LES and the consultation process will be subject to any amendments or additional actions requested at this meeting).

(b) To request revisions to the draft consultation LES as summarised in Annex A (executive summary), Annex B (summary of LES measures) of this report, and provided in detail within the full version of the draft LES circulated electronically with this report. To request officers to bring the revised LES to the Cabinet, prior to public consultation.

Analysis

27. Option (a) will enable the public consultation on the draft LES to progress immediately and ensure a final draft LES can be brought to the Cabinet for approval in September 2012. Early adoption of an overarching LES will ensure York retains its reputation as a pioneer in the adoption of an overarching low emission strategy and stays in a good position to attract low emission vehicles, technologies and associated jobs ahead of other local authorities. It will also allow the development of a low emission based Air Quality Action Plan (AQAP3) to improve air quality and protect public health.

Option (b) will slow down the process of developing a LES for York. Delays in committing to a final LES may harm York's reputation and result in York missing out on government funding and opportunities to attract low emission vehicles, technologies and associated jobs. It will also delay the development of a low emission based AQAP3 to improve air quality and protect the health of York's residents and visitors.

Council Plan

28. The development of the low emission strategy contributes to the council priorities in the following ways:

- Create jobs and grow the economy – improving transport links to the rest of the UK via the installation of electric charging points and alternative fuels infrastructure, encouraging investment in low emission technology and creating jobs in green industries
- Get York moving - improving public perception of local bus services and improving emissions through more driver training (eco-stars scheme), working towards providing priority access to the cleanest buses (LEZ study), reducing reliance on the car by providing cleaner and more reliable buses, reducing emissions from taxis through tighter emission controls, reducing emissions from HGVs (eco-stars)
- Build strong communities – talking with and listening to people about air quality, public health and the environment

- Protect vulnerable people – ensuring the health of people, especially the most vulnerable, by reducing air pollution
- Protect the environment – cutting our carbon emissions and improving air quality

Implications

29. The various implications of this report are summarised below:

(a) **Financial**

Implementation of the measures in the LES will require both capital and revenue funding. Within the LES measures are identified as being low cost, medium cost or high cost. It is envisaged that all the low cost measures (<£40k) will be deliverable from within existing budgets, mainly the LTP3 capital programme and air quality grant funding. Medium cost measures (£40K to £100k) will require additional funding above and beyond current resources. It is anticipated that the majority of this funding will be obtainable from additional government grant opportunities and private investment. The high cost measures > £100k are those which currently remain aspirations. They are indicative of what could be achieved with significant additional investment in the delivery of LES measures but are unlikely to proceed under current funding arrangements.

(b) **Human Resources (HR)**

A low emission officer has been employed by EPU to support delivery of the LES measures. Delivery of many of the LES measures will require a cross-directorate approach. Departmental responsibility for the delivery of specific LES measures is clearly identified within the draft consultation LES.

(c) **Equalities**

Vulnerable people with respiratory and other illnesses are more likely to be affected by poor air quality. The LES measures seek to mitigate this.

(d) **Legal**

The draft low emissions strategy is a non-statutory document. CYC does though have a statutory duty to periodically review the air quality within its area both at the present time and as regards future air quality. There is a duty to designate an air quality management area where air

quality objectives are not being achieved or are not likely to be achieved. Once an area has been designated there is a duty to carry out an assessment and prepare an action plan for the area. DEFRA have issued statutory guidance to which the Council must have regard in exercising these functions.

The implementation of measures proposed in the Strategy will involve the use of other legal powers such as traffic regulation and planning powers, and their use will need to be considered on a case by case basis.

(e) Crime and Disorder

There are no crime and disorder implications

(f) Information Technology (IT)

There are no IT implications

(g) Property

Energy efficiency measures within council owned properties are currently delivered under the CCFAP and the PSHS. There will be no change to this arrangement as part of the LES implementation. There will be a requirement to accommodate electric vehicle recharging infrastructure in some council owned car parks, offices, housing and leisure facilities. There will also be a need to consider in more detail the suitability of biomass technology for use in council owned buildings, particularly schools.

(h) Other

There may be highways implications associated with implementing a LEZ within the city centre. This will be explored, consulted upon and fully reported to members, should the results of the feasibility study suggest that such a scheme is cost-effective for the city.

There will be a requirement to produce revised supplementary planning guidance to ensure LES measures are incorporated into new developments.

Risk Management

30. In compliance with the Council's risk management strategy, failing to meet the health based air quality targets, considering the likelihood and

impact, the current net risk rating is 21or High. The development and implementation of a LES and revised AQAP, together with the continued delivery of the CCFAP and PSHS should reduce the risk to Medium

Recommendations

31. The Cabinet is advised to:

- (i) Agree option (a) to approve the content of the draft consultation LES as summarised in Annex A (executive summary), Annex B (summary of LES measures) of this report, and provided in detail within the full version of the draft LES circulated electronically with this report.
- (ii) Allow officers to proceed directly to the public consultation as detailed in paragraphs 20 to 25 of this report. (Approval of the draft consultation LES and the consultation process will be subject to any amendments or additional actions requested at this meeting).

Reason: This option will allow public consultation on draft consultation LES to be completed by the end of May 2012 allowing a final version of the LES to be brought to the Cabinet for approval in September 2012. This will allow the drawing up of a revised low emission based AQAP3 to commence as soon as possible maximising the chances of York attracting low emission vehicles, technologies and jobs to the city and achieving targets for both local air quality and CO₂.

Contact Details

Author:	Chief Officers Responsible for the report:
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	Report Approved	√	Date	22 nd March 12
Specialist Implications Officer(s)				
None				
Wards Affected: <i>List wards or tick box to indicate all</i>			All	X
For further information please contact the author of the report				

Background Papers:

Air Quality Update – Meeting of Cabinet Member for City Strategy and Air Quality (5 January 2012)

Draft Framework for York Low Emission Strategy - Executive (15 March 2011)

Climate Change Framework and Climate Change Action Plan for York – Consultation results and proposed changes – Executive (19th October 2010)

Air Quality Update – Executive Member for Neighbourhoods (16 Nov 2010)

City of York's Local Transport Plan 3 – Draft 'Framework' LTP3 – Decision Session Executive Member City Strategy (5 Oct 2010)

A Low Emission Strategy for York - Executive Member for Communities and Neighbourhoods (8 June 2010)

Low Emission Strategies – Using the Planning System to reduce transport emissions – DEFRA Good Practice Guidance (January 2010)

National Air Quality Strategy

Air Quality Strategy for England, Scotland, Wales and Northern Ireland – DEFRA (July 2007)

Annexes

Annex A - Draft consultation LES Executive Summary

Annex B – Summary of draft consultation LES measures

Annex C – Changes to wording of LES objectives

The full version of the draft LES is attached to this report online.

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Executive summary**Air pollution issues and challenges**

E1. Two of the greatest challenges currently faced by York are:

- the need to reduce emissions of greenhouse gases, particularly carbon dioxide (CO₂)
- the need to protect residents from the harmful effects of local air pollutants, particularly nitrogen dioxide (NO₂) and particulate matter (PM).

Both these problems have common sources.

E2. Uncontrolled, climate change is predicted to have serious local implications for York's communities, economy and its built and natural environments. Such changes may lead to increased local flooding, structural damage to buildings and loss of wildlife. It may also place additional pressure on local emergency services, transport networks and the economy¹. Wider indirect implications on population, food supplies etc may be even more serious.

E3. Like other local authorities York has an obligation to meet the Climate Change Act (2008) targets, but has also gone beyond this requirement, setting a number of other challenging climate change reduction targets. These include:

- Reducing CO₂ emissions across CYC operations by 25% by 2013
- Participation in the national 10:10 campaign to reduce CO₂ emissions by 10% in 2010
- Signatory to the Friends of the Earth campaign to reduce CO₂ emissions by 40% by 2020
- Signatory to the European Covenant of Mayors to meet and exceed the European Union (EU) 20% CO₂ reduction objective by 2020

York has produced and adopted a Climate Change Framework and Action Plan (CCFAP), setting out how it intends to move towards meeting these challenging targets.

E.4 Local air quality also remains a high priority. The main air pollutants of concern in York are NO and PM. These have been linked to lung diseases (asthma, bronchitis and emphysema), heart conditions and cancer. Based on national estimates, pro rata between 94 and 163 people die prematurely in York each year due to the impacts of poor air quality. This is more than the estimated combined impact of

¹ A Climate Change Framework and Action Plan for York (2010-2015)

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obesity and road accidents together. Poor air quality puts the health of York's residents at risk, creates an unpleasant environment for visitors, may damage historic buildings and places an additional financial burden on local health service providers.

- E.5 Concentrations of NO₂ within the city centre Air Quality Management Area (AQMA) have continued to increase year on year since 2006, despite the introduction of two Air Quality Action Plans (AQAPs) and award winning Local Transport Plans. The health based annual average NO₂ objective continues to be exceeded at many locations around the inner ring road and more recently further air quality issues have been identified in suburban locations. A second AQMA was declared in Fulford in April 2010 and another will follow on Salisbury Terrace by summer 2012. It is also likely that extensions to the existing city centre AQMA will be needed later this year to cover exceedances of the annual average objective on Queen Street and the short term hourly objective on Rougier Street. It is only in recent years that evidence of breaches of the short term hourly objective for NO₂ has been found in the city despite long term monitoring. This is a clear indication that air quality is continuing to decline in the city.
- E.6 Improving local air quality and reducing CO₂ emissions are essential to the future well being of the city and its residents, but this has to be balanced against opportunities for economic growth, new development and the ability of residents and visitors to travel freely around the city. York's population is predicted to expand by 25% by 2029², resulting in greater heating and energy demands and a doubling in traffic levels by 2021 (based on 2011 baseline)². Additional emissions to air will arise from the increased number of vehicles but also as a result of the additional congestion and delay created on the road network. There is predicted to be a disproportionately high impact on congestion compared with traffic growth. Carbon modelling studies undertaken in York have indicated that CO₂ emissions will have risen by around 31% by 2050³. Some of these additional emissions will be offset by energy efficiency and renewable energy use, but without intervention transport, business, commercial and domestic emissions to air are all likely to increase in the future.
- E.7 Not all CO₂ reduction measures deliver a corresponding improvement in local air quality. For example, biomass burners offer an attractive opportunity to produce low carbon heat and power, particularly from new developments, but biomass burners can emit greater quantities of NO₂ and PM at a local level than natural gas equivalents. There are also additional local, and often global, emissions associated with transportation of the fuel. Biomass burners can therefore pose an additional threat to local air quality within an already polluted urban environment.⁴

² City of York Council LDF Core Strategy Submission Draft – April 2011

³ Increase based on 2005 baseline emissions, Department for Energy and Climate Change (DECC) CO₂ emission estimates for 2005-2008, www.decc.gov.uk

⁴ Biomass and Air Quality Guidance for Local Authorities, LACORS, June 2009

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- E.8 Reducing vehicle emissions in York is arguably the most difficult emission reduction challenge. York is one of five local authorities in the Yorkshire and Humber Region that experience a net inward flow of trips to work (22,500 commute trips in, 17,200 commute trips out). The ten-year period 1991 – 2001 saw a rise in commuting trips of approximately 65%. This is a trend which is set to continue².

The exact reasons for the continued decline in local air quality in York are not certain, but are thought to include:

- i. An increased proportion of primary NO₂ emissions from modern diesel fuelled vehicles. This is due to the emission controls added to these vehicles to reduce other pollutants such as PM and carbon monoxide (CO).
- ii. An overall increase in the number of diesel cars in the fleet, combined with a corresponding increase in vehicle size, weight and engine size
- iii. Inefficient driving techniques and inefficient operation of vehicle emission controls within the urban environment
- iv. Increasing congestion and delay on the road network which increases fuel consumption and limits the effectiveness of emission control technology
- v. An increase in the use of bio-fuels in vehicles and boiler plant
- vi. The cumulative impact of small scale development
- vii. An increase in the availability of relatively cheap city centre car parking which makes the use of service buses and Park & Ride financially less attractive

Current approach to emission reduction

Local air pollution

- E.9 In York measures to reduce concentrations of local air pollutants are focused primarily on traffic as this is the main source. Historically the approach has been to 'shift' trips to more sustainable transport modes, such as walking, cycling and public transport and to ensure the network moves as smoothly as possible through wider traffic management measures. This has been achieved through Local Transport Plans (LTP1 and LTP2) and two Air Quality Action Plans (AQAP1 and AQAP2). There have been some notable successes, including an increase in bus patronage of over 5 million passengers (+ 54%) between 2001 and 2006 (increase in patronage remaining stable despite falling patronage elsewhere in the country)⁵, peak period traffic levels have been stable since 2006 and cycling levels have increased to 16%

⁵ City of York Council Local Transport Plan 2 Mid-term report – Dec 2008

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from an average of 10% since 2008 (during the lifetime of the Cycling City York Programme).

- E.10 As well as transport planning based measures, emissions of local air pollutants are also controlled through the planning system. Larger developments are subject to air quality impact assessments and in some cases developers are required to implement air quality mitigation measures. At present mitigation measures usually relate to changes to the design or layout of a building (to prevent further human exposure to existing poor air quality) and/or the provision of cycling and public transport infrastructure / incentives. Recently some success has been achieved in requiring developers to provide incentives for the uptake of low emission vehicles on their developments. For example, the provision of an electric vehicle recharging point was recently negotiated at the Waitrose store. More general planning principles relating to the need to provide mixed use developments and sustainable building design also assist in minimising emissions of local air pollutants.
- E.11 Whilst the LTP, AQAP and planning measures are currently the main delivery mechanisms for controlling and reducing emissions of local air pollutants, other policies and programmes also have a role to play. Emissions from some industrial processes are controlled locally in line with the requirements of the Integrated Pollution Prevention and Control Directive 96/61/EC (as amended). Enforcement of the PPC regulations is a shared responsibility between the Environment Agency and the local authority depending on the size of the installation. As this is a national based system there is little scope to achieve any further reduction in industrial process emissions in York without placing local industries at a disadvantage to those in other areas. Further measures to reduce industrial emissions therefore fall outside the scope of this LES but enforcement of the existing regulations should be considered an essential part of the overall emission reduction strategy in York.
- E.12 Another important measure undertaken by CYC to protect local air quality is the enforcement of Smoke Control Areas (SCAs). SCAs were introduced mainly in the 1950s /1960s under the provisions of the Clean Air Acts to control emissions from the burning of solid fuels in homes and industry. They were introduced in direct response to the fatal 'peasouper' smogs of the 1950s and continue to be in operation today. With increasing costs of gas and electricity solid fuel appliances are once again becoming increasingly popular. Whilst there are currently no plans to increase the size of the areas covered by SCAs in York it is essential that the requirements of existing SCAs continue to be enforced to ensure that the new generation of solid fuel appliances are fitted and operated in a way that will not give rise to widespread smoke emissions.

Climate Change

- E.13 Measures to reduce emissions of CO₂ and prevent climate change are set out in the Climate Change Framework and Action Plan (CCFAP) for York, produced by CYC

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and the local strategic partnership - Without Walls (WoW). The framework identifies ten key areas for focus, creating:

- Sustainable homes
- Sustainable buildings
- Sustainable energy
- Sustainable waste management
- Sustainable transport
- Sustainable low carbon economy
- Low carbon lifestyle
- Sustainable planning and land use
- Sustainable strategic partnership (WoW) – illustrating the climate change work they are doing as a partnership
- Prepared York – how we start to prepare and adapt our infrastructure, services, homes and businesses for a changing climate.

E.14 The CCFAP is broken down into:

- **mitigation** – actions that will reduce greenhouse gas emissions from across York
- **adaptation** – actions that will help York to better prepare and adapt to the predicted effects of a future changing climate.

The framework and action plans aim to help everyone in York to live and work in a more sustainable, low-carbon city where people:

- live and work in energy-efficient buildings with smaller fuel bills
- can drive less and walk and cycle more
- use renewable sources of energy to heat buildings or power cars and buses
- create less waste, recycle and compost more.

E.15 Delivery of the CCFAP is already well advance with a comprehensive programme of energy efficiency and renewable energy schemes already being delivered across the city. Significant reductions in CO₂ emissions from council owned housing, offices, schools and street lighting have already been achieved and many more measures are planned. Further reductions in CO₂ emissions from the housing sector are being sort through the Private Sector Housing Strategy (PSHS) which aims to maintain and where possible improve the energy efficiency of York's private housing stock (including private rented homes)⁶. In most cases the CO₂ reduction measures being implemented through the CCFAP and the PSHS also deliver reductions in emissions

⁶ York Private Sector Housing Strategy, 2008-2013

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of local air pollutants. The notable exception to this is the use of biomass boilers where the impact on local air quality may occasionally out weight the CO₂ benefit, or vice versa.

A Low Emission Strategy – a new approach

- E.16 In recent years LESs have been championed as a new approach to reducing both local and global air pollutants from development.

In their simplest form LESs,

*'provide a package of measures to help mitigate the transport impacts of development. Their primary aim is to accelerate the uptake of low emission fuels and technologies in and around development sites.'*⁷

This overarching LES for York takes the LES concept a step further. It moves outside the boundaries of new development demonstrating how LES principles can be applied to a wider range of activities such as marketing, land use planning, fleet management, procurement, transport planning and economic development. Applying the concepts of a LES to a wider range of activities presents further opportunities for emission reduction (particularly in relation to traffic emissions) and provides a more strategic overview of all emission reduction measures currently taking place in the city.

What do we want the LES for York to achieve?

- E.17 The long term vision for York's overarching LES is

'To transform York into a nationally acclaimed low emission city'

- where the population, and the business and development community particularly, are aware of their impact on the environment and health and play an active role in reducing all emissions in the city
- where new development is designed to minimise emissions and maximise sustainable transport access
- where there are noticeably higher rates of walking and cycling than in other UK cities and comparable to European best practice
- where there are noticeably greater numbers of alternatively fuelled vehicles (electric, gas and hybrid) than in other UK cities and widespread eco-driving behaviour

⁷ Low Emissions Strategies using the planning system to reduce transport emissions, DEFRA / LESP, January 2010

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- where there is a well developed infrastructure to support low emission (alternatively fuelled) vehicles
- where the number of vehicles accessing air quality hotspots and risk areas are minimised and where lorries, buses and taxis meet minimum emission standards and embrace new emission reduction technologies
- where the council leads by example, operating the lowest emission fleet affordable and seeking to minimise emissions from procured services
- where local air quality and global warming issues are considered and tackled together
- where inward investment by low emission technology providers is actively sought, encouraged and supported
- where innovation and investment in infrastructure and services that reduce emissions are actively sought, encouraged and promoted.
- where as a result of the above there are no exceedances of air quality limits

How will this be done?

- E.18 The LES vision will be delivered through a series of measures aimed at achieving the following objectives:
- i. To raise public and business awareness and understanding of emissions to air in order to protect public health and meet the city's ambitious carbon reduction targets.
 - ii. To minimise emissions to air from new developments by encouraging highly sustainable design (via sustainable design aspects of the emerging LDF and associated supplementary planning documents) and the uptake of low emission vehicles and fuels on new developments (via LES)
 - iii. To minimise emissions to air from existing vehicles by encouraging eco-driving, optimising vehicle maintenance and performance (including that of abatement equipment) and providing businesses, residents and visitors with incentives and opportunities to use low emission vehicles and fuels
 - iv. To lead by example by minimising emissions from council buildings (via CCFAP), fleet and other activities and to showcase low emission technologies whenever possible
 - v. To encourage inward investment by providers of low emission technology, fuels and support services
 - vi. To maximise sustainable transport and reduce localised air quality breaches through traffic demand management, smart travel planning, and potentially regulatory control (via LTP3, LES and revisions to the AQAP).

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Each of the measures to deliver the LES objectives are based on one or more of the following LES principles:

Inform people as to how and why they should reduce their emissions to air

Reduce as far as possible the energy demand that gives rise to emissions to air

Improve the emission characteristics of the technology used to deliver the remaining energy demand

E.19 Some of the headline measures include:

- Promoting and incentivising the use of low emission vehicles, particularly those which run on electric, compressed natural gas (CNG), bio-methane and /or make use of hybrid technologies
- Increasing access to low emission vehicle re-fuelling infrastructure, such as electric vehicle re-charging points and gas re-fuelling systems
- Ensuring only low emission lorries, buses and taxis can access the areas of the city with the poorest air quality
- Providing recognition and support for those vehicle operators who are leading the way in adopting low emission technologies and adopting industry best practices (e.g. eco-driving)
- Ensuring emissions from new development are adequately mitigated against, whilst continuing to encourage economic growth and prosperity
- Promoting York as a centre of excellence for low emission technologies, attracting new businesses and industries and increasing opportunities for specialist 'green sector' training

Links to other plans and strategies

E. 20 The LES will build upon the success of the existing emission reduction measures for CO₂ and local air pollutants already being delivered in the city but will not replace them. The CCFAP and PSHS will continue to be the main delivery mechanisms for measures to reduce CO₂ emissions from existing housing stock and other buildings in York. In most cases this will also deliver some associated improvements in local air quality. Where this might not be the case, for example in the case of using biomass fuels, steps will be taken to ensure that in the future full consideration is given to both CO₂ and local air quality issues before decisions are taken. Any additional measures to reduce emissions from buildings will be brought forward via the CCFAP and have been deliberately excluded from inclusion in this LES.

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- E.21 For new buildings coming forward as part of the development process, emissions from the heating and power requirements will continue to be controlled mainly through the CCFAP and associated sustainable development planning policies whilst emissions arising from development based traffic will be addressed mainly through the LES and revised AQAP3. Again where there is potential for conflict between CO₂ and local air quality steps will be taken to ensure both are given adequate consideration prior to decisions being taken.
- E.22 The LES will enhance the existing provision for reducing emissions from the general vehicle fleet currently provided by the LTP and AQAP2. The LES will place a greater emphasis on the need to reduce the total number of vehicle trips and ensure that the remaining trips are undertaken by the lowest emission vehicles possible. During 2013 the additional traffic emission reduction measures presented in this LES will be incorporated into a fully revised and updated AQAP3. This will bring together all the current and planned measures to reduce emissions from traffic in the city and set emission reduction targets where possible. As the LTP is the main delivery document for the AQAP it remains an important aspect of the overall approach to emission reduction in the city.
- E.23 The relationship between the LES and other existing plans and strategies is examined further at [section 3.14](#).

Document Layout

- E.24 This document comprises six parts:

1. Drivers for emission reduction

This section provides a brief overview of the policies, legislation and emerging scientific evidence that has driven the development of the overarching LES in York.

2. Air quality and carbon emissions in York

This section presents a background to air quality monitoring in York highlighting the initial improvement, but then subsequent deterioration in local air quality in the city over the past 8 years. It also considers sources and trends of CO₂ emissions in York. The data presented forms the main evidence base for the development of the York LES.

3. Current approach to emission reduction in York

This section examines the main measures currently in place to control and reduce emissions of local air pollutants and greenhouse gases in York and introduces the concept of a LES.

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4. A LES for York

This is the main body of the report. It sets out the vision and objectives for the York LES and presents the main measures to be taken to further reduce emissions to air in York.

5. Baseline data requirements

This section outlines the baseline data that will be required to monitor the performance of the LES, and to set emission reduction targets in AQAP3.

6. Annex1: Low emission vehicles and fuel technologies

This annex provided an overview of the current availability and use of various low emission vehicles and fuel technologies. It is provided as an informative to the main strategy.

How can you get involved?

- E.25 The production of this document is just the first step in delivering an overarching LES for York. It will be followed by a more detailed air quality action plan (AQAP3), stating exactly how, when and where the low emission measures outlined in this document will be delivered.

You can help influence the development of the LES and the subsequent AQAP 3 by:

- 1. Completing the questionnaire relating to the concept of the overarching LES as set down in this document by 18th May 2012**
- 2. Getting involved with the development of AQAP3.**

You can access the questionnaire relating to the concept of the LES and/ or register your interest in the development of AQAP 3 at <http://www.york.gov.uk/consultation/> or by sending an e-mail to environmental.protection@york.gov.uk or by telephoning (01904) 551555.

- E.26 The success of the LES will depend highly on raising the profile of low emission fuels and technologies in the city and increasing access to them. To assist with this in the coming months we will be actively seeking a number of *'trailblazers'* for the York LES. These will be organisations and / or individuals who are already using low emission fuels and technologies in their everyday lives, or who would be willing to consider investing in them.

Examples of the types of organisations and individuals we are looking for include:

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- Transport operator's willing to trial new types of buses and HGVs eg. hybrid technologies, bio-methane
- Taxi drivers using low emission vehicles eg. gas/hybrid, electric hybrid, LPG/CNG
- Businesses who provide low emission vehicles for use by staff / customers or provide access to low emission re-charging / re-fuelling infrastructure
- Developers looking to provide exemplar low emission developments
- Individuals who have invested in low emission technology and would be willing to share their experiences

Getting involved as a 'trailblazer' will give you the opportunity to showcase your achievements across the city and to help lead the way in delivering cleaner air for York.

- E.27 This overarching LES relates specifically to York, but the LESP who have supported the development of this document are keen to see a similar approach adopted across the country. We welcome the use of this document as a framework for the development of other overarching LESs.

Contact us

- E.28 Any comments on the content of this document, offers of assistance to deliver LES measures in York, or advice on producing your own overarching LES should in the first instance be sent to:

Environmental Protection Unit
City of York Council
Communities and Neighbourhoods
York
YO1 7ET

t: 01904 551555 | e: environmental.protection@york.gov.uk
www.york.gov.uk | [facebook.com/cityofyork](https://www.facebook.com/cityofyork) | [@CityofYork](https://twitter.com/CityofYork)

Please contact us if you would like this information in an accessible format (for example, large print or by email) or another language

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This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جا سکتی ہیں۔ (Urdu)

 (01904) 613161

Annex B: Summary of LES measures**Summary of LES measures by end of 2012**

Low cost measures by end of 2012	LES references	Objective
Promotion of LES via local media	1A	1
JorAir school visits	1B	1
LES promotion at a small number of business events	1C,8A	1,5
Develop framework for high profile LES marketing campaign	1D,8B	1,5
Develop and consult on revised planning documents to minimise emissions from development (including associated traffic)	2A	2
Continue to negotiate LES measures on developments	2B	2
Adopt eco-stars for HGVs, buses, council fleet, other fleets	3A, 4A,6A,7C	3,4
Establish cost and potential location for gas refuelling infrastructure in York	3B	3
Erect anti-idling bus emission signs	4B	3
Undertake CYC fleet efficiency and emissions review for bus services, taxis and council fleet	4C,5E,7B	3,4
Investigate sources of funding for alternatively fuelled buses, taxis, lease and hire vehicles . Try to attract demonstration projects to the city	4D,5D,6E	3
Review current taxi emissions and set targets for emission reduction	5A	3
Develop and adopt new taxi licensing emissions criteria	5B	3
Develop and promote incentives to encourage the uptake of gas /electric /hybrid vehicles in York	5C,6D	3
Install public EV recharging points in CYC car parks and establish back office	6B	3
Identify potential partners for the provision of further public EV infrastructure. Set targets for provision of privately funded infrastructure.	6C	3
Open dialogue with car club providers and car hire companies regarding provision of alternatively fuelled vehicles in car club and car hire fleets	6F,7E	3,4
Undertake further in-use vehicle emission testing. Contact drivers of highly polluting vehicles and recommend vehicle serving / check up.	6G	3
Implement low cost measures from CYC fleet efficiency and emissions review	7D	4
Develop guidance on use of biomass technology within CYC buildings	7A	4
Undertake a freight improvement study (to include freight consolidation / trans-shipment aspects)	9A	6
Medium cost measures by end of 2012	LES references	Objective
Identify LES measures and contributions required on major development sites	2C	2
Work towards development of a quality freight partnership	3C	3
Implement medium cost measures from CYC fleet efficiency and emissions review	7E	4
Actively promote York as a centre for investment by low emission technology businesses	8C	5
Commission a study into the economic growth potential associated with the LES	8D	5
Undertake a low emission bus corridor feasibility study	9G	6
Commission a city centre LEZ feasibility study linked to city centre access and movement study (including HGV, bus, taxi, LGV and car aspects)	9B,9H,9M,9P	6

Summary of LES measures by end of 2013

Low cost measures by end of 2013	LES reference	Objective
Continued promotion of LES via local media	1E,8E	1,5
Continued JorAir school visits	1F	1
Inclusion of LES measures in travel planning activities	1G	1
Adopt and implement revised planning guidance to minimise emissions from development (including traffic)	2D	2
Promote revised LES planning guidance and best practice amongst developers	2E	2
Develop a database of planning based LES measures achieved	2F	2
Include LES mitigation requirements in LAAPs / development briefs	2G	2
Continue roll out of eco-stars for HGVs, buses, council fleet, other fleets	3D,4E,6H,7F	3,4
Identify potential partners for delivery of privately owned gas refuelling infrastructure	3E	3,4,5
Adopt eco-stars for taxis	5F	3
Consider enforcement action against idling buses and coaches	4F	3
Implement further low cost measures from CYC fleet efficiency and emissions review	4G,5G,7F	3,4
Commence delivery of privately funded EV infrastructure	6I	3
Continue with implementation of incentives for the use of alternatively fuelled vehicles	6J	3
Progress outcomes of freight improvement study	9C	6
Implement recommendations of low emission bus corridor feasibility study (if considered necessary and appropriate)	9I	6
Medium cost measures by end of 2013	LES references	Objective
Commence roll out of alternatively fuelled vehicles in car clubs and car hire fleets	6K	3,4
Develop incentives / opportunities for inward investment by suppliers of low emission vehicles, technologies and support services	8F	5
Work with local educational establishments and the Green Jobs Task Force to develop suitable low emission technology training courses, qualifications and research programmes	8G	5
Instigate high profile LES marketing campaign	1H	1,5
Implement further medium cost measures from CYC fleet efficiency and emissions review	7G	4
Identify potential partners and funding for CYC owned gas refuelling infrastructure at CYC depot	7H	3,4
Complete city centre LEZ study linked to city centre access and movement study (HGV,bus,taxi,LGV and car aspects) and consider outcomes	9D,9J,9N,9Q	6
High cost measures by end of 2013	LES references	Objective
Aim to introduce some alternatively fuelled vehicles into CYC fleet	7I	4
Undertake international promotion of York as a centre of excellence for low emission technology	8H	5

Summary of LES measures - 2014 and beyond

Low cost measures -2014 and beyond	LES reference	Objective
Continued promotion of LES via local media	1I,8I	1,5
Continued JorAir school visits	1J	1
Continued promotion of LES via travel planning activities	1K	1
Review and improve LES planning documents	2H	2
Ensure delivery of LES measures on major development sites	2I	2
Continue with roll out of eco-stars for HGVs, buses, CYC fleet, other fleets, taxis	3F,4H,5I,6L,	3,4
Undertake review of bus based LEZ corridor (if implemented)	4L	3
Continue to review and tighten taxi emission licensing criteria	5J	3
Continue delivery of privately funded EV infrastructure	6M	3
Continue to review and deliver incentives for use of alternatively fuelled vehicles	6O	3
Continue to implement low cost measures from CYC transport and fleet review	7J	4
Review effectiveness of low emission bus corridor (if implemented)	9K	6
Medium cost measures - 2014 and beyond	LES reference	Objective
Continue to implement medium cost measures from CYC transport and fleet review	7K	4
Continue to actively market York to suppliers of low emission vehicles, technologies and support services	8J	5
Continue to develop training and research opportunities to support the roll out of low emission technology	8K	5
Continued high profile LES marketing campaign	1L	1,5
Adopt BREEAM style accreditation for low emission development (including transport measures)	2J	2
Continue to review efficiency and emission standards for CYC procured buses, taxis and fleet vehicles, move towards alternative fuels as they become more affordable	4I,5K,7I	3,4
High cost measures - 2014 and beyond	LES reference	Objective
Continue to promote York internationally as a centre of excellence for low emission technology	8L	5
Aim to achieve highest Eco-stars award for CYC fleet	7M	4
Deliver privately funded freight trans-shipment / consolidation centre (if considered necessary and appropriate)	9E	6
Deliver privately funded gas refuelling infrastructure (if necessary)	3G,6O	3,4
Deliver CYC owned gas refuelling infrastructure (if necessary)	7L	4
Implement LEZ aspects of city centre access and movement study for all vehicle types if considered necessary and appropriate	9F,9L,9O,9R	6

Draft framework March 2011	Draft consultation document April 2012
<p>Objective 1</p> <p>To raise awareness and understanding of emissions to air in order to protect public health and meet the city's ambitious carbon reduction targets.</p>	<p>Objective 1</p> <p>To raise public and business awareness and understanding of emissions to air in order to protect public health and meet the city's ambitious carbon reduction targets</p>
<p>Objective 2</p> <p>To minimise emissions to air from new developments by encouraging the uptake of low emission technologies</p>	<p>Objective 2</p> <p>To minimise emissions to air from new developments by encouraging highly sustainable design and the uptake of low emission vehicles and fuels</p>
<p>Objective 3</p> <p>To reduce emissions to air from existing buildings and vehicles by providing businesses, residents and visitors with incentives and opportunities to use low emission technology</p>	<p>Objective 3</p> <p>To minimise emissions to air from existing vehicles by encouraging eco-driving, optimizing vehicle maintenance and performance (including that of abatement equipment) and providing businesses, residents and visitors with incentives and opportunities to use low emission vehicles and fuels</p>
<p>Objective 4</p> <p>To ensure emissions to air are fully considered during the future procurement of goods and services by CYC and its partners</p> <p><i>(previously specific CYC building and transport measures were included under objective 3)</i></p>	<p>Objective 4</p> <p>To lead by example by minimising emissions from council buildings, fleet and other activities and to showcase low emission technologies whenever possible</p> <p><i>(all CYC measures now grouped under this objective)</i></p>
<p>Objective 5</p> <p>To encourage inward investment by providers of low emission technology, fuels and support services</p>	<p>Objective 5</p> <p>No change</p>
<p>Objective 6</p> <p>Not applicable</p>	<p>Objective 6 – new objective</p> <p>To maximise sustainable transport and reduce localised air quality breaches through traffic demand management, smart travel planning, and potentially regulatory control</p>



Meeting of Cabinet**3rd April 2012**

Report of the Cabinet Member for City Strategy

Former British Sugar/Manor School Supplementary Planning Document**Summary**

1. This report outlines work carried out on the preparation of a draft Supplementary Planning Document (SPD) for the former British Sugar/Manor school site. Consultation on an initial draft SPD was carried out last year. A revised draft SPD (see Annex 2) has now been produced incorporating suggested changes to respond to issues raised in the consultation. The draft Sustainability Appraisal document (see Annex 3) to be read alongside the draft SPD has also been revised to reflect the main changes to the document.
2. Members are asked to note the consultation findings as set out in Annex 1 and to approve the revised draft SPD. The draft SPD will then be used to provide planning guidance for the preparation of a masterplan for the area and in the formulation of redevelopment proposals by developers. If agreed, the draft SPD will be used as a material consideration in the assessment of planning applications for the area. The intention is to bring the draft SPD back to Members following adoption of the Core Strategy for formal inclusion as part of the LDF.

Background

3. In December 2010 the Executive agreed for public consultation to be carried out on the Consultation Draft of a Supplementary Planning Document for the area. This took place between December 2010 and February 2011. Consultation was carried out in accordance with a Consultation Plan agreed by Members (December 2010).
4. At the LDF Working Group meeting on 5 March 2012 Members considered a report summarising the responses received to the

consultation. A Summary of Comments is attached at Annex 1. Members were asked to note these responses and to recommend the suggested changes to the SPD set out in a revised draft (see Annex 2) be referred to this meeting of the Cabinet for approval. Subject to an amendment for delegated authority to the Cabinet Member and Director of City Strategy to agree minor changes to the document, this recommendation was carried forward. Changes made to text subsequent to the LDF Working Group meeting are highlighted in yellow in the document. Members also considered a Sustainability Appraisal Statement which outlined where the main changes would need to be made to the Sustainability Appraisal document for the former British Sugar/Manor School site. The draft Sustainability Appraisal document has subsequently been revised and is attached at Annex 3. A copy of the Minutes of the LDF Working Group meeting are attached at Annex 4. The documents at Annexes 1 to 4 can be viewed online and a hard copy is available in the Member's library.

5. New Planning Guidance is due to be introduced in Spring this year with the National Planning Policy Framework (NPPF). This will replace references to Planning Policy Statements and Planning Policy Guidance Notes within the draft SPD and the new guidance will need to be taken into account in assessing any proposals being made.

Consultation

6. Around 1,700 letters and documents were sent to specific and general consultees including individuals, groups, organisations and companies, who had previously expressed an interest in the area. In addition, over 1,100 letters and leaflets were sent out to residents, businesses and major site landowners within the immediate area.

Consultation Responses

7. A total of 223 individual consultation responses were received, including comments from specific stakeholders, organisations, groups of residents and individual residents. In total over 1000 individual comments were received and a Summary of the Comments received has been produced (see Annex 1). A leaflet outlining 'alternative' access plans via the former Civil Service sports site was also received from Miller Homes with 36

representations received in support of this. These representations (ref/ A468) are also included in the Summary of Comments.

Main changes to the SPD

8. The revised draft SPD updates the Consultation Draft SPD. The key changes to the document are outlined below and follow the theme format of the document.

Theme 1: Sustainable, Interactive and Inclusive Communities

Housing

9. Since the Consultation Draft SPD was published the North Yorkshire Strategic Housing Market Assessment has been produced and this was considered by LDF Working Group Members at their last meeting on 5th March this year. Where new analysis replaces and updates parts of the 2007 SHMA evidence base the SPD has been amended to reflect this updated evidence base. Statement 1 of the draft SPD has also been amended to include reference to economic viability assessment and market conditions. The explanation to Statement 3 now considers the character of surrounding residential areas.

Community facilities

10. For clarity the type of local shopping facilities has been amended in the draft SPD to refer to a neighbourhood foodstore to meet primarily newly arising local needs. The explanation of such new convenience retailing is expanded upon within para 5.32 and reference is now made to the need for a Retail Impact Assessment to accompany any planning application for retail provision on the site. Suggestions for different types of community uses within the site have been noted and will be considered further in subsequent stages of the planning process. It should be noted that the provision of educational places for the new development will be assessed using the council's assessment and provision standards when detailed proposals are put forward. The spatial arrangement of uses for the former Manor School site and any possible re-use of existing buildings will be considered at the masterplanning stage of work.

Theme 2: Quality Place/Environment

11. The draft SPD has been amended to make reference to the need to give consideration to the impact of development on the natural environment and the need to adapt to future climate change.

Reference is also now made to the use of grant funding to facilitate higher standards of sustainable design, the use of equivalent environmental standard methodology, and the need to seek the provision of locally sourced construction materials. Amendments have been outlined to incorporate the renewable energy sources considered in the York Northwest Local Carbon Framework. Principle 5 has been widened to include reference to the need to relate to the city as a whole as well as to the surrounding area. Additional guidance is outlined relating to the requirements relating to noise and external lighting. The need to incorporate designing out crime principles is also now included in the revised document.

12. The high level of concern relating to any potential loss of green assets within the area is noted. No amendments are considered necessary, however, as the draft SPD included a Statement to retain existing green assets of value within the site and incorporate these within the new green infrastructure network where possible. Figure 14 has been updated to give clearer presentation of existing green infrastructure within the site. It should be noted that the spatial arrangement of uses within the area will be explored in more detail during the masterplanning stage of work.

Theme 3: Sustainable Movement and Connections

13. Whilst no revisions are suggested to the number and location of the potential access options to the site, it should be noted that this is a highly contentious issue with a high level of disagreement demonstrated through the consultation. However, the options available to enable redevelopment of this brownfield site are limited due to the location of existing development adjoining the site and constraints imposed by the adjacent railway lines. Further consideration and detail on the access options is outlined in the emerging York Northwest Transport Masterplan which was also considered by Members of the LDF Working Group on 5 March 2012. For clarity, Plan 8 of the draft SPD has been amended to identify more specifically where the potential options for pedestrian and cycle routes across the railway lines could be located, reflecting transport study work.
14. It should be noted that whilst there will be implications arising from the provision of new access routes these will need to be balanced between the benefits provided and the environmental impacts. These considerations have been made clearer within Statement 18

of the draft SPD. Reference has also been made to the need to assess the environmental impact of new access routes and the need to seek to ensure that impacts to adjoining residential areas are minimised as far as possible.

15. The Consultation Draft SPD made reference to the provision of an additional rail station/halt to serve the site and the need to future proof long term provision of tram train. This should also be considered in association with the provision of an east-west bridge across the railway lines. Reference has, therefore, been made to the need to ensure that the design of the development does not prejudice future provision of this facility. Further work will be undertaken by the council to pursue delivery of tram-train facilities and engage with the appropriate parties to take this forward.
16. The provision of a pedestrian/cycle link over and along the railway to adjoining areas including the city centre were supported in the consultation. The intention to pursue these routes and to link with possible future tram-train facilities has been made clearer in the draft SPD. Reference has also been made to the need for the development to contribute towards these potential new pedestrian and cycling links and to dedicate land within the site to ensure the design of the development does not prejudice future provision of these routes. Further work will be undertaken by the council to pursue delivery of these routes and engage with the appropriate parties to take this forward.
17. Plantation Drive was historically used as the main vehicular access to the former British Sugar site. However, it is recognised that there is limited capacity to serve unrestricted levels of additional traffic and the level of homes served by this access would, therefore, need to be restricted. The draft SPD has been amended to clarify the term 'restricted access' using both Plantation Drive and Ouse Acres and the need for this to be considered within the Transport Assessment to be undertaken by the developer, having regard to issues of safety, parking and environmental attractiveness.
18. Reference to the emerging York Northwest Transport Masterplan has also been included in the draft SPD. The text has been amended to identify the need for further modelling work to be undertaken by the developer to inform the level of mitigation works which will be necessary to accommodate additional traffic generated by the development, together with a list of anticipated

measures for the area. Additional reference has been made to the impact on nearby Air Quality Management Areas (AQMA's) and the need for the developer to address this in the transport approach. A Transport Assessment to be undertaken by the developer will be required as part of the planning application to enable a full assessment of the impact of additional traffic generated and inform the approach to transport to be taken.

Delivery and Implementation

19. The Delivery and Implementation section of the draft SPD has been amended to include reference to the need to consider the provision of renewable energy technologies early in the planning and phasing process.

Other SPD amendments

20. In addition to the amendments arising from the consultation response the draft SPD has also been amended include reference to updated and new relevant documents, including for example, the York New City Beautiful, Climate Change Strategy and York Northwest Local Carbon Framework, together with corrections/ minor amendments and further input from the internal corporate project team.
21. The draft Sustainability Appraisal (SA) document (see Annex 3) has been revised to reflect key changes to the draft SPD. The changes have strengthened the analysis towards meeting the SA objectives.

Options

22. Option 1: To note the consultation findings and agree the revised draft SPD for use of the document for development management purposes.
23. Option 2: To request further changes are made to the draft SPD.

Analysis

24. In terms of the options set out above approval of the suggested changes to the revised draft SPD is recommended to Members. This would provide up-to-date specific planning guidance with clear direction on planning issues and considerations relevant to the development of this major strategic development site. This will

provide important context for the masterplanning work and the preparation of development proposals for the area. The draft SPD will also provide an important part of the Local Development Framework which will be used to assess the acceptability of an emerging scheme and any future planning applications for the area.

25. The comments received in response to the consultation have been carefully considered in terms of planning guidance and background evidence. It is important to ensure that any requirements arising from the draft SPD are justifiable, directly relate to the development, fairly and reasonably relate in scale and kind to the development and would be necessary to make the development acceptable. The amendments to the document seek to clarify and ensure all relevant issues are addressed in the draft SPD. If further amendments or additional revisions to the draft SPD are proposed these would also need to meet the criteria outlined above and be justifiable and deliverable in the context of the site.

Council Plan

26. The redevelopment of the site will enable the creation of a new residential community which will make a significant contribution to future housing needs in the city. This will further a number of the city's priorities outlined in the Council Plan 2011-2015 delivering for the People of York;
 - **building strong communities;**
 - **protecting the environment; and,**
 - **getting York moving.**
27. The development will further a number of initiatives outlined in the plan including, promotion of renewable energy generation, promotion of high quality neighbourhood spaces, promotion of measures to reduce carbon emissions, improve public access to open space, provide good quality affordable housing, promote sustainable travel and establish community facilities to meet the needs of the new neighbourhood.

Implications

28. Implications are as listed below:

- **Financial:** There are no financial implications.
- **Human Resources (HR):** There are no HR implications.
- **Equalities:** There are no equalities implications.
- **Legal:** There are no legal implications.
- **Crime and Disorder:** Crime and Disorder considerations have been taken into account in the preparation of the SPD.
- **Information Technology (IT):** There are no IT implications.
- **Property:** As detailed in the Core Strategy, identification of community requirements and also service needs will be progressed through the Community Area Asset Management Planning process and will be lead by the Corporate Landlord and the Corporate Asset Management Group. As owners of the former Manor School site the council will be working in partnership with the owners of the British Sugar site to ensure that both sites are included in the masterplanning to enable the best value to be obtained from the uses delivered. The former Manor School site and buildings are classified as surplus property and the capital receipt obtained from the disposal of this site will be used to fund the Councils capital programme which helps meet the council's corporate priorities.
- **Other:** None

Risk Management

29. It is important that a planning framework for this area is in place as soon as possible and in advance of any planning application being submitted. This will give a more robust basis for the planning requirements being sought and will help to speed up the consideration process for the application. This is important given the recent emphasis in guidance for decisions to be made within relevant timescales.

Recommendations

30. Members are asked to:

i) Recommend Option 1 to note the consultation findings and agree the revised draft SPD at Annex 2 to be used for development management purposes.

ii) Delegate to the Director of City Strategy in consultation with the Cabinet Member for City Strategy the making of any incidental changes to the draft document that are necessary as a result of the recommendation of this report.

Reason:

- i) To provide robust planning guidance to assess the acceptability of emerging development proposals and future planning applications for the area.
- ii) To enable any recommended changes to be incorporated within the draft SPD.

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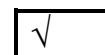
**Report
Approved**



Date 13.3.12

Specialist Implications Officer(s): None

Wards Affected: Acomb, Holgate and Rural West York



For further information please contact the author of the report

Background Papers:

Former British Sugar/Manor School Supplementary Planning Document
(5 March 2011)

York Northwest Planning Framework (December 2010)

Annexes available online:

Annex 1: Summary of Comments on Consultation Draft SPD

Annex 2: Revised draft SPD for the former British Sugar/Manor School site

Annex 3: Revised draft Sustainability Appraisal

Annex 4: Minutes of LDF Working Group on 5th March 2012



Cabinet

3rd April 2012

Report of the Cabinet Member for City and Environmental Services

Castle Piccadilly - Conditional Concession Agreement

Summary

1. This report is an update on the progress of this project since the Executive Report of 7 July 2009 and Members are asked to note the steps taken since the identification of a Preferred Concessionaire by the Council.
2. The procurement competition has concluded, and only the award process remains to be addressed. Heads of Terms have been negotiated, which encapsulate the Preferred Concessionaire's proposal. The Council will shortly proceed with a contract award notice and settlement of a development agreement.
3. The purpose of this report is to:-
 - (i) Proceed to award the Concession to the Preferred Concessionaire through the issuing of an "Award Notice".
 - ii) Delegate to the Director of Customer & Business Support Services to conclude the negotiations on the Conditional Concession Agreement and to bring a further report for Members to approve such an agreement.

Background

4. Members will be aware of the approved Planning Brief for the Castle Piccadilly area, March 2006. The Council has pursued the objective of maximising its financial opportunity from its land holdings whilst seeking a comprehensive regeneration of the Castle Piccadilly area, including making the Council's extensive land holdings available to a potential developer in order to achieve those objectives.

5. A proposal by Land Securities for a comprehensive retail-led scheme was refused planning permission by the Secretary of State in September 2003.
6. Following engagement with a reference group of key stakeholders, including organisations who objected to the previous proposal, the Council prepared a new Planning Brief for the site which was adopted for development control purposes in March 2006.
7. Two retail studies have been undertaken (Roger Tym & Partners in 2005 and GVA Grimley in 2008) which conclude that the Castle Piccadilly site provides the best location for extending the current primary shopping area and the best site in the city centre for meeting the City's longer term retail needs.
8. In the Executive Report of 4th November 2008 Members were advised of the need to carry out a procurement exercise, and the Executive decided:-
 - i) That the Council's aims and objectives be confirmed as:
 - a) To achieve best consideration for its land;
 - b) To achieve the Council's vision and planning objectives as set out in the planning brief, including a high quality development which helps to meet the retail needs of the City;
 - c) A development that is viable and helps to deliver wider planning objectives for the area, e.g. provision of quality civic and open space, links across the river, riverside paths and relocation of the Castle car park; and
 - d) To achieve the comprehensive regeneration of the Castle Piccadilly area.
 - ii) That the commencement of a works concession procurement process to support the bringing forward of possible alternative developer solutions in a fair, transparent and proportionate manner, be approved.
 - iii) That authority be delegated to the Director of City Strategy, in consultation with the Director of Resources, to approve a set of criteria upon which the procurement competition process will be measured.

REASON: In order to achieve the Council's objectives whilst complying with the Council's own rules and the current regulatory framework.

9. A full procurement exercise has been undertaken in full consultation with the Council's procurement officers in accordance with all the procurement and legislative requirements. An OJEU European wide concession competition has been undertaken.
10. The Executive Report of 7th July 2009 informed Members that a decision had been made to proceed to develop a potential contract with the Preferred Concessionaire and conclude the procurement procedure. The Preferred Concessionaire is the corporate vehicles of LaSalle UK Ventures Property being the current long leaseholder and operator of the Coppergate Centre.
11. Following the report to the Executive the Council decided to provide the Director of City Strategy with delegated authority to enter into negotiations to achieve best consideration for the Council's assets.
12. Significant work has been undertaken to develop Heads of Terms and an appropriate Conditional Concession Contract with the Preferred Concessionaire.

Consultation

13. The procurement process has been carried out in accordance with the procurement and legislative requirements, and so full consultation has taken place in accordance with the requirements through advertising in the European Journal.
14. The proposed next steps in taking forward this project will include consultation with all stakeholders, including the public, in development of the masterplan of the area and any subsequent planning applications.

Options

15. The Council are now faced with two options:-
 - i) To conclude the procurement concession competition and proceed to issuing an award notice. To conclude the Condition Concession Agreement and report back to Members for approval.

- ii) To discontinue the award process.

Analysis

16. Option (i) - Continue the project

- a) It is considered that option (i) provides the best opportunity for the Council to meet its aims and objectives as set out in the Executive Report of 4th November 2008 and as set out at paragraph 8 above.
- b) Advantages include achieving best available market consideration/revenue stream from the Council's land.
- c) Securing the best opportunity for potential development to proceed with the financial risk and obligation of development to be met substantially by the Preferred Concessionaire.
- d) The disadvantages of option (i) are that it may take a further approximately six years for the development to physically commence (the Preferred Concessionaire is seeking a maximum period of six years and six months from entering into a contract with the Council to proceed with the project).
- e) Income in part is likely to depend upon take up of space by retailers.
- f) Potential loss of car parking spaces and income during the 18 month construction period is a likely outcome but this may be mitigated by considering options for re-provision of some car parking off site.

17. Option (ii) - Discontinue

- a) It is envisaged that there are few benefits to option (ii) save that it would allow the Council the opportunity to reconsider its priorities in relation to the utilisation/ exploitation of its land.
- b) It would lead to further uncertainty and delay in the Council achieving its aims and objectives for this area.

Council Plan

18. The successful delivery of this scheme will help to achieve a number of the priorities of the Council Plan 2011 – 2015, including:
- a) “Create jobs and grow the economy” – Providing new retail space will support the economy of York and will provide new job opportunities both during the construction phase and the operation of the completed scheme.
 - b) “Get York moving” – any development will be delivered in accordance with the Council’s sustainable objectives, and the provision of city centre retail space will encourage the use of public transport due to the good transport network. City centre retail and business facilities will be able to be accessed by all more easily than out of town sites.
 - c) “Protect the environment” - The development will also radically enhance the public realm and townscape of the under-utilised part of the city centre which will support the sustainable growth of the city and coordinate with the vision and objectives of the Reinvigorate York initiative.
 - d) “Build strong communities” – The public will be consulted in the development of the masterplan for the area and also any planning applications.

Implications

19. (a) **Financial** – The procurement process which has been followed and the subsequent negotiations which will take place will ensure that the best consideration will be achieved in any agreement concerning future use and ownership of the land owned by the Council. Details of all financial consideration will be reported when negotiations are concluded and members are considering the final Conditional Concession Agreement.
- (a) **Human Resources (HR)** - There are no HR implications.
- (b) **Equalities** – Development of the masterplan and any subsequent planning applications will be progressed with full consultation with the public and all other relevant groups.

- (c) **Legal** – The procurement process has been carried out in accordance with all procurement and legislative requirements as advised by external lawyers procured through the framework agreement. The conclusion of the procurement process and each key further step identified will be undertaken in consultation with the Council’s legal representatives.
- (d) **Crime and Disorder** – There are no Crime and Disorder implications.
- (e) **Information Technology (IT)** – There are no IT implication.
- (f) **Property** – The property implications are included and detailed in this report. If the Council proceed they will be committing the land owned by the Council for a significant period of time.
- (g) **Other** - None known.

Risk Management

- 20. An assessment of risk has been carried out at each stage of this project and has been managed successfully.
- 21. The next stage of the project will be conclusion of the procurement competition and notice of award of contract (Award Notice). The Council will await the statutory standstill period before then entering into contract with the Preferred Concessionaire. Once the contract has been awarded a further risk assessment will be carried out in consultation especially with the Corporate Landlord, Head of Legal Services, the Head of Financial Services and the Director of City and Environmental Services

Recommendations

- 22. Members are asked:-
 - i) To approve the issuing of the Award Notice.
 - ii) To delegate to the Director of Customer & Business Support Services that he concludes negotiations on the Conditional Concession Agreement and brings a further report for Members approval of the Agreement.

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Responsible for the report:**

Cllr. Dave Merrett, Cabinet Member
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Bill Woolley
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Services

**Report
Approved**

✓

Date 23.03.12

Wards Affected: *Guildhall*

All

For further information please contact the author of the report

Background Papers:

Castle Piccadilly Planning Brief, March 2006



Cabinet

3 April 2012

Report of the Cabinet Member for City Strategy

Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document Consultation Outcomes

Summary

1. This report follows on from the earlier report on the draft Controlling the Concentration of Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) considered by Members on 10 January 2012. Its purpose is to inform Members of the outcomes of the recent consultation on the draft SPD. It also seeks approval from Members for the revised SPD (attached at Annex 2 of this report) to be used to determine planning applications following the commencement of the Article 4 Direction on 20 April 2012. The SPD will remain a draft SPD until such time as the Core Strategy has been through examination and is formally adopted by the Council.
2. The role of the SPD is to provide guidance on how planning applications for change of use to HMO will be determined in order to allow the Council to manage the spread of HMOs. It will also ensure that unsustainable large concentrations of HMOs in our neighbourhoods are not created.

Background

3. As Members are aware, HMOs make an important contribution to York's housing offer, providing flexible and affordable accommodation, not just for students but for young professionals and low-income households who may be economically inactive or working in low paid jobs. It is also recognised that there is likely to be an increased demand for HMOs following the changes to the national benefit rules. As such, HMOs are regarded as a valuable

asset to the city's housing offer. However, it is important to ensure that communities do not become imbalanced through unsustainable large concentrations of HMOs.

4. An Article 4 Direction comes into force on 20 April 2012. This removes permitted development rights, requiring a planning application to be submitted to change a property into an HMO. The Controlling Concentrations of HMOs SPD provides guidance on how these planning applications will be determined.

Consultation

5. Consultation on the draft SPD commenced on 23 January 2012 and a number of consultation techniques were used in accordance with the adopted Statement of Community Involvement (2007). Consultation ran until the 5 March 2012. During this consultation period a Focus Group Event was held.
6. A Consultation Statement has been prepared (attached at Annex 1 of this report), the purpose of which is to summarise the draft Controlling the Concentration of HMOs SPD consultation. It is not intended to replicate this document however an outline of the document distribution and publicity, alongside the headline outcomes of the Focus Group Event and consultation responses are set out below.

Document Distribution and Publicity

7. Approximately 2,900 consultees on the LDF Database, key stakeholders relevant to HMO issues and those individuals who had expressed an interest in HMOs either through their local Councillor or the Article 4 Direction consultation were sent an email, or a letter, informing them of the consultation and the opportunity to comment, alongside details of the web page and where to find more information. An internal consultation was also undertaken with relevant Officers and all Members were informed of the consultation and how to comment.
8. All of the consultation documents were made available to view and download on the Council's website. A link to an online survey was also posted on the Council's website. Hard copies of the consultation documents were placed in all of the City of York Council libraries and at the Council's receptions at 9 St. Leonards

Place, the Guildhall and Library Square. It was also possible for those who required hard copies to ring or email the Integrated Strategy team and request a copy of the documents.

9. In addition to writing to consultees and distributing the consultation documents, it was sought to further publicise the consultation. This was achieved through the following:

- A City of York Council press release was issued to coincide with the start of the consultation period on 23 January 2012 which can be seen at Annex C;
- A notice was placed in the features section of the City of York Council website homepage publicising the consultation and providing a direct link to the Draft SPD webpage as shown at Annex D;
- A public notice was published in the Evening Press on Wednesday 25 January 2012. This set out what is being consultation upon, the consultation period and ways to respond alongside where the documents are available for inspection. Please see Annex E for a copy of the notice;
- Whilst there was not an edition of Your Voice/Your Ward published within the consultation period information about the consultation was provided to all Neighbourhood Management Officers to include, as appropriate, in the powerpoint presentations that run during ward committee surgeries;
- There was no meeting planned for the Inclusive York Forum during the consultation period, to ensure that its' members were aware of the consultation and the opportunity to comment information about the consultation was circulated via email to those on the Inclusive York Forum distribution list; and
- Information was provided to the chair of the York Residents Association who briefed their Members on the consultation and how to comment. Representatives were also sought to attend the Focus Group Event.

Focus Group Event

10. A Focus Group Event was held on 21 February 2012. The purpose of the event was to cover a range of issues relating to HMOs in York. The half day event was well attended by 37 people and was

pitched as structured but informal to encourage discussion. A range of stakeholders were invited including residents, landlords and representatives from the Universities. Care was taken to invite an equal mix of interested parties to ensure a balanced debate. Attendees took part in three break-out sessions, brief conclusions from these sessions are set out below. However, please see the note of the event at Annex F to the Consultation Statement which is appended to this report for more detail of the diverse range of views and opinions of those who attended the event.

11. Balanced Communities Break Out Session

A number of attendees favoured a street level approach however several alternative approaches were put forward, including upper and lower thresholds for different areas across the city and also not having an overarching policy approach and judging each HMO planning application separately. Concern was raised about the implications that may arise from imposing a restrictive policy approach.

12. Residential Amenity Break Out Session

A range of issues were discussed, however the main amenity issues considered to be a problem when there are high concentrations of HMOs were bin storage/litter, parking, property maintenance, increased crime levels and lack of community integration.

13. Raising Standards in the Private Rented Sector Break Out Session

There was scepticism about whether a voluntary accreditation scheme was the best way to help address poor standards in the private rented sector. Those likely to participate in such a scheme would be the good/responsible landlords/agents, whilst disinterested landlords could happily operate outside of the scheme given the healthy demand for private rented accommodation in the City. There was some significant support for a local compulsory scheme, such as licensing of all HMOs, in order to establish a level playing field and to ensure that all landlords complied.

Consultation Responses

14. A total of 85 responses were received. 47 people completed the comments form which incorporated a questionnaire, of which 25

completed it online via the online survey. Representations were received from a variety of groups, organisations and individuals.

Policy Approach

15. The majority of respondents did not support a neighbourhood only approach to assessing concentrations of HMOs as it was considered that this would still result in clusters of HMOs at street level. Although a number of alternative approaches were proposed, overall, respondents suggested that a threshold approach at both neighbourhood and street level was the best way to control the concentration of HMOs. A number of thresholds were proposed by respondents ranging from 0% to 40%, however the majority considered that between 10% and 15% was appropriate. A number of respondents suggested that there should be exceptions to the agreed threshold where there are only a small number of C3 dwelling houses remaining.
16. A number of comments were received in support of the policy approach set out in the draft SPD relating to consideration of residential amenity, stating that the Council's powers, policies and procedures were listed fully. Comments were also received that suggested that guidance on residential amenity alone will not contribute to addressing amenity issues and that the measures should be put in place to ensure that the guidance is enforced.

Accreditation Scheme/Licensing

17. A large number of comments were received on the issue of monitoring landlords. It was suggested by a number of respondents that strict monitoring of landlords should be undertaken by the Council and that that there should be compulsory registration of landlords otherwise the worst landlords would not be under any scrutiny. It was also suggested by several respondents that additional licensing for all HMOs should be introduced which would give the Council complete control of all HMOs. It was felt by a number of respondents that a voluntary accreditation scheme will be ineffective in as a way of increasing housing standards.
18. Colleagues in Housing have been involved in the consultation process and as such are informed of the consultation outcomes with regard to the monitoring of landlords. The Council are able to

secure improvements to the management and maintenance of HMOs (both internal and external) through licensing under the Housing Act 2004. The exercise of powers available to the Council under the Housing Act 2004 does not directly control the scale and distribution of HMOs but importantly, it does provide opportunities for intervention to secure improvements to the management and maintenance of HMOs. Accordingly, it presents the Council with the opportunity to pursue complementary measures to support planning policies, such as this SPD. These measures however cannot be developed through the SPD but are covered by separate legislation under the Housing Act.

The Revised SPD

19. The proposed approach set out in the SPD has been guided by the LDF Vision for all of York's current and future residents having access to decent, safe and accessible homes throughout their lifetime. A key element of this is maintaining community cohesion and helping the development of strong, supportive and durable communities. The SPD supports Policy CS7 'Balancing York's Housing Market' of the emerging Core Strategy which for HMOs seek to control the concentration of HMOs, where further development of this type of housing would have a detrimental impact on the balance of the community and residential amenity.
20. A threshold based policy approach is considered most appropriate as this tackles concentrations of HMOs and identifies a 'tipping point' when issues arising from concentrations of HMOs become harder to manage and a community can be said to tip from balanced to unbalanced. Under the threshold approach an assessment of the proportion of households that are HMOs is undertaken within a given area.

Approach

21. In line with the outcomes of the consultation, a combined approach of both a neighbourhood and street level analysis of HMOs is proposed to determine HMO planning applications. This will seek to control concentrations of HMOs of more than 20% of all households at a neighbourhood area and 10% at the street level. The following approach will be used:

Applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- *It is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and*
- *Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and*
- *The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.*

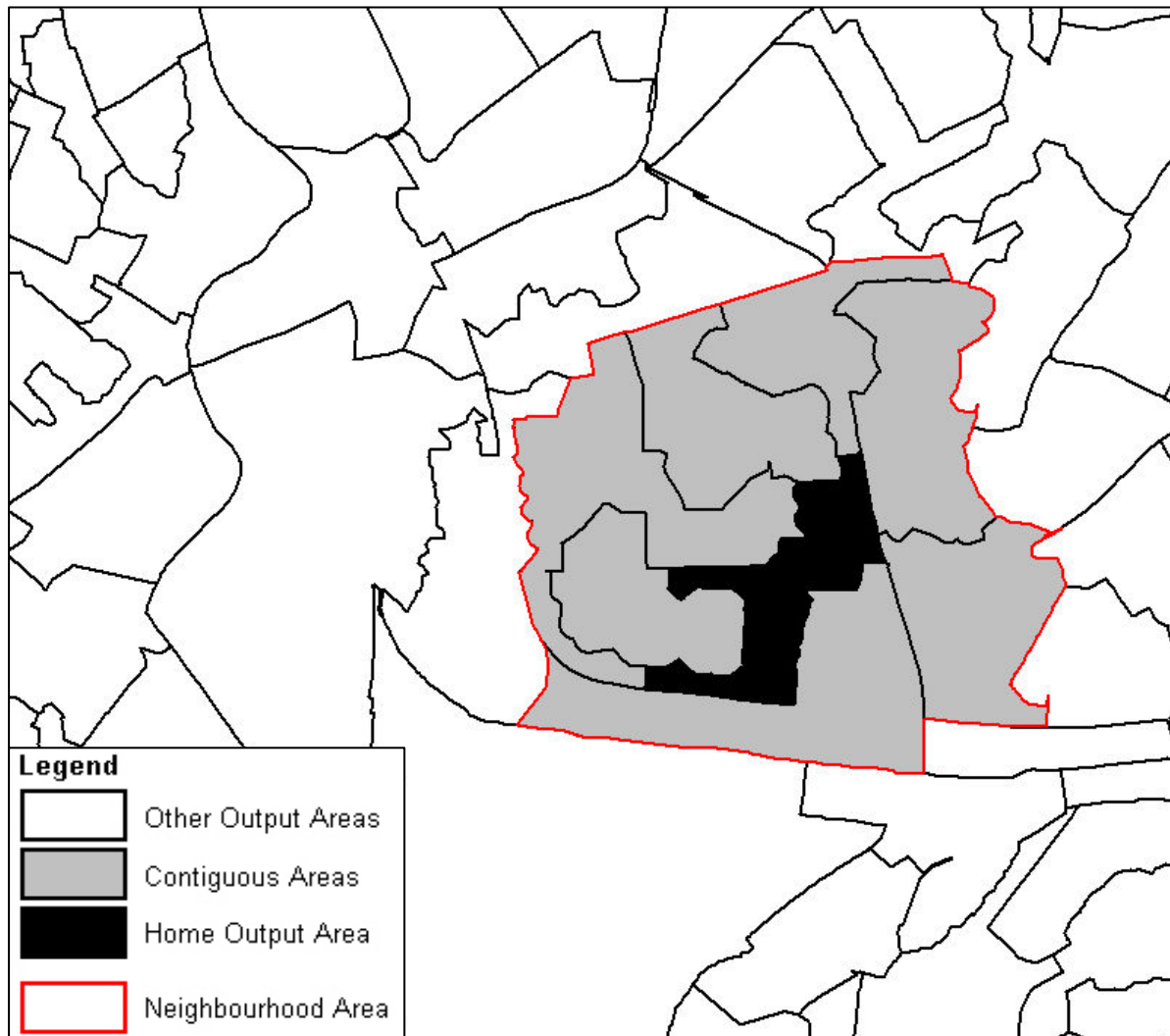
22. The aim of the policy is to continue to provide HMO accommodation to meet the City's housing needs but to manage the supply of new HMOs to avoid high concentrations of this use in an area. Given York's compact nature and well connected public transport network it is considered that the spreading out of HMOs to avoid unsustainable concentrations of HMOs will still mean that for students in particular, HMOs will remain highly accessible. Further information on the policy approach is set out below.

Neighbourhood Level

23. It is considered that for York, some issues arising from concentrations of HMOs can be a neighbourhood matter, going beyond the immediate area of individual HMOs. A neighbourhood approach assessment of HMOs will address the impact large numbers of HMOs can have on decreasing demand for some local services, particularly local schools, doctor and dental surgeries and changes in type of retail provision, such as local shops meeting day to day needs becoming take-aways.
24. Following best practice, it is considered that one 'Output Area' (capturing approximately 125 households, defined by the Office National Statistics) is too small to properly represent a

neighbourhood and accordingly, a cluster of contiguous Output Areas will be applied. The number of contiguous Output Areas varies depending upon local circumstances but typically clusters comprised of between 5 and 7 Output Areas capturing 625 to 875 households will be used to calculate concentrations of HMOs at the neighbourhood level. An example of a cluster of Output Areas is shown at Figure 1. The 'home output area' is where the planning application is located. To ensure a consistent and robust approach, all adjoining output areas to the output area where the planning application is located will be used to form the neighbourhood area in all cases.

Figure 1



Street Level









25. An assessment of concentrations of HMOs at street level will allow the Council to manage the clustering of HMOs along streets. This would prevent whole streets from changing use from dwellinghouses to HMO. Such control will be beneficial for those streets with property types that are particularly suited to HMO use and would protect the character of a street by maintaining a mixed and balanced community. A street by street approach will address the impacts large concentrations of HMOs can have on increased levels of crime and the fear of crime, changes in the nature of street activity, street character and natural surveillance by neighbours and the community outside of term times, standards of property maintenance and repair, increased parking pressures, littering and accumulation of rubbish, noise between dwellings at all times and especially music at night.
26. It is considered that a length of 100 metres of street frontage can reasonably be considered to constitute a property's more immediate neighbours and is therefore the proposed distance

threshold for assessing concentrations of HMOs at street level. This is proposed to be measured along the adjacent street frontage on either side, crossing any bisecting roads, and also continuing round street corners. This is illustrated at Figure 2.

Figure 2



Legend

-  100m starting point
-  100 metres
-  100 metres
-  Properties not included
-  Properties within 100m on application street on opposite side of the road
-  Properties within 100m on same side of the road
-  Properties within 100m that turn the corner from applicaiton street
-  Application Property

Residential Amenity

27. A large number of respondents supported the residential amenity section of the consultation draft SPD. As set out in the appended Consultation Statement at Annex 1 the majority of respondents thought that the right amenity issues had been adequately covered

and that the guidance would contribute to addressing amenity issues. As such, this section of the SPD remains largely unchanged. Albeit, further detail and explanation has been added for clarity.

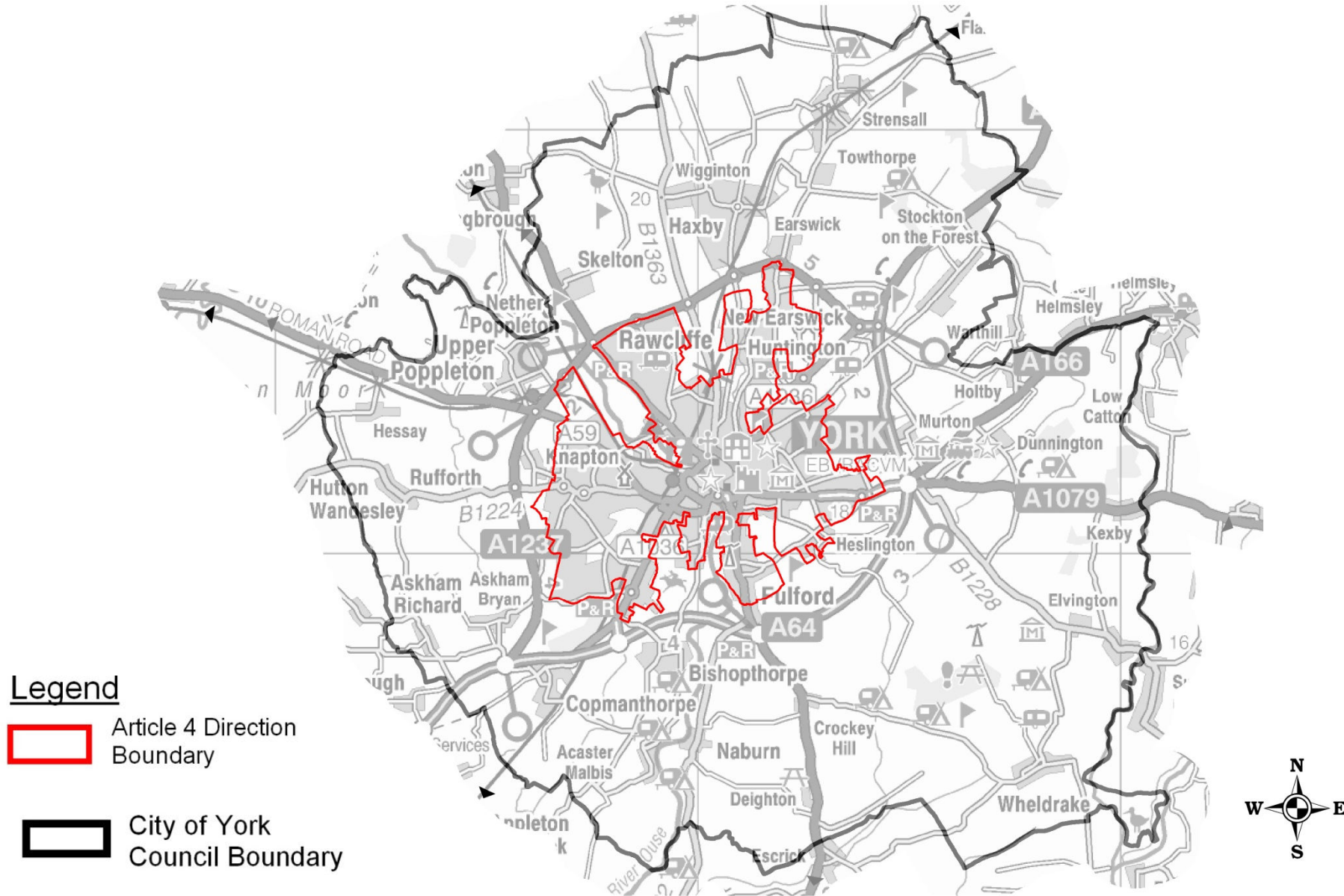
Enforcement

28. Several comments were received as part of the consultation highlighting the importance of enforcement in ensuring the provisions of SPD are implemented correctly. In response to these comments a new section has been added to the SPD. This provides information on planning enforcement and indicates that the Council can only take action on a breach of planning control when a material change of use has actually occurred, not when a property has been sold but remains unoccupied, or when it is in the process of conversion.

Scope of the SPD

29. The guidance will apply to all planning applications for change of use from dwelling house (Use Class C3) to HMO (Use Class C4) within the main urban area (i.e. the extent of the Article 4 Direction), as shown overleaf at Figure 3. It will also apply to planning applications for the change of use from dwelling house (Use Class C3) to 'sui generis' large HMOs across the Local Authority area. The guidance will not apply to purpose-built student accommodation and will not apply retrospectively to existing HMOs. It should be noted that change of use from a small HMO (C4) to dwellinghouse is permitted development and does not require planning permission. However, permission is still required to change a large HMO (sui generis) into a dwellinghouse.

Figure 3



Options

30. The options below are available to Cabinet.

Option 1: To approve the SPD at Annex 2 for Development Management purposes as a material consideration when determining of HMO planning applications.

Option 2: To approve a revised SPD with an alternative approach to assessing concentrations of HMOs

Analysis of Options

Option 1

31. The SPD at Annex 2 responds to the outcomes of the detailed consultation undertaken and a number of consultation comments have directly shaped the SPD. This includes the proposed neighbourhood and street level approach which was the preferred approach from the majority of respondents.
32. Members were previously advised that a combined approach could be seen to be overly onerous and given that street level assessment of HMOs is untested, the Council could be open to challenge at appeal. It should be noted that a number of Local Authorities such as Milton Keynes, Southampton, Bournemouth and Exeter are pursuing various untested approaches to assessing HMO applications arising from the implementation of Article 4 Directions.
33. An approach that covers both a neighbourhood and street level assessment of HMO concentrations will give the Council greater control in managing concentrations of HMOs. It is considered that the combined approach set out in the SPD at Annex 2 can be justified because of the varied nature of issues that can arise from large numbers of HMOs. The policy approach set out at in the SPD acknowledges that issues arising from concentrations of HMOs affect both neighbourhoods and individual streets and that this requires different approaches.

Option 2

34. Members may wish to pursue an alternative approach, such as one of the approaches suggested by respondents through the consultation (please see Annex 1). There is a risk however that should an alternative approach be explored there may not be a

policy in place when the Article 4 Direction comes into force on 20 April 2012.

Council Plan

35. Exploring the impacts of HMOs relates to the following Council Plan Priorities:

- Build strong communities.
- Protect vulnerable people.
- Protect the environment.

Implications

36. The implications are as listed below:

- **Financial:** None
- **Human Resources (HR):** None
- **Equalities:** None
- **Legal:** None
- **Crime and Disorder:** None
- **Information Technology (IT):** None
- **Property:** None
- **Other:** None

Recommendation

37. That Cabinet:

- i) approve the attached draft SPD to be used for Development Management purposes in accordance with Option 1; and
- ii) delegate to the Director of City Strategy in consultation with the Cabinet Member City Strategy the making of any changes to the SPD that are necessary as a result of the recommendations of the LDF Working Group.

Reason: So that the SPD be approved and used for Development Management purposes to support the emerging LDF Core Strategy and the Article 4 Direction which comes into force on 20 April 2012.

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**Report
Approved**



Date 16 March 2012

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers

Houses in Multiple Occupation Technical Paper (2011) CYC

'Student Housing' Report to the Local Development Framework Working Group 6 September 2010 and Minutes

'HMOs and Article 4 Directions' Report to the Local Development Framework Working Group 10 January 2011 and Minutes

'Minutes of Working Groups' Report to Executive 1 February 2011 and Minutes

'The Distribution and Condition of HMOs in York' Report to Cabinet 1 November 2011 and Minutes

'Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document' Report to Cabinet 10 January 2012 and Minutes

Annexes

Annex 1: Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document Consultation Statement (March 2012)

Annex 2: Draft Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document (March 2012)

**ANNEX 1: Controlling the
Concentration of Houses in Multiple
Occupation Supplementary Planning
Document Consultation Statement
(March 2012)**

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Consultation statement

SUPPLEMENTARY
PLANNING
DOCUMENT

**Controlling the
Concentration of Houses
in Multiple Occupation**

March 2012

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Annexes

Annex A: List of LDF Database Consultees

Annex B: Copy of Letter to Consultees

Annex C: City of York Council Press Release

Annex D: Feature on City of York Council Website Homepage

Annex E: Press Notice

Annex F: Focus Group Event Feedback

Annex G: Osbaldwick Parish Council Public Meeting Minutes

Annex H: Copy of Comments Form, Incorporating Questionnaire

1.0 Introduction

- 1.1 The purpose of this report is to summarise the draft Controlling the Concentration of Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) consultation. The responses from this consultation have been used to develop the revised SPD.
- 1.2 The consultation commenced on 23 January 2012 and a number of consultation techniques were used in accordance with the adopted Statement of Community Involvement (2007). Consultation ran until the 5 March 2012. During this consultation period a Focus Group Event was held.
- 1.3 This report outlines the consultation documents that were produced; sets out who was consulted; outlines the methods and techniques used during the consultation, and summarises the key issues raised in the responses received.

2.0 Consultation Documents

- 2.1 A number of documents were produced as part of the consultation to inform people about what the process involved, how they could respond and also ways in which they could contact the Integrated Strategy team.
- 2.2 The following main consultation documents were produced:
 - Draft Controlling the Concentration of HMOs SPD;
 - Strategic Environmental Assessment Screening Report; and
 - Comments Form, incorporating a questionnaire.
- 2.3 Previously all SPDs were subject to Sustainability Appraisal. The purpose of which is to promote sustainable development through the better integration of sustainability considerations into policy development. Sustainability Appraisals included the requirement for Strategic Environmental Assessment (SEA) which is a system of incorporating environmental considerations into policies, plans, programmes and strategies. When the regulations were amended in 2009¹, the requirement for Sustainability Appraisal for SPDs was removed. However, SPDs are still subject to the requirements set out by the SEA. Accordingly, the draft SPD was subject to a screening report to determine the need for an SEA and to support the Draft SPD consultation. The three statutory bodies for the SEA process are English Heritage, Natural England and the Environment Agency. As set out in Annex 1, these statutory bodies were consulted, as required.

¹ The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009

2.4 As well as the main consultation documents, it was considered appropriate to include the following additional supporting reports which were made available as part of the consultation:

- City of York Council Houses in Multiple Occupation Technical Paper (2011);
- 'Student Housing' Report to the Local Development Framework Working Group 6 September 2010 and Minutes;
- 'HMOs and Article 4 Directions' Report to the Local Development Framework Working Group 10 January 2011 and Minutes;
- 'Minutes of Working Groups' Report to Executive 1 February 2011 and Minutes;
- 'The Distribution and Condition of HMOs in York' Report to Cabinet 1 November 2011 and Minutes; and
- Article 4 Direction and Plan.

2.5 There were several ways in which people and organisations could comment on the consultation documents. These were by:

- filling in the comments form (electronically or in writing);
- writing to the Integrated Strategy team using the address found in the documents and publicity material. This was a freepost address;
- emailing the Integrated Strategy team using the email address found in the documents and publicity material; or
- using the Council's 'consultation finder' and completing an online survey, taken from the questionnaire incorporated in the comments form, which could be found on the Council's website.

3.0 Document Distribution and Publicity

3.1 To support the production of York's Local Development Framework (LDF), the Council have compiled a database to include statutory consultation bodies and key stakeholders, alongside individuals who have registered an interest in the York LDF process or have expressed an interest to be informed of the progress of planning documents in York. The LDF database comprises a number of categories; specific consultation bodies, general consultation bodies, other groups/organisations and individuals. These groups of consultees (approx. 2,900) were sent an email or a letter informing them of the consultation and the opportunity to comment, alongside details of the web page and where to find more information. Please see Annex A for further information. As set out in Annex A, each of the Local Strategic Partnership boards, as well as other groups such as the Open Planning Forum, Youth Council, Environment Forum and Property Forum were informed of the consultation and how to make comments. A copy of the letter sent to consultees can be found at Annex B.

- 3.2 Key stakeholders relevant to HMO issues, not already on the LDF Database were also identified and sent an email or letter to inform them about the consultation. This included the York Residents Association, York Residential Landlords Association alongside student representatives and accommodation staff at all of York's Higher Education Institutions.
- 3.3 Those individuals who had expressed an interest in HMOs either through their local Councillor or the Article 4 Direction consultation were also sent an email or a letter informing them of the opportunity to comment and details of the web page and where to find more information.
- 3.4 An internal consultation was also undertaken with relevant Officers and all Members were informed of the consultation and how to comment.
- 3.5 All of the consultation documents were made available to view and download on the Council's website. A link to the online survey was also posted on the Council's website. Hard copies of the consultation documents were placed in all of the City of York Council libraries and at the Council's receptions at 9 St. Leonards Place, the Guildhall and Library Square. It was also possible for those who required hard copies to ring or email the Integrated Strategy team and request a copy of the documents.
- 3.6 In addition to writing to consultees and distributing the documentation, the Council sought to further publicise the consultation and give details on how and when comments could be made. This was achieved through the following:
- A City of York Council press release was issued to coincide with the start of the consultation period on 23 January 2012 which can be seen at Annex C;
 - A notice was placed in the features section of the City of York Council website homepage publicising the consultation and providing a direct link to the Draft SPD webpage as shown at Annex D;
 - A public notice was published in the Evening Press on Wednesday 25 January 2012. This set out what is being consultation upon, the consultation period and ways to respond alongside where the documents are available for inspection. Please see Annex E for a copy of the notice;
 - Whilst there was not an edition of Your Voice/Your Ward published within the consultation period information about the consultation was provided to all Neighbourhood Management Officers to include, as appropriate, in the powerpoint presentations that run during ward committee surgeries;
 - There was no meeting planned for the Inclusive York Forum during the consultation period, to ensure that its' members were aware of the consultation and the opportunity to comment information about the consultation was circulated via email to those on the Inclusive York Forum distribution list; and
 - Information was provided to the chair of the York Residents Association who briefed their Members on the consultation and how to comment. Representatives were also sought to attend the Focus Group Event.

4.0 Events and Meetings

- 4.1 Details about the events held as part of the consultation are outlined below.

Focus Group Event

- 4.2 A Focus Group Event was organised by the Council and held during the consultation period on 21 February 2012. The purpose of the event was to cover a range of issues relating to HMOs, including the impacts of large concentrations of HMOs, how the Council should assess change of use planning applications to HMO when the city's Article 4 Direction comes into force and raising standards in the Private Rented Sector, including the introduction of an Accreditation Scheme in York. The half day event was well attended and was pitched as structured but informal to encourage discussion. A range of stakeholders were invited including residents, landlords and representatives from the Universities. Care was taken to invite an equal mix of interested parties to ensure a balanced debate. The event was attended by 37 people.
- 4.3 The Focus Group Event used a consultation technique known as 'carousel' style. It began with a short presentation setting the context for the event. Attendees then took part in three break-out sessions: (1) Balanced communities (2) Residential amenity (3) Raising standards in the private rented sector. A note of the event can be found at Annex F which broadly captures the diverse range of views and opinions of those who attended the event.

Osballdwick Parish Council Public Meeting

- 4.4 Officers were invited to attend a public meeting by Osballdwick Parish Council to discuss the Draft SPD. This took place on 20 February 2012. Following a short presentation by Officers there was a questions and answer session. A range of issues were discussed as set out in Annex G.

5.0 Consultation Response

- 5.1 A total of 85 responses were received. 47 people completed the questionnaire as part of the comments form, of which 25 completed it online via the online survey. A copy of the comments form which included the questionnaire can be found at Annex H. Representations were received from a variety of groups, organisations and individuals.

6.0 Summary of Responses

- 6.1 The following sections set out a summary of the main issues raised by respondents who submitted comments as part of the Draft SPD Consultation. Following an overview of the responses to the questionnaire, comments have been grouped under thematic headings. It should be noted that the views

expressed below are of those who submitted representations as part of the consultation and not necessarily the views of City of York Council.

- 6.2 For the issues raised by attendees at the Focus Group Event and by residents at the Osbaldwick Parish Council Public Meeting please see Annex F and G.

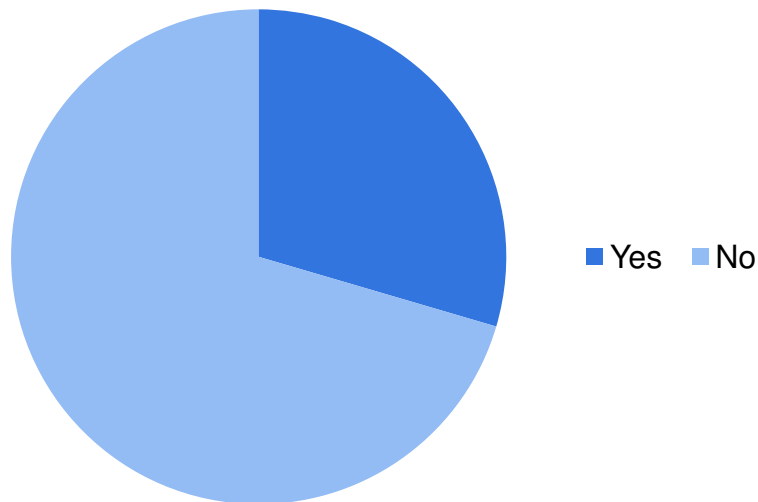
Questionnaire

- 6.3 The following provides a summary of those respondents who completed the questionnaire, either by filling in the comments form or completing the online survey. Detailed comments from the questionnaire, including alternative thresholds, are set out in the sections following this one. It should be noted that in some instances respondents answered the questions only as a 'least unacceptable' policy approach, if one 'had to be taken' and did not think there should be a policy for controlling HMOs.

Question 1

- 6.4 Figure 1 below shows that the majority of people who responded to the questionnaire did not think that a threshold of 20% is appropriate across a neighbourhood area. This represents almost three quarters of respondents.

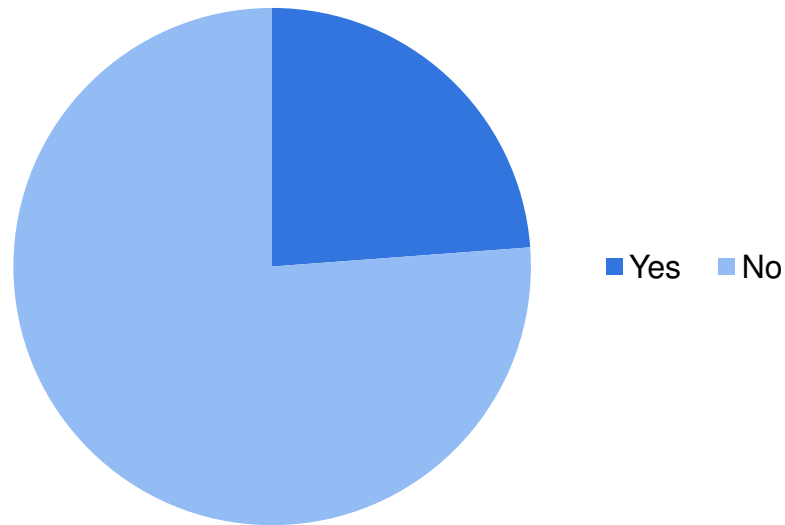
Figure 1: Do you think a threshold of 20% is appropriate across a neighbourhood area?



Question 2

- 6.5 When asked whether they thought a threshold of 20% is appropriate for a street level assessment of HMOs the majority of respondents said no (76%), as shown overleaf at Figure 2.

Figure 2: Do you think a threshold of 20% is appropriate for a street level assessment of concentrations of HMOs?



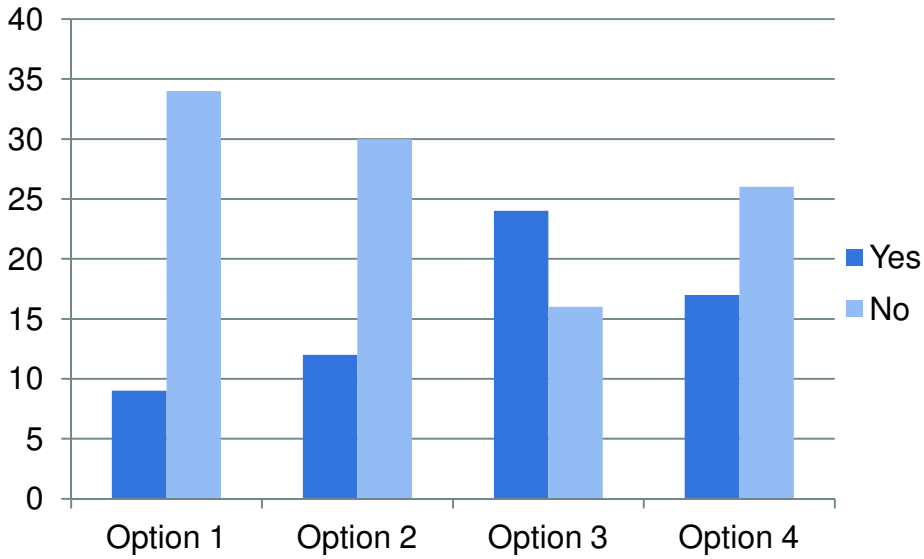
Question 3

6.6 Question 3 asked people which of four options they thought was the most appropriate for managing HMOs. The options are set out in the Draft SPD and comprise:

- Option 1: Do you think the neighbourhood approach set out in option 1 is the best way to manage concentrations of HMOs?
- Option 2: Do you think the street by street approach set out in Option 2 is the best way to manage concentrations of HMOs?
- Option 3: Do you think a neighbourhood and street level approach set out in Option 3 is the best way to manage concentrations of HMOs?
- Option 4: Do you think there is another approach not covered by Options 1, 2 and 3 that would be the best way to manage concentrations of HMOs?

6.7 The results of question three are shown in the bar chart at Figure 3. This shows that the preferred option by respondents was the neighbourhood and street approach, followed by another alternative approach. Please see paragraph 6.21 below for detail on the alternative approaches suggested. The least favoured option was Option 1, the neighbourhood approach.

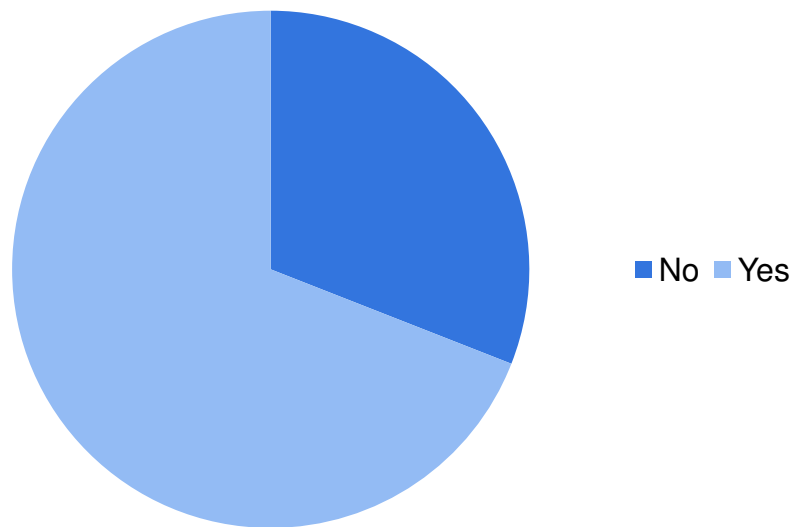
Figure 3: Which of the options do you think is appropriate for managing HMOs?



Question 4

6.8 Respondents were asked whether they think the right amenity issues has been adequately covered in the Draft SPD. The majority (69%) thought that we had got it right as shown at Figure 4.

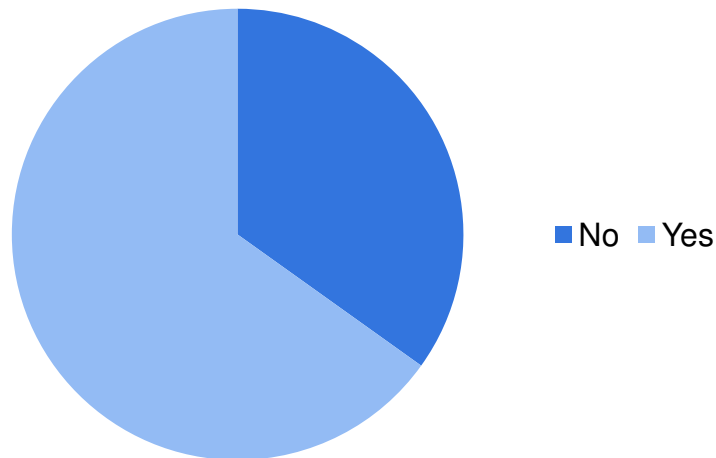
Figure 4: Do you think the right amenity issues have been adequately covered?



Question 5

6.9 Following on from question 4, respondents were asked whether they thought the guidance in the draft SPD would contribute to addressing amenity issues. The majority of respondents thought that it would (65%), with only 35% of respondents suggesting that amenity issues wouldn't be addressed through the measures in the draft SPD as shown at Figure 5.

Figure 5: Do you think the guidance would contribute to addressing amenity issues arising from concentrations of HMOs?



Neighbourhood Area Approach

- 6.10 It was considered by several respondents that 20% is too high a threshold at the neighbourhood area level and that 10% or less would be more appropriate, with several other respondents suggesting 5% to ensure that no street had over 20% and to protect estates of family housing. It was also suggested that the ideal would be to have no HMOs at all but that a threshold of less than 5% would be acceptable. Whilst one respondent suggested that at 20% the balance of a neighbourhood has been destroyed, another respondent suggested that this is not the case and that a threshold of more than 20% should be used. One respondent suggested a threshold of 40% would be appropriate.
- 6.11 Another respondent suggested that a neighbourhood area approach could be manipulated by interest groups and be problematic for the Council to manage. It was also suggested that the neighbourhood approach is too obscure. There was also concern from a number of respondents that this approach would not prevent clusters of HMOs on individual streets and that it is too vague and would still result in hotspots of HMOs.
- 6.12 One respondent suggested that 20% is acceptable across a neighbourhood area but consideration must be given to location given that some areas (Hull Road for example) operate at a higher level. It was suggested that what is appropriate in one area may not necessarily be appropriate in others. Another respondent commented that 20% is incorrect as a threshold and referred to the National HMO Lobby's approach of 10% of all properties or 20% of the population as the tipping point in a neighbourhood.

Street Level Approach

- 6.13 A large number of respondents supported this approach. Whilst there was support for allowing each case to be taken on its merits more easily through a

street level approach, one respondent felt that a street only approach would still allow for large concentrations of HMOs to be created in neighbourhoods which would impact upon local schools and amenities. One respondent suggested that 1 property in 5 is an imbalanced community and that the threshold should be 1 property in 10 i.e. 10% rather than 20%. It was suggested that a street level approach would prevent the clustering of HMOs along streets and that it is street level where the effects of high concentrations of HMOs can be most keenly felt.

- 6.14 Another respondent suggested that a 20% threshold at street level was acceptable but that in certain saturated areas where there is an acceptance that it is already a 'student area' then allowing the threshold to be broken would make little effect. Other respondents suggested that a 10% or 15% threshold at street level would be more appropriate because higher concentrations can alter the residential 'feel' of an area. One respondent suggested that 5% may be acceptable in areas of family housing. Examples of other Local Authority approaches were given where lower than 20% threshold have been pursued, for example Manchester where 10% has been selected. Another respondent referred to the National HMO Lobby's threshold approach which would see 20% of properties but 40% of the population. It was also suggested that the street level approach should be applied in streets that have not yet been saturated by HMOs.
- 6.15 If a threshold approach has to be taken one respondent suggested that this approach is the most preferred, albeit a higher than 20% threshold should be used, with 40% being proposed by one respondent. Another respondent suggested that 100m is too long for the street frontage and it should instead be reduced to 50m frontage in order to protect individual household from being surrounded by HMOs.
- 6.16 It was suggested that under a street level approach, once streets with properties most suited to HMO use have reached the threshold surrounding streets comprising other property types may come under threat, even if they are bungalows and not suited to conversion of HMO. Another respondent suggested that 10% at street level would prevent the clustering of HMOs where there are properties that are most suitable to be used as HMO.

Neighbourhood and Street Level Approach

- 6.17 A large proportion of respondents supported this approach as being the most effective at preventing overly high concentrations of HMOs. It was suggested that this approach would be beneficial as it looks beyond numbers and considered the impacts on and the nature of the existing community. It was also considered by respondents to be the fairest approach and the most straight forward. It was suggested by another respondent that this approach offers the most robust approach however another respondent suggested that it was too complicated. A number of respondents suggested that applying a 10% threshold at both a neighbourhood and street level is most appropriate and would see a fairer spread of HMOs across areas, such as the Badger Hill estate. Whilst one respondent suggested that in taking this approach they

would not like to see delays in the determination of applications because of planning appeals another respondent commented that the Council should not be deterred from adopting this approach because it might be subject to legal challenge.

- 6.18 If this approach was adopted, one respondent suggested that a threshold of 10% or 15% should be used as a first preference, but that if 10% or 15% was used for street level assessment the neighbourhood threshold could be increased to 20%. It was suggested by another respondent that this approach should be applied to those areas where the tipping point at street level has been exceeded.

Alternative Approaches

- 6.19 It was suggested by one respondent that all of the proposed approaches in the draft SPD will create anomalies and are too complicated; other comments were received suggesting that the proposed method of calculating HMOs is unreliable in so far as establishing HMOs which are unlicensed or not occupied by students and that this underestimates the number of HMOs. Both the University of York and University of York Student Union did not support the threshold concept and suggested that it was artificial and implies that students should be treated differently than other members of the community.
- 6.20 Several respondents did not agree with any of the options put forward. One respondent suggested that the draft SPD was based on best practice from other Local Authorities and that the Council should consider leading on the issue rather than following. It was suggested that this is because in York the University is not centrally located as in other cities and impacts on suburban neighbourhoods which are less able to absorb the impacts. Another respondent commented that there might be a better approach than the ones set out in the draft SPD which will come to light as Local Authorities evaluate their chosen policy approaches which may result in them being reviewed and modified.
- 6.21 A number of alternative approaches were proposed by respondents:
- One respondent suggested that no more than one HMO in a frontage of six properties should be permitted and if permission is granted all landlords should be required to submit a management plan.
 - It was stated that HMOs contain more residents than family houses and as such an approach that explored population density rather than property density would be more appropriate.
 - In the place of 'neighbourhood areas' it was suggested that clearly identifiable communities should be used, such as Badger Hill.
 - Several respondents indicated that there should be specific controls in certain areas of the City and that the threshold should be flexible across the City. Badger Hill was given as an example where it was suggested a threshold of 10% across the Badger Hill estate, to take

account of the fact that some streets have properties that are not suitable for change of use to HMOs.

- The University of York suggested that those streets with existing high concentrations of HMOs should be treated as exceptions because of the impact on the remaining owner occupied who may find it difficult to sell their properties. Another respondent agreed with this approach and suggested that exceptions should apply to areas with over 80% HMOs.
- It was suggested that there should be no threshold other than that achieved through normal buying and selling of properties and that the council should let the market dictate the threshold and occupancy rate of HMOs.
- Another respondent suggested that the needs of an area should be taken into consideration and the effect that HMOs could have on each individual neighbourhood.
- It was suggested by several respondents that a threshold approach is artificial and will impart a presumption in favour of change of use to HMO. Instead it was suggested that each application for change of use to HMO should be dealt with like any other planning application, on its own merits.
- An output area (approximately 125 properties, taken from the Office for National Statistics) is considered to be the most defensible and robust level to assess HMOs and it was proposed that integer values should be used rather than percentages which could cause confusion. 20 properties per output area was proposed.
- It was suggested that the Article 4 Direction has been introduced to deal with student HMOs and that the SPD will impose blanket controls for all HMOs which could be occupied by non student HMOs. This could lead to a serious shortage of HMOs for non students. It is proposed that one solution would be to amend the Article 4 Direction boundary around those areas where students are likely to be concentration rather than covering the entire main urban area.
- Several respondents suggested that the universities should provide more on campus or purpose build accommodation to take the pressure of the City's housing stock.

Residential Amenity

General

- 6.22 A number of comments were received in support of the policy approach set out in the draft SPD relating to consideration of residential amenity, stating that the Council's powers, policies and procedures are listed fully. Some respondents suggested that the wording in this section of the SPD should be strengthened; using the word 'will' rather than 'may' to make it more concrete and meaningful. It was also suggested that to tackle some amenity issues such as bin collection and recycling there should be more information available on the Council's website providing details of services relevant to people living in HMOs.

- 6.23 Several respondents commented that guidance on residential amenity alone will not contribute to addressing amenity issues and that the measures should be put in place to ensure that the guidance is enforced. It was also suggested that adequate Council resources for effective enforcement is essential for addressing amenity issues. The University of York Student's Union suggested that a number of the residential amenity issues covered in the draft SPD are not problems that are restricted to neighbourhoods with large concentrations of HMOs and to imply so is unreasonable.
- 6.24 It was stated by one respondent that residential amenity issues are not isolated issues and that it is not a small minority of landlords causing problems, suggesting that half of the HMOs in Badger Hill would fail the decent homes standard. Another respondent suggested that Badger Hill is an example of how uncontrolled HMO development can destroy what was a very desirable residential suburb.
- 6.25 A number of respondents suggested that in the future if the City's universities and colleges want to expand they should incorporate halls of residence of purpose build student housing into their plans to reduce the impact of HMOs in neighbourhoods. Another respondent suggested that York St. John University should invest money and time into The Groves Council Estate to tackle residential amenity issues, particularly at the start of term.
- 6.26 The University of York commented that it acknowledges that issues can arise when students live within the community and when the University are made aware of issues relating to student behaviour they are dealt with swiftly. They continued that issues are more often connected with the landlords or the council, often in relation to property maintenance or example and that the University support the Council's efforts to raise standards and wished to work with the Council to achieve this.

Accreditation Scheme/Licensing

- 6.27 It was suggested that strict monitoring of landlords should be undertaken by the Council. It was suggested by a large number of respondents that there should be compulsory registration of landlords otherwise the worst landlords would not be under any scrutiny. It was also suggested by several respondents that additional licensing for all HMOs should be introduced which would give the Council complete control of all HMOs. It was felt by a number of respondents that a voluntary accreditation scheme will be ineffective in as a way of increasing housing standards.
- 6.28 A number of respondents referred to Oxford where a compulsory licensing scheme is self financing which could be followed in York. It was suggested that the costs of a voluntary accreditation scheme would fall on the council. It was also suggested by another respondent that in areas of more than 20% concentrations of HMOs licenses should be removed in the cases of poor management by landlords. Bristol was also cited as an example whereby charging for licensing together with non compliance fines fund the policing of

HMO activity and maintains a higher standard of maintenance which is good for residents, students and the city in general.

Parking

- 6.30 Parking was raised by many respondents as a key issue. Comments were received relating to dangerous parking, incorrect parking on grass verges and the blocking of footpaths by cars which can cause access problems for those with buggies. It was suggested that some HMOs have too many cars and there is not sufficient parking space. Some were concerned about the cost of permits in areas where permit parking had been introduced. It was suggested that when garages are turned into bedrooms this limits to opportunities for off road parking. It was suggested by a number of respondents that tenants should be prohibited from having more cars than can be accommodated in designated parking spaces, or that the number of tenants permitted in an HMO should relate to the number of available parking spaces.

Permitted Development Rights

- 6.31 It was suggested by one respondent that permitted development rights should definitely be removed for HMO permissions, with regard to conversion of garages to living accommodation, loss of gardens for parking and to ensure that access to the rear of properties is maintained in order that bins can be stored behind properties. It was considered that these issues are fundamental in maintaining the quality of residential areas and street scenes.

Crime

- 6.32 It was highlighted that crime is likely to be directed at students, rather than perpetrated by them. A number of respondents raised crime as an issue, particularly during the summer months when many houses are left empty.

Property and Garden Maintenance

- 6.33 Badly maintained gardens and properties were also raised as an issue and the removal of some permitted development rights to tackle this was supported. Examples of poor residential amenity were given, including bins and boxes being left scattered at the front of properties. Another respondent suggested that bin storage at the front of properties should not be permitted. The requirement for applicants to submit and implement management plans was fully supported by a number of respondents; however there were concerns as to the subsequent resource implication to enforce this.
- 6.34 It was suggested that poor maintenance inside of properties was also a concern which had not been covered and that it is important that students do not live in unsuitable or unsafe conditions.

Community Integration/Spirit

- 6.35 It was suggested by one respondent that from their experience students only want to take from an area and have not integrated into The Groves community. Another respondent suggested that there's a danger of areas becoming de-populated in the summer recess if most HMOs are student lets and these are allowed to predominate in an area. It was suggested that ghost-town areas can lead to a rise in crime as other cities have experienced, a mixed community is therefore vital.

Local Services

- 6.36 Whilst noise, bin storage/littering are important one respondent does not consider them to be the key factors, instead it is the effects the transient population of HMOs has on schools that is key. Several respondents commented on their experiences of local services and retail provision changing as concentrations of HMOs increase and that it is important they are protected.

Size of Dwellings

- 6.37 With regard to ensuring that dwellings are large enough to accommodate an increased number of residents it was suggested that the SPD should specify a maximum level of occupancy for HMOs in standard properties linked to average occupancy of properties in the immediate area.

Accessibility

- 6.38 This was highlighted as an important issue by the University of York Student Union that has not been covered in the draft SPD which will have a direct impact on student residents of HMOs. It was suggested that it is a key aim of both the Council and the University that students should not need to own a car. It was suggested that this requires good accessibility between home, university and local services and that dispersing HMOs and the student population over a larger area will raise the prospect of serious difficulties in establishing the necessary transport infrastructure.

Other Comments

Existing high concentrations of HMOs

- 6.39 It was felt by several respondents that it is already too late in some areas to control the concentration of HMOs as the damage has already been done by the creation of large numbers of HMOs. Some provided examples where residents had been forced to move out because of the number of HMOs and problems that have been associated with them. It was queried why the draft SPD did not have guidance on addressing existing concentrations of HMOs.

The University of York

- 6.40 University of York Student Union suggested that students come to University to learn about more than their core academic subjects and that part of the University experience is learning to live as a citizen of the city alongside other residents. The University of York commented that the University is an integral part of the City and plays a vitally important role in the City's economic and cultural life. They are opposed to the Article 4 Direction and opposes many aspects of the draft SPD. It was requested that the Council note that there will be a reduction in student numbers living in the private rented sector from 2012 onwards because of additional new accommodation on Heslington East and no significant planning increase in student numbers.

HMO Planning Application Notices

- 6.41 It was suggested that whilst the guidance in the SPD will be a strong factor in determining whether permission is granted it is still important that local residents have the opportunity to comment. It was suggested that to increase awareness it should be mandatory for the Council to display notices on all properties where an HMO application has been made.

Council Tax

- 6.42 A number of respondents queried why students can make use of Council services but don't pay Council Tax and suggested that the Council should lobby the government regarding the non payment of Council Tax. It was suggested that residents in areas of high concentrations of student HMOs should have their Council Tax reduced. It was also suggested that landlords should be liable to pay council tax on behalf on their tenants.

Balanced Communities

- 6.43 It was suggested that in areas of high concentrations of HMOs there is an uneven population mix. It was queried by another respondent why the SPD was seeking balanced communities through the policy guidance when the University of York campus can not demonstrate balanced and mixed communities.

Focus on Student Housing

- 6.44 Concern was raised that the purpose of the draft SPD appeared to be to tackle student housing and that it may negatively impact on non student HMOs. It was suggested by one respondent that there seems to have been no consideration given to the impact the SPD may have on non student HMOs, which can be occupied by a range of people from single professionals to vulnerable adults in supported tenancies. It was also suggested by the University of York Student's Union that the SPD is not a balanced document, making no reference to the benefits to the City of having a large student population.

Negative Impacts of Controlling HMOs

- 6.45 It was suggested that the delay and costs to changing use to HMO introduced by the planning process will seriously limit the ability to bring properties into use for non student HMOs, such as for use by vulnerable people who need supported housing. A sector of housing it is suggested is under-supplied in York. There was concern that the property market will be distorted, with properties historical in HMO use or have already obtained planning permission attracting a premium whilst the value of family housing being depressed. It was suggested that in streets such as Siward Street where there are high concentrations of HMOs current owner occupiers will be prevented from ever selling their property for market value.
- 6.46 There were concerns expressed that if a high threshold is adopted by the Council it will push up rents, pricing families and young professionals out of the private rented sector. It was also suggested that landlords will not seek to rent a 3 bed family property to a family when they can turn it into a 5 or 6 bed HMO.

Extent of Article 4 Direction

- 6.47 Dunnington Parish Council commented that HMOs cluster around the Universities and wish their Parish to be included in the Article 4 Direction area which would allow them to comment on planning applications. If it is not possible to amend the Article 4 Direction the Parish Council request that a second round of HMO zoning is initiated immediately.

Other

- 6.48 It was queried by one respondent whether it was possible to attach planning permission to current owners only, and that if the property is sold the new owner would then be required to seek a new planning permission should they wish to retain the property as an HMO.
- 6.49 It was suggested by one respondent that 'what if' arguments about the impacts of having a policy approach to controlling the concentration of HMO, should not be allowed to de-rail the process that is both well considered and essential to the health and coherence of local communities.

7.0 Strategic Environmental Assessment Screening Report

- 7.1 As set out in paragraph 2.3, the three statutory bodies for the SEA process were consulted. English Heritage and Natural England responded, stating that they have no comments to make.

- 7.2 The Council identified in its SEA Screening Report (January 2012) that there would be no significant environmental effect from the draft SPD and the statutory bodies have not raised concern with the screening report. Accordingly, there is no requirement to pursue the SEA any further.

Annex A: List of LDF Database Consultees

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Specific Consultation Bodies

Acaster Malbis Parish Council	Haxby Town Council
Acaster Selby & Appleton Roebuck Parish Council	Heslington Parish Council
Askham Bryan Parish Council	Hessay Parish Council
Askham Richard Parish Council	Heworth Without Parish Council
Bilborough Parish Council	Highways Agency
Bishopthorpe Parish Council	Holtby Parish Council
BT Group plc	Home Office
Catton Parish Council	Huby Parish Council
Claxton & Sandhutton Parish Council	Huntington Parish Council
Clifton Without Parish Council	Kexby Parish Council
Colton Parish Council	Kyle & Upper Ouse Internal Drainage Board
Copmanthorpe Parish Council	Lillings Ambo Parish Council
DE Operations North (Catterick Office)	Local Government Yorkshire and Humber
DEFRA	Long Marston Parish Council
Deighton Parish Council	Moor Monkton Parish Council
Department for Constitutional Affairs	Murton Parish Council
Department for Media, Culture & Sport	Naburn Parish Council
Department for Work & Pensions	National Grid
Department of Trade & Industry	Natural England
Dunnington Parish Council	Nether Poppleton Parish Council
Earswick Parish Council	Network Rail
East Cottigwith Parish Council	New Earswick Parish Council
East Riding of Yorkshire Council	Newton on Derwent Parish Council
Elvington Parish Council	North Yorkshire & York PCT
English Heritage Yorkshire and the Humber Region	North Yorkshire County Council
Environment Agency	Northern Gas Networks
Escrick Parish Council	Office of Government Commerce
Flaxton Parish Council	Osbaldwick Parish Council
Fulford Parish Council	Overton Parish Council
Gate Helmsley & Upper Helmsley Parish Council	Powergen Retail Ltd
Hambleton District Council	Rawcliffe Parish Council
Harrogate Borough Council	Rufforth with Knapton Parish Council
Harton Parish Council	Ryedale District Council

Selby District Council	Department
Sheriff Hutton Parish Council	Thorganby Parish Council
Shipton Parish Council	Upper Poppleton Parish Council
Skelton Parish Council	Warhill Parish Council
Stamford Bridge Parish Council	Wheldrake Parish Council
Stillingfleet Parish Council	Wiggington Parish Council
Stockton on the Forest Parish Council	York Consortium of Drainage Boards
Strensall & Towthorpe Parish Council	York Health Services NHS Acute Trust
Sutton upon Derwent Parish Council	Yorkshire Ambulance Service NHS Trust
Sutton-on-the-Forest Parish Council	Yorkshire Forward
The Coal Authority Planning & Local Authority Liaison	Yorkshire Water - Land Property & Planning

General Consultation Bodies

British Geological Survey	Royal Institute of Chartered Surveyors
Business Link York & North Yorkshire	Safer York Partnership
CABE	Science City York
CBI	The War Memorial Trust
Churches Together in York	Visit York (formerly York Tourism Partnership)
Commission for Racial Equality	York & North Yorkshire Chamber of Commerce
Community Rangers	York City Centre Partnership Ltd
Disability Rights Commission	York Council for Voluntary Service
Disabled Persons Advisory Group	York Diocesan Office
Equality and Human Rights Commission	York England
Forestry Commission	York Guild of Building
Help the Aged	York Hospitals NHS Trust
Housing Corporation	York Minster
Institute of Directors Yorkshire	York Mosque
National Farmers Union	York Racial Equality Network
National Museum of Science & Industry	York Science Park
North Yorkshire & York Primary Care Trust	York-Heworth Congregation of Jehovah's Witnesses
Patients Forum	Yorkshire Business Pride (City Centre Partnership)

Other Groups/Organisations

20th Century Society	Bishop of Selby (Diocese of York)
3Ps People Promoting Participation	Bishophill Action Group
5 LLP	Blackett, Hart & Pratt LLP
A J M Regeneration Ltd	Boots plc
Acomb Green Residents Association	Bovis Homes Ltd
Acomb Planning Panel	Bramhall Blenkarn Architects Ltd
Acomb Residents	Bright Street Sub Post Office
Action Access A1079	British Waterways (Yorkshire Office)
Active York	Browns of York
Adams Hydraulics Ltd	BTCV (York)
Age Concern	Buccleuch Property
All Saints RC School	Cadbury Trebor Bassett Ltd
Alliance Planning	Cambridge Street Residents Association
Ancient Monuments Society	Camerons Megastores
Andrew Martin Associates	Campaign for Better Transport (Formerly Transport 2000)
Arriva Yorkshire	Campaign for Real Ale
ASDA Stores Ltd	Carers Together
Ashtenne Asset Management Ltd	Carl Bro
Ashtenne Industrial Fund LLP	Carr Junior Council
Askham Bryan College	Cass Associates
Askham Grange	CB Richard Ellis
Associated British Foods plc	CE Electric UK
Atisreal UK (Consultants)	CEMEX
BAGNARA	Centros
Bang Hair	CgMs
Barratt Developments PLC	Chapelfields Residents Association
Barratt Homes (York) Ltd	Chris Thomas Ltd Outdoor Advertising Consultants
Barry Crux and Company	Christmas Angels
BBC Radio York	Church Commissioners for England
Beck Developments	Civil Aviation Authority
Bell Farm Residents Association	Clementhorpe Community Association
Belvoir Farm Partners	Clifton Moor Business Association
Bettys Café Tea Rooms	Clifton Planning Panel
Bio-Rad Laboratories Limited	Clifton Residents Association

Colliers CRE	Dringhouses and Woodthorpe Planning Panel
Commercial Development Projects Limited	Dringhouses West Community Association
Commercial Estates Group	DTZ
Company of Merchant Adventurers of the City of York	Dunnington Residents Association
Composite Energy Ltd	DWA Architects
Confederation of Passenger Transport (Yorkshire)	Economic Development Board
Connexions	Elvington Park Ltd
Conservation Area Advisory Panel	Energy Efficiency Advice Centre
Constructive Individuals	England & Lyle
Copmanthorpe Residents Association	Entec UK Ltd
Cornlands Residents Association	Environment Forum
Costco Wholesale UK Ltd	Erinaceous
Council for British Archaeology	Euro Car Parks Ltd
Countryside Properties (Northern) Ltd	Evans of Leeds Ltd
CPP Group Plc	EWS
CPRE (York and Selby District)	F & B Simpson D Kay and J Exton
Craftsmen in Wood	Faber Maunsell
Crease Strickland Parkins	Family Housing Association (York) Ltd
CRED Ltd (Carbon Reduction)	Family Mediation
Crockey Hill Properties Limited	Farming & Wildlife Advisory Group
Crosby Homes	Federation of Residents and Community Associations
CSSC Properties Ltd	Federation of Small Businesses
CTC North Yorkshire	Fenwick Ltd
Cunnane Town Planning LLP	First York
CYC Mansion House	First/Keolis Transpennine Ltd
Cyclists Touring Club (York Section)	FLP
Dacre Son & Hartley	Foxwood Residents Association
Dales Planning Services	FRD Ltd
David Chapman Associates2488	Freight Transport Association
Diocese of Ripon and Leeds	Friends Families & Travellers
Disabled Peoples Forum	Friends of St Nicholas Fields
Dobbies Garden Centres PLC	Friends of the Earth (York and Ryedale)
Dodsworth Area Residents Association	Fulford Residents Association
DPDS Consulting Group	Fusion Online

Future Prospects	Hull Road Planning Panel
Garden History Society	I D Planning
George Wimpey North Yorkshire Ltd	Include Us In - York Council for Voluntary Service
George Wimpey Strategic Land	Inclusive City
George Wimpey West Yorkshire Ltd	Indigo Planning Ltd
Geraldeve	Institute of Citizenship
GHT Developments Ltd	Jan Molyneux Planning
Gillygate Surgery	Jarvis Plc
Gordons LLP	Jennifer Hubbard Planning Consultant
Grantside Ltd	Job Centre Plus
Green Land & Property Holding Ltd	Joseph Rowntree Foundation
Greenwood Residents Association	Joseph Rowntree Housing Trust
Grosvenor Residents Association	Kentmere House Gallery
Groves Neighbourhood Association	KeyLand Developments Ltd
Guildhall Planning Panel	Kindom
GVA Grimley LLP	King Sturge LLP
Halcrow Group Ltd	Kingsway West Residents Association
Halifax Estates	Knapton Lane Residents Association
Hallam Land Management Ltd	Knight Frank
Hartley Planning Consultants	La Salle UK Ventures
Haxby & Wiggington Youth & Community Association	Lambert Smith Hampton
Health & Safety Executive	Land Securities Plc
Healthy City Board	Land Securities Properties Ltd
Her Majesty's Courts Service	Landmatch Ltd
Heslington East Community Forum	Lands Improvement
Heslington Sports Field Management Committee	Langleys
Heslington Village Trust	Lawrence Hannah & Skelton
Heworth Planning Panel	LEAF
Higher York Joint Student Union	Leda Properties Ltd
Hogg Builders (York) Ltd	Leeds City Council
Holgate Ward Labour Party	Leeman Road Community Association
Home Builders Federation	Leeman Road Millennium Green Trust
Home Housing Association	Leeman Stores
Howarth Timber Group	LHL Architects

Lidgett Grove Scout Group	National Trust
Lifelong Learning Partnership	Natural England
Lindsey Residents Association	Navigation Residents Association
Lions Club	Nestle UK Ltd
Lister Haigh Ltd	Network Rail
Lives Unlimited	Newsquest (York) Ltd
Local Dialogue LLP	NMSI Planning & Development Unit
Loxley Homes	North Yorkshire Fire & Rescue Service
LXB Properties Ltd	North Yorkshire Forum for Voluntary Organisations
Marks & Spencer plc	North Yorkshire Learning & Skills Council
Marsden Homes Ltd	North Yorkshire Police Authority
McArthur Glen Designer Outlet	NorthCountry Homes Group Ltd
McCarthy & Stone Ltd	Northern Affordable Homes Ltd
Meadlands Residents Association	Northern Planning
Melrose PLC	Northern Rail
Mental Health Forum	Northminster Properties Ltd
Metro	Norwich Union Life
Micklegate Planning Panel	Novus Investments Ltd
Miller Homes Ltd	Npower Renewables
Minsters Rail Campaign	Nunnery Residents Association
Monks Cross Shopping Centre	NXEC
Mouchel	Oakgates (York) Ltd
Mulberry Hall	Older Citizens Advocacy York
Muncaster Residents Association	Older People's Assembly
Nathaniel Lichfield	O'Neil, Beechey, O'Neil Architects
National Car Parks Ltd	O'Neill Associates
National Centre of Early Music	Opus Land Ltd
National Express Group Plc	Osballdwick Parish Council
National Federation of Bus Users	P & O Estates
National Grid Property Ltd	Park Grove Residents Association
National Offender Management Service	Parochial Church Council Church of the Holy Redeemer
National Playing Fields Associations	Passenger Transport Network
National Rail Supplies Ltd	Paul & Company
National Railway Museum	Persimmon Homes Yorkshire Ltd

Piccadilly Autos	RSPB (York)
Pilcher Developments Ltd	RTPI Yorkshire
PLACE/Yorkshire Wildlife Trust	Rushbond Group
Places for People	Safer York Partnership
Planning Prospects Ltd	Sainsbury's Supermarket Ltd
Playing Fields Association (York & North Yorkshire)	Sanderson Weatherall
Plot of Gold Ltd	Sandringham Residents Association
Poppleton Road Memorial Hall	Savills
Poppleton Road Primary School	Scarcroft Residents Association
Poppleton Ward Residents Association	Science City York
Portford Homes Ltd	Scott Wilson
Positive Planet	Scottish Power
Potts Parry & Ives Chartered Architects	Selby & York Primary Care Trust
Pre-School Learning Alliance	Shelter
Purey Cust Nuffield Hospital	Shepherd Construction
Quintain Estates & Development plc	Shepherd Design Group
R S Cockerill (York) Ltd	Shepherd Homes Ltd
Railway Heritage Trust	Shirethorn Ltd
Ramblers Association (York Area)	Siemens Transportation Systems
Rapleys	Signet Planning
Raymond Barnes Town Planning Consultant	Skelton Consultancy
Redrow Homes (Yorkshire) Ltd	Skelton Village Trust
REIT	Smiths Gore
Residents of Runswick Avenue, Beckfield Lane & Wetherby Road	Society for the Preservation of Ancient Buildings
RIBA Yorkshire	South Parade Society
River Foss Society	Spawforth Associates
Road Haulage Association	Speedy Wine
Robinson Design Group	Sport England
Rollinson Planning Consultancy	Spurriergate Centre
Royal Mail Group Plc	St Georges Place Residents Association
Royal Mail Group Property	St Paul's Church
RPS Planning & Development	St Paul's Square Residents Association
RSPB	St Sampson's Centre
	Starbucks Coffee Company

Stephenson & Son
Stewart Ross Associates
Stockholme Environment Institute
Stone Soup
Storeys:ssp Ltd
Strutt and Parker
Supersave Ltd
Sustrans
T H Hobson Ltd
Talkabout Panel
Tang Hall and Heworth Residents
Tangerine
Taylor Wimpey UK Ltd
Terence O'Rourke
Tesco Stores Limited
The Barton Willmore Planning Partnership Anglia
The British Wind Energy Association
The Castle Area Campaign Group
The College of Law
The Co-operative Group
The Crown Estate Office
The Dataquest Partnership
The Development Planning Partnership
The Dragon Fireplace Company
The General Store
The Georgian Group
The Grimston Bar Development Group
The Gypsy Council
The Helmsley Group Ltd
The Inland Waterways Association Ouse-Ure Corridor Section
The JTS Partnership
The Land and Development Practice
The Landowners Consortium
The Moor Lane Consortium
The North Yorkshire County Branch of the Royal British Legion
The Retreat Ltd
The Showmen's Guild of Great Britain
The Theatres Trust
The Wilberforce Trust
The Woodland Trust
Theatre Royal
Tiger Developments
Tilstons Newsagents
Tom Adams Design Consultancy
Top Line Travel of York Ltd
Tower Estates (York) Ltd
Tribal MJP
Trustees for Monks Cross Shopping Park
Trustees of Mrs G M Ward Trust
Tuke Housing Association
Tullivers
Turley Associates
UK Coal Mining Ltd
United Co-operatives Ltd
University of York
Vangarde
Veolia Transport UK Ltd
Victorian Society
Visit York
Voluntary Sector Forum for Learning Difficulties
W A Fairhurst & Partners
W M Birch & Sons Ltd
Walmgate Community Association
Walton & Co
Ware and Kay LLP
Water Lane Ltd

Welcome to Yorkshire	York Civic Trust
Westgate Apartments	York Coalition of Disabled People
Wheatlands Community Woodland	York College
White Young Green Planning	York Conservation Trust
Whizzgo	York Cycle Campaign
Wilton Developments Ltd	York District Sports Federation
Wimpey Homes	York Environment Forum
Without Walls Board	York Georgian Society
WM Morrison Supermarkets PLC	York Green Party
Woodlands Residents Association	York Homeless Forum
World Heritage Working Group	York Hospitality Association
WR Dunn & Co. Ltd.	York Hospitals NHS Foundation Trust
WSP Development and Transportation	York Housing Association Ltd
Wyevale Garden Centres	York in Transition
York & District Citizens Advice Bureau	York Leisure Partnership
York & District Trade Council	York Minstermen
York & North Yorkshire Business Environmental Forum	York Museums Trust
York Access Group	York Natural Environment Panel
York Ainsty Rotary Club	York Natural Environment Trust
York Air Museum	York Older People's Assembly
York and District Trades Union Council	York Open Planning Forum
York and North Yorkshire Partnership Unit	York Ornithological Club
York Arc Light	York People First 2000
York Archaeological and Yorkshire Architectural Society	York Practice Based Commissioning Group
York Archaeological Forum	York Professional Initiative
York Archaeological Trust	York Property Forum
York Autoport Garage	York Racecourse Committee
York Blind & Partially Sighted Society	York Railway Institute
York Business Park Developments Ltd	York Railway Institute Angling Section
York Carers Together	York Residential Landlords Association
York Central Landowners Group	York Residents Against Incineration
York City Centre Churches	York St John University
York City Centre Ministry Team/York Workplace Chaplaincy/One Voice	York Student Union
	York Tomorrow

York Traveller's Trust

York TV

York Women's Aid

York@Large

Yorkshire & The Humber Strategic Health Authority

Yorkshire Architectural and York Archaeological Society

Yorkshire Coastliner

Yorkshire Footpath Trust

Yorkshire Housing

Yorkshire Inland Branch of British Holiday & Home Parks Association

Yorkshire Local Councils Association

Yorkshire MESMAC

Yorkshire Naturalists Union

Yorkshire Philosophical Society

Yorkshire Planning Aid

Yorkshire Rural Community Council

Yorkshire Wildlife Trust

Yorwaste Ltd

Youth Forum

Youth Service - V & I Coordinator

In addition approximately 950 individuals from the LDF database were consulted, this includes those who had responded on previous consultations and those who had registered an interest in the LDF. Local MPs and MEPs were also formally consulted, as well as other City of York Council departments.

Annex B: Copy of Letter to Consultees

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City Strategy

9. St. Leonard's Place
York
YO1 7ET

20 January 2012

Dear Sir/Madam

**Local Development Framework Supplementary Planning Documents
Consultation**

We are writing to inform you about the opportunity to comment on the following Supplementary Planning Documents (SPD):

- Controlling the Concentration of Houses in Multiple Occupation SPD;
- Subdivision of Dwellings SPD; and
- House Extensions and Alterations SPD.

The purpose of an SPD is to expand upon policy or provide further detail to policies in Development Plan Documents such as the Local Plan or Core Strategy. SPDs do not have development plan status, but once adopted they are afforded significant weight as a material planning consideration in the determination of planning applications.

The consultation period for the SPDs starts on **Monday 23 January 2012** and ends at **5pm on Monday 5 March 2012**. All responses must be received in this period. Representations can be made online or in writing. A comments form is available however representations by letter or email will also be accepted.

The consultation documents are available on the Council's website at www.york.gov.uk/LDF/SPD/ or by contacting Integrated Strategy by email at intergratedstrategy@york.gov.uk or by calling 01904 551482. Hard copies of the consultation documents are also available to view in all City of York libraries and the Council receptions at 9 St Leonard's Place, the Guildhall and Library Square.

Director: Bill Woolley

www.york.gov.uk

Following consideration of the representations received during the consultation period the SPDs will be finalised and presented to Members before being formally adopted.

If you require any further information on the consultation please do not hesitate to contact Frances Sadler in relation to the Controlling the Concentration of Houses in Multiple Occupation SPD at frances.sadler@york.gov.uk or 01904 551388. For information in relation to the Subdivision of Dwellings SPD and House Extensions and Alterations SPD please contact John Roberts at john.roberts@york.gov.uk or 01904 551464.

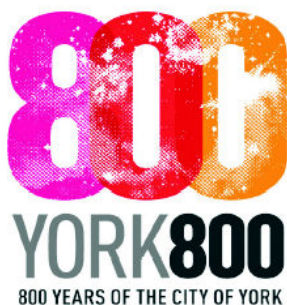
Yours sincerely

A handwritten signature in black ink that reads "M. P. Grainger". The signature is written in a cursive style with a long horizontal stroke at the end.

Martin Grainger
Head of Integrated Strategy

Annex C: City of York Council Press Release

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PR2472

23 January 2012

For immediate release

Residents' views sought on new planning policy guidance

City of York Council is asking for residents' views on how future decisions on key planning applications are determined.

A consultation starts today (Monday 23 January) and asks for views on draft supplementary planning policy guidance set out in the following documents:

- Controlling the Concentration of Houses in Multiple Occupation SPD
- Subdivision of Dwellings SPD
- Houses Extensions and Alterations SPD

The purpose of a Supplementary Planning Documents (SPD) is to develop policies in more detail than in the council's main development plan documents such as the Local Plan or Core Strategy.

PRESS RELEASE

www.york.gov.uk/news

SPDs do not have development plan status, but once adopted they are afforded significant weight as a material planning consideration in the determination of planning applications.

Members of City of York Council's Cabinet recently agreed proposals for consultation, for deciding on future House in Multiple Occupation (HMOs) planning applications at a meeting on 10 January.

Houses in Multiple Occupation (HMOs) represent a significant and growing proportion of the mix of housing in York. They make an important contribution to York's housing offer, providing flexible and affordable accommodation for students, young professionals, and low-income groups. Whilst HMOs are regarded as a valuable asset to the city's housing offer there has been debate about the wider impacts increasing concentrations of HMOs have, such as the loss of family and starter housing, impacts on school rolls and viability of local shops in some neighbourhoods,

It has already been agreed that the concentration of HMOs will be controlled through an Article 4 Direction which will come into force on 20 April 2012, removing permitted development rights, so that planning permission will be required in future to change a property into an HMO.

PRESS RELEASE

www.york.gov.uk/news

Under the proposed Supplementary Planning policy, the proportion of houses in an area or street would be assessed. If the proportion of HMOs were above an agreed threshold, planning permission for future HMOs would be recommended for refusal, to ensure that communities do not become imbalanced.

The other SPDs set detailed policy frameworks on sub-division of properties and an updated approach to property extensions.

The consultation period for the SPDs starts on **Monday 23 January and ends at 5pm on Monday 5 March 2012. All responses must be received in this period.**

Representations can be made online or in writing (letter or email will also be accepted).

The consultation documents are available on the council's website at <http://www.york.gov.uk/ldf/spd/> or by contacting Integrated Strategy at: intergratedstrategy@york.gov.uk or by calling 01904 551482.

Hard copies of the consultation documents will also be available to view in all libraries and the following council receptions at 9 St Leonard's Place, the Guildhall and Library Square.

PRESS RELEASE

www.york.gov.uk/news

Following consideration of the representations received during the consultation period the SPDs will be finalised and presented to Members before being formally adopted.

Councillor Dave Merrett, Cabinet Member for City Strategy, said “These are an important set of proposals which will affect our future approach to Houses in Multiple Occupation, how we maintain balanced communities, good living arrangements and the character of the streets where we live. Please take the time to look at them and send us your views and comments.”

ENDS

The York 800 programme marks the 800 years since the city was granted a Royal Charter by King John in 1212, allowing York to take charge of its own affairs by electing a council, creating the post of mayor, and giving its people a voice. A huge array of events throughout the year will give residents the chance to get involved in the celebrations especially, Charter Weekend (7-9 July) which will include the climax of a choral celebration, Ebor Vox, and a flotilla of hundreds of boats on the River Ouse. Many more details of the year-long programme are available on www.york800.com

The council’s five key priorities for 2011-2015 are:

- **Create jobs and grow the economy**
- **Get York moving**
- **Build strong communities**
- **Protect vulnerable people**
- **Protect the environment**

PRESS RELEASE

www.york.gov.uk/news

CITY STRATEGY:

All media enquiries should be directed to the council's press office on 01904 551068 or 552005.

- The council's cabinet member for City Strategy is Councillor Dave Merrett on 07765558514
- The Conservative group spokesperson is Councillor Paul Healey 07769930234
- The leader of the Green group is Councillor Andrew D'Agorne on 01904 633526.
- The leader of the Liberal Democrat group is Councillor Carol Runciman on 01904 764356
- The Independent Councillor is Cllr Mark Warters on 01904 413370

For further information please contact:

Debbie Manson

Communications & Media

City of York Council

Tel: 01904 552005

Fax: 01904 551064

Mob/out of hours: 07767318082

Email: debbie.manson@york.gov.uk

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PRESS RELEASE

www.york.gov.uk/news

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**Annex D: Feature on City of York Council
Website Homepage**

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YORK800
800 YEARS OF THE CITY OF YORK

York is celebrating in a big way in 2012. It is 800 years since the city was granted a Royal Charter by King John in 1212, allowing York to take charge of its financial affairs and to trade freely. In response, York's citizens created a council led by a mayor to manage the city's affairs, laying the foundations of local democracy.

The city wants to get its residents, businesses and visitors involved in the year-long celebration to understand the city's unique past; create a sense of belonging in the city today; and make a step change for the future.

[Programme of events for 2012 \(PDF\)](#)

www.york800.com

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Features



Consultation on the future of Burnholme Community College

Following discussions with governors and York Education Partnership we are holding a public consultation on the future of the college. The consultation runs until 20 April 2012



Fairtrade Fortnight in York

27 February to 11 March is Fairtrade Fortnight. Find out about Fairtrade in York – a Fairtrade City



Her Majesty the Queen's visit to York

The Queen will visit York during her Diamond Jubilee Year on Maundy Thursday, 5 April 2012



Consultation on supplementary planning documents

Supplementary planning documents for houses in multiple occupation, house extensions and alterations and subdivision of dwellings



Roadworks

Notices of temporary traffic restrictions in York for March



Do you want to hold a street party?

Our practical guide to organising a street party to celebrate York 800 or the Queen's Diamond Jubilee

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Advice and benefits

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Business and economy

[Asset management](#) | [Commercial property](#) | [Food safety and standards](#) | [Health and safety](#) | [Licences and street trading](#) | [Markets](#)

Community and living

[Births, deaths and marriages](#) | [Childcare](#) | [Equality and diversity](#) | [Youth Offending Team](#)

Council and democracy

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Education and learning

[Parental support](#) | [Schools and Colleges](#) | [Training and development](#)

Environment and planning

[Parks and open spaces](#) | [Planning](#) | [Pollution](#) | [Rubbish, waste and recycling](#) | [Street care and cleaning](#)

Health and social care

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Transport and streets

[Cycling](#) | [Parking](#) | [Park & Ride](#) | [Public transport](#)

Visiting York

[Local attractions](#)

Latest news

[Support for national Credit Union conference in York this week](#)

[Up on the roof top](#)

[B1227 Clifford Street/Tower Street Footway Alterations and Carriageway Reconstruction](#)

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[View planning applications online](#)

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What's on

[Shine \(formerly School's Out\)](#)

[Ward committee meetings](#)

[York City of Festivals](#)

[Yortime Events, clubs and groups](#)

Useful websites

[Air quality monitoring](#)

[Cycling City York](#)
[Your guide to everything cycling-related in York](#)

[Imagine York](#)
[Historic photos of York](#)

[Safeguarding Adults](#)
[Safeguarding Adults York](#)

[Safeguarding Children](#)
[City of York](#)
[Safeguarding Children Board works with children, parents and professionals to make our children's lives safer](#)

[Visit York](#)
[York's tourism website](#)

[Without Walls](#)
[Local Strategic Partnership](#)

[YORK](#)
[Information for children, young people, parents, carers and practitioners](#)

[York Live](#)
[Traffic, bus and train information](#)

Contact

City of York Council
The Guildhall
York, YO1 9QN
01904 551550

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Appendix E: Public Notice

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The Draft SPD Consultation was advertised in 'The Evening Press' newspaper on Wednesday 25 January 2012. The Press newspaper provides news coverage for York, North and East Yorkshire

Wednesday, January 25, 2012 **The Press 33**

thepress.co.uk/classified

Public Notices

Public & Legal Notices

CITY OF YORK COUNCIL

The following applications have been received by the City of York Council

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT AND REGULATIONS 1990

11/03344/FUL for conversion and two-storey extension of agricultural building to form new dwelling. Erection of detached garage at Chapel Farm, 111 The Village, Stockton On The Forest, York

11/03408/OUT for outline application for two storey detached dwelling with associated garage and access from Croft Court (resubmission) at Land To Rear Of Ivy Dene Cottage, 14 Main Street, Bishopthorpe, York

11/03409/FUL for conversion and extension of barn to form new dwelling and erection of detached car barn (resubmission) at Barn To South Of Greystone, Church Lane, Nether Poppleton, York

11/03380/FUL and 11/03381/LBC for conversion of former stable block and coach house from office to 2no. dwellings with garages (resubmission) at The Old Stables, 292 Tadcaster Road, York

11/03428/FUL for change of use from retail (use class A1) to mixed use retail and cafe (use class A1 and A3) at The Little Mill Shop, 20 Shambles, York

12/00016/LBC for alterations to 21 to 24 Hawthorn Terrace to include the installation of thermal board linings to external walls, replacement of skirting boards, window boards and architraves at 21 Hawthorn Terrace. Hawthorn Terrace Central, New Earswick, York

11/03301/FUL for flat roof extension and 11/03302/LBC for Internal and external alterations including flat roof link to outbuildings at Ye Olde Starre Inne, 40 Stonegate, York

11/03349/GRG3 and 11/03350/CAC for demolish former public toilet building and pave the surface to match adjacent at Former Public Conveniences, Parliament Street, York

11/03422/LBC for internal alterations at Railway Station, Station Road, York

12/00060/LBC for conversion of outbuilding to 2 storey detached dwelling with single storey extension at The Old Rectory, Sandy Lane, Stockton On The Forest, York

11/03318/LBC for alterations to 1 to 16 Chestnut Grove to include the installation of thermal board linings to external walls, work to include removal of skirting boards, window boards and architraves and replaced with new to match existing profiles and 11/03317/

LBC for Replacement Windows at 1-16 Chestnut Grove, New Earswick, York

11/03296/FUL for erection of two storey dwellinghouse at Lyngarth Cottage, 76 The Village

Stockton On The Forest, York

11/03379/LBC for alterations including roof light to the rear and replacement windows at 11 Mount Parade, York

TOWN AND COUNTRY PLANNING (Development Management Procedure) ORDER 2010. Notice under Article 13 (4) or (5) of application for planning permission.

12/00024/REMM for reserved matters application for details of landscaping and external appearance of proposed two storey building for business use granted under outline permission 09/02291/OUTM at Land Adjacent To Northminster Business Park, Wykeham Road, Upper Poppleton, York

12/00087/FULM for erection of 12no. two and three storey dwellings with garage block at Turf Tavern, 277 Thanet Road, York

Applications and plans can be inspected at www.york.gov.uk and during office hours.

anyone wishing to make representations should do so in writing within 21 days to:-

Development Management, City of York Council, 9 St Leonard's Place, York YO1 7ET

Dated: 25 January 2012

City of York Council is consulting on the following Supplementary Planning Documents (SPDs):

Controlling the Concentration of Houses in Multiple Occupation SPD.
Subdivision of Dwellings SPD.
House Extensions and Alterations SPD.

The consultation documents are available on the Council's website at www.york.gov.uk/LDF/SPD/ or by contacting Integrated Strategy by email at integratedstrategy@york.gov.uk or by calling 01904 551482. Hard copies of the consultation documents are also available to view in all City of York libraries and the Council receptions at 9 St Leonard's Place, the Guildhall and Library Square.

The consultation ends at 5pm on Monday 5 March 2012. All responses must be received in this period. Representations can be made online or in writing to SPD Consultation, Integrated Strategy Unit, City of York Council, FREEPOST (YO239), York, YO1 7ZZ or by email to integratedstrategy@york.gov.uk.

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Annex F: Focus Group Event Feedback

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*Houses in Multiple Occupation Focus Group Event
Tuesday 21 February 2012
Friends Meeting House
Feedback*

1.0 Introduction

- 1.1 The focus group event held on Tuesday 21 February 2012 at the Friends Meeting House in York was part of the Controlling Concentrations of Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD) consultation. The aim of the following note is to broadly capture the diverse range of views and opinions of those who attended the event. It should be noted that the views expressed in this note are of those who attended the conference and not necessarily the views of City of York Council.

2.0 Agenda

- 2.1 Upon arrival, attendees were provided with name badges which had different colour dots on them. This split the attendees into three groups, each with a mix of attendees from a range of interest groups, including residents associations, parish councils, landlords and representatives from the higher education institutions. The purpose of this was to generate debate between the different interested parties in the break sessions.
- 2.2 The day was pitched as informal but structured with the event starting with a short presentation to provide context to the event. Attendees then took part in three break-out sessions: (1) Balanced communities (2) Residential amenity (3) Raising standards in the private rented sector
- 2.3 Feedback from all sessions during the day is provided below. Throughout the note the 'group' is often put forward as a single body, however it is important to acknowledge that many of the points that follow may have come from individuals within the groups. Accordingly, the comments below do not represent the collective view of the group, rather the range of comments raised by various members of the groups as discussions evolved.

3.0 Feedback from break out sessions

Balanced communities

- 3.1 The purpose of this breakout session was to explore the proposed policy approaches set out in the SPD as well as whether there are alternative policy approaches we should consider. Attendees were asked to comment on the neighbourhood and street level policy approaches and the merits of assessing concentrations on a neighbourhood or street level, or whether this should be done at both neighbourhood and street level. A discussion was also had about appropriate thresholds and alternative approaches to those set out in the SPD.

Red Group

- 3.2 Under the Neighbourhood approach it was felt that it would give a less precise means of measuring impact and that areas where existing HMO levels are high would skew future change in that area. It was considered that houses on the periphery of saturated 'neighbourhoods' would become the focus of new HMOs which could raise property prices and force areas into blight. Comments were made that areas with high concentrations of Council or Housing Association properties are unlikely to become the focus of HMO student rentals, it was queried whether the neighbourhood approach could take this into account by removing those homes from the assessment. It was considered that the street level approach would be more precise and relevant than the neighbourhood. The general consensus among the group was for a threshold of nothing higher than 10% to be applied at the street level. It was suggested that in building up a database of HMOs the Council should use local parish council or neighbourhood groups as source of 'on the ground' knowledge to help map current HMOs.
- 3.3 It was considered that it may be more appropriate to pursue an alternative approach whereby a range of thresholds are set citywide, based on access to services or public transport. One example given was that around public transport nodes a higher density of HMOs could be more appropriate in those locations. It was also suggested that the Council could allow those areas already populated by students to be recognised as student housing areas. There were both very positive and very negative comments expressed in response to this suggestion.
- 3.4 Discussions in this group focused mainly on student HMOs and it was suggested that there is the potential that an approach which focuses on responding to student housing issues can be seen to negatively impact on other non student HMO groups. Concern was expressed over whether planning permission can be applied for retrospectively as it can be the case that those legally contracted to live in a property sub-let to other residents, turning the property into an HMO without the landlords knowledge.

Green Group

- 3.5 Whilst there was general support for the neighbourhood approach the overwhelming consensus was that the street level approach would be the most appropriate. Representatives from the University of York and York St. John University commented that a recent debate on this issue with students highlighted that the street level approach was favoured. It was stated that generally, most students prefer to live off campus and as part of the wider community but they are not in favour of student 'ghettos'. Cllr. Warters expressed the view that residents of Osbaldwick do not support a thresholds based approach and that each application should be judged on its own planning merits. It was felt that local residents should ultimately have the choice over what change happens in their area.
- 3.6 A discussion was had around the need for better management of properties but that more co-ordination with the Council is needed for landlords to achieve this, especially on refuse collection. It was stated that consideration needs to be given to how the SPD will affect property agents and landlords as contractual arrangements are reliant on security that planning permission would be granted. It was suggested that any information the Council hold on the locations of HMOs which would use to determine a planning application, should be made accessible to the wider public.

Blue Group

- 3.7 This group noted that HMOs are a valuable part of the housing market and favoured the street level approach as it was felt by some that an approach based on neighbourhood areas would be likely to engineer student 'ghettos'. However there was support for a neighbourhood approach based on a 10% threshold using the smaller output areas rather than clusters of output areas. An alternative approach was also put forward that would be based on upper and lower thresholds at both the neighbourhood and street level which would allow for certain streets/areas to have higher concentrations of HMOs. These could relate to streets which are currently more saturated, and/or to other streets that are more accessible for students. This would reduce the pressure on other peripheral streets and give more certainty to developers/landlords. It was considered that otherwise, the HMO market would be stalled. Comments were made that buy-to-let investors will not purchase property without certainty of gaining planning consent. As a result of this it was commented that rental prices could be likely to escalate in areas where the supply of HMOs is constrained.
- 3.8 There was also discussion around specific issues for non student HMOs such as for the homeless/other special need groups, where anonymity is necessary. It was queried whether planning applications could be submitted without a named applicant, given likely public opposition to some non student HMOs.

Residential amenity

- 3.9 To explore how large concentrations of HMOs can affect residents' attendees were asked to comment on the amenity issues that can be created in areas of high numbers of HMOs. They were also asked to consider whether the proposed approach in the Draft SPD will tackle amenity issues.

Red Group

- 3.10 With regard to litter/bin storage it was suggested that the Council creates a problem by not providing sufficient wheelie bins for the number of residents in an HMO, or allowing landlords to provide own wheelie bins, which then won't be collected. It was suggested that if the Council provided extra wheelie bins it could reduce the amount recycled so the Council risks not meeting their recycling targets. Parking was also considered to be a key concern, it was discussed that residents can purchase resident only parking passes, it was suggested that a problem arises because the Council is selling more passes than available on-street parking spaces. Comments were made that some narrow terraced streets have parking on both sides and larger cars and commercial vehicles can't travel down them. It was suggested that this problem is compounded by workers in the city centre parking in residential streets to avoid very high car parking charges in public car parks.
- 3.11 It was discussed that because of the annual turnover of students, students and residents tend not to integrate creating a lack of community integration. It was noted that students do integrate with other students in the private rented sector, but not with local residents. However, in certain areas some residents have successfully made extra efforts to integrate with students (and vice versa), including invites to parties which was seen to be a very positive approach. An example was given in Heslington where a Good Neighbour Group has been set up, involving representatives from the

local community, University, etc which provides a good focus point for discussion of issues and concerns, often with positive outcomes.

- 3.12 It was accepted that a minority of students can cause problems (to noise, nuisance, anti social behaviour etc) and it was suggested that some students are incapable of living rationally and looking after themselves and that the Universities need to take more responsibility in dealing with such students. It was suggested that the Universities do have procedures in place, but it was queried whether this only applies to students living on campus. It was also suggested that there is a minority of landlords who are unscrupulous and irresponsible and there should be procedures in place for dealing with them. It was suggested that a key problem in terms of nuisance is the promotion of cheap alcohol at Student Union bars.

Green Group

- 3.13 In this group concern was raised that crime is a significant issue, comments were made that often many HMO's have a keyless locking system on doors and new students don't realise how to operate them properly so the crime rate rises at the start of a new student year as students become victims of crime. This is often because they are seen as good targets by criminals given the expensive items they bring with them such as laptops.
- 3.14 With regard to property maintenance it was suggested that if a property is well maintained by the landlord, students tend to look after it and respect it better than a poorly maintained property. However comments were made that some landlords just want to make money and don't see that property maintenance and the welfare of their residents as a priority.
- 3.15 The issue of bins was raised as a problem, particularly that they are often overfilled, with some instances given where landlords don't help to resolve problem and the Council appear to be uninterested unless there is a rat infestation. It was suggested that the Council needs to be more proactive in providing information on bin collection dates, with more detail on the Council website, leaflet drops and/or collection date stickers on bins etc.
- 3.16 This group also noted that many problems aren't just with students; and it was suggested that other non student HMO residents can be problematic too.

Blue Group

- 3.17 Whilst the overall public perception of HMOs is negative it was discussed that the public need to understand that HMOs bring financial benefits to areas, in relation to student HMOs this includes jobs and economic benefits.
- 3.18 There was concern that where dwellings are converted to HMOs some landlords/applicants are not honest with descriptions, for example, planning applications may indicate a lounge or workshop/utility, but once permission granted, rooms become bedrooms. It is very difficult to detect once permission is granted and it was queried whether the Council has any powers to ensure that rooms are as agreed in planning permission. Officers commented that this can be done through Planning Enforcement. Another view was put forward that some landlords consider the ratio of private space and communal space to be very important, for the benefit of the residents of the properties and don't want to just cram bedrooms into properties. It was suggested that there is less demand for accommodation made up of only

private living space. Also, concern was raised that HMOs/extensions can result in a loss of valuable garden space which is an issue as food prices rise and growing your own food will become increasingly important.

- 3.19 It was suggested that there is a common misconception that only student accommodation involves an increase in parking, however most households (including family households) have seen a significant rise in car ownership. Comments were made that it is a nationwide issue as car ownership increases. It was suggested that often people park their car on nearby streets passing problem on to someone else. There was a discussion that residents are concerned that HMOs generally have a significant negative impact on the character of an area. Comments were made that when estates were planned, careful consideration was given to space around dwellings, vistas etc, however, with an increase in HMOs, this careful planning is lost.

Raising standards in the private rented sector

- 3.20 This breakout session focused on raising standards in the private rented sector, particularly through an accreditation scheme. Attendees were asked what they thought were the benefits of an accreditation scheme to landlords, agents and tenants. There were also asked to comment on what incentives should be offered as part of a voluntary accreditation scheme.

Red Group

- 3.21 It was suggested that student renting is more stable for landlords and therefore more attractive. It was questioned what the price difference was between renting to a family and sharers.
- 3.22 The group discussed the benefits of an accreditation scheme, it was suggested that landlords receive no benefits from a 'good' inspection and that there is currently inconsistency of enforcements for licensed properties. It was suggested that fewer inspections for a lower fee model may be attractive to landlords and that landlords can negotiate with the Council. It was stated that sometimes problems arise from how people live in the properties rather than faults with the property and that the National Landlords Associations have started to identify solutions for this.
- 3.23 It was suggested that the Council should go straight to additional licensing instead of going through a voluntary scheme. However it was queried whether there is sufficient evidence obtained to show need for additional licensing. It was also questioned what impact an additional licensing scheme could have on the private rented sector.

Green Group

- 3.24 It was discussed that some landlords are on the Code of Best Practice but that this is more of a building management code rather than safeguarding tenants. It was suggested that landlords need to do more than just provide certificates and that it is important to engage with disinterested landlords. It is also important to improve/engage with letting agents. It suggested that there have been fewer complaints with Code of Best Practice properties which shows that it may be working, but not sufficient to prove it. It was commented that there are no sanctions against landlords within the Code of Best Practice who are mainly reward however there are sanctions under the Housing Act. It was suggested that training (using online

seminars) should be made compulsory even if take-up of the Code of Best Practice is voluntary.

- 3.25 The group considered that incentives for landlords to join an accreditation scheme could include an information pack, it being free of charge or low cost and that there is a need to identify things that need to be addressed and help availability of properties. For student responsibilities it was suggested that a student information pack and student feedback would be helpful, alongside training of landlords. It was also suggested that post termination of tenancy feedback form could be used as an incentive. It was queried whether Council leaders have stated that an accreditation scheme will be compulsory.
- 3.26 It was considered that mandatory licensing is the only way to make sure that all landlords comply but that any regime needs enforcement to be effective. A discount fee could be used as an incentive to get landlords to sign up to a licensing scheme. Without a mandatory scheme not all landlords will be identified.
- 3.27 It was suggested that higher standards in the private rented sector will reduce the availability of cheap rent and that some tenants don't complain about landlords or standards of property for fear of losing deposit and also the time taken to do anything. There was also a discussion around a University of York housing survey about new build housing especially for students and that there are national standards for on-campus accommodation.

Blue Group

- 3.28 Comments were made that whilst the York Residential Landlords Association (RLA) already promotes good practice there are 1,500 non-member landlords operating in the City. As such it was suggested that it is important to encourage higher membership of the RLA and that the Council should promote this. It was stated that the RLA is surprised and disappointed that the Council has not been proactive in discussing the introduction of an accreditation scheme with the RLA. It was suggested that the Council should utilise all existing powers instead of adding more bureaucracy
- 3.29 It was considered that the Council should seek to prosecute more bad landlords and it was queried whether it is better to spend money tackling the minority of bad landlords rather than introduce more costs for all landlords. It was stated that the information available is confusing for new landlords. Any scheme needs uniformity and consistency.
- 3.30 It was discussed that energy ratings included on property information would be a step toward improving energy rating of property and that voluntary schemes attract good landlords. The group also considered other local authority approaches and Oxford City Council was referred to which now has compulsory licensing for all HMOs because a voluntary scheme didn't work. It was stated that Leeds City Council has a mixed approach.

Annex G: Osbaldwick Parish Council Public Meeting Minutes

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OSBALDWICK PARISH COUNCIL

Notes of Public Meeting on HMOs held 20th February 2012 in The Village Hall Osbaldwick

Mr Graham Bradbury, from Copmanthorpe, the independent chair of the meeting introduced himself and the representatives from City of York Council Martin Grainger and Frances Sadler explaining that they would give a short introductory talk supported with video display of the draft document on the Article 4 Direction distributed for consideration. This would be followed by a question and answer session and a statement from the Ward Councillor Mark Warters.

The presentation included pages to explain all types & sizes of HMO's it also gave details of the area covered, which included the whole of Osbaldwick and showed a provisional figure of 20% of properties to be allowed in an area as yet undefined as to being a street, area, or a batch of 650 to 750 houses.

At this stage Cllr Warters read extracts from his response to the draft out for consideration and a large section of his comments are given below.

For the sake of clarity the letter is shown below in its entirety.

Dear Martin,

Re. LDF SPD CONSULTATION CONTROLLING THE CONCENTRATION OF HOUSES IN MULTIPLE OCCUPATION SPD

I write this letter as Ward Councillor for Osbaldwick on behalf of local residents who have made their views on HMOs abundantly clear in recent years, Osbaldwick Parish Council, Murton Parish Council and Meadlands Area Residents Association.

You are undoubtedly aware of the issues surrounding the un-restricted spread of HMOs, largely student HMOs, in this part of York in close proximity to the rapidly expanding University of York. I do not intend covering old ground and will concentrate on commenting on the SPD. However, please consider my comments within the context of appendix A, Osbaldwick Parish Council FOI request 22/9/10 and FOI request 30/1/12 which clearly show the numbers of students and accommodation units on the University of York campus. Appendix B, Council Tax exempt properties 2001 – 2012.

On behalf of the people I represent I COMPLETELY REJECT the use of a threshold approach, either at street or neighbourhood level, when the Article 4 Direction comes into force on the 20th April 2012. Whenever I have spoken at the LDFWG, executive or Cabinet meetings in the past to press the case for the Article 4 Direction I have always expressed the view that each application for change of use from a dwelling house (C3) to HMO (C4) needs to be dealt with like any other planning application – on its own merits – and not within an artificial threshold of acceptability that will impart a presumption in favour of the change of use to a HMO if the application is within an area below the threshold level.

The fact that York Council has chosen an extremely high threshold of 20% for consultation only serves to strengthen my conviction that THIS APPROACH IS WRONG. If the Article 4 Direction was introduced in this way with a 20% threshold it would not be so much a restriction as an invitation

to the student let landlords to 'fill up' a ward like Osbaldwick up to the 20% (or whatever % is deemed acceptable) level. Having followed this issue closely it was noticeable at Cabinet on the 10th Jan. 2012 that no representatives from the various student landlord associations were in attendance, perhaps they did not consider it necessary to object to a 20% threshold?

Areas such as Badger Hill, which is almost at a 20% threshold, Hull Road, Heslington, Fishergate etc. will be deemed 'full' leaving the Osbaldwick Ward next in the firing line, and on behalf of the residents I WILL NOT accept this scenario, certainly not in a Ward that has on the one hand been earmarked for a huge greenbelt housing expansion on the pretext of housing shortages and on the other hand is then to see 1 in 5 properties potentially turned into student HMOs, which by virtue of the physical changes to the properties and the revenue extracted from these over developed and over occupied properties will never be used as family homes again.

I am not going to suggest alternative threshold levels as I believe that approach to be wrong and unpalatable to local residents. I note references in the SPD to the approaches taken by other authorities, what happens elsewhere is not my concern and indeed York Council ought to consider leading rather than merely following when it comes to this issue.

Because the University of York is located on the suburban periphery of York and is subject to a huge expansion programme with a very low level of on-campus accommodation, the detrimental effects of this large body of people placed into a small distinct area of the City all requiring accommodation has led to what is best described as a 'suburban campus'; I suggest that these effects are more noticeable in the East of York than for example other cities with centrally located University complexes, city centre dwellers would expect (rightly or wrongly) a greater level of traffic, late night noise and disruption than those living in the suburbs.

I note the references in the SPD to 'balanced and mixed communities' as though this is to be used as a pretext to introducing a 20% level of HMOs in this area. Not only would these 20% of properties introduce a disproportionately large number of residents into an area but there would be a significant demographic change to an area.

I do not believe these imposed changes can be justified within the mixed communities theme but if I was to accept that viewpoint I would ask what elements of 'balanced and mixed communities' are demonstrated on the University of York Campus or the privately built and run student accommodation blocks? What is the percentage of affordable family housing units, old people's accommodation, children's facilities, schools, shops, pubs etc. on the University campus? Indeed many of the private accommodation blocks have been allowed by York Council, to be developed as 'gated' exclusive developments – no attempt at a mixed community!

The Council Tax paying residents of York living in areas most affected by the activities of the University of York have NEVER been consulted on whether they wish to live as part of an ever spreading suburban campus. I made my views on this situation well known prior to the May 2011 local elections and if my election is not taken as a clear indication of the views of the residents on this matter I will not hesitate in organising a Parish Poll to allow them to express their views if a threshold based Article 4 Direction is pushed through. However, I do wish to make the following specific points;

1. As explained earlier a 20% threshold is unacceptable which would see areas currently below this level targeted for the spread of HMOs.
2. Areas currently above the 20% threshold would therefore see a presumption against any further HMO change of use.

In a street such as Siward Street, Hull Road currently with over 50% student HMOs this would prevent any current owner occupier from ever selling their property for market value, given that selling to the landlord letting market is the only exit route for residents on such streets.

A threshold approach would lack the flexibility to allow this escape route for residents, it upsets me to suggest this, but areas with an existing 50% or more concentration of student HMOs may, given the unwillingness of families to move into such situations, have to be abandoned to landlords. This is an illustration of why each HMO change of use has to be assessed on its own merits.

3. Encouraging the spread of (largely) student HMOs with a high threshold will, as it is doing now, price families and young professionals out of the rental market. Why would a landlord rent to a family when a traditional house can be turned into a 5, 6, 7 bed or even more, generating a greater income with students and having a property exempt from Council tax?

4. The references to residential amenity on page 16 para. 6.25 are welcome and are ALL SUPPORTED. In particular reference to ensuring that “there is sufficient space for additional cars to park”.



How will this be assessed within the planning system? Given York Council policies on maximum parking provision how are the public going to be re-assured that a 5/6/7 bed HMO with 1.1 parking spaces is acceptable with the inevitable turning over of the road and verges to a de-facto residential car park whilst the York Council and University of York authorities delude themselves as to the success of the University travel plan.

Such considerations obviously lead on to the concerns over loss of front gardens for parking spaces. I fully support concerns expressed by others, notably Dr. Roger Pierce and his suggestion that a policy whereby “the applicant will be expected to offer assurances that tenants will be prohibited from keeping any more cars in the locality beyond those that can be accommodated in the designated parking spaces”.

5. Reference is made in 6.25 to “the dwelling is large enough to accommodate an increased number of residents”. Perhaps policy ought to specify a maximum level of occupancy for HMOs in standard residential properties linked to the AVERAGE occupancy of properties in the immediate area, i.e. student HMOs with 5/6/7 occupants in a street of semi-detached properties with average residential occupancy of between 3 and 4 will have disproportionate effects on the balance of the community. Limiting occupancy of HMOs to the surrounding average would be a sensible move.

6. As set out in 6.28, removal of permitted development rights from properties granted C4 HMO planning permission is FULLY SUPPORTED. The point regarding retention (and hopefully maintenance) of rear gardens is welcome not just from the residential and bio-diversity aspects but from the land drainage/waterlogging perspective that is now evident in areas that have seen gardens replaced with hard standing.

7. References to HMO applicants submitting and implementing management plans for the external areas of the property in 6.30 are FULLY SUPPORTED, however concerns have to be raised as to the subsequent resources provided to inspection and enforcement of such plans. I look forward to the collation of the consultation responses and subsequent debate of the issue by Cabinet in March/April and hope that when the Article 4 Direction is finally introduced its implementation meets the expectations of residents in the Osbaldwick Ward.

QUESTIONS & ANSWERS SESSION COMMENCED

Q Why did they pick the figure of 20%

A It was a figure used elsewhere and is included for discussion.

Q Will there still be an appeals procedure after 29th April.

A Yes.

Q What happens when an area reaches its threshold.

A No more would be approved for that area

Q If an objection is raised would CYC take any notice.

A We would try.

Q Why is the threshold so high.

A What do you think it should be?

vote taken 20% 0

15% 0

10% 5

5% or less 20+

Q Can anyone buy a house & convert prior to 20th April 2012

A Yes

Q Should HMO's be licensed.

A A fair question

Q The University is not happy with the Article 4 Direction.

A Yes we know

Q Why are student houses exempt from Council Tax.

A Sorry I dont know.

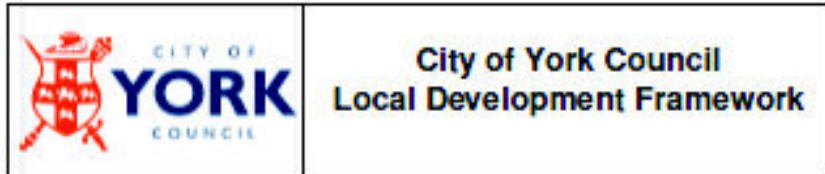
Q Problem is Universities are run as a business.

A I cant comment

The chairman and Ward Councillor both thanked Martin & Francis for attending and closed the meeting

**Annex H: Copy of Comments Form, including
questionnaire**

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Consultation Draft Controlling Concentrations of Houses in Multiple Occupation Supplementary Planning Document

Comments Form

Please return to City of York Council by 5pm on Monday 5 March 2012

THIS FORM CAN ALSO BE DOWNLOADED AT:

www.york.gov.uk/LDF/SPD/

	1. Personal Details*	2. Agents Details (if applicable)
Title:	_____	_____
First Name:	_____	_____
Last Name:	_____	_____
Job Title: (Where relevant)	_____	_____
Organisation: (Where relevant)	_____	_____
Address Line 1:	_____	_____
Address Line 2:	_____	_____
Address Line 3:	_____	_____
Address Line 4:	_____	_____
Post Code:	_____	_____
Telephone No:	_____	_____
Email Address: (Where relevant)	_____	_____

* If an agent is appointed, please only complete the 'Title', 'Name' and 'Organisation' in (1) Personal Details, but complete full contact details of the agent in (2) Agent Details.

Questions

Assessing Concentrations of HMOs

1. Do you think a threshold of 20% is appropriate across a neighbourhood area? If not what would be an appropriate percentage?

Yes No

Please use this box to set out your comments

2. Do you think a threshold of 20% is appropriate for a street level assessment of concentrations of HMOs? If not what would be an appropriate percentage?

Yes No

Please use this box to set out your comments

3. Which of the following options do you think is appropriate for managing HMOs?

Option 1: Do you think the neighbourhood area approach set out in Option 1 is the best way to manage concentrations of HMOs?

Yes No

Please use this box to set out your comments

Option 2: Do you think the street by street approach set out in Option 2 is the best way to manage concentrations of HMOs?

Yes No

Please use this box to set out your comments

Option 3: Do you think a neighbourhood and street level approach set out in Option 3 is the best way to manage concentrations of HMOs?

Yes No

Please use this box to set out your comments

Option 4: Do you think there is another approach not covered by Options 1, 2 or 3 that would be the best way to manage concentrations of HMOs?

Yes No

Please use this box to set out your comments

Residential Amenity

4. Do you think the right amenity issues have been adequately covered in this section?

Yes No

Please use this box to set out your comments

5. Do you think the guidance in this section would contribute to addressing amenity issues arising from concentrations of HMOs?

Yes

No

Please use this box to set out your comments

THANK YOU FOR TAKING THE TIME TO RESPOND

**Please return this form using the following freepost address
by 5pm on Monday 5 March 2012 to:**

**SPD Consultation
Integrated Strategy Unit
City of York Council
FREEPOST (YO239)
York, YO1 7ZZ**

Or by email to:

integratedstrategy@york.gov.uk

**A large print version is available on request
Tel: 01904 551482**

**ANNEX 2: Draft Controlling the Concentration
of Houses in Multiple
Occupation Supplementary Planning
Document (March 2012)**

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SUPPLEMENTARY PLANNING DOCUMENT

DRAFT

Controlling the Concentration of Houses in Multiple Occupation

March 2012

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Further Advice
Background Papers

Annex 1: Local Plan Extract
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1.0 Introduction

- 1.1 National policy guidance¹ provides the context for local planning policy to ensure that balanced and mixed communities are developed. With the aim of avoiding situations where existing communities become unbalanced by the narrowing of household types and the domination by a particular type of housing. Within this context, a key City of York Council priority from its *Sustainable Community Strategy, York – A City Making History 2008 -2025 (2008)* is building confident, creative and inclusive communities that are strong, supportive and durable.
- 1.2 Houses in Multiple Occupation² or HMOs as they are commonly referred to represent a significant and growing proportion of the mix of housing in York. They make an important contribution to York's housing offer, providing flexible and affordable accommodation for students and young professionals, alongside low-income households who may be economically inactive or working in low paid jobs. Whilst HMOs are regarded as a valuable asset to the city's housing offer there has been debate about the wider impacts concentrations of HMOs are having on neighbourhoods and increasing rental costs. This debate has mainly been driven by the increasing number of student households in the city and focuses on the detrimental impact large concentrations of HMOs can have on neighbourhoods, such as the loss of family and starter housing.
- 1.3 An evidence base has been developed by the Council to explore the distribution and impact of HMOs, typically occupied by student households, which indicates that it is necessary to control the number of HMOs to ensure that communities do not become imbalanced. This control will be achieved through an Article 4 Direction which will come into force on 20 April 2012. This removes permitted development rights, requiring a planning application to be submitted to change a property into an HMO. This Supplementary Planning Document (SPD) provides guidance on how these planning applications will be determined.

2.0 Supplementary Planning Documents

Purpose

- 2.1 An SPD is intended to expand upon policy or provide further detail to policies in Development Plan Documents. It does not have development plan status, but it will be afforded significant weight as a material planning consideration in the determination of planning applications.

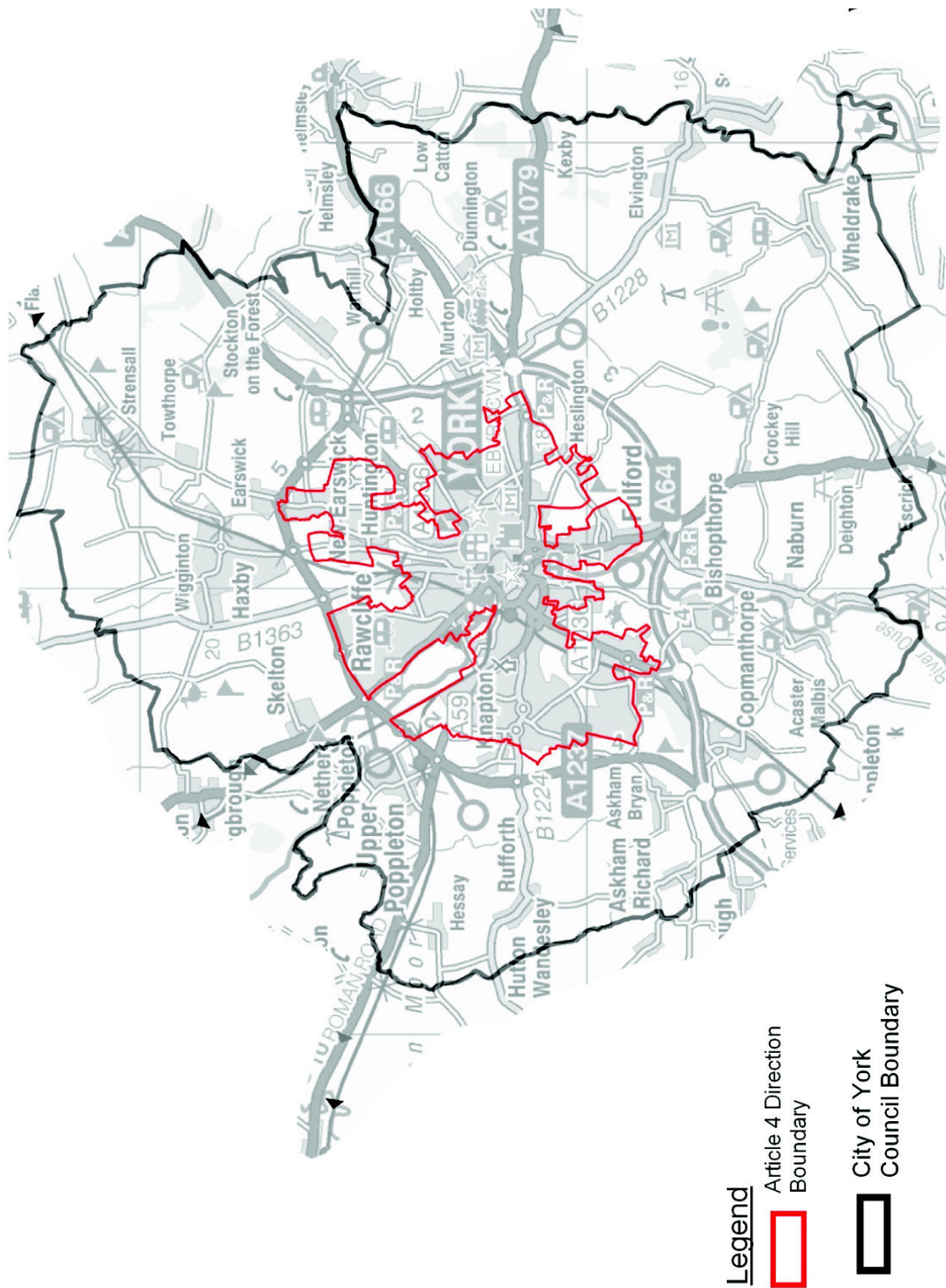
¹ Planning Policy Statement 1 'Creating Sustainable Communities' (2005) and Planning Policy Statement 3 'Housing' (2011)

² A House in Multiple Occupation or HMO can be defined as a dwelling house that contains between three and six unrelated occupants who share basic amenities

Scope

- 2.2 The guidance will apply to all planning applications for change of use from dwellinghouse (Use Class C3) to small HMO (Use Class C4) within the main urban area, as shown at Figure 1. It will also apply to planning applications for the change of use from dwellinghouse (Use Class C3) to 'sui generis' large HMOs (Use Class 'sui generis') across the whole Local Authority area. Please see Section 3.0 below for further information with regard to what constitutes an HMO and Section 3.0 for information regarding the Council's Article 4 Direction
- 2.3 The guidance will not apply to purpose-built student accommodation and will not apply retrospectively to existing HMOs. It should be noted that change of use from a small HMO (C4) to dwellinghouse is permitted development and does not require planning permission. However, permission is still required to change a large HMO (sui generis) into a dwellinghouse.
- 2.4 In addition to this guidance, other policies from the Local Plan and emerging Core Strategy may also be relevant to the consideration of an HMO planning application, depending on individual circumstances. This SPD provides guidance only; please contact the Council's Development Management team for further advice (contact details are provided at the end of this document).

Figure 1: Extent of Article 4 Direction – The Main Urban Area



3.0 Context

HMO Definition

- 3.1 On 6 April 2010, amendments were made to the Use Classes Order and the General Permitted Development Order to introduce a new class of type C development – C4 'Houses in Multiple Occupation'. These are commonly referred to as 'small HMOs'. 'Sui Generis'³ HMOs where there are 6 or more unrelated people are still considered as HMOs, but these are now commonly referred to as 'large HMOs' which, in broad terms, consist of more than six occupants⁴. The new use class, C4, describes, for planning purposes, a house that contains three, four or five unrelated occupants who share basic amenities. However, in accordance with Circular 08/2010: Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation⁵, properties that contain the owner and up to two lodgers do not constitute HMOs for these purposes. To classify as an HMO, a property does not need to be converted or adapted in any way.

Powers under planning legislation to manage the spatial distribution of HMOs

- 3.2 Following the formation of the Coalition Government, changes were made to the General Permitted Development Order on 1 October 2010 making changes of use from Class C3 (single household dwellinghouses) to C4 (HMOs) permitted development. 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 a planning mechanism called an Article 4 Direction.
- 3.3 Under an Article 4 Direction 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. This is what has been done in York for the main urban area.
- 3.4 On 15 April 2011 the Council published its intention to implement an Article 4 Direction relating to development comprising change of use from Class C3

³ In a planning sense Sui Generis relates to uses that do not fit within the four main use class categories.

⁴ It should be noted that a property does not automatically become a large HMO or 'sui generis' just because it has more than six occupants. A change of use has to be 'material' and it is possible that individual circumstances may mean that an HMO with, for example, seven people could be assessed as not being materially different from a six person HMO. In which case, a material change of use has not occurred and planning permission would not be required.

⁵ See Annex A, paragraph 6 of Circular 08/2010: Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation, Communities and Local Government, November 2010

(dwellinghouse) to a use falling within Class C4 (HMO). The effect of the Direction is that within the main urban area of York (see Figure 1 on Page 3), permitted development rights are removed for this type of development. Planning permission is therefore required for a change of use within the defined area from Class C3 to Class C4 once the Article 4 Direction is in force. The Article 4 Direction, confirmed at Cabinet on 1 November 2011, applies to the main urban area as shown within the red line boundary on the map at Figure 1 and will come into effect from 20 April 2012.

Powers under housing legislation to improve the management and condition of HMOs

- 3.5 The standard and management of existing HMOs is primarily controlled through the Housing Act 2004 and Regulations. Under this Act, Local Authorities have a duty to license any HMOs that are three storeys or over and are occupied by five or more persons. This is known as mandatory licensing. Authorities also have the option of extending licensing (known as additional licensing) to other types of HMO or to specific areas (known as selective licensing). Other actions may include a landlord accreditation scheme or street/community wardens to deal with anti-social behaviour.
- 3.6 The Council's current approach recognises that HMOs are a vital source of accommodation within the City used by a range of tenants and is to:
- rigorously enforce the mandatory provisions of the Act by licensing larger HMOs (three storey and more with five or more unrelated occupants);
 - ensure that we fulfil our duty to inspect all licensed HMOs;
 - respond to and investigate complaints about general housing conditions and management; we use the legal tool called the Housing Health and Safety Rating System to assess the condition and the HMO management regulations which provides a framework for managers to ensure that the accommodation including the outside space is kept in a good order, tidy and clean; and
 - investigate complaints of overcrowding; although the problem of overcrowding in the city is low we have found that HMOs can be more prone to overcrowding than other sectors.
- 3.7 This approach is complemented by the Code of Best Practice⁶ for shared student accommodation. This has been developed in partnership with the universities. It provides clear information about housing standards and is part of the Council's strategy to ensure that students feel welcome and reassured by removing some of the uncertainties from house hunting.
- 3.8 The Council are currently pursuing the implementation of an accreditation scheme. This will seek voluntary compliance by private landlords with good standards in the condition and management of their properties and their

⁶ Please see http://www.york.gov.uk/housing/hmo/Landlords_accreditation_scheme/

relationship with their tenants. Additional licensing which would require all HMO landlords to obtain a license is also being considered by the Council.

- 3.9 The exercise of powers available to the Council under the Housing Act 2004 does not directly control the scale and distribution of HMOs but importantly, it does provide opportunities for intervention to secure improvements to the management and maintenance of HMOs. Accordingly, it presents the Council with the opportunity to pursue complementary measures to support its planning policies. These measures cannot be developed through this SPD however and are instead covered by separate legislation.

4.0 Policy Framework

Local Plan

- 4.1 At the time of preparing the City of York Draft Local Plan the use class order provided no distinction between a dwelling occupied by one household, such as a family, and that of a dwelling occupied by up to 6 unrelated people. Albeit, shared houses where there are 6 or more residents did not fall within Class C3, and were defined as HMOs and fell within the Sui Generis use class. Accordingly, the Council had very limited control over the occupation of dwellings in the private rented sector by groups of up to 6 people.
- 4.2 It was within this context that Policy H7 'Residential Extensions' and Policy H8 'Conversions' of the City of York Draft Local Plan were written to control the conversion of properties to flats and for Houses in Multiple Occupation (for more than 6 people). These policies, appended at Annex 1 for information, essentially seek to ensure that residential amenity is protected. To support local plan policies Supplementary Planning Guidance on extensions and alterations to private dwelling houses was prepared which provide a reference for householders, builders and developers intending to alter or extend residential buildings.

Core Strategy Submission (Publication)

- 4.3 Policy CS7 'Balancing York's Housing Market' of the Core Strategy Submission (Publication) (2011) supports housing development which helps to balance York's housing market, addresses local housing need, and ensure that housing is adaptable to the needs of all of York's residents throughout their lives. This will be achieved in a number of ways as set out in the policy, which is shown at Annex 2. With regard to HMOs, the Local Development Framework (LDF) will seek to control the concentration of Houses in Multiple Occupation, where further development of this type of housing would have a detrimental impact on the balance of the community and residential amenity.
- 4.4 The emerging Core Strategy recognises that higher education institutions and the student population form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of the City and to the local economy. The Council are committed to ensuring their needs are met and will continue to work with the City's higher

education institutions in addressing student housing needs. However, it is also recognised that concentrations of student households, often accommodated in HMOs, can cause an imbalance in the community which can have negative effects. These can include a rise in anti social behaviour, increases in crime levels, parking pressures and decreased demand for local shops and services, sometimes leading to closures. It can also put pressures on family and starter housing as owner occupiers and buy to let landlords compete for similar properties and have implications for non students seeking accommodation in the private rented sector.

- 4.5 It is considered that monitoring the spatial distribution and impacts of student housing will allow the Council to identify if it is necessary to prevent an increase in the number of student households in certain areas to ensure communities do not become imbalanced. As discussed in Section 3.0, this control can be achieved through an Article 4 Direction and the removal of permitted development rights, requiring landlords to apply for planning permission to change a property into an HMO.

5.0 Policy Approach

- 5.1 The policy approach to determining planning applications for change of use to HMO is guided by the LDF Vision for all of York's current and future residents having access to decent, safe and accessible homes throughout their lifetime. A key element of the LDF is its role in maintaining community cohesion and helping the development of strong, supportive and durable communities.
- 5.2 There is evidence to demonstrate that it is necessary to control the number of HMOs across the city to ensure that communities do not become imbalanced. A policy approach for the development management for HMOs of all sizes is required. A threshold based policy approach is considered most appropriate as this tackles concentrations of HMOs and identifies a 'tipping point' when issues arising from concentrations of HMOs become harder to manage and a community or locality can be said to tip from balanced to unbalanced.
- 5.3 Whilst there is no formal definition of what constitutes a balanced community, recently, there have been attempts to establish what constitutes a large HMO proportion and the threshold at which a community can be said to be/or becoming imbalanced. Useful precedents have been set in a number of Authorities. For York, through consultation, a threshold of 20% of all properties being HMOs across a neighbourhood and 10% at street level have been established as the point at which a community can tip from balanced to unbalanced.
- 5.4 Under the threshold approach an assessment of the proportion of households that are HMOs is undertaken within a given area. In assessing change of use planning applications, to capture as many different types of shared accommodation as possible the Council will use the following:
- council tax records - households made up entirely of students can seek exemption from Council Tax and the address of each exempt property

is held by the Council. 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 will not be included, however some accommodation owned or managed by the universities off campus will included;

- licensed HMOs - records from the Council's Housing team of those properties requiring an HMO licence will be utilised. These are those properties that are three storeys or over and are occupied by five or more persons;
- properties benefiting from C4 or sui generis HMO planning consent – in addition to those properties already identified as having HMO permission, where planning permission is given for a change of use to C4 HMO or a certificate of lawful development issued for existing HMOs this will be recorded in the future to build up a clearer picture of HMO properties; and
- properties known to the Council to be HMOs – this can be established through site visits undertaken by the Council's Housing team in response to complaints for example.

5.5 These data sets will be collated to calculate the proportion of shared households as a percentage of all households. It is considered that these sources will provide the best approach to identifying the numbers and location of HMOs in an area. Although it is accepted that it may not be possible to identify all properties of this type. The data will be analysed to avoid double counting, for example, identifying where a property may be listed as a licensed HMO and have sui generis HMO planning consent. Given that the information collated may be expected to change over the course of the calendar year as houses and households move in and out of the private rented sector it is considered appropriate to base the assessment on a single point in time. Accordingly, data will be updated annually, in May, to allow for a complete picture of Council Tax returns. City wide mapping will be made available online for information, however for data protection reasons street level information collated in assessing a planning application can not be made public.

5.6 It is important to understand the appropriate geographic level at which the threshold approach should be applied. For York, it is considered appropriate to assess concentrations of HMOs at neighbourhood and street level. An approach that covers both neighbourhood and street level assessment of HMO will give the Council greater control in managing concentrations of HMOs. Under this approach, HMOs at a neighbourhood and street level will both be controlled, acknowledging that issues arising from concentrations of HMOs affect both neighbourhoods and individual streets

- 5.7 A combined approach of both a neighbourhood and street level analysis of HMOs will be undertaken to determine HMO planning applications. This will seek to control concentrations of HMOs of more than 20% of all households at a neighbourhood area and 10% at the street level. The following approach will be used:

Applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- *It is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and*
- *Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and*
- *The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.*

- 5.8 The aim of the policy is to continue to provide HMO accommodation to meet the City's housing needs but to manage the supply of new HMOs to avoid high concentrations of this use in an area. Given York's compact nature and well connected public transport network it is considered that the spreading out of HMOs to avoid unsustainable concentrations of HMOs will still mean that for students in particular, HMOs will remain highly accessible. Further information on the policy approach is set out below.

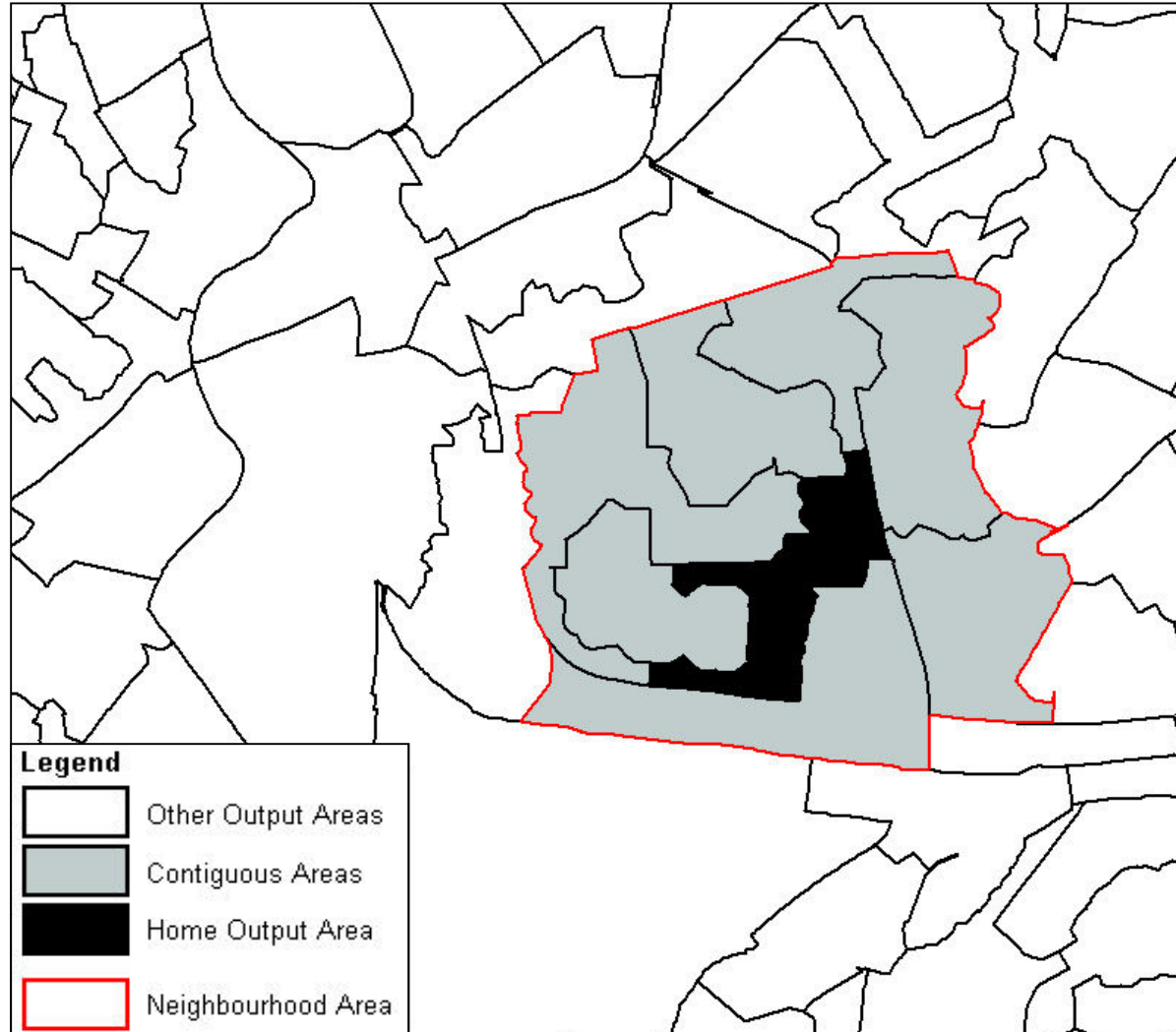
Assessing concentrations of HMOs

Neighbourhood Level

- 5.9 As highlighted in the evidence base underpinning the Article 4 Direction, it is considered that some issues arising from concentrations of HMOs can be a neighbourhood matter, going beyond the immediate area of individual HMOs. Particularly a decreasing demand for local schools and changes in type of retail provision, such as local shops meeting day to day needs becoming take-aways. Accordingly, a consistent and robust understanding of a 'neighbourhood area' has been developed.
- 5.10 Following best practice, it is considered that one 'output area' (capturing approximately 125 households, defined by the Office for National Statistics) is too small to properly represent a neighbourhood and accordingly, in assessing concentrations of HMOs a cluster of contiguous output areas will be applied. The number of contiguous output areas varies depending upon local circumstances but typically clusters comprised of between 5 and 7 output areas capturing 625 to 875 households will be used to calculate concentrations of HMOs at the neighbourhood level. An example of a cluster

of output areas is shown at Figure 2. The 'home output area' is where the planning application is located. To ensure a consistent and robust approach, all adjoining output areas to the output area where the planning application is located will be used to form the neighbourhood area in all cases.

Figure 2: Neighbourhood Area



Street Level

- 5.11 An assessment of concentrations of HMOs at street level will allow the Council to manage the clustering of HMOs along streets. This would prevent whole streets from changing use from dwellinghouses to HMO. Such control may be beneficial for those streets with property types that are particularly suited to HMO use and would protect the character of a street by maintaining a mixed and balanced community. This could avoid the situation where whole streets or large sections of streets change use to HMOs; the effects of which are most keenly felt out of term time when properties are empty.
- 5.12 A street by street approach will address the impacts large concentrations of HMOs can have on increased levels of crime and the fear of crime, changes in the nature of street activity, street character and natural surveillance by









neighbours and the community outside of term times, standards of property maintenance and repair, increased parking pressures, littering and accumulation of rubbish, noise between dwellings at all times and especially music at night. Although it is important to note that it is not suggested that these impacts can be attributed to the occupants of HMOs such as students, who can often be the victims of crime for example or suffer from a poor quality environment.

- 5.13 It is considered that a length of 100 metres of street frontage can reasonably be considered to constitute a property's more immediate neighbours and is therefore the proposed distance threshold for assessing concentrations of HMOs at street level. This is proposed to be measured along the adjacent street frontage on either side, crossing any bisecting roads and also continuing round street corners. This is illustrated at Figure 3.

Figure 3: Street Level



Legend

-  100m starting point
-  100 metres
-  100 metres
-  Properties not included
-  Properties within 100m on application street on opposite side of the road
-  Properties within 100m on same side of the road
-  Properties within 100m that turn the corner from applicaiton street
-  Application Property

Residential Amenity

5.14 This purpose of this SPD is to provide guidance on the change of use from a dwellinghouse to an HMO. This may not involve any internal or external alterations to the property but the change of use in itself constitutes 'development'. The Council seeks a standard of development that maintains or enhances the general amenity of an area and provides a safe and attractive

environment for all, including neighbouring residents and the occupants of HMOs themselves.

- 5.15 It is recognised that concentrations of HMOs can impact upon residential amenity and can, in some cases create particular issues with regard to:
- increased levels of crime and the fear of crime;
 - poorer standards of property maintenance and repair;
 - littering and accumulation of rubbish;
 - noises between dwellings at all times and especially at night;
 - decreased demand for some local services;
 - increased parking pressures; and
 - lack of community integration and less commitment to maintain the quality of the local environment.
- 5.16 Several of these issues can be most keenly felt during out of term times when properties can be empty for long periods of time. It is also important to note that occupants of HMOs, such as students, are often be the victims of crime or suffer from a poor quality environment themselves.
- 5.17 In assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity attention will be given to whether the applicant has demonstrated the following:
- the dwelling is large enough to accommodate an increased number of residents⁷;
 - there is sufficient space for potential additional cars to park;
 - there is sufficient space for appropriate provision for secure cycle parking;
 - the condition of the property is of a high standard that contributes positively to the character of the area and that the condition of the property will be maintained following the change of use to HMO;
 - the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy;
 - there is sufficient space for storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property; and
 - the change of use and increase in number of residents will not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene.

⁷ Whilst planning powers cannot be used to enforce internal space standards of existing dwellings and the level of facilities to be provided, planning can be used to secure adequate living conditions in dwellings in so far as they are affected by sunlight, daylight, outlook, privacy and noise. These factors can impinge on the internal layout of dwellings, especially HMOs and will be taken into consideration.

- 5.18 In some cases, such as parking and bin storage there are Council standards which may be useful for applicants to refer to. For further advice on the above please see the planning guidance section of www.york.gov.uk.
- 5.19 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 is the principal statutory instrument that controls the display of advertisements in England. The legislation includes certain groups of outdoor advertisements, including property 'for sale' and 'to let' boards which benefit from 'deemed consent'. These advertisements do not require planning consent, provided that the advert is displayed in accordance with the criteria set out in the regulations. Importantly, any board advertising a property for sale or to let must be removed within 14 days of the completion of the sale or granting of tenancy. The Council recognises that the proliferation of to let boards can detract from the street scene and adversely effect residential amenity. As such, the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 will be rigorously enforced.
- 5.20 Permitted development rights under the General Permitted Development Order⁸ allow certain types of development to proceed without the need for planning permission. The most commonly used permitted development rights relate to dwelling houses. In York, properties benefiting from a Sui Generis HMO planning permission already have permitted development rights removed for certain types of development within the curtilage of the property, such as small scale extensions and alterations to the roof, including dormer windows. Where it is considered reasonable to do so, the Council may decide that it is necessary to remove permitted development rights for properties benefiting from C4 HMO planning permission. This would be achieved through attaching planning conditions to permission for change of use to C4 HMO. In the interest of residential amenity, such planning conditions may seek to resist inappropriate alteration or extension to properties and to avoid the hard surfacing of gardens. This will ensure that HMOs with gardens are able to revert back to dwelling houses for family occupation over the lifetime of the property. In some cases it may also be considered necessary to attach a condition to retain garages for the purposes of vehicle parking and the storage of cycles and bins.
- 5.21 Should the change of use from dwelling house to HMO also involve alteration, extension, or subdivision detailed guidance is provided in the Draft House Alterations and Extensions SPD and Draft Subdivision of Dwellings SPD. These SPDs set out the planning principles that the Council will use to assess such developments and in essence, seek to ensure that they do not have an adverse impact on residential amenity, including noise impacts. They cover issues such as bin storage, parking, good design, appropriate extensions to protect the character of an area and private amenity space. Applicants should also consult the Interim Planning Statement on Sustainable Design and

⁸ Permitted development rights are provided by the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008

Construction which is designed to help achieve the Council's objectives for sustainable development.

- 5.22 Given the important role shared housing plays as part of the city's housing offer, the condition of HMO properties should be of a high standard and this high standard is maintained. This is particularly important given that the Private Sector Stock Condition Survey (2008) identified that nearly 40% of HMOs failed the decent homes standard⁹. As such, in the interest of visual amenity and where considered reasonable to do so, the Council will request that the applicant submit and implement a management plan for external areas of the property, including arrangements for the regular maintenance of gardens and bin storage. This will be secured by planning condition. The Council is committed to continue working with partners such as the universities in improving standards of HMOs and tackling any residential amenity issues.
- 5.23 As set out in Section 3.0, the Council are able to secure improvements to the management and maintenance of HMOs (both internal and external) under the Housing Act 2004. In particular, applicants are encouraged to sign up to the forthcoming accreditation scheme. It should be noted that compliance with the planning requirements set out in this SPD does not mean that an HMO is compliant with other legislation and requirements.

Enforcement

- 5.24 Enforcement will play a key role in ensuring the provisions of this guidance are implemented correctly. For more information on the Council's approach to planning enforcement and how to report an enforcement case please see the Council's website¹⁰. It should be noted that the Council can only take action on a breach of planning control when a material change of use has actually occurred, not when a property has been sold but remains unoccupied, or when it is in the process of conversion.

6.0 Monitoring and Review

- 6.1 Monitoring and review are key aspects of the Government's 'plan, monitor and manage' approach to the planning system. This SPD must involve monitoring of the success and progress of its guidance to make sure it is achieving its aims and making necessary adjustments to the SPD if the monitoring process reveals that changes are needed. The policy approach and in particular the thresholds will be reviewed annually to ensure that it continues to provide opportunities for a balance of household types and meets the needs for HMOs.

⁹ To meet the Decent Homes Standard, dwellings are required to be in a reasonable state of repair. For more information please see

http://www.york.gov.uk/housing/Housing_plans_and_strategies/stockcon/

¹⁰ <http://www.york.gov.uk/environment/Planning/enforcement/>

Further Advice

Key City of York Council Contacts:

Integrated Strategy Unit

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integratedstrategy@york.gov.uk

Development Management

01904 551553

planning.enquiries@york.gov.uk

Planning Enforcement

01904 551553

planning.enforcemenet@york.gov.uk

Background Papers

'Student Housing' Report to the Local Development Framework Working Group 6 September 2010 and Minutes

'HMOs and Article 4 Directions' Report to the Local Development Framework Working Group 10 January 2011 and Minutes

'Minutes of Working Groups' Report to Executive 1 February 2011 and Minutes

'The Distribution and Condition of HMOs in York' Report to Cabinet 1 November 2011 and Minutes

Houses in Multiple Occupation Technical Paper (2011) CYC

Article 4 Direction and Plan

Annex 1: Local Plan Extract***Policy H7: Residential Extensions***

Planning permission will be granted for residential extensions where:

- a) the design and materials are sympathetic to the main dwelling and the locality of the development; and
- b) the design and scale are appropriate in relation the main building; and
- d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy; and
- e) proposals respect the spaces between dwellings; and
- g) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

Justification for Policy H7

Residential extensions are generally acceptable provided they are sympathetically designed in relation to their host building and the character of the area in which they are located and do not detract from the residential amenity of existing neighbours. Particular care is needed, however, in the design of front extensions and dormer extensions. Pitched roofs on extensions will normally be the most appropriate with large, box-style roof extensions being resisted in most cases.

Policy H8: Conversions

Planning permission will only be granted for the conversion of a dwelling to flats or multiple occupation where:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future occupiers.
- external alterations to the building would not cause harm to the character or appearance of the building or area; and
- adequate off and on street parking and cycle parking is incorporated; and
- it would not create an adverse impact on neighbouring residential amenity particularly through noise disturbance or residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses.
- adequate provision is made for the storage and collection of refuse and recycling.

Justification for Policy H8

Houses in multiple occupation (HMO's) are those occupied by a number of unrelated people who do not live together as a single household. They include

bed sits, hostels lodgings and bed and breakfasts not primarily used for holiday purposes.

The Use Classes Order (1987) does not distinguish between a dwelling occupied by a conventional household, and that of a dwelling occupied by up to six residents living together as a single household. Therefore a change of use from a family dwelling to one occupied by no more than six individuals does not constitute as a change of use.

There is potential for the number of dwellings in the City to be increased by the sensitive conversion of large dwellings. Such conversion can ensure a continued life for properties and can contribute to meeting housing need. Nonetheless, in certain situations, a concentration of such conversions can have an adverse impact on the residential environment. In considering this impact, attention will be given to the character of the street, the effect on and the amount of available amenity space, parking requirements, traffic generation and any other material planning considerations particular to the case.

The number of residential conversions will be monitored to calculate the contribution that they make to the Local Plan's housing requirement and so that the cumulative impact of several conversions in any one location can be ascertained.

Annex 2: Core Strategy Submission (Publication) Extract**Policy CS7: Balancing York's Housing Market**

Proposals for residential development must respond to the current evidence base, including the findings of the *Strategic Housing Market Assessment*, *North Yorkshire Gypsy and Traveller Accommodation Assessment (2008)*, *North Yorkshire Accommodation Requirements of Showmen (2009)*, and/or other local assessments of housing need. The Local Development Framework (LDF) will support housing development which helps to balance York's housing market, address local housing need, and ensure that housing is adaptable to the needs of all of York's residents throughout their lives. This will be achieved in the following way:

- i. identifying appropriate housing sites through the Allocations Development Plan Document (DPD) and Area Action Plan (AAP) in accordance with Spatial Principles 1 and 2;
- ii. identifying sites through the Allocations DPD and AAP for at least 36 additional Gypsy and Traveller pitches in the plan period, and land to accommodate at least 13 permanent plots for Showpeople by 2019;
- iii. securing the provision of new specialist housing schemes within major housing developments, including to accommodate those with severe learning disabilities, physical disabilities and dementia;
- iv. enabling higher density development in the most accessible locations, to provide homes for young people (aged 18-25 years). These locations will offer the best access to the City Centre, higher education institutions and a range of day to day services;
- v. delivering an overall mix of 70% houses:30% flats. Sites required for specific housing types and site-specific mix standards will be identified through the Allocations DPD and AAP;
- vi. requiring that all new housing is built to Lifetime Homes standard; and
- vii. controlling the concentration of Houses in Multiple Occupation, avoiding the division of small properties, where further development of this type of housing would have a detrimental impact on the balance of the community and residential amenity.

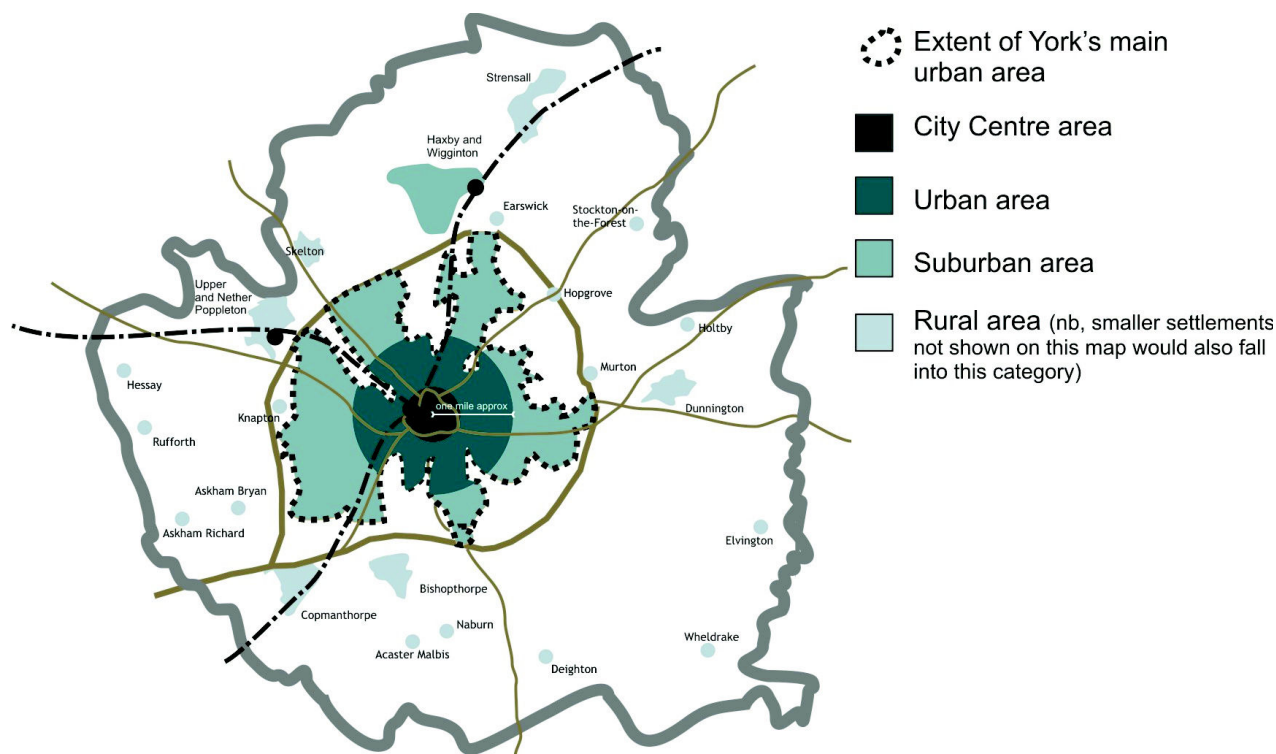
Explanation

- 9.1 *Planning Policy Statement 1 (2005)* makes clear the commitment to building sustainable communities where people want to live. Section 3 'Spatial Strategy' has set out our overall strategy guiding the level and broad location of future strategic housing growth but it is not simply a question of providing more homes, policy has to consider housing quality and choice in order to help future proof communities and help deliver lifetime neighbourhoods. The Housing Strategy for York is regularly updated and reviews the housing market, conditions and needs in York and picks up on some of the headline priorities within local service plans, as well as those that have a wider regional and sub-regional significance. Strategically, its focus is on reducing the number of those in housing need, providing better access to support for those in crisis, and improving housing options across the wide range of housing

need. The supply of homes is only one part of this - alongside other partners, the LDF will help to deliver the priorities of York's Housing Strategy, and, as priorities change, undertake regular policy reviews to assess whether current and emerging needs are being addressed.

- 9.2 The Core Strategy will use the results of the *Strategic Housing Market Assessment (2007)* (SHMA) and, in light of recent housing mix, will prioritise houses rather than flatted development in order to help redress imbalance in the City's housing market overall. The SHMA and other housing needs assessments will be regularly reviewed in order to provide a relevant evidence base reflecting changes in the housing market over the plan period.
- 9.3 York's current housing areas are shown at Figure 9.1.

Figure 9.1 York's Housing Areas



- 9.4 At the heart of a successful policy for meeting future housing pressures must be a policy which provides for people as they grow up and leave home, grow older, and as their circumstances, options and preferences change. We must plan for homes and communities so that people can live out their lives, as long as possible, independently and safely with their families and friends around them. Building new homes and communities designed with older people in mind not only makes sense in terms of meeting the diverse needs of an ageing population, it can also help to open up housing opportunities and choices for younger people. A housing policy for an ageing society is therefore a good housing policy for everyone.
- 9.5 As Section 8 'Housing Growth and Distribution' made clear, this means building lifetime homes and neighbourhoods that are capable of adapting as

people's circumstances change. Lifetime Homes Standards are inexpensive, simple features designed to make homes more flexible and functional for all.

- 9.6 Over the years different housing solutions have evolved as a response to older peoples' needs. These include retirement housing for independent living, and specifically designed housing with support for frail older people and those with specific needs such as dementia. In recent years there has been a shift away from the traditional 'old peoples' home' towards models that offer much more independence and choice. In line with many other areas York has seen the development of 'extra care' housing - self contained housing with options to receive appropriate levels of care as required to sustain independent living.
- 9.7 The emerging Housing Strategy for 2011- 2015 indicates that within York there are currently around 80 specialist housing schemes providing various kinds of housing with some element of on-site care and shared facilities. Most is rented, despite there being a significant preference for owner occupation. There is also an oversupply of 1-bed affordable specialist accommodation and an undersupply of affordable 2-bed accommodation.
- 9.8 It is estimated that there are around 4,000 adults in the York area with a learning disability. There are a growing number of people with complex needs, people living longer with the possibility of early on-set dementia. Until recently, housing options were limited, with a significant number of households living in 'residential care' settings. The growing trend is for households to live independently in their own homes, with appropriate support.
- 9.9 However, we also recognise that there will be a need for further specialist housing options for a small proportion of households. Where specialist provision is required, often by those needing higher levels of care, we must ensure it serves to maximise independence by being a minimum of two bedrooms, self contained and well connected to local amenities and transport networks. We would also encourage a greater range of tenure options, including full and shared home ownership. Housing is central to health and well-being, so associated services need to be planned and integrated to reflect this.
- 9.10 Students form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of the City and to the local economy. The Council are committed to ensuring their needs are met and will continue to work with the City's higher education institutions in addressing student housing needs. However, it is also recognised that concentrations of student households, often accommodated in Houses in Multiple Occupation (HMOs), can cause an imbalance in the community which can have negative effects. These can include a rise in anti social behaviour, increases in crime levels, parking pressures and decreased demand for local shops and services, sometimes leading to closures. It can also put pressures on family housing as owner occupiers and buy to let landlords compete for similar properties and have implications for non students seeking accommodation in the private rented sector. The impacts of concentrations of student housing in York is explored in the *Houses in Multiple Occupation*

Technical Paper (2011). Monitoring the spatial distribution and impacts of student housing will allow us to identify if it is necessary to control the number of student households in certain areas to ensure communities do not become imbalanced. This control can be achieved through the removal of permitted development rights, requiring landlords to apply for planning permission to change a property into an HMO.

- 9.11 The LDF will support housing development at density levels which reduce overall demand for greenfield land and help engender community cohesion by making more intensive use of land which offers the best access to facilities and services. As would be expected, mixed development sites (those including flatted development) could achieve much higher net densities, however this would not help achieve other aspirations to deliver greater levels of family housing. As such, policy CS9 guides net 'housing' density. Higher density development will be expected in those areas with access to a quality public transport service and a good mix of shops and services. Specific sites will be identified to provide housing options for young people aged 18-25 years, offering the best access to the City Centre, higher education institutions and a range of day to day services. As such, they will be built out at higher densities and with an emphasis on providing communal, flatted development. The dual priorities of providing more family housing and raising suburban densities are compatible, and offer future residents the advantage of the best access to shops, services, and most importantly, public transport linkages.
- 9.12 Site specific density, mix and type targets will be established through the Allocations DPD, AAP and Supplementary Planning Documents and through negotiations undertaken on a site by site basis, to ensure that proposals for housing development reflect local circumstances and the outcomes of the SHMA and to restrain housing types where concentrations are unduly high. Negotiation will also be guided by local visual and amenity considerations in order to help safeguard the character of the City and its villages.



Cabinet**3rd April 2012**

Joint Report of the Cabinet Member for City Strategy
and Council Leader

York Central Project Update**Summary**

1. This paper sets out recent and ongoing progress on the York Central development site and outlines a proposed way forward, which Members are asked to note and endorse.

Background

2. The York Central site, at around 35 hectares of brownfield land, is a fundamental and longstanding development aspiration of the Council and site stakeholders. The land is located adjacent to York train station and its predominant use is in relation to the rail industry, being largely owned by Network rail. Integral to this land-use is the principle constraint to development and reason to date that the site has not been comprehensively developed: The significant abnormal costs associated with removing/ re-providing rail uses, remediating land and providing suitable access to the rail-locked site.
3. A brief chronology of work programs undertaken on the site is set out below:
 - 2004 Planning brief produced for York Central site.
 - 2005 Site designated an 'Action Area' in the Development Control Local Plan (4th set of changes).
 - 2006 Work commences on an Area Action Plan (AAP) for York Central as part of the Local development Framework (LDF).
 - 2006 Announcement that the British Sugar Factory Site, some 0.5km north of York Central, is to be decommissioned precipitates the need for a comprehensive planning approach for the area (together termed York Northwest),

expanding the AAP to include York Northwest, and halting the York Central stakeholders in their preparations to approach the market.

- 2007 'Issues and Options' stage public consultation on the York Northwest AAP is undertaken between December 2007 and January 2008. Work on the 'Preferred Options' stage is commenced in 2008.
 - 2008 Network Rail and the National Railway Museum, together with Yorkshire Forward, approach the market in order to procure a development partner. The selection process is eventually suspended in 2009, in the context of the global economic crisis and fundamental uncertainties and pressures within the UK development industry.
 - 2010 As a result of the need to make more rapid progress on the British Sugar site, the decision is taken to halt the York Northwest AAP and proceed with two separate Supplementary Planning Documents (SPD's) for York Central and British Sugar, with strategic allocations in the Core Strategy.
 - 2012 Submission draft Core Strategy, incorporating Strategic Allocations at York Central and British Sugar, is submitted to the planning inspectorate. British Sugar SPD is approved by Members for development management purposes.
4. A significant amount of evidence base and site assessment work has been undertaken as part of this process. This has put the Council and stakeholders in a well informed position in terms of site constraints. In a city wide context, this has also led to the evidence based allocations to meet housing, employment and retail needs that are set out in the submission draft Core Strategy.

Current position

5. Since the suspension of the developer procurement process in 2010, whilst work has concentrated primarily on the production of the British Sugar framework, the Council has also led a review of the York Central project with stakeholders. This review has been focussed around providing additional certainty in terms of planning and transport, and exploring costs and funding approaches. The outcomes of this ongoing work are being crystallised into a York Central planning framework, which it is hoped will be consulted on

in draft form this summer. An outline of progress in key areas is provided below.

6. Planning framework

A planning framework is currently being prepared, which sets out additional policy detail in support of the Core Strategy Allocations and may potentially incorporate a local tariff mechanism that allows incremental development to come forward whilst contributing to the wider infrastructure needs of the site. In addition, a spatial component of the planning framework will set out a high level urban grain and capacity approach and phasing strategy, taking into account infrastructure and sustainability issues.

7. Transport and Access

At the March 2012 LDF Working Group, Members endorsed a York Northwest Transport Masterplan produced by officers for the purposes of plan preparation and decision making. The masterplan set out the outcomes of overarching transport modelling work for the York Northwest area, and outlines approaches to accessing, servicing and mitigating the impacts of the two development sites in a sustainable manner.

8. In addition to the masterplan, Members were presented with an access feasibility study (The June 2011 York Northwest masterplanning & Infrastructure Study) which explored options for forming new vehicular accesses to the York Central site. Members endorsed a preferred, phased approach to taking these options forward, with access provided initially using existing infrastructure and then utilising a new access from Poppleton Road and a second new access, when required, from Water End.

9. Viability and Funding

A refresh of financial viability work undertaken for CYC and stakeholders is currently being undertaken by the Homes and Communities Agency. This is being undertaken in support of the Core Strategy Examination and is updating previous assumptions to reflect planning and transport issues as set out in work outlined above, including a phased development model. The emerging picture is one of improvement in site viability, though the comprehensive development of the site is likely to still require a degree of public funding.

10. Since the abolition of Yorkshire Forward, and the consequential loss of funding provisionally earmarked for York Central by the

agency, work has been undertaken to explore options for public funding to help deliver the site. Initial analysis of funding options revealed a range of opportunities, and indeed funding bids for discrete developments within the site continue to be made to the government under a range of initiatives as they become available.

11. The Government is “localising” business rates from 2013/14 and these proposals will allow local authorities to retain a proportion of business rate growth. Clearly, such a major development would have a significant impact on the Councils overall business rates collected, and there is the potential to consider how this fits within the overall viability once the final technical proposals of business rates localisation are published, and we see how the scheme of business rates localisation develops. Alongside the business rates localisation there remains the potential for a Tax Increment Finance (TIF) scheme to be developed. TIF operates on the basic principle of a Local Authority funding infrastructure through prudential borrowing, which is then financed from those business rates which will arise as a result of the development. The opportunity for a TIF will be considered in association with the business rates localisation, as it is currently unclear as to how TIFs would operate alongside business rates localisation.
12. Consultants Price Waterhouse Coopers were engaged in 2011 to explore the use of TIF at York Central in more detail. The findings were, in summary, that dependent on the sites development mix and infrastructure requirements, TIF is a viable proposition for the site and ‘may represent a key potential tool to support delivery of the scheme’. However, since this work was conducted, it remains uncertain precisely how TIFs will be implemented across the Country, alongside business rates localisation.

Next steps

13. The Council and site stakeholders are currently preparing a program of works (see annex 2) in order to take a deliverable York central project back to market at the earliest opportunity, whilst at the same time realising shorter term stakeholder imperatives.
14. Many of the work-streams in this program for which the Council is responsible form part of the CYC’s ‘core-business’, and are currently underway (for example the planning framework). Other work-streams lie outwith the scope of CYC expertise or resource capacity, and will therefore need to be undertaken externally and

funded through the stakeholder group. These are outlined at high level below:

15. **Viability Analysis**
Additional work may be required to augment the analysis being undertaken by the HCA (eg current market assessments). Work may be required to support any tariff approach in the planning document.
16. **Transport Analysis**
Discrete piece of work required to finalise preferred access selection (including micro simulation and air quality modelling). Will also analyse phased capacity of new and existing highway infrastructure to meet demand, capacity of development to tolerate low car dependencies, and scale of likely off-site contributions.
17. **Funding**
Work required to explore potential current funding options, including options around business rates localisation and TIF.
18. **Partnership & Delivery**
Work needed to explore options and formalise legal arrangements for CYC involvement in stakeholder delivery vehicle.

Consultation

19. Development of the York Central site has been consulted on extensively throughout the sites planning history outlined at paragraph 3, most notably in the 2007 Issues and Options consultation on the AAP, and in the 2011 Submission (publication) Core Strategy Consultation. The outcomes of this consultation, as reported to Members, is broad support for the development of the site, and its centrality in the Cities spatial strategy, with a range of comments on detailed development options.
20. The detailed approach to be set out in the sites planning and spatial framework will also be subject of rigorous public consultation, in line with the Councils Statement of Community Involvement, on its production in draft form.

Options

21. Members have three options in respect of the recommended approach outlined in this report:

- Option 1: To endorse the proposed approach and the work-streams identified
- Option 2: To recommend an alternative approach is pursued.
- Option 3: To discontinue the pursuit of the delivery of the York Central development in light of the issues raised.

Analysis

- 22. Endorsing the proposed approach will maintain momentum on the York Central project and progress delivery of this strategically important development site, meeting the Cities housing and employment growth need in line with our preferred spatial approach. Funding options may have financial implications for the Council.
- 23. Members may wish officers explore or pursue alternative planning, funding or delivery routes, with alternative risk profiles. The deliverability of alternative approaches would need careful consideration.
- 24. Discontinuing the pursuit of a York Central development would necessitate major revisions to the Cities spatial development approach as outlined in the Core Strategy. This would bring about considerable development uncertainty, potentially leading to growth that did not accord with the Councils ambitions, and resource issues in producing an alternative planning framework for the City.

Council Plan

- 25. The York Central area provides large brownfield development opportunities adjacent to the city centre. Development of this area will help to protect and enhance York's existing built and green environment and provides an opportunity for a flagship sustainable development. The regeneration of this area will support the following corporate priorities:

Create Jobs and grow the economy by bringing forward land to meet business needs and attracting investment

Get York Moving by improving city centre circulation and encouraging less reliance on the car.

Protect the Environment by managing green space and improving the quality of York's streets and public spaces

Implications

26. Implications are listed below

- **Financial** *Funding options may have financial implications for the Council if ultimately adopted*
- **Human Resources (HR)** None
- **Equalities** None
- **Legal** None at this stage
- **Crime and Disorder** None
- **Information Technology** None
- **Property** None at this stage
- **Other** Highways

Risk Management

27. Failure to adopt a pro-active approach to site development, that exploits public funding opportunities (some with their own inherent risks as outlined above), could mean that the strategic aspiration of developing York Central is not achieved, with consequential impacts on the Cities wider spatial growth plans.

Recommendations

28. Members are asked to note the current and proposed work streams outlined in the annex and the overall program to date.

Reason: To continue to facilitate and deliver the development of the strategically important York Central site

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**Cabinet Members and Chief Officer
Responsible for the report:**

Cllr. James Alexander
Council Leader

Cllr. Dave Merrett
Cabinet Member for City Strategy

Bill Woolley
Director of City Strategy

**Report
Approved**



Date 23.03.12

Specialist Implications Officer(s) None

Wards Affected: Guildhall

All

For further information please contact the author of the report

Background Papers:

Annexes

- 1: Price Waterhouse York Central Tax Increment Finance Paper - **CONFIDENTIAL**
- 2: Proposed York Northwest Program of Works

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Annex 2: Future Program/ Way Forward

This paper sets a draft program of work that it is expected would be required in order for stakeholders to take the York Central project back to market within a reasonable timeframe. This document initially sets out a brief description of individual work-streams with responsibilities and estimated timescales; these are then compiled into an indicative project plan, setting out critical paths and interdependencies.

ID1: Spatial Framework	Duration: 3 months	Lead: CYC
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Description:

High level and flexible framework to be produced by CYC setting out the spatial approach to allow incremental growth on the site as part of a comprehensive framework. Will establish broad urban approaches (grain, density, transport, open space), potential phasing of land release, and identify potential building morphologies to deliver appropriate quantum and type of development.

ID2: Planning Policy Statement	Duration: 3 months	Lead: CYC
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Description:

Brief planning policy statement to accompany Spatial Framework and set out more detail below the Core Strategy allocation in terms of quanta and disposition of uses, criteria based and procedural requirements, as well as identifying a tariff mechanism to allow incremental development to contribute to a comprehensive site infrastructure package.

ID3: Transport Analysis	Duration: 2 months	Lead: CYC
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Description:

Detailed modelling to establish the composition and phasing of a final access approach (including capacity of existing network to accommodate interim traffic growth), and an accompanying parking/ sustainable transport strategy .

ID4: Viability Analysis	Duration: 2 months	Lead: CYC
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Description:

Work currently being undertaken by the HCA to refresh site viability analysis in order to support strategic allocation of site in Core Strategy.

ID5: Land Assembly	Duration: ?	Lead: CYC/ NR
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Description:

CYC currently in process of acquiring 5-acre site. Unipart building remains key to unlocking rear of station (and may require use of CYC CPO powers), though acquisition may be phased post developer procurement. NR to pursue acquisition of outstanding long-leases to D B Shenker – these are critical in establishing project delivery, due to impact on accessibility of site. Legal view on issues with release of other parcels?

ID6: Tax Increment Finance	Duration: ?	Lead: CYC
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Description:

Despite current uncertainty around national TIF program, this funding stream will be central to project delivery, certainty will be likely to be required prior to approaching the market with York central, and a polished proposition will therefore be required in the first instance. Work currently programmed includes occupier demand and displacement analysis, currently being undertaken by CYC, and updated technical feasibility case (to reflect refreshed viability and spatial approaches). More work needs to take place around the financial proposition and the political positioning of a YC TIF in the wider sub-region.

ID7: Public consultation	Duration: 6 weeks	Lead: CYC
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Description:

Program of consultation with public and stakeholders on the spatial, planning and transport/ access approaches. To be followed by period for consideration and possible amendments to documents prior to adoption.

ID8: Carriageworks proposals	Duration: ?	Lead: NR
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Description:

Finalisation of NR improvement plans for Carriageworks building in order to establish implications on access and land-take, and potential of residual land to relocate existing uses.

ID9: GRIP process	Duration: ?	Lead: NR
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Description:

Not sure if this process would need to be refreshed/ continued prior to or post developer procurement

ID12: NRM South Yard Proposals	Duration: 3 months?	Lead: NRM
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Description:

Definition of the project, including distinction between public and paid museum aspects, commercial enablers, project delivery vehicles and finance/ funding, and rail infrastructure implications/ requirements.

ID10: Partnership/ Delivery vhcl	Duration: ?	Lead: All
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Description:

Establish the vehicle and terms that partners will engage under, in order to take the project back to market, and the subsequent terms that developers will engage under. Includes identification and prioritisation of partners objectives, assessment through viability work of their commercial realism, and reflection of these in the proposition to the market. Inc. legal advice etc

ID11: Sales/ Marketing/ Comm.s	Duration: ongoing/ staged?	Lead: All
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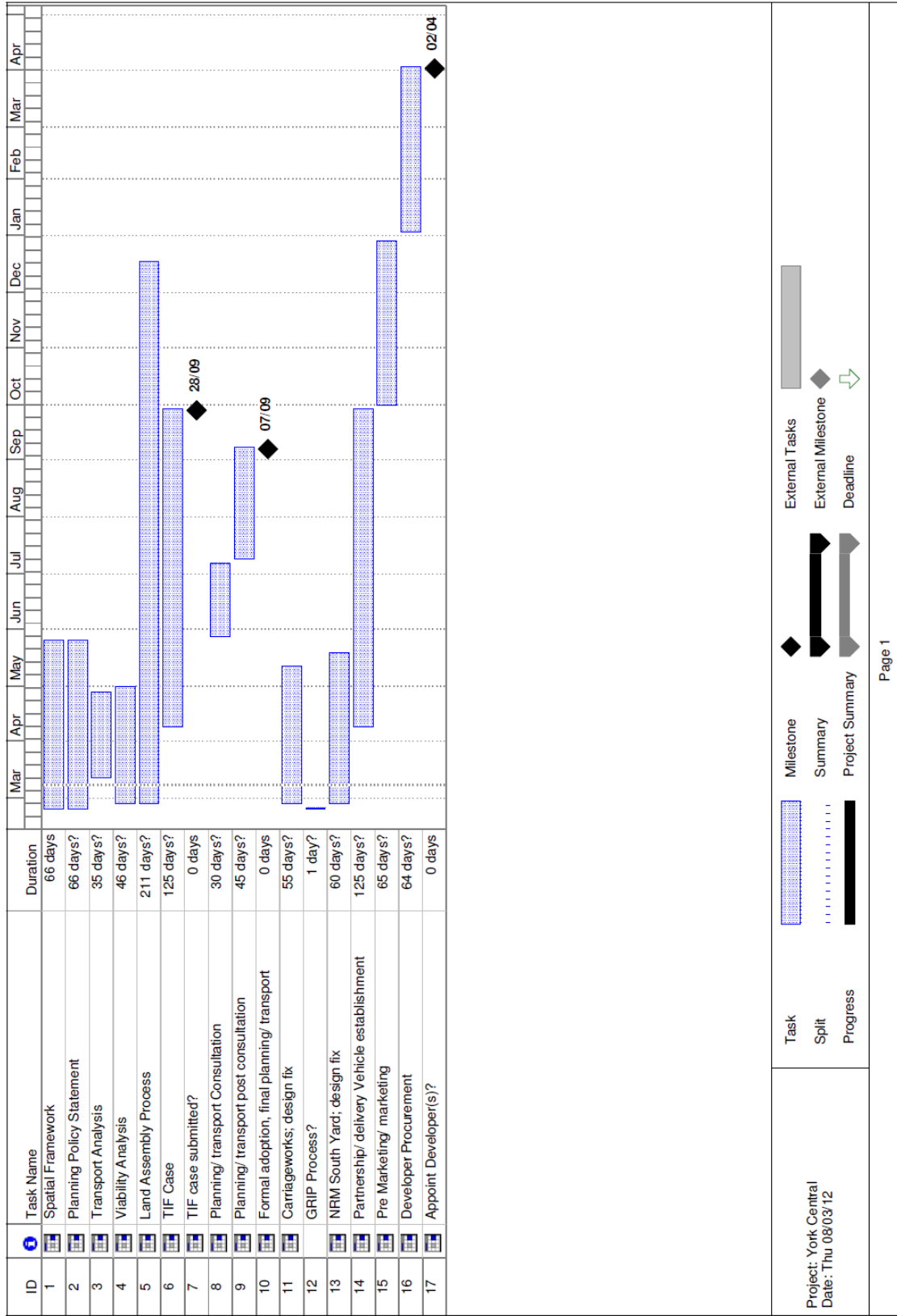
Description:

Engage property consultant to market site/ parcel, manage communications, and sales process prior to and as part of ID12.

ID12: Developer procurement	Duration: 4 months/ staged?	Lead: All
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Description:

Run an EU compliant procurement exercise. May follow a phased land release strategy or 'whole site' approach. Inc. legal advice etc.





Cabinet**3 April 2012**

Report of the Cabinet Member for Corporate Services

Recruitment to the roles of Director of Public Health & Wellbeing and Director of City & Environmental Services**Summary**

- 1.□ This report outlines for Members the requirements of the Health and Social Care Bill in relation to the appointment of a Director of Public Health & Wellbeing for York. It evaluates structural options available for the permanent appointment, and outlines transition arrangements for public health personnel.
- 2.□ A member of the Council Management Team has tendered their resignation from their post and will leave the council in June 2012. In line with decisions taken by Cabinet on 6 December 2011, the post holder was due to take over the new role of Director of City & Environmental Services on 1 April 2012. This report asks Cabinet to endorse plans to recruit to this post with immediate effect to secure the stability of the service and the completion of the Chief Officer restructure arising from the Organisation Review 2012. This is subject to the decision of Cabinet outlined in paragraph 13 below relating to the structural positioning of the Director of Public Health & Wellbeing.

Background**The Director of Public Health & Wellbeing**

3. As the Health and Social Care Bill becomes legislation it will require upper tier and unitary authorities to take on critical new functions in Public Health from 1 April 2013. To exercise these functions such Local Authorities are required to appoint Directors of Public Health.

4. The Department of Health has issued draft guidance relating to the appointment process and also job descriptions and person specifications. These documents are available as a background to this report.

Transition Arrangements

5. As existing arrangements are currently in place within one team in the NHS North Yorkshire & York Primary Care Trust (PCT) the transition plans for York and North Yorkshire are more complex, however all parties are working hard to ensure the process is simplified and twin tracked (see Annex A). The Strategic Health Authority is overseeing transitional arrangements across the region and will wish to review all pre March 2013 decisions taken in relation to this post.
6. Across the current PCT area, it makes sense to appoint to Director of Public Health posts at the same time, and also to align to teams concurrently. This was agreed as an early principle by Chief Executives of all three organisations concerned.

Director of Public Health & Wellbeing Responsibilities

7. The Director of Public Health & Wellbeing will have lead responsibility for promoting and protecting health and wellbeing, tackling health inequalities and improving health care quality.
8. The post holder has to be accountable to the Chief Executive and will work closely with the Leader, Portfolio Holder, Cabinet and Overview and Scrutiny to develop the Public Health agenda. The development of the Health and Wellbeing board and creation of the Joint Health and Wellbeing Strategy will be key functions.
9. The government intends to issue statutory guidance on the responsibilities of Director of Public Health in the same way that guidance is currently issued for Directors of Children's Services and Adult Services. Many local authorities already have joint appointments between the NHS and local government. The Regional PCT is finalising a Memorandum of Understanding to be in place with Local Authorities from 1st April 2012. This will cover the transitional arrangements and staffing between the PCT and the Local Authority for this next year. There has been

a long history of working in partnership across the City, particularly through the Healthy City Board.

Options for York Appointment

10. There are three options available to the council to fulfil the new statutory duties.

The options are as follows:

- i) Appoint a joint Director of Public Health with North Yorkshire County Council (NYCC).
 - ii) Appoint a Director of Public Health for the City of York Council (CYC).
 - iii) Appoint a Director of Public Health jointly with the Vale of York Clinical Commissioning Group (VYCCG).
11. NYCC has already taken the decision to progress with the recruitment of its own Director of Public Health, therefore option i) is no longer available. CYC through its Chief Executive has already committed itself to close partnership working with the VYCCG who are keen to establish opportunities to work jointly on public health priorities in line with option iii).
 12. The advantages and disadvantages of the options ii) and iii) above are set out at Annex B.

Structural Positioning

13. A decision is required to determine where the post sits within the management structure of City of York Council (CYC). The guidance is clear that there is accountability to the Chief Executive. However, the statutory duty could be carried at Director or the equivalent of Assistant Director level. The options are:
 - i) At Director level, this would could require a restructure of the Council Management Team (CMT), but needs to take account of the commitment already made not to increase the number of posts at Director level. With this option there is a risk of a single Directorate becoming focussed only on the Public Health area due to the full agenda in setting up public health function over next two years.

- ii) At Assistant Director level, the position could be responsible to another Director, with significant experience in this field, and the role and responsibilities extended to cover other health and well-being services. This would not displace any other Chief Officer in the management structure and would allow for a smoother transition into the organisation. It would also allow a specialist to focus attention on this priority area which might not possible at Director level with wider responsibilities.
14. Authorities are expected to make early progress in appointing their Directors of Public Health. This has to be done in agreement with the Primary Care Trust to ensure it can continue to fulfil its statutory duties until April 2013, and all appointments must be carried out in conjunction with Public Health England. The appointment would initially be as an NHS employee. Within the York and North Yorkshire plan it is intended to commence this recruitment in April 2012 with appointment panels taking place in June, and the post holder in place in September 2012 (see fuller timetable at Annex C).
 15. For the joint appointment process it is recommended that the Cabinet Member for Health Housing and Adult Social Services and the Chief Executive represent the Council on the appointment panel.

Interim Arrangements

16. Work is underway to put in place interim arrangements for the secondment of the Director of Public Health & Wellbeing from appointment to 31st March 2013, prior to the official transfer of the post to CYC on 1st April 2013. The Heads of Terms for such a secondment arrangement are being drafted. These are to be used as a template for Authorities across the region. This is the Memorandum of Understanding which will cover all staff not just the Director.
17. The current arrangements for public health would continue pending the appointment to the permanent role.
18. All arrangements and project planning is being driven by the Transition Plan contained in Annex A.

Wider Public Health Team

19. In the interim period the wider team will continue to work across York and North Yorkshire. The secondment and the permanent appointment of the Director of Public Health & Wellbeing will support the activity to shape the team for the future and consider the inclusion of further council based services. In the short term the drug action team and the teenage pregnancy service will be managed under existing arrangements

Recruitment to the post of Director of City & Environmental Services

20. A member of CMT has given notice to leave their post in order to retire and will leave the council in June 2012. As part of the Organisational Review 2012, four new Director roles were created and the departure of a Director leaves a vacancy in the new role of Director of City & Environmental Services.
21. Subject to the Cabinet decision on the structural positioning of the Director of Public Health & Wellbeing outlined at paragraph 13 above, it is proposed to commence the recruitment process with immediate effect to minimise the overall disruption on the directorate at a time of reorganisation.
22. The outline timescale for the process is as follows which will match closely the timescales for the recruitment of the Director of Public Health & Wellbeing:
 - 16th April 2012 - Staffing and Urgency to establish the selection panels
 - Week commencing 23rd April 2012 - recruitment advertising
 - Early June - recruitment processes
 - Successful candidates commence - September 2012.

Consultation

23. Ongoing discussions have been held with the relevant Cabinet portfolio holders. Regular briefings will be held with unions and

staff at directorate and cross-council meetings around the Public Health changes and related impacts.

Options

24. Options are covered in the body of the report at paragraphs 10 to 13.

Analysis

25. Analysis is covered in Annex B and in paragraph 13 of the report.

Council Plan

26. The appointment of the Director of Public Health and the leadership of Health and Wellbeing improvements across the City, relates to both the Build Strong Communities and Protect Vulnerable People Council Plan priorities. The recruitment to the City & Environmental Services position will ensure that we will meet the priorities set by Get York Moving and Protect the Environment.

Implications

Financial

27. The cost of the appointment for the Director of Public Health will be funded by the PCT. The ongoing costs of the role from 1st April 2013 will become the responsibility of the City Council. This will be funded from a new grant.

28. The Department of Health undertook an exercise analysing expenditure on Public Health across the country in 2010/11. This baseline review indicated that a total of £20,900k was spent by the Primary Care Trust (PCT) in York and North Yorkshire in that year on services that will become the responsibilities of local authorities in 2012/13 which equates to £26 per head of population. This figure has been apportioned based on population between City of York Council and North Yorkshire County Council equating to spending of £5,338k within York. This figure is anticipated to be used as a base for

providing a grant to the City Council in 2012/13 which after inflation of 5.25% is projected at £5,620k .

29. There are however a number of risks facing the council:

- Firstly the baseline spend did not accurately reflect current spending levels on public health functions. One example is that the PCT spent £20k on mandatory health checks in 2010/11 that figure was over £1,000k in 2011/12. This function will be the responsibility of the council in 2012/13. Negotiations will need to be held between CYC/NYCC and the PCT to alter the grant figures accordingly.
- Secondly the level of spend between the two councils may not be based on the assumed population split. This may mean that the level of grant might not meet current spending levels in the York boundary.
- Thirdly it will be necessary to unpick current contractual arrangements which do not currently match the proposed structure for public health. This will require significant procurement and commissioning support.
- Finally the level of spend for York and North Yorkshire totals £26 per head. The average for England as a whole is £40 per head and the level of funding is in the bottom quartile.

30. The risks above are all being managed as part of the finance and procurement work stream within the overall transition plan.

31. A procurement tendering exercise is currently being undertaken to determine which Recruitment Agency from a national framework will undertake the recruitment campaign for the Director of City and Environmental Services. These costs will be funded from savings arising from a period of time that the post is vacant (2-3months).

Human Resources (HR)

32. HR representatives from NHS North Yorkshire and York Primary Care Trust, NYCC and CYC are meeting and teleconferencing on a regular basis to address the staffing implications which will arise as a result of public health staff transferring across to Local Authority employment. This

includes the co-ordination of the recruitment and appointment process for the Director of Public Health and Wellbeing. The implications include:

- The Director of Public Health recruitment process has a tight and complex schedule to be adhered to and any slippage could result in significant delay to the appointment process (See Annex C).
- NHS pay and terms and conditions for medical and non medical staff differ to those of local government. The Director of Public Health and Wellbeing will TUPE across on current NHS terms and conditions in April 2013 but consideration will need to be given to the implications for future appointments.
- CYC HR representatives will be liaising with PCT HR colleagues and local managers to ensure the smooth integration and induction of NHS public health staff from the PCT into CYC in preparation for the staff TUPE process in April 2013.
- Pension schemes between NHS and local authorities differ. Further national advice and guidance will be issued shortly.
- The recruitment and appointment process for the Director of Public Health and Wellbeing will be managed using a co-ordinated approach working with the PCT HR department.

33. The above risks are being managed as part of the HR work stream within the overall Transition Plan.

Equalities

None

Legal

34. The Health and Social Care Bill is likely to receive the Royal Assent before Easter paving the way for the transfer of public health responsibilities to local authorities. If the proposal to proceed with a joint appointment is accepted then the postholder will initially be an NHS employee and the appointment is not therefore subject to the council's appointment processes.

35. The appointment of the Director of City and Environmental Services will follow council procedures. The Staffing and Urgency Committee have the power to establish appointment panels which must include a member of the Cabinet and every member of the Cabinet will have to be consulted before an appointment is confirmed. The council's draft pay policy statement which is due to be considered by Council on the 29th of March reflects the statutory guidance and confirms that any salary package that is in excess of £100,000 will be considered by full Council or a meeting of members. Staffing and Urgency Committee has sufficient powers to be able to exercise this function on behalf of the Council.

Crime and Disorder

None

Information Technology (IT)

None

Property

None

Other

None

Risk Management

36. The council is required to appoint a Director of Public Health by April 2013. Early indications from the Faculty of Public Health indicate that 25% of existing Directors are expected to retire during the transition periods. All arrangements have to be agreed by the Strategic Health Authority which could impact on planned recruitment timescales.

Recommendations

37. Members are asked to agree:

- 1) The joint appointment of the Director of Public Health & Wellbeing with the Vale of York Clinical Commissioning Group as outlined in paragraph 10 at option iii).
- 2) The structural position of the Director of Public Health & Wellbeing under an existing Director at Assistant Director level as outlined at option (ii), paragraph 13 above.
- 3) Note the secondment of the Director of Public Health & Wellbeing upon appointment to 31 March 2013;
- 4) Commencement of the recruitment of Director of Public Health and Wellbeing in line with the attached plan at Annex C and panel as outlined in paragraph 15.
- 5) Note the proposed management of the transition of the Public Health Team.
- 6) If recommendation 2) is agreed, to approve the recruitment to the position of the Director of City & Environmental Services using an external organisation to complete the search and select processes on behalf of the council.

Reason: To ensure that arrangements are in place in respect of appointments to these posts.

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**Report
Approved**



Date 22 March 2012.

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Wards Affected:

All



Background Papers:

Department of Health Guidance – Director of Public Health Appointment
Draft Job Description for City of York Director of Public Health.

Annexes

Annex A – Transition Plan
Annex B – Evaluation of options for Director of Public Health
Annex C – Recruitment Timetable for Director of Public Health &
Wellbeing

Public Health Transition Plan Transfer to City of York of York Council March 2012

1. Purpose

For NHS North Yorkshire and York the transition of public health has four distinct elements which relate to the transfer of responsibilities to:

- City of York Council
- North Yorkshire County Council
- Public Health England
- NHS Commissioning Board

This is the public health transition plan for York which covers those functions which will transfer from NHS North Yorkshire and York (NHS NYY) to **City of York Council (CYC)**. The plan has been jointly agreed with CYC and will oversee the safe transfer of public health functions into the LA as identified in recent DH guidance whilst ensuring continuity of delivery of functions through 2012/13 and into 2013/14.

The plan is a reflection of the information available to date and may be subject to revision if additional information becomes available.

As functions are to be split between two local authorities (see section 3) It is designed to work in parallel with the Transition Plan for North Yorkshire to ensure consistency for staff and for transfer of commissioning responsibilities.

It will also have due regard to the transition plans from NHS NYY for Public Health England (PHE) and the NHS Commissioning Board (NHSCB).

2. Future operating model of public health in York

There are a number of local complexities which impact on local public health transition and the future delivery model.

i) The current public health function is provided by a team covering both North Yorkshire and York, covering two Local Authorities – CYC (a unitary council) and NYCC (a two tier authority).

At a meeting on 7th December 2011 it was agreed by the CEXs of NHS NYY, NYCC and CYC and the Cluster DPH, that the future public health model for North Yorkshire and York would be based on two separate teams for North Yorkshire and City of York with mutual or shared arrangements to be developed as appropriate.

Both LAs have indicated their intention to have their own Director of Public Health (DPH). City of York Council has initially aligned public health to the Directorate of Communities and Neighbourhoods during a pilot phase, and is currently considering options for the permanent DPH role.

ii) City of York Council has developed a strong relationship with Vale of York Clinical Commissioning Group CCG and is considering a joint approach to public health. The CCG covers the whole of York and parts of North Yorkshire and East Riding which will make public health engagement more complicated but all parties are committed to making this work.

3. Governance and Risk Management

Until 31 March 2013 NHS North Yorkshire and York will remain the accountable body for the delivery of public health and will ensure that all critical public health services and their related clinical governance arrangements are delivered to that date. This means that no service or responsibility will be transferred until NHSNYY has been assured that future arrangements are robust and that appropriate interim governance arrangements have been established between the local authority, PHE or the NHSCB and the PCT. The Interim Director of Public Health will lead this assurance on behalf of the PCT. Work to develop the process for assurance and ongoing governance will progress alongside the development of local authority public health models.

There are a number of mechanisms in place to maintain oversight and assurance of public health transition and ensuring business continuity over the transition year. These are as follows:

- NHS NYY Transition and Reform Board – the transfer of public functions to Local Authorities is a key workstream and regular reports are taken to the Board by the Interim Director of Public Health on progress.
- The NHS NYY Governance Committee, informed by the public health governance committee, will maintain an oversight of the transfer with a focus on clinical, information and organisational governance.
- The York Health and Wellbeing Board will maintain an oversight of the transfer of public health functions.
- A York public health transition group was set up in 2011 to oversee the transfer under the project sponsorship of the Director of Communities and Neighbourhoods. This group includes senior members of the public health team and CYC, along with commissioning leads and HR and finance experts.
- The HR leads for NHS NYY, NYCC and CYC will meet regularly to ensure a consistent process. This meeting will include transition leads from public health where this is appropriate.
- Similar meetings will be held to consider the finance and contracting workstreams.
- As required meetings will be held with the chief executives of NHS NYY, CYC and NYCC and the cluster DPH.

The attached action plan (**appendix 1**) includes a section on governance and risk which uses a detailed checklist to ensure that risks are identified and mitigated for each of the transferring functions. This will be reviewed through the mechanisms set out above.

4. Key Progress to date

4.1 Workforce support

- The first PCT organisational development workshop was delivered for all public health staff in December 2011 to explore impact of change and future public health world. The CYC Chief Executive and Assistant Director of Housing attended and met with staff.
- HR clinics are being held to provide HR advice to support and keep staff updated with the HR implications of transition.

4.2 Developing the City of York public health model

- The Associate Director of Public Health for York has been working closely with CYC senior leaders to develop future plans.
- Two well attended workshops have been held for public health staff and CYC staff across all directorates to shape the local public health system and the vision for the future. These workshops considered the widest possible implications of local authority functions on public health, including planning, licensing, education and transport, as well as the more core functions which may sit within or be aligned to public health in the new model. The workshops also allowed teams to consider the similarities and differences between working in the NHS and in local authorities. As these sessions have been well received and have contributed to team building, a further workshop will be held on 27th March to continue to build the local vision.
- A Memorandum of Understanding has been developed covering Public Health Directorate support to CCGs on responsibilities for population health and health care. This covers the transition period 12/13 and will form the basis of the public health 'core offer' from April 13 onwards. Vale of York CCG are happy with the proposed way forward and are keen to establish opportunities to work jointly on public health priorities.

4.3 JSNA and Health and Wellbeing Board

- The City of York JSNA is being produced by CYC and NHSNYY, in conjunction with partners. It is currently in draft form and will be finalised at the Shadow Health and Wellbeing Board on 26th March.
- The York Shadow Health and Wellbeing Board has met a number of times and is in the process of agreeing priorities, which will include consideration of the JSNA and the development of the Health and Wellbeing Strategy.

4.4 Communications and Engagement

- The PCT cluster has a transition and reform section on its intranet site which is updated with public health guidance and frequently asked questions. The PCT cluster produces regular team briefs and HR briefings for staff which supplement the HR clinics discussed in 5.1

- All stakeholder partner organisations are briefed on public health through the shadow Health and Wellbeing Board (see section 5.3) which includes Vale of York CCG, York Council for Voluntary Services, York LINK, York Hospitals NHS Foundation Trust and Leeds Partnership Foundation Trust.
- CYC Corporate Management Team, the Portfolio Holder and Cabinet have considered the CYC approach to public health and will continue to be involved at appropriate decision-making points in the transition year.
- CYC staff have been consulted on the plans for aligning public health with Communities and Neighbourhoods and will be updated as further developments progress.

5. Mandated Services or Steps

Within the set of responsibilities transferring to local authorities there will be five mandated services or steps

5.1 Appropriate access to sexual health services

Local authorities will become responsible for commissioning comprehensive open-access accessible and confidential contraception and sexually transmitted infections testing and treatment services. The PCT commissions a range of sexual health services from a number of different providers including GPs, pharmacies, voluntary organisations and acute services. Some contracts are specific to localities and some cover both LA areas.

A sexual health transition group has been established with representation from both NYCC and CYC. All existing contracts have been mapped, which describes existing services, links service specifications, contracts and funding. We are currently working with LA and PCT contracting colleagues to identify risks and shadow governance arrangements from October onwards. A programme of work has been identified jointly with LA colleagues this year around refreshing sexual health needs assessment work to inform the strategic direction of sexual health and the future commissioning of services.

There is designated public health sexual health lead overseeing this work.

5.2 Plans in place to protect the health of the population

Throughout the period of transition through to April 2013, it will be essential for the PCT Cluster, the Local Authorities and other key partners such as the Health Protection Agency to maintain all existing systems, plans and governance arrangements relevant to Emergency Planning, Response and Resilience (EPRR) and all other aspects of health protection, until they are superseded by agreed, resourced and tested new models and ways of working.

The proposed new national model for EPRR was approved centrally in December 2011, and is described in Appendix 3 of the "Public Health England and NHS Commissioning Board" section of the overall Public Health Transition Plan for North Yorkshire and York. Further national clarification is expected soon in respect of arrangements for EPRR, and local implementation in the NHS and through Local Resilience Fora (LRF). Initial discussions have taken place through the existing local NHS whole-system EPRR mechanisms, including the PCT-led Health Emergency

Planning Network (HEPN), and an update briefing will be provided to the North Yorkshire and York LRF. As soon as this further national guidance is issued, the local design and preparation for implementation of the new EPRR arrangements will be progressed by the PCT Cluster, working with Local Authorities and other partners. Safe transition from existing to new systems will be a key part of this work.

A range of single-agency and multi-agency plans and groups currently underpin local arrangements to protect the health of the population in its broadest sense (i.e. in addition to EPRR systems and plans). There will be a need to review all of these arrangements, and identify which of them will require updating or re-casting to take account of the overall set of changes expected to be brought about by the Health and Social Care Bill. The Director of Public Health and the Local Authority will need to be assured that (a) the health of the population continues to be protected during the period of transition, and (b) that the proposed new local arrangements are robust and fit for purpose.

5.3 Public health advice to NHS commissioners

The public health team has agreed a memorandum of understanding with the local clinical commissioning group and will continue to develop joint working on public health in line with the core offer. The opportunity for a joint DPH will be considered which could allow enhanced working in this area.

5.4 National Child Measurement Programme

The National Child Measurement Programme is currently commissioned from both Harrogate Foundation Trust and York Foundation Trust school nursing services with a specific service specification and funding stream. There is a designated public health lead who maintains oversight of the programme and ensures providers are delivering against the specification and fulfilling performance requirements. A detailed description has been produced to describe current governance arrangements during transition and work is being undertaken on working through how the arrangements will work from October onwards and risks identified.

5.5 NHS Health Check assessment

NHS Health Checks is currently commissioned as a GP LES across North Yorkshire and York. A pilot in Scarborough, which included community pharmacists as well as GPs, started April 2010 until Sept 2011. During the pilot phase 2049 patients were invited and 1098 were assessed (uptake rate of 53.6%). Between April 2011 and end Sept 2011, 1467 patients were invited and 819 were assessed. It was decided that because of the low uptake of pharmacy assessments that a GP only LES would be developed in line with the Best Practice Guidance.

The Local Enhanced Service (LES) for NHS Health Checks covering the whole of North Yorkshire and York started on the 1st October 2011. A total of 91 GP Practices are signed up to the LES with 7 Practices not yet signed up to the programme.

There is a plan in place to liaise with these Practices in order to understand reasons for non sign up and be in a position to offer the programme to those eligible patients for those Practices. Practices have been incentivised to invite 20% of their eligible

population in 2012/13. In Q3 2011/12, 7927 patients were invited (3.2% of eligible population) with an increase expected in Q4. We plan to invite 20% of the eligible population per year (5% per quarter) in 2012/13.

The programme is led by public health with primary care commissioning support. The programme uses QuestBrowser software which allows practices to invite eligible people with the highest estimated risks first, and also provides the performance and quality data. The FIMS return identified £20k funding in 20010/11. However, the programme has been identified to cost up to £1.2m per year based on 20% invites per year and 75% uptake. This funding mismatch was flagged up at the time with LA finance colleagues. Work is ongoing with local authority and primary care contracting colleagues to fully understand the risks and ensure that there is a safe and effective transition of responsibility to local authorities.

6. Action plan and milestones

There are a number of interconnected strands for transition:

- a) Developing the CYC public health model
- b) Appointing the CYC Director of Public Health
- c) Transferring PCT staff
- d) Transferring commissioning responsibilities

Each of these elements have financial, legal, governance and human resources implications and appropriate advice will be sought at each step of the process. The detailed plans appear as a spreadsheet in the attached file. Key milestones are as follows.

a) Developing the CYC public health model

Key milestones (see action plan for details)

March 2012	CYC public health draft vision and local delivery model produced for comment and development with partners
March 2012	York JSNA finalised
April 2012	CYC and PCT staff pilot public health transition arrangements.
May 2012	Briefing to CYC Cabinet
July 2012	Complete health and wellbeing strategy Briefing to CYC Cabinet on public health.
August 2012	Following Royal Assent amend CYC standing orders to prepare for October and April transfers
September 2012	NHSNYY Board consider assurance and transition governance arrangements. If assured agree transfer for 31

October.

October 2012	Transfer of responsibilities from 31 st October
January 2013	New CYC headquarters – enhanced team working
April 2013	CYC statutory responsibility begins

b) Appointing the CYC Director of Public Health

The DPH will be appointed in line with available guidance. HR colleagues in CYC and NHS NYY are working together to advise on the best way forward.

Key milestones:

April 2012	Begin DPH appointment process
Jun-July 2012	DPH appointment made
September 2012	DPH in post

c) Transferring PCT staff

HR colleagues from NHS NYY, CYC and NYCC will work together to make sure that this runs in parallel with that for NYCC, ensuring that staff have a consistent experience.

Key Milestones:

May 2012	Agree CYC Public Health Structure
September October 2012	- HR process to designate PH staff to new roles.
November 2012	PH staff start in designate roles at CYC.
November - March 2013	Consultation on TUPE transfer
April 2013	TUPE transfer on 1 st April 2013

d) Transferring commissioning responsibilities

CYC will take on a wide set of health related commissioning responsibilities which are delivered through a range of contractual mechanisms with acute hospitals, general practices, pharmacies, independent providers and the voluntary sector. In many cases these services are commissioned for the whole of North Yorkshire and York or for areas bigger than CYC so a significant amount of work is required to disaggregate these between the local authority areas.

Evaluation of Options for the Director of Public Health Post in York

Option (ii) Director of Public Health & Wellbeing for the City of York Council

Advantages:

- York focus secured
- York focus for Public Health team
- Opportunity to manage wider services
- Research option still an attraction

Disadvantages:

- No potential funding contribution from a partner
- May have some duplication across VYCCG

Option (iii) Appoint Director of Public Health & Wellbeing jointly with the Vale of York Consultative Commissioning Group

Advantages

- York focus secured
- York focus for Public Health Team
- Potential funding contribution from a partner
- Opportunity to manage wider services across City Council and CCG e.g take public health into GPs surgeries.
- Research options supported by University of York

Disadvantages

- None identified

Points to Note

- The boundary of the CCG is wider than the City of York boundary, so protocols will need developing for working with the North Yorkshire Director of Public Health.

Annex C**TIMETABLE FOR RECRUITMENT OF CYC DIRECTOR OF PUBLIC HEALTH AND WELL BEING**

Please see below the timetable that has been put together by the PCT HR team. .

Job Description Received	w/c 26 th March 2012
JD sent to Faculty Adviser	w/c 26 th March
Approval from Faculty Adviser	w/c 16 th April
Post advertised on NHS Jobs and BMJ	28 th April
Closing Date	20 th May
Shortlisting	w/c 21 st May
HR to Receive Shortlist	w/c 28 th May
Recruitment Panel	22 nd June



Cabinet**3 April 2012**

Report of the Cabinet Member for Communities and Neighbourhoods

Beckfield Lane Household Waste Recycling Centre Closure

Summary

1. This report deals with a motion presented to Council on 29th March regarding the budget decision already made regarding the closure of Beckfield Lane Household Waste Recycling Centre.

Background

2. A motion was presented to Council on 29th March by Councillor Reid regarding the Beckfield Lane Household Waste Recycling Centre. This stated in full:

“Council notes the significant improvement in the proportion of waste that has been recycled under the previous Liberal Democrat administration, from 12% in 2003 to 45% in 2011.

Council supports the principle that waste collection and recycling should be convenient and fair to residents across the city.

In light of the fact that the Budget 2012/13 has deleted the provision of a Recycling and Reuse Centre in the west of the city, Council requests that the Cabinet halts the closure plan for Beckfield Lane Household Waste Recycling Centre.

Council also supports the principle of the provision of a free receptacle for the collection of waste to all residents across the city requests that the provision of free black bin bags should continue to all areas of the city where wheeled bins are not in use.”

This motion has been referred to Cabinet; this report deals specifically with issues in relation to the closure of the Beckfield Lane Household Waste Recycling Centre. A petition calling for the tip to remain open was also received at Council. As this is

believed to have more than 750 signatories the petition will trigger a debate at a future Council meeting.

3. The Annex to this report sets out further information regarding the decision made for the closure of Beckfield Lane Household Waste Recycling centre as part of the budget proposals agreed at Budget Council in February this year.

Consultation

4. Consultation on budget proposals has been previously reported to Cabinet and Council.

Options

5. The options for Cabinet at the present time in view of the Council motion are:

Option 1 – consider the evidence from the motion and petition and confirm the decision made through the budget process for the closure of Beckfield Lane Household Waste Recycling Centre; or

Option 2 – consider the evidence from the motion and petition and recommend a change in the budget decision and seek alternative funding cuts to offset it.

Analysis

6. It is recommended that Option 1 is approved as the motion presents no additional evidence to amend the decision made by Budget Council. The basis for that decision which is set out in the Annex to this report still remains valid. As set out in the implications section and the Annex, Beckfield Lane Household Waste Recycling Centre is not fit for purpose, does not comply with current standards, and is not fully accessible to all users. Costs in the region of £250k have been identified to address immediate basic maintenance and health and safety issues if closure does not go ahead. To make any facility fully accessible would require either redevelopment of the existing site at an estimated cost of £2million or relocation at an estimated cost of £3.6million. Previous budget papers referred to £2.5million allocation for the provision of a new recycling centre in the West of York.

Council Plan

7. The decisions made in relation to the budget agreed at Budget Council in February are aimed at supporting the strategic objectives in the Council Plan.

Implications

8. Financial:

Budget council accepted the saving from the closure of Beckfield Lane Household Waste Recycling Centre on 23rd February 2012. The saving (CANS32) incorporated with changes to contractual arrangements at Towthorpe provided a saving of £100k in 2012/13 and a further £30k in 2013/14. This saving includes for the closure of the Beckfield Lane site and associated management costs of the site and premises costs such as repairs and licensing costs.

The immediate savings from closing the site equate to a £40k management fee and direct premises costs. The closure though will reduce the need for additional costs that have been incurred in the past such as security and avoid the need for necessary repairs at the site. There will also be potential savings from combined transport costs as the waste is diverted to Hazel Court. The remainder of the savings will be delivered from contract negotiations at the Towthorpe site.

Option 1 allows for the approved savings to be delivered as part of the budget proposal.

Should Members accept option 2 then the approved budget savings would not be deliverable and further savings would need to be identified from other service areas.

The saving from the removal of provision of black sacks (CANS 116) was £29k in the budget. To reinstate this budget would lead to savings needed to be identified from other service areas.

Human Resources:

No direct implications

Equalities:

In terms of equalities Beckfield Lane Household Waste Recycling Centre site is not fully accessible for all users and therefore is not fit for purpose in terms of equalities. Closure of the site will reduce choice of site for residents and they will have to use the two other, fully accessible sites. The very nature of the use of a household

waste site means that most users will arrive in a vehicle, so a potential adverse impact would be the additional travel to another site and possibly some additional waiting time. For those users without vehicles there are alternative accessible facilities, use of kerbside recycling, bulky collection service, other bring sites and free community furniture collections.

The Disability Equality Duty (DED) came into effect almost two years ago DED is important because it gives expression to the shift from 'equal treatment' and 'reasonable adjustment' to emphasising equality of outcome and equality of experience. It is not only necessary for individual public bodies to pay due regard to the needs of disabled people, essential though that is, but for public authorities as a whole to take a holistic approach to disability, ensuring that public services enable the effective inclusion of disabled people on equal terms. It is for this reason, all HWRC's are expected to move to split level in a reasonable timeframe if they are to remain open and to comply with the duty under the Equalities Act. Equality impact assessments have identified that Beckfield Lane is not fit for purpose in its present condition. Under the Equalities Act the Authority could be challenged as to whether it is fulfilling its duty under the Act to ensure 'reasonable treatment' and whether it is making 'reasonable adjustments' within a reasonable timeframe. This is ultimately a decision for a court but the Authority could be open to such action if Beckfield Lane continues as it is.

Property:

If the closure of the site is implemented on the grounds as set out in the Annex then it may be suitable for alternative development which could meet other strategic objectives for the Council and/or generate a capital receipt.

Risk Management

9. Closure of Beckfield Lane was agreed at full Council. Failure to close the site and make associated savings will create the risk of not achieving savings required for a balanced budget.

Recommendations

10. That Cabinet are recommended to note the motion and petition to Council and as this provides no further information with regard to

the decision made at Budget council to agree Option 1 as set out in this report.

Reason: To enable the implementation of the Budget Council decision

Contact Details

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Chief Officer Responsible for the report:
Bill Woolley
Deputy Chief Executive and Director of
City and Environment Services

Report
Approved



Date 03 April 2012

Specialist Implications Officer(s)

Patrick Looker

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

Annex – background information regarding the closure of Beckfield Lane Household Waste Recycling centre

Annex – background information regarding the closure of Beckfield Lane Household Waste Recycling centre

1. Local waste disposal authorities are required to provide one site where the public can dispose of waste free of charge. York has two sites that are fit for purpose as modern household waste sites. Government guidance states that all household waste sites should be fully accessible, operate as split level centres and users should not have to climb steep steps. Beckfield Lane household waste site does not fulfil the standards required and is not fully accessible.
2. The Beckfield Lane site has limited development opportunities and there are restrictions in its opening hours due to the close proximity of housing. Nationally, it is recognised because of traffic congestion and levels of Anti-Social Behaviour that HWRC's do not make good neighbours, this is true of the Beckfield Lane site.
3. Of the three sites Beckfield Lane collects the smallest amount of waste. Within the last 18 months the city has expanded its kerbside recycling services to the majority of properties in the city, including all the properties in the vicinity of Beckfield Lane, this has seen a further reduction in the use of the sites. The Authority's bulky household waste collection service is available to all residents. There are numerous bring sites for a variety of waste disposal and recycling in the area and throughout York.
4. Beckfield Lane was chosen for closure as part of the requirement to have a balanced budget for 2012/13. This decision was based on the operational difficulties already described and the investment that would be needed to make it fit for purpose, estimated to be £2 million. This would not overcome all the issues that the site poses situated in a residential area.
5. Relocation of the site to a new facility at another location has been investigated previously, 2008/9. Relocation is of course dependent on the availability of a suitable site for a household waste site. Even if it was feasible to find a suitable site it was estimated that the time to establish a new facility would take between 4 and 7 years and in 2008/9 the estimated ballpark scheme costs amount to £3.6 million.
6. The decision to close Beckfield was taken as part of the budget process in order to have a balanced budget for 2012/13. Beckfield

Lane in its current state is not fit for purpose. In reaching that decision, the options available in relation to Beckfield Lane were to:

- 1 – Do nothing and operate a site that is not fit for purpose, does not meet current standards for a household waste site, is not fully accessible to all users.
 - 2 – Redevelop the site as a modern household waste site at a cost in the region of £2 million.
 - 3 – Look to relocate the site in another area within an estimated timescale of 4 – 7 years and costs at over £3.6 million at 2008/9.
7. Option 1: Continued operation of the site would mean that the savings identified for closure would need to be found from other service areas. If the site did not close some basic maintenance/improvements would have to be made, estimated costs in the region of £250K. The basic maintenance and improvement work is primarily for site lighting, repairing the site surface and access road and demolishing an unsafe adjacent building. In addition, the use of temporary steps to carry waste to the top of the skip has Health and Safety implications both for the public and the staff, and all risks should be removed wherever possible.

Option 2: Redevelopment of the site would require to be funded. The restrictions on opening at the site, placed by the Environment Agency, given the location of the site within a residential housing area could not be easily overcome. Redevelopment of the site could potentially mean that there would be a demand for the public opening hours to be extended more in line with those operating at Hazel Court and Towthorpe. The extension of public opening hours would be subject to consideration by the Environment Agency and because of the location of the site in a residential area there is no guarantee that this would be approved.

Option 3: Relocation would be dependent on a full feasibility assessment, availability of funds, suitable land etc. This is not a short term option and would need to be examined in the light of decreasing tonnage at the site.

The only option for funding capital investment would be prudential borrowing. A capital investment of £2m would require revenue budget of approximately £180k and an investment of £3.6m would require revenue budget of £324k. Equivalent savings in other service areas would be required to fund these improvements.