



Notice of a public meeting of

Customer and Corporate Services Scrutiny Management Committee (Calling In)

- To:** Councillors Williams (Chair), Galvin (Vice-Chair),
D'Agorne, Ayre, S Barnes, Fenton, Flinders, Gates and
K Myers
- Date:** Tuesday, 3 April 2018
- Time:** 5.30 pm
- Venue:** The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

1. **Declarations of Interest**

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Public Participation**

It is at this point in the meeting that members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Thursday 29 March 2018**. Members of the public can speak on agenda items or matters within the remit of the committee. To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

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3. Minutes (Pages 1 - 4)

To approve and sign the minutes of the meeting held on 6 November 2017.

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

(Pages 5 - 12)

To consider the call-in of the above decision due to be made by the Executive Member for Transport and Planning on 12 April 2018. The report sets out a brief background to the item called-in by Councillors Craghill, D'Agorne and D Taylor and the role of, and options available to, this Committee under the agreed pre-decision call-in arrangements.

5. 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

(Pages 13 - 34)

To consider the decision made by the Executive at a meeting held on 15 March 2018 in relation to the above item, which has been called in by Councillors Wells, Pavlovic and Funnell in accordance with the Council's Constitution. A cover report is attached setting out the reasons for the call-in and the remit and powers of the Corporate and Scrutiny Management Policy and Scrutiny Committee (Calling-In) in relation to the call-in, together with the original report and the decision of the Executive.

6. Urgent Business

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

Democratic Services:

Telephone: 01904 551088

E-mail: democratic.services@york.gov.uk

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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)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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City Of York Council

Committee Minutes

Meeting	Customer and Corporate Services Scrutiny Management Committee (Calling In)
Date	6 November 2017
Present	Councillors Williams (Chair), Galvin (Vice-Chair), D'Agorne, S Barnes, Fenton, Gates, Mason (Substitute) and Pavlovic (Substitute)
Apologies	Councillors K Myers, Ayre and Flinders
In Attendance	Councillors Flinders and Craghill

23. **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 in respect of business on the agenda.

No additional interests were declared.

24. **PUBLIC PARTICIPATION**

There had been one registration to speak under the council's scheme of public participation.

Mr Simon Perry, Chair of Walmgate Community Association, spoke against the proposal to dispose of Willow House. He reported that the green space within the site was used regularly by local residents and provided a valuable setting for Walmgate Bar.

25. **MINUTES**

Resolved: To approve and sign as a correct record the minutes of the meeting held on 9 August 2017.

26. **EXCLUSION OF PRESS AND PUBLIC**

The Chair reminded members that the content of Annex B(4) of Agenda Item 5 was restricted and that discussion of this annex would require the exclusion of the press and public from the meeting. It was agreed not to exclude the press and public and to refrain from discussing the annex.

27. CALLED-IN ITEM: DISPOSAL OF WILLOW HOUSE, WALMGATE

Members considered the report which set out the reasons for the call-in and the Committee's remit and powers in relation to dealing with it. The decision made at the meeting of the Executive on 19 October 2017 regarding the disposal of Willow House, Walmgate had been called in by Cllrs Craghill, Flinders and Looker for the following reason:

So that further negotiation can take place regarding the area of currently unfenced open space between Willow House and Walmgate and all the options for protecting the land can be explored. This might include a covenant and/or other options.

Cllr Flinders spoke on behalf of the calling-in Members. With the agreement of the Chair, Cllr Craghill was also in attendance to take questions from the committee. Cllr Flinders explained that along with the local residents, businesses and MP, they supported the preservation of the green space within the site for continued public access and use. It was felt that the social and cultural value of the green space had not been adequately considered in the council's decision to dispose of Willow House and that additional time was required to enable this to take place.

The Leader, as Executive Member for Finance and Performance, explained that the decision to dispose of Willow House had been taken in November 2016 and that the decision in question related to the choice of bidder. He reported that any restrictions placed on the disposal of the site could reduce its value and delay the sale which was needed to fund the Older People's Accommodation Scheme. He also reported that the chosen bid would preserve a percentage of the green space.

Officers were in attendance to provide technical clarifications and to take questions. Points raised included:

- The land had not been designated as open public space by the council and did not meet the criteria for such designation.
- Any development of the site would require full planning permission to be granted and preservation of trees on the site would be a matter for the planning authority to consider.
- The One Public Council assessment had been taken into account by the Executive in making their decision.

- Any changes made to the criteria of the tender would be likely to result in a requirement to go back out to tender, and legal advice would be sought regarding this.

Cllr Galvin, seconded by Cllr Gates, moved that Option A of the report be adopted (that there were no grounds to make specific recommendations to the Executive in respect of the report).

Cllr Barnes, seconded by Cllr D'Agorne, moved that the decision regarding disposal of Willow House made by the Executive on 19 October 2017 be referred back to the Executive for further consideration.

Members of the Committee discussed the points raised by the calling-in Members and by the Executive Member and Leader. Comments in support of the call-in included that the decision was not reversible and that the delay would enable more thorough consideration of the green space to be undertaken, including improving local engagement. Comments opposed to referring the decision back, included that the decision had been a valid one made for good reasons and that the delay with the sale could jeopardise the funding and progress of the Older People's Accommodation Programme.

Resolved: To refer the disposal of Willow House back to the Executive (Calling-in) Committee of 23 November 2017, with a recommendation that the sale of this land be delayed in order to allow for a detailed consideration of each of the available options for protecting this important piece of green space, so that future generations may continue to enjoy its use.

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

Cllr D Williams, Chair

[The meeting started at 5.30 pm and finished at 6.50 pm].

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Customer and Corporate Services Scrutiny Management Committee (Calling – In)

3 April 2018

Report of the Assistant Director, Legal and Governance

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

Summary

1. The report sets out a brief background to the item called-in and the role of, and options available to, this Committee under the agreed pre-decision call-in arrangements.

Background

2. At its meeting in August 2015, the Executive agreed some operational guidelines for enabling and supporting a pre-decision call-in process. This supplements the pre-existing arrangements for post-decision call in and is intended to provide all backbench and scrutiny Members with opportunities to comment upon relevant upcoming Executive or Executive Member decisions.
3. In accordance with the arrangements for pre-decision scrutiny call-in, three Members (Councillors Craghill, D'Agorne and D Taylor) have called in the intended decision in relation to the removal of the Parliament Street Fountain and St Sampson's Square Toilets, 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 by 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 streetscene 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.*

Consultation

- 4. In accordance with the requirements of the Constitution, the Calling-in Members have been invited to attend and/or speak at the Call-in meeting, as appropriate, together with the appropriate Executive Member, and Officers.

Options

- 5. In relation to dealing with this pre decision call-in, in accordance with the new agreed arrangements, Members may choose to provide feedback to Officers to be presented at a meeting of the Executive Member for Transport and Planning on 12 April 2018.

Analysis

- 6. Members need to consider the reasons for call-in and any comments made at the meeting by speakers, as well as having regard to the information in the Officer's draft report on this matter, which is attached as Annex 1 to this report.

Council Plan

- 7. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2015-19.

Implications

8. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to consider and handle the pre decision call-in. However, if it were to become clear to the Committee from information received that there were implications associated with any comments/recommendations it wished to make, then it would be appropriate for the Committee also to recommend that any such implications be looked into prior to the Executive Member making a decision which might be affected by those implications.

Risk Management

9. There are no direct risk management implications associated with considering the call in of this matter. However, the Committee would be advised to invite the Executive to take account of any risks associated with any comments/recommendations which the Committee may wish to make on the matter in hand, prior to implementing any decision.

Recommendations:

10. Having considered the reasons for call-in, Members are asked to consider whether:
 - i. They wish 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. If this option is chosen, their comments will be considered by the Executive Member at the Decision Session to be held on 12 April 2018.

Or;

- ii. They agree that there are 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.

Contact details:

Author:

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**Chief Officer Responsible for the
report:**

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**Report
Approved**



Date 21/3/18

Specialist Implications Officer(s) None

For further information please contact the author of the report

Annexes:

**Annex 1: Draft report to Executive Member Decision Session -
*Removal of Parliament Street Fountain and Saint Samson Square Toilets***

**Customer & Corporate Services Scrutiny Management
Committee (Calling In)**

3 April 2018

Report of the Corporate Director of Economy and Place

**Draft Report to Decision Session of Executive Member for Transport and
Planning on 12 April 2018: Removal of Parliament Street Fountain and
Saint Sampson Square Toilets**

Summary

1. York is one of the most visited places in the UK with over 7 million visitors and each year hosts a number of events and festivals. Parliament Street is a key part of the city centre; it is not just a focus for retail but hosts many of the events and festivals that make York such a vibrant thriving city.
2. However, Parliament Street has a number of items of redundant life expired public realm infrastructure that blight the space. The fountain at the centre of Parliament Street is beyond repair and the toilet block at Saint Sampson Square is no longer used. Removal of both would significantly improve the city centre.
3. The fountain is a landmark and key focal and meeting point for the city. Therefore it is not appropriate to just replace the fountain with paving, a replacement is needed. This is a more significant decision for the city and a working group will be established by York Businesses Improvement District; Make it York and the Civic Trust to establish a replacement.
4. This report recommends the removal of both the Fountain and the Toilet Block with a temporary feature installed at the former fountain site. The York BID have requested proposals for a floral display and additional seating to coincide with this year's floral celebrations. The removal of the toilet block is subject to planning permission.

Recommendation

5. *This is currently being worked upon and will be available in the final report having taken into consideration pre-scrutiny debate.*

Background

6. The toilet block at Saint Sampson Square has not been used since 2010, it offers no value to the public, and it merely houses some electrical and mechanical plant that can be removed or relocated.
7. New and improved accessible facilities were located within the new facilities in Silver Street.
8. This year will see the Council invest £70,000 to refurbish the public toilets in the Coppergate Centre and on Silver Street.
9. The toilet block does not complement the historic setting of Saint Sampson Square.
10. Its removal will enable the square to be better used offering increased space for the temporary cultural, recreational and retail events that happen in the city. The water and drain connections will remain to allow toilet facilities to be provided for such events if needed.
11. The building is greater than 50 cubic metres and therefore planning permission will be required for its demolition.
12. The fountain was installed back in the 1990s. Key issues about the fountain are:
 - The fountain has not worked for a number of years due to failure of the associated plant.
 - It should also be noted that fountains carry significant running / maintenance costs for which no budget currently exists.
 - *[Costings are being prepared for the final report for Fountain options].*
13. The fountain is a valued landmark and meeting point for the people of the city, as such it is not considered appropriate to just remove the fountain without identifying a replacement. Planning Permission is not required for the demolition of the fountain.

14. A permanent replacement will need to be considered by key stakeholders including the Civic Trust, York Business Improvement District, Make it York and will need to be sufficiently iconic that it may well require planning permission.

Consultation

15. York BID and Make it York have both been consulted and support the proposal.
16. The Civic Trust Planning Committee have been briefed about the proposal to remove the redundant public realm facilities. They support the principle of removal of the fountain and Saint Sampson toilet block. The Committee did observe that the reinstatement (of the ground surfaces) or replacement (with other street furniture) would have to be correct and in keeping with the historic character of the area.
17. Public interest in the fountain is significant. In 2015 we received two petitions with a combined total of over 600 signatures calling for the fountain to be restored to life.

Options for Consideration

18. Currently being worked upon and will be outlined in the finalised report.

Council Plan

19. The above proposal contributes to the Council Plan of:
 - A prosperous city for all,
 - A council that listens to residents

Implications

20. This report has the following implications:

Financial – A budget proposal will be made in the final report including York BID contribution.

Human Resources – None

Equalities – None.

Legal – None

Crime and Disorder – None

Information Technology - None

Property – None

Other – None

Risk Management

21. None.

Contact Details

Authors:

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Chief Officer Responsible for the report:

Neil Ferris
Corporate Director of Economy and Place

Date: 22 March 2018

Specialist Implications Officer(s)

Wards Affected: Micklegate

All

For further information please contact the author of the report.

Background Papers:



Corporate and Scrutiny Management Policy and Scrutiny Committee (Calling-In)**3 April 2018**

Report of the Assistant Director – Legal and Governance

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.**Summary**

1. This report sets out the reasons for the post decision call-in of the decisions made by the Executive on 15 March 2018 in respect of the review of the evidence base supporting the case for the extension of Licensing of Houses in Multiple Occupation (HMOs) across the city. The Executive resolved to focus on extending the current mandatory scheme and to look at whether there is sufficient evidence to come back to Members within three years to consider the need for a local scheme. This cover report sets out the powers and role of the Corporate & Scrutiny Management Policy & Scrutiny Committee in relation to dealing with the call-in.

Background

2. An extract from the Decision Sheet issued after the Executive meeting is attached as Annex A to this report. This sets out the decision taken by the Executive on the called-in item. The original report to the Executive on 15 March 2018 on the called-in item is attached as Annex 2 to this report.
3. The Executive's decision has been called in post decision by Councillors Wells, Pavlovic and Funnell for review by the Corporate & Scrutiny Management Policy & Scrutiny Committee (Calling-In), in accordance with the constitutional requirements for call-in. The following are the reasons given for the call-in:
 - 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.

Consultation

4. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate.

Options

5. The following options are available to CSMC (Calling-In) Members in relation to dealing with this post decision call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - a) To decide that there are no grounds to make specific recommendations to the Executive in respect of the report. If this option is chosen, 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; or
 - b) To make specific recommendations to the Executive on the report, in light of the reasons given for the post decision call-in. If this option is chosen, the matter will be reconsidered by the Executive at a meeting of Executive (Calling-In) to be held on 26 April 2018.

Analysis

6. Members need to consider the reasons for call-in and the report to the Executive and form a view on whether there is a basis to make specific recommendations to the Executive in respect of the report.

Council Plan

7. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2015-19.

Implications

8. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in.

Risk Management

9. There are no risk management implications associated with the call in of this matter.

Recommendations

10. Members are asked to consider all the reasons for calling-in this decision and decide whether they wish to confirm the decisions made by the Executive or refer the matter back for reconsideration and make specific recommendations on the report to the Executive.

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

Contact details:

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Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director – Legal &
Governance

**Report
Approved**



Date 21 March 2018

Specialist Implications Officer(s) None

Wards Affected: All

For further information please contact the author of the report

Annexes

Annex 1 – Extract from the Decision Sheet produced following the Executive meeting on the called-in item.

Annex 2 – Report to the Executive of the Assistant Director of Housing & Community Safety on *“Review of the Evidence Base Supporting the case for the Extension of Licensing of Houses in Multiple Occupation (HMO) across the City”* (15 March 2018).

Background Papers

None

EXECUTIVE

THURSDAY, 15 MARCH 2018

DECISIONS

Set out below is a summary of the decisions taken at the Executive meeting held on Thursday, 15 March 2018. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Members are reminded that, should they wish to call in a decision, notice must be given to Democracy Support Group no later than 4pm on the second working day after this meeting.

If you have any queries about any matters referred to in this decision sheet please contact Fiona Young.

9. REVIEW OF THE EVIDENCE BASE SUPPORTING THE CASE FOR THE EXTENSION OF LICENSING OF HOUSES IN MULTIPLE OCCUPATION (HMO) ACROSS THE CITY

Resolved: That the update be noted and that the approach outlined in Option 3, in paragraph 14 of the report, be approved.

Reason: To ensure that standards are raised in the worst performing sector in a programmed way, focusing on the larger HMOs first, and keeping under review whether there is a need to extend licensing through the introduction of a local additional scheme for smaller HMOs.

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Executive

15 March 2018

Report of the Assistant Director Of Housing and
Community Safety

**Review of the Evidence Base supporting the case for the Extension of
Licensing of Houses in Multiple Occupation (HMO) across the City**

Summary

1. This report provides an update to the Executive following the Council motion on the 26th October 2017. The motion stated
“To request that the Executive undertakes a review of the evidence supporting the case for extended licensing across a proportion of the city (where the density of HMOs is the greatest) to assess the case for the introduction of additional discretionary HMO licensing”

The report provides the latest Government thinking on the subject and seeks to ask the Executive to consider the recommendation to focus on the extension of the national HMO licensing scheme and to ask Officers to report back within three years whether there is a case to locally extend licensing through an additional discretionary HMO licensing scheme.

Recommendations

2. Members are asked to note the update and to recommend the approach outlined in option 3

Reason: To ensure that we raise standards in the worst performing sector but in a programmed way focussing on the larger HMOs first but keeping under review whether there is a need to extend licensing through the introduction of a local additional scheme for smaller HMOs.

Background

Current position

3. City Of York Council operates the national mandatory licensing scheme for Houses in Multiple Occupation (HMO). All HMOs which are 3 storeys with 5 or more occupants who form more than 1 household are required

to be licensed. We currently license 480 HMOs. Most are within the central wards of the city.

4. HMO licensing seeks to improve the condition and the management of the properties. Critically it doesn't seek to control the number and distribution of HMOs this is through Planning and specifically the Article 4 direction
5. For landlords who rent HMOs outside of the mandatory licensing scheme either because of they are too small (either lacking the number storeys or smaller numbers occupants or both) we do have also have an Accreditation Scheme called YorProperty. The scheme has an excellent website which aims to promote properties and landlords who meet certain criteria. We do have some landlords who are both licenced and accredited.
6. In 2015 we commissioned the Building Research Establishment to carry out a desk top analysis of data and they identified that generally housing conditions in York were better than the national average.
7. However the research found that a third of all hazards ¹ in the city were found in the Private Rented Sector (PRS). The research was used to refresh our Private Sector Housing Strategy 2016- 2021 which was agreed by Executive in June 2016².
8. One of the Strategy's five aims was to tackle poorer conditions in the PRS.

“Encourage, support and regulate private landlords and agents to provide safe and well managed properties, free from category 1 hazards. Inform and support tenants around what they can expect”.

9. As part of that aim we agreed to that we would review the case and specifically evidence base to introduce Additional Licensing of HMOs in the city.
10. However at the same time of writing the strategy we became aware of the Government intention to extend the national scheme to include smaller HMOs in mandatory licensing. The Government published in October a consultation paper Houses in Multiple Occupation and

¹ Housing Health and Safety Rating System

² Item 11 <http://democracy.york.gov.uk/ieListDocuments.aspx?CIId=733&MIId=9191&Ver=4>

residential property licensing reforms .They asked for views on how to implement through secondary legislation the decision to

- Remove reference to storeys from the prescribed description of HMOs so that most HMOs, occupied by five or more people from two or more separate households are subject to mandatory licensing
- Include flats above and below business premises, occupied by five or more people from two or more separate households within the scope of mandatory licencing and
- Clarify the minimum size to be applied to rooms used for sleeping accommodation in HMOs

10. The City of York Council formally responded before the deadline in December 2016, since then we have been waiting for the Government response. This was released on December 28th 2017. A full copy of the response can be found:

<https://www.gov.uk/government/consultations/houses-in-multiple-occupation-and-residential-property-licensing-reforms>

In short, it is proposed in England, subject to parliamentary approval to:

- Extend mandatory licensing to all HMOs (other than section 257 HMOs and flats in larger purpose built blocks) that are occupied by 5 or more persons in two or more separate households;
- Introduce mandatory conditions in all licensed HMOs concerning minimum sleeping room sizes and maximum number of occupants;
- Introduce a mandatory condition in all licensed HMOs concerning the provision of refuse storage facilities.

11. Since then the Government has on the 23rd February 2018 laid an order advising that the law will be implemented on the 1st October 2018 <http://www.legislation.gov.uk/uksi/2018/221/made> . We are still waiting for the accompanying regulations to be laid.

We are currently working through the implications which according to the order, become effective from the 1st October 2018 and will bring a further report forward to the Executive Member for Housing and Safer Communities about how we will be implementing the scheme in York.

Consultation

12. There is no formal consultation period for extending the national mandatory HMO licensing scheme. However before the regulations become effective on the 1st October 2018 the council would work with a range of partners and the sector to ensure that they are aware of the changes that have been proposed.
13. Should the council seek to consider a scheme outside of the mandatory one then the Housing Act 2004 states requires the Council to complete a formal 10 week consultation before the introduction of Additional Licensing can be considered

Options

14. In summary the options are:

- **Option 1: Statutory action**
 - Extend the current mandatory licensing scheme for HMOs in line with the Government proposals
- **Option 2: Introduction of an Additional Licensing Scheme for HMOs occupied by five or more unrelated people across the area designated for Article 4 Planning Directive**
 - Simultaneously implement both the provisions outline in the Government proposals and build the evidence base/ consult on the case as to whether we can introduce a local Additional Licensing Scheme relating to smaller HMOs which are occupied by four or less unrelated people who share basic facilities such as a kitchen or bathroom.
- **Option 3: Focus on extension of the current mandatory scheme in line with the proposals but consider whether there is sufficient evidence to come back to members within three years to consider the need for a local scheme.**
 - To allow the council to focus on the mandatory extension of the licensing and critically ensure that two key new licence conditions relating to room sizes and refuse storage are implemented smoothly. However to use information gathered through licensing regime coupled with evidence from others including statutory agencies (Police, Immigration services, North Yorkshire Fire and Rescue) and other stakeholders (Landlord associations, Universities etc) to determine whether there is evidence to adopt a local scheme.

Analysis

15. **Option 3 is the preferred option.** This will enable the council to fully focus on the reforms. We will use the six month grace period outlined in the reforms to concentrate on ensuring that the sector (tenants, landlords and agents) and others full understand the reforms. However it will signal to the sector that we are determined to tackle the housing with the poorest conditions, in a programmed way starting with the larger HMOs It should be noted that the Integrated Planning team are considering a piece of work around article 4. No fixed timetable has been set but if we are able to we would seek to compliment this piece of work. When we have more detail we will be able to advise members if there are any cost implications.

Option 2: Would mean that the council would be stretching resources thinly as we would need to both implement the mandatory national provisions and at the same time carry out a significant consultation process. The council is committed through its enforcement policy to ensuring that we have effective and well- targeted regulation by helping and encouraging businesses and individuals to understand and comply with the law. The council would be at significant risk of not being able to support effectively those in the sector to have the necessary information to be compliant

Option 1: Would mean that we were implementing the mandatory scheme and the council would be fulfilling its statutory requirements. However it doesn't signal to those in the sector that we are willing to keep under review all options to tackle poor standards and poor practises.

Council Plan

- 16 The Private Sector housing Strategy aligned to the three key priorities for the council
- **a prosperous city for all** - where local businesses can thrive and residents have good quality jobs, housing and opportunities
 - **a focus on frontline services** - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities

- **a council that listens to residents** - to ensure it delivers the services they want and works in partnership with local communities

Implications

17. The report is for information only and there are no other implications at this stage for the following:
- **Financial.** Any income generated from the licensing scheme must be used to cover costs incurred by the council to carry out the licensing function.
 - **Human Resources (HR).** Currently we are considering the resource implications. These would be fully funded from the fee income
 - **Equalities.** Attached is the One Planet York Assessment (Appendix A)
 - **Legal.** We will have a statutory duty to implement the extension of any Mandatory HMO licensing scheme. If we consider extending the scheme to include HMOs outside of any national scheme i.e. additional licensing then we must follow the procedure outlined in Part 2 of the Housing Act 2004.
 - **Crime and Disorder.** The government is clear that this is part of their strategy to tackle poor landlord practises which has led to overcrowding, poor management of tenant behaviour, failure to meet the required health and safety standards, housing of illegal immigrants and intimidation of tenants when legitimate complaints are made. Although only a minority of landlords the impacts of their practises are disproportionate putting safety and welfare of tenants and risk and adversely affecting local communities
 - **Information Technology (IT)** – We are working with ICT to develop a simple solution
 - **Property** – Additional desk space will be required in West Offices to accommodate additional staffing
 - **Other – None**

Risk Management

18. There are no risks associated with this report

Contact Details

Author:

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Adaptations Manager
Housing Services
01904 554092

**Chief Officer Responsible for the
report:**

Tom Brittain

Assistant Director Of Housing and
Community Safety

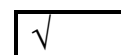
**Report
Approved**



Date

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

Proposals Regarding the Introduction of a Voluntary Landlord Accreditation Scheme in York – report to Cabinet 4th December 2012

“YorProperty” – The Introduction of a Voluntary Landlord Accreditation Scheme in York – report to Cabinet Member 13th June 2013

Approval steps for additional and selective licensing designations in England – DCLG Guidance Document

Relevant research documents and details relating to specific schemes – details available from the author on request

Private Sector Stock Condition Survey 2008

Findings of York Private Rented Sector Consultation Oct/Nov 2014

Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document Review – report to Cabinet 7th January 2014

Annexes

Annex A – Better Decision Making Tool

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The 'Better Decision Making' tool has been designed to help you consider the impact of your proposal on the health and wellbeing of communities, the environment, and local economy. It draws upon the priorities set out in our Council Plan and will help us to provide inclusive and discrimination-free services by considering the equalities and human rights implications of the decisions we make. The purpose of this tool is to avoid decisions being made in isolation, and to encourage evidence-based decision making that carefully balances social, economic and environmental factors, helping us to become a more responsive and resilient organisation.

The Better Decision Making tool should be used when proposing new projects, services, policies or strategies, or significant amendments to them. The tool should be completed at the earliest opportunity, ideally when you are just beginning to develop a proposal. However, it can be completed at any stage of the decision-making process. If the tool is completed just prior to the Executive, it can still help to guide future courses of action as the proposal is implemented.

The Better Decision Making tool must be attached as an annex to Executive reports. A brief summary of your findings should be reported in the One Planet Council / Equalities section of the report itself.

Guidance to help you complete the assessment can be obtained by hovering over the relevant question.

Please complete all fields. If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

Introduction

Service submitting the proposal:	Housing Standards and Adaptations
Name of person completing the assessment:	Ruth Abbott
Job title:	Housing Standards and Adaptations Manager
Directorate:	HHASC
Date Completed:	13th February 2018
Date Approved (form to be checked by head of service):	16.02.18 Denis Southall

Section 1: What is the proposal?

1.1	Name of the service, project, programme, policy or strategy being assessed?
	Review of the Evidence Base supporting the case for the extension of licensing of Houses in Multiple Occupation (HMO) across the city
1.2	What are the main aims of the proposal?
	The report provides the latest Government thinking on the subject and seeks to ask the Executive to consider the recommendation to focus on the extension of the national HMO licensing scheme and to ask Officers to report back within three years whether there is a case to locally extend licensing through an additional discretionary HMO licensing scheme.
1.3	What are the key outcomes?
	To ensure that we raise the standards in the worst performing sector but in a programmed way focussing on the larger HMOs first but keeping under review whether there is a need to extend licensing through the introduction of a local additional scheme for smaller HMOs

Section 2: Evidence

2.1	What data / evidence is available to support the proposal and understand its likely impact? (e.g. hate crime figures, obesity levels, recycling statistics)
	The extension of the national HMO licensing will be a mandatory requirement on the LA to implement.
2.2	What public / stakeholder consultation has been undertaken and what were the findings?
	None this has been completed by the national government

	Are there any other initiatives that may produce a combined impact with this proposal? (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)
2.3	N/A



Section 3: Impact on One Planet principles

Please summarise any potential positive and negative impacts that may arise from your proposal on residents or staff. This section relates to the impact of your proposal on the ten One Planet principles.

For 'Impact', please select from the options in the drop-down menu.
 If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

Equity and Local Economy

Does your proposal?		Impact	What are the impacts and how do you know?
3.1	Impact positively on the business community in York?	Positive	Raising the standards in the sector occupied by students, young professionals etc will support universities/research led businesses and other businesses attract and retain talent. In addition poor
3.2	Provide additional employment or training opportunities in the city?	Positive	Improving the sector used by a significant number of young people and students will support businesses /colleges of further education to improve the sector
3.3	Help improve the lives of individuals from disadvantaged backgrounds or underrepresented groups?	Positive	Due to the changes in the Local Housing Allowance shared properties are the only source of accommodation which is available for people on low incomes and benefits

Health & Happiness

Does your proposal?		Impact	What are the impacts and how do you know?
3.4	Improve the physical health or emotional wellbeing of residents or staff?	Positive	Improve the health and wellbeing of residents
3.5	Help reduce health inequalities?	Positive	The BRE research 2015 advised that this HMO sector as part of the PRS had the highest concentrations of hazards across tenures
3.6	Encourage residents to be more responsible for their own health?	Positive	There is significant body of evidence (Marmot Review) which
3.7	Reduce crime or fear of crime?	Positive	Entry by Intruders is one of the 29 HHSRS which is considered by officers as part of the HMO inspection programme
3.8	Help to give children and young people a good start in life?	Positive	A significant proportion of students and young adults under the age of 35 live in HMOs.

Culture & Community

Does your proposal?		Impact	What are the impacts and how do you know?
3.9	Help bring communities together?	Positive	Through licensing conditions and the subsequent inspection programme it aims to raise the property and management standards of the larger HMOs
3.10	Improve access to services for residents, especially those most in need?	Neutral	There is an opportunity to promote other services to new licence holders and tenants living in the sector
3.11	Improve the cultural offerings of York?	Positive	By having a healthy private rented sector and HMO attracts new residents and their visitors to the city.
3.12	Encourage residents to be more socially responsible?	Positive	There is a significant body of evidence that improving housing conditions improves neighbourhoods

Zero Carbon and Sustainable Water

Does your proposal?	Impact	What are the impacts and how do you know?
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3.13	Minimise the amount of energy we use and / or reduce the amount of energy we pay for? E.g. through the use of low or zero carbon sources of energy?	Positive	Part of the licensing conditions aim to ensure that low cost energy efficiency measures are installed such as loft/cavity wall insulation
3.14	Minimise the amount of water we use and/or reduce the amount of water we pay for?	Neutral	This is not a licence condition

Zero Waste

Does your proposal?		Impact	What are the impacts and how do you know?
3.15	Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?	Positive	There is an opportunity to impose a new licence condition relating to refuse storage for all new licensable properties

Sustainable Transport

Does your proposal?		Impact	What are the impacts and how do you know?
3.16	Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?	Unsure	Having a better understanding of the location of the properties which need to be licensed and the number of occupants will help to inform on street parking policy. However the law does not enable a licence
3.17	Help improve the quality of the air we breathe?	Unsure	See above

Sustainable Materials

Does your proposal?		Impact	What are the impacts and how do you know?
3.18	Minimise the environmental impact of the goods and services used?	Neutral	

Local and Sustainable Food

Does your proposal?		Impact	What are the impacts and how do you know?
3.19	Maximise opportunities to support local and sustainable food initiatives?	Neutral	

Land Use and Wildlife

Does your proposal?		Impact	What are the impacts and how do you know?
3.20	Maximise opportunities to conserve or enhance the natural environment?	Neutral	
3.21	Improve the quality of the built environment?	Positive	By improving the physical standards of the properties
3.22	Preserve the character and setting of the historic city of York?	Positive	there are a few properties which are within the walls of the city by ensuring that the properties are well managed will help to preserve the properties
3.23	Enable residents to enjoy public spaces?	Positive	Improving the physical standards of the properties has a positive impact on the built environment

3.40	Additional space to comment on the impacts		
The implementation of the extension of Licensing of HMOs will be a national mandatory requirement which the council will have a duty to impose			

Section 4: Impact on Equalities and Human Rights

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents. This section relates to the impact of your proposal on **advancing equalities and human rights** and should build on the impacts you identified in the previous section.

For 'Impact', please select from the options in the drop-down menu.
If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'

Equalities

Will the proposal **adversely impact** upon 'communities of identity'?
Will it **help advance equality** or **foster good relations** between people in 'communities of identity'?

		Impact	What are the impacts and how do you know?
4.1	Age	Positive	there is a significant population of students/young adults whose only source of affordable housing is the shared house in multiple occupation. It is important to ensure that good quality accommodation is provided to ensure the health of the
4.2	Disability	Neutral	
4.3	Gender	Neutral	
4.4	Gender Reassignment	Neutral	
4.5	Marriage and civil partnership	Neutral	
4.6	Pregnancy and maternity	Neutral	
4.7	Race	Neutral	
4.8	Religion or belief	Neutral	
4.9	Sexual orientation	Neutral	
4.10	Carer	Neutral	
4.11	Lowest income groups	Positive	Due to the changes in Local Housing Allowance rates, shared housing is often the only source of accommodation available for people on benefits and low income. It is important that such properties are improved
4.12	Veterans, Armed forces community	Neutral	

Human Rights

Consider how a human rights approach is evident in the proposal

	Impact	What are the impacts and how do you know?
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4.13	Right to education	Positive	Provision good quality accommodation supports a range of students to live in the city
4.14	Right not to be subjected to torture, degrading treatment or punishment	Positive	We are getting increasing number of referrals from partnering organisations which are linking the occupation of unlicensed HMOs with landlords who are linked to criminal activities
4.15	Right to a fair and public hearing	Positive	The introduction of the legislation provides the right of internal rights of appeal and also the right of appeals to first tier tribunals
4.16	Right to respect for private and family life, home and correspondence	Positive	The introduction of licensing will help support tenants to access information and direct support to ensure that they are living in properties which are both of a good physical standard
4.17	Freedom of expression	Positive	The introduction of licensing will help support tenants to access information and direct support to ensure that they are living in properties which are both of a good physical standard
4.18	Right not to be subject to discrimination	Neutral	
4.19	Other Rights	Positive	We are getting increasing number of referrals from partnering organisations which are linking the occupation of unlicensed HMOs with landlords who are linked to criminal activities

4.20	Additional space to comment on the impacts		



Section 5: Planning for Improvement

5.1	What have you changed in order to improve the impact of the proposal on the One Planet principles? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)
	This is legal requirement which aims to raise the standards in the poorest performing sector

5.2	What have you changed in order to improve the impact of the proposal on equalities and human rights? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)
	To ensure that the new implementation of the extension of the national HMO scheme is well promoted across the sector including tenants, landlords, agents and other stakeholders (both internal and external partners e.g. Planning team and the universities/employers)

5.3	Going forward, what further evidence or consultation is needed to ensure the proposal delivers its intended benefits? e.g. consultation with specific vulnerable groups, additional data)
	Implementation of the new HMO provisions will be an opportunity to collect evidence on the ground regarding the condition and management of the sector

5.4	Please record any outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal? (Expand / insert more rows if needed)
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Action	Person(s)	Due date
Review Resources - JD/recruitment to implement scheme	Ruth Abbott	01/09/2018
Review processes and procedures	Ruth Abbott	01/09/2018
Review ICT to support above	ICT/Ruth Abbott	01/09/2018
Develop marketing and communication plan	Ruth Abbott	01/09/2018

In the One Planet / Equalities section of your Executive report, please briefly summarise the changes you have made (or intend to make) in order to improve the social, economic and environmental impact of your proposal.

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