

Meeting	Customer and Corporate Services Scrutiny Management Committee (Calling In)
Date	3 April 2018
Present	Councillors Galvin (Vice-Chair), D'Agorne, Fenton, Flinders, Gates, Looker, K Taylor (Substitute for Councillor Williams) and Orrell (Substitute for Councillor Reid)
Apologies	Councillors Williams, Reid and Brooks

28. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they had in respect of business on this agenda. None were declared.

29. Public Participation

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

30. Minutes

Resolved: To approve and sign as a correct record the minutes of the meeting held on 6 November 2017.

31. Called-In Item Pre-Decision: Removal of Parliament Street Fountain and St Sampson's Square Toilets

Members considered a report which set out the reasons for the call-in and the role of the Committee, together with options available to it under the agreed pre-decision call-in arrangements. In accordance with those arrangements three Members (Councillors Craghill, D'Agorne and D Taylor) had called in the above item for the following reasons:

- i. Whilst we understand that the St Sampson's Square toilets building no longer provides any toilet facilities for people with disabilities, we believe its loss will be seen my

many residents as part of the picture of declining public toilet facilities in central York, which needs much more attention.

- ii. We are very aware of the importance for many York residents of the fountain in its current location as a meeting point and (when it was still operating) an important feature giving interest and variety to the street scene at the heart of York – which should be a matter of civic pride.
- iii. We understand that much of the current fountain mechanisms cannot be repaired but would need to be replaced to make the existing fountain work again. However, we would like the forthcoming Executive Member decision to ensure that, if it is decided to remove the current fountain, this is followed by a quick to install temporary use including plentiful seating and that a longer term solution is sought through an open public consultation with all options open including the possibility of a new fountain or ground level ‘pop-up’ fountains.
- iv. We would particularly like the Executive Member decision to guarantee that the space will not simply be paved over and used for more market stalls or left as a completely empty space.
- v. We would like to see clear costings which enable everyone to compare the costs of all the options.
- vi. We believe a cross party pre-decision public scrutiny is appropriate to help ensure we find a way forward that takes account of everyone’s views.

Councillors Craghill and Taylor spoke, on behalf of the Call-In Members, to state that they welcomed the revised paper, but still wished to raise residents’ concerns about the loss of the fountain as a meeting place and focal point. They felt that any replacement or alternative chosen should be an improvement to the City Centre rather than just the cheapest option. They went on to state that, as some people felt the current fountain was an obstacle to festivals and other use of the area, that perhaps a more modern design of fountain, which could be switched off to create a flat surface for events, would be a good option.

In response to questions from Members they stated:

- Their desired outcome would be that the decision not be made so quickly, with more time to consider the options, including bringing the fountain back into working order. This would include making it clearer to residents that this measure was to improve Parliament Street;
- There should be wide public consultation and it would be sensible to delay demolishing the existing fountain until this had taken place; and
- They did not want to delay a decision being made if that would have an impact on the Bloom Festival.

The Executive Member for Transport and Planning attended the meeting to answer questions. In response to the points raised by the Call-In Members he stated that he would take into account everything that had been said when he made his decision. In response to Member questions he stated that consultation would take place with York Civic Trust, Make it York and the York BID. They would put forward proposals as to what form any replacement should take and it would be for the Executive Member to decide.

The Corporate Director – Economy and Place was in attendance via conference call. In response to Member questions he stated:

- The cost for Option 1 was an ongoing cost of £10K per annum when operational;
- This was not a quick decision as the fountain had been switched off in 2008;
- Removal of the fountain and creation of the space would give the opportunity for engagement on a replacement; and
- There were also opportunities moving forward to consider funding, for example for a piece of public/civic architecture.

Members then debated the 'call-in' fully and considered the options outlined in the report, namely whether to make any formal comments to the Executive or not.

Some Members stated that the original fountain was not very attractive and had attracted vandalism and Anti Social Behaviour. They felt that its success had been as a meeting

point and so a replacement need not be a new fountain. Other Members felt that removal with no subsequent plan was unfair to those who felt the fountain should be retained.

Members all agreed that there needed to be wide and meaningful consultation with both relevant groups and residents.

Councillor D'Agorne moved Option 1 - to make specific recommendations or comments to the Executive Member on the report, in light of the reasons given for the pre-decision call-in, namely to recommend that the Executive Member approve Option 2 of the report. This was not seconded and the motion fell.

Resolved: That there were no grounds to make specific recommendations or comments to the Executive Member in respect of the report.

Reason: To provide Scrutiny's views on the report ahead of it being presented to the Executive Member.

32. Called-In Item Post-Decision: Review of the evidence base supporting the case for the extension of licensing of Houses In Multiple Occupation (HMO) across the City

Members considered a report which set out the reasons for the call-in and the role of the Committee, together with options available to it under the agreed pre-decision call-in arrangements. In accordance with those arrangements three Members (Councillors Wells, Pavlovic and Funnell) had called in the above item for the following reasons:

- The extension of mandatory licensing under the Government's planned changes (effective 1 October 2018) will only extend licensing to a limited number of HMOs, leaving fewer than 1000 licensed, and thousands unlicensed.
- By signalling a review in three years, the Executive has effectively dismissed poor private sector housing standards as an issue for York; contrary to the Council's responsibilities under the Housing Act 2004 to act on category 1 hazards

- The Executive has taken a decision in conflict with the council's own Private Sector Housing Strategy commitment to regulate private landlords and agents to provide safe and well managed properties, free from category 1 hazards
- The Executive report did not consider the financial implications of a comprehensive HMO licensing scheme, including how over time it could be a cost neutral solution to addressing poor standards in the sector, in informing its decision.

Councillor Pavolvic spoke, on behalf of the Call-In Members, to state that the current system in York was not meeting the needs of tenants, good landlords or the wider community and asked that the Executive reconsider and simultaneously implement the government proposals, while consulting on the need for a local additional licensing scheme for smaller HMOs. In York there was a major issue with the proliferation of HMOs and breaches of limits. Additionally, if the scheme was self financing, this would cover administration costs and enforcement.

In response to Member questions he stated:

- The PRS strategy in 2016 called for the consideration of an additional licensing scheme, and this had not moved forward in two years, meaning that if this was not considered within the next three years, starting a consultation would have taken five years, which was too long given the existing evidence base and the standards of privately rented accommodation in the City;
- The current mandatory scheme was due for amendment and the amended scheme would have a minimum room size criteria;
- Unless there were adequate levels of enforcement officers any scheme, mandatory or additional, would fail; and
- If all HMOs were made to register (approx. 3000-4000 properties), the fee would allow the scheme to be self financing.

The Executive Member for Transport and Planning attended the meeting to represent the Executive Member for Housing and Safer Neighbourhoods. He responded to Member questions along with the Housing Standards and Adaptations Manager. In response to Member questions they stated:

- Executive had made their decision based on the resources available. To simultaneously implement both the provisions outline in the Government proposals and build the evidence base/ consult on the case as to whether to introduce a local Additional Licensing Scheme would make it difficult to do either task in a robust way. This did not mean the idea of an additional scheme would not be brought back to Executive;
- It would take around 18 months to effectively implement the mandatory scheme;
- Regulations had now been laid in Parliament but the debate is till to happen;
- The current scheme was self financing, the extension of the mandatory scheme would also be self financing;
- Training staff would take time and that was another reason Officers were suggesting a phased approach;
- There was a national shortage of Enforcement Officers;
- It was certain that CYC were underestimated the level of HMOs in the City. There was also confusion surrounding the definition of HMOs;
- There was still confusion between the standard of HMOs and the Article 4 directive controlling numbers of HMOs; and
- It was important to remember that shared housing was the first option for a significant amount of residents and it was important to implement the mandatory scheme effectively.

Members then debated the 'call-in' fully and considered the options outlined in the report, namely whether to make any formal comments to the Executive or not.

Some Members felt that, whilst they understood the reasoning for not trying to implement the new scheme at the same time as consulting on a new scheme, it was disappointing that an additional scheme may not be consulted on for up to three years as they felt this was failing residents. However, other Members agreed with Officers that it was important not to do too much too soon, and that the focus for Officers should be to implement the mandatory scheme effectively and robustly. It was also highlighted that Officers were committed to taking forward an additional scheme if that is what the Executive eventually decided.

Councillor Looker moved Option B - to make specific recommendations to the Executive on the report, in light of the

reasons given for the post decision call-in, namely that they reconsider Option 2 in the Executive report (Introduction of an Additional Licensing Scheme for HMOs occupied by five or more unrelated people across the area designated for Article 4 Planning Directive). Councillor K Taylor seconded this motion. On being put to the vote this motion fell.

Resolved: That there were no grounds to make specific recommendations to the Executive in respect of the report. The original decision taken on the item by the Executive on 15 March 2018 will be confirmed and will take effect from the date of the CSMC (Calling-In) meeting.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

Cllr J Galvin, Vice Chair in the Chair
[The meeting started at 5.30 pm and finished at 6.50 pm].