

**Notice of a public meeting of
Cabinet**

To: Councillors Alexander (Chair), Crisp, Cunningham-Cross, Levene, Looker, Merrett, Simpson-Laing (Vice-Chair) and Williams

Date: Tuesday, 7 January 2014

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

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:

4:00 pm on Thursday 9 January 2014, if an item is called in *after* a decision has been taken.

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management Committee.

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. Exclusion of Press and Public

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

Annex 2 to Agenda item 12 (Disposal of and Investment in Council Assets) on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under paragraph 3 of Part 1 of Schedule 12A to Section 100A of the Local Government Act 1972 (as amended).

3. Minutes (Pages 3 - 16)

To approve and sign the minutes of the last Cabinet meeting held on 3 December 2013.

4. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Monday 6 January 2014**. 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.

Please note that this meeting, including public speakers, will be filmed and webcast to allow members of the public to view the proceedings without having to attend the meeting.

<http://www.york.gov.uk/webcasts>

5. Forward Plan (Pages 17 - 24)

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

6. Community Stadium Update (Pages 25 - 42)

This report provides the following and confirms that a further detailed paper, covering all aspects of the project, will be presented to Cabinet later in the year, once a preferred bidder has been identified:

- An update on the progress of the stadium and athletics elements of the overall project.
- Options for the stadium's design and increased base capacity.
- A delivery plan for the Athletics facility at the University of York.
- The procurement timetable and the stages at which key decisions will need to be made.
- Risks to the delivery and ongoing operation of the project.

7. Neighbourhood Planning (Pages 43 - 52)

This report requests that Members approve the formal application to allow the Copmanthorpe Neighbourhood Plan to progress.

8. Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document Review
(Pages 53 - 168)

This report informs Members of the review undertaken of the Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document (SPD). The report was considered by the Local Plan Working Group on 9th December 2013 and details of their recommendations are attached to the report.

9. Review of the York Financial Assistance Scheme (Pages 169 - 210)

This report provides Members with an update on the operation of the York Financial Assistance Scheme including results of related consultation activity, with recommendations to enhance the scheme from 1st April 2014.

10. Discretionary Rate Relief Awards 2014 - 2016 (Pages 211 - 222)

This report provides Cabinet with details of new applications for Discretionary Rate Relief (DRR) for the period 1st April 2014 to 31st March 2016. It sets out the Council's existing DRR commitments against the available budget and asks Cabinet to approve any new awards based upon details of new applications and funding available.

11. Business Rate Discount Policy (Pages 223 - 234)

This report provides Cabinet with an updated business rate discount policy for approval. The revised policy sets clear ambitions and is aligned with the principle of having similar policies within the Leeds City Region.

12. Disposal of and Investment in Council Assets (Pages 235 - 260)

This report sets out details of progress made on a number of asset management projects involving the disposal of surplus assets and investing in other assets to assist in the delivery of key Council projects priorities. Decisions are sought concerning disposal of buildings at Lower Darnborough Street, 17/21 Piccadilly, land at the former Manor School and land adjacent to the A59 roundabout, together with the acquisition of the remaining freehold part of Stonebow House.

13. Urgent Business

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);
- find out about the rules for public speaking from the Democracy Officer.

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Further information about what's being discussed at this meeting

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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 following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, 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	3 December 2013
Present	Councillors Alexander (Chair), Cunningham-Cross, Levene, Looker, Merrett, Simpson-Laing (Vice-Chair) and Williams
In attendance	Councillors Funnell and Steward
Apologies	Councillor Crisp

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS
70. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

Cllr Alexander declared a personal non-prejudicial interest in relation to agenda items 7 and 8 (Get York Building Phase 3 – Infrastructure Investment Plan for Growth and Sale of Land at Holgate Park) as the land at Holgate Park was situated in his ward and adjacent to his home.

Cllr Levene declared a personal non-prejudicial interest in relation to agenda item 12 (Collaborative Health and Social Care Hub) as a number of the organisations referred to in the report were members of the Social Enterprise Yorkshire and the Humber his employer.

71. Exclusion of Press and Public

Resolved: That it was agreed to exclude the press and public from the meeting during consideration of Annex B to agenda item 8 (Sale of Land at Holgate Park) and agenda item 12 (Collaborative Health and Social Care Hub) on the grounds that they contained information relating to the financial or business affairs of particular persons (including the authority

holding that information). Such information is considered 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).

72. Minutes

Resolved: That the minutes of the last Cabinet meeting held on 5 November 2013 be approved and signed by the Chair as a correct record.

73. 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 one Member of Council had requested to speak on items, details of which are set out below:

7. Get York Building Phase 3 – Infrastructure Investment Plan for Growth

Cllr Steward expressed slight concerns at the 'ring fencing' of £10m for infrastructure for the York Central site, questioning if this would be matched by developers. Support was expressed for the efforts to kick-start development of the site but it was questioned if the development would involve cross party discussions.

10. Consultation Response regarding Combined Authority

Cllr Steward confirmed that, whilst welcoming the Government's devolving of power and funding, he had concerns about the extent of the authority's links with West Yorkshire and about voting powers on the new Combined Authority. He also questioned how 'wide local support', as referred to in paragraph 6.2 of the report, would be defined.

12. Collaborative Health and Social Care Hub

Diane Roworth, Chief Officer of the York Blind and Partially Sighted Society spoke to confirm her involvement in the development of the proposals for a Health and Social Care Hub. She asked Members to support the reports recommendation as

it provided an excellent opportunity to provide joined up services and harness the expertise, knowledge and skills of a number of voluntary sector organisations to help users to obtain the help they needed.

74. Forward Plan

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

75. Final Report of Scrutiny Review - Community Mental Health & Care of Young People

Consideration was given to the final report of the Community Mental Health and Care of Young People Scrutiny Review which had been set up with the aim of raising awareness of emotional and mental health issues for young people and the services and interventions available. The review had also endeavoured to ensure that the wider children's workforce were well informed and equipped to identify and respond to children and young people with emotional problems and/or emerging mental health issues.

Councillor Funnell, as Chair of the Task Group, presented the report, highlighting the involvement of and input from the Youth Council throughout the review. Reference was made to the information gathered and work undertaken during the review and particularly to the excellent engagement from all concerned.

Ethan Redmond, a representative of the Youth Council (YC), referred to information gathered during a review of the Personal Social and Health Education (PSHE) curriculum in York's secondary schools by the YC in 2011/12. He thanked the Task Group for presenting the YC's views and asked Cabinet to support the recommendations rolling them out to all schools.

The Cabinet Member for Cabinet Member for Education, Children and Young People's Services welcomed the report. She highlighted the importance of providing strategies for young people to cope with stress and for secondary schools to embrace the recommendations. She also expressed her thanks to the Youth Council and Task Group for their work on the review.

Other Cabinet Members questioned details of the report and the issues raised and following discussion, and having considered the final report at Appendix 1, Cabinet considered whether to amend and/or approve or reject the following recommendations arising from the review:

- (i) That secondary schools in the area be requested and strongly encouraged to introduce the Mental Health School Charter, setting out what strategies, resources and support systems were in place to help pupils, carers and support staff identify and cope with emerging emotional or mental health issues;
- (ii) Whilst fully endorsing the YorOK Child & Adolescent Mental Health Draft Strategy 2013-16 and its vision and aims, the Assistant Director for Children's Specialist Services provide a final draft of the Strategy Action Plan to the Board in Autumn 2013, taking account of the overall recommendations and findings from this review and drawing out the issues surrounding stigmatisation and equalities, as well as signposting where there is evidence of serious mental health problems;
- (iii) That all providers of the Emotional Literacy Support Assistants Programme (ELSA) be actively encouraged to support the Conference being organised in the Spring Term for 2014, in line with the Targeted Mental Health in Schools (TaMHS) Project, to promote and deliver a preventative strategy for addressing mental health needs in schools; and
- (iv) That:
 - (a) The potential benefits in the widespread adoption of the Mental Health Toolkit throughout York secondary schools be openly recognised and supported, to help schools respond to children and young people's emotional and mental health needs.
 - (b) Whilst acknowledging the financial costs involved for schools in reproducing the Toolkit, all secondary schools in York be actively encouraged to adopt it and officers explore ways to support those schools in doing this. ¹

Resolved: That Cabinet approve the recommendations arising from the Community Mental Health and Care of Young People scrutiny review, as set out above and in paragraph 5 of the report.

Reason: To conclude their work on this review in line with Scrutiny procedures and protocols.

Action Required

1. Arrange for implementation of recommendations of scrutiny review in full.

ER

76. Get York Building Phase 3 - Infrastructure Investment Plan For Growth

Members considered a report which proposed to “ earmark” £10m, from the Economic Infrastructure Fund (EIF), for the York Central site. It was reported that investment in the infrastructure to create a new access onto the site was essential to allow development to proceed and to stimulate activity. It was confirmed that an initial £500,000 was required to undertake the initial aspects of the project.

A phased approach would be taken with 26 hectares within the 35 hectare site with the split between housing and business/leisure and retail offers reported at Table 1 of the report and a guide to the phased development at paragraphs 14 to 18. A breakdown on the use of the funding was set out together information on the management of the impact on the existing road network.

Cabinet Members referred to the job creation and affordable housing that would result from these proposals. It was noted however that flexibility would be required at each stage owing to the timeframe of developments.

Following further discussion it was

Resolved: i) That Cabinet agree to earmark £10m from the Economic Infrastructure Fund for York Central, with £0.5m allocated immediately to advance the scheme in respect of support/technical work, and the remaining £9.5m subject to a more detailed report back to Cabinet in early 2014. ¹

- ii) That a further detailed report be presented to Cabinet, early in 2014, setting out the full financial implications, risks, technical details, aspects of phased development and the mechanisms/legal relationship between CYC and network rail for a profit-sharing approach.^{2.}

- Reason:
- i) To facilitate the development of the York Central site by closing the final viability hurdle.
 - ii) To give certainty to Network Rail that CYC is committed to this expenditure in principle.
 - iii) To ensure that there is a level of detail agreed about project outputs/outcomes before monies are expended.
 - iv) To allow preparatory work to commence.

Action Required

- 1. Allocate £0.5m to undertake initial aspects of project. DR, IF
- 2. Schedule further report, early in 2014, on to the Forward Plan. DR, IF

77. Sale of Land at Holgate Park

Members considered a report which set out proposals to sell land to Network Rail for a substantial capital receipt and purchase a site to the east of the former carriage works on Holgate Road. The proposals would rationalise Network Rail operational rail facilities on the 5 acre site and free up land for development on the York Central site, whilst retaining a strategic landholding for the Council to provide a key access route to the site. A site plan was attached to the report at Annex A and details of the proposed capital receipt at confidential Annex B.

As a complimentary report to the earlier Get York Building Phase 3 report it was noted that the land transaction would allow access to the York Central site and be advantageous to the Council, following an increase in land value since purchase. It was also noted that a masterplan and supplementary planning guidance, to support the approach, would be produced in the next few months.

Consideration was given to two options either to proceed with the proposed sale and purchase or not to proceed with the proposal and to retain the freehold of Sites A and B.

Cabinet Members made reference to the importance of this report to accelerate development of the York Central site and confirmed that the suggestion of cross party working by Cllr Steward earlier in the meeting would be taken up.

Resolved: That Cabinet approves the sale of Site A and purchase of Site C, as shown at Annex A of the report for the capital receipt as set out in Confidential Annex B. ¹.

Reason: To support corporate priorities with respect to jobs and economic growth, to enable the York Central project to progress and to provide capital receipts to fund the Council's capital programme.

Action Required

1. Proceed with sale and purchase of land as detailed in the report.

PC

78. Review of Fees and Charges

Consideration was given to report which sought Cabinet's approval to increase a range of the Council's fees and charges with effect for the 1 January 2014.

An increase of around 5%, in line with the previous years increase, was proposed which would provide an additional income of £154k in 2014/15 in the following service areas, full details of which were reported in the Annexes to the report:

- Environmental Health and Trading Standards
- Regulatory Services
- Pest Control
- Waste Services
- Sport & Leisure
- Housing
- Parking
- City Centre & Markets
- Planning
- Integrated Young Peoples Services

- Adult Social Care

The Cabinet Member confirmed that the increases were required in order to provide a balanced budget for the forthcoming year.

Resolved: That Cabinet approve option 1 to increase the relevant fees and charges as set out in the annexes attached to the report with effect from 1 January 2014.¹

Reason: To enable the Council to effectively manage its budget.

Action Required

1. Implement increase in fees and charges as from 1 January 2014.

SK

79. Update on the creation of a Warden Call/Community Equipment Loan Store (CELTAS) Community Interest Company

Members considered a report which provided a summary of the work underway in the development and creation of the Community Equipment Loan and Warden Call/Telecare Service Community Interest Company (CIC).

Following agreement to the creation of a mutual CIC organisation to provide the Warden Call/CELS services in May, Cabinet approval was sought for a 1 April 2014 start date.

Further details of the work carried out within the service to prepare both management and staff for the transition to the public sector were reported. Work included due diligence on the business plan and financial model, creation of a Council Project Board, support for branding and arrangements for a Governance and Advisory Board.

It was confirmed that an assessment of the full financial and operational issues associated with pension decisions was currently ongoing. Particular reference was made to consideration being given to the suitability of the new organisation becoming a member of the Local Government Pension Scheme, for which a final decision was due on 20 February 2014. Following the recent decision to increase

customer charges details of the increases to customers were set out at paragraph 27 and details of the revised 5 year forecast were reported at Annex 1 of the report.

Officers highlighted the financial implications and risks involved, in particular those associated with the Pension Fund contribution rates.

The Cabinet Member expressed her thanks to the report author and her team for all the work undertaken, over a very short period of time, in preparation for the CIC.

Following further discussion it was

Resolved: That Cabinet agree to a start date of 1 April 2014 for the new CELTAS Community Interest Company, subject to completion of all the necessary preparatory work. ¹.

Reason: To create a viable Community Interest Company opportunity that will provide services to a wider customer base whilst providing value for money to the Council.

Action Required

1. Subject to completion of all necessary preparatory work undertake necessary works to ensure a start date of 1 April 2014 for the new CIC. HB

80. Collaborative Health and Social Care Hub

Consideration was given to a report which proposed the long term establishment of a Health and Social Care Hub, by 31 March 2017, to bring together a wide range of service providers, organisations and/or functions to improve overall outcomes for customers and residents. The proposal would be collaboration between Adult Social Care, NHS and the Community and Voluntary Sector.

Following work to develop the concept of a Health and Social Care Hub with York CVS consideration had been given to a range of options for the establishment of a Hub at Oliver House, Willow House, Holgate Villas or CYC taking out a 2 year head lease on an alternative office building whilst a long term solution was developed.

It was noted that the report had been prepared in partnership with York CVS and the existing tenants of Holgate Villas, in particular the York Blind and Partially Sighted Society who were increasingly working in partnership with the CYC Officers and health partners.

The Cabinet Member highlighted concerns at the current lease on Holgate Villas ending on 31 January 2014 confirming that it was hoped to have accommodation available by the end of the current tenancies.

Garry Jones, Chief Executive of the CVS confirmed that all parties were now working closely together with CYC to find a medium term solution and that a firm, clear and strong commitment had been received from the Council to finding a long term solution to enable the Voluntary Sector to provide joined up services for residents of York.

Cabinet Members and Officers paid tribute to those involved in the preparation of the report which had included contributions from all parts of the authority and partners.

Resolved: That Cabinet agree:-

- i) In partnership with York CVS to take out a two year lease with a one year extension on a city centre commercial property to be funded from Voluntary and Community Sector (VCS) rental income.
- ii) To undertake £20k of essential capital works to improve accessibility at a City Centre commercial property funded from capital contingency.
- iii) To commit to the development of a long term Health and Social Care Hub in the city centre.
- iv) Agree to release Oliver House and the adjoining garages for sale on the open market.
1.

Reason: i) To establish an interim Health and Social Care Hub and provide secure tenure for VCS organisations exiting Holgate Villas.

- ii) To ensure that the Health and Social Care Hub is fully accessible.
- iii) To expand the collaborative working between sectors on health and social care integration.
- iv) To realise a significant capital receipt to fund the redevelopment of Elderly People's Homes.

Action Required

1. Proceed to take out lease and undertake capital works on a city centre commercial property as detailed in the report.

TC

PART B - MATTERS REFERRED TO COUNCIL

81. Consultation Response regarding Combined Authority

Members considered a report which updated Cabinet on developments since endorsement in May of the final governance Review and Scheme for a Combined Authority (CA) for the area of West Yorkshire, including Leeds, with the City of York Council proposed as a 'non constituent member'. A Government consultation document, attached at Annex A of the report had been published on 7 November 2013 and Members were asked to consider a formal response to the constitutional arrangements and functions of a Combined Authority for the area of West Yorkshire.

The report reviewed the consultation paper and proposed a response for submission by 2 January 2014. It was noted that the partnership approach would offer the greatest potential maximising the level of transport funding for York and that an £83m package of transport schemes was being progressed for the city through the West Yorkshire Plus York Transport Fund.

It was proposed that the Chief Executive, in consultation with the Council's legal team and the Leader would make a formal response and continue discussions for the city's progression to becoming a full member of the CA.

The Leader referred to the opportunities arising from membership of the CA and access to additional funding for

transport schemes. He confirmed that the decision would form a recommendation to the Council meeting on 12 December for final agreement.

Cabinet Members endorsed and reiterated the potential benefits and importance of membership in helping solve the congestion and transport challenges in the city and surrounding areas.

Following further discussion it was

Recommended: That Council be recommended to:

- i) Welcome the publication of the Government consultation paper which invites the submission of views by Thursday 2 January 2014;
- ii) Endorse the proposed constitutional arrangements and functions of the Combined Authority as set out in the consultation paper;
- iii) Approve the proposed approach to responding to the consultation;
- iv) Authorise the Chief Executive (in consultation with the Monitoring Officer and Leader) to make a formal response to the Department for Communities and Local Government confirming the Council's support for the establishment of the Combined Authority and take such other steps as are considered appropriate to facilitate the preparation of the Order; and
- iv) Note the next steps and timetable and in particular that providing Government is satisfied that the proposals for a Combined Authority for West Yorkshire command wide local support and also meet the required statutory conditions, the Secretary of State will invite Parliament to approve the Order establishing the Combined Authority.

- v) Authorise further work and discussions with the Combined Authority regarding any legislative developments that would allow York to become a full member of the West Yorkshire Combined Authority given the strong economic and transport case.

- ii) Authorise further work and discussions with the Combined Authority regarding the functional arrangements of the Combined Authority to ensure any changes in the medium to longer term are in York's best interests. ^{1.}

Reason: To allow the further development of the Combined Authority to ensure the future economic prosperity of York by accessing additional key transport funding opportunities.

Action Required

1. Refer to Council.

JP

82. Improving Public Convenience Facilities across the City

Consideration was given to a report which outlined details of a scheme to improve the standard of the city's public toilets, replacing many of the older facilities with modern, attractive public toilets to enhance the city centre, whilst delivering a revenue saving to the Council.

These improvements supported the Reinvigorate York programme and the new Interim Tourist Strategy in enhancing the public realm and improving the quality and excellence of the public visitor welcome. The proposal also achieved the 2013/14 Budget Council £75k saving following a review of public conveniences across the city.

A procurement exercise had been undertaken and a new supplier identified to refurbish and upgrade facilities at the sites detailed in the Annex to the report.

The Cabinet Member confirmed that the new facilities would provide major accessibility improvements and that the St Sampson's Square facility would no longer be required. Members also noted that further work would be undertaken with

local businesses to increase interest in a community toilet scheme.

Consideration was then given to the following three options:

1. Continue with the procurement exercise and award the contract as outlined above
2. Re-start the procurement process and reduce the tender specification to find a better proposal; in reality this would mean reducing the number of facilities, or opening times, etc.
3. Cancel the proposal and continue with existing arrangement. In order to meet the budget savings extra funding would be required or facilities would need to be closed.

Recommended: i) That Council be asked to allocate £663k capital funding to undertake the refurbishment of the toilets, this capital to be funded by annual payments from the existing revenue budget for public toilets.

ii) That, subject to the agreement of Council, a contract be awarded to the contractor who won the procurement exercise for £62k per year for fifteen years reflecting the aspects set out in paragraph 7 of the report.¹

Reason: To create excellent public toilets for York.

Action Required

1. Refer to Council.

JP

Cllr J Alexander, Chair

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

Cabinet Meeting: 7 January 2014

FORWARD PLAN

Table 1: Items scheduled on the Forward Plan for the Cabinet Meeting on 4 February 2014

Title & Description	Author	Portfolio Holder
<p>Contract with the Community Benefit Society for Libraries and Archive Services</p> <p>Purpose of Report: This report asks the Cabinet to agree the heads of terms with Explore Libraries and Archive Mutual for operation of the Council's libraries and archive services.</p> <p>Members are asked to agree the heads of terms of the contract for operation of the service from 1 April, 2014.</p>	Charlie Croft	Cabinet Member for Leisure, Culture & Tourism
<p>Capital Programme Monitor 3 2013/14</p> <p>Purpose of Report: To provide members with an update on the capital programme.</p> <p>Members are asked to note the issues and approve any adjustments as required.</p>	Ross Brown	Cabinet Member for Finance, Performance & Customer Services
<p>Financial Strategy 2014/15 to 2018/19</p> <p>Purpose of Report: To provide Members with an overview of the 5 year finance strategy.</p> <p>Members are asked to note the issues and recommend the budget to Full Council.</p>	Debbie Mitchell	Cabinet Member for Finance, Performance & Customer Services

<p>Capital Programme Budget 2014/15 - 2018/19</p> <p>Purpose of Report: To provide Members with an overview of the proposed 5 year capital programme.</p> <p>Members are asked to note the issues and recommend the budget to Full Council.</p>	<p>Ross Brown</p>	<p>Cabinet Member for Finance, Performance & Customer Services</p>
<p>Treasury Management Strategy and Prudential indicators 2014/15</p> <p>Purpose of Report: To approve the 2014/15 treasury management strategy.</p> <p>Members are asked to note the issues and approve any adjustments as required to the prudential indicators or strategy.</p>	<p>Ross Brown</p>	<p>Cabinet Member for Finance, Performance & Customer Services</p>
<p>Q3 Finance & Performance monitor 2013/14</p> <p>Purpose of Report: To provide Members with an update on the 2013/14 finance and performance information.</p> <p>Members are asked to note the issues.</p>	<p>Debbie Mitchell</p>	<p>Cabinet Member for Finance, Performance & Customer Services</p>
<p>Safeguarding and Looked After Children - Overview Report</p> <p>Purpose of Report: To provide an overview of local safeguarding children arrangements.</p> <p>In a national climate of heightened public awareness and concern about child protection issues the report identifies a significant increase in referrals locally to children's social care. Work to safely address the consequent pressures on these services is described in the context of a programme of continuous improvement. The role and involvement of partner agencies in this process is also considered. The report will include an update on York's Local Safeguarding Children Board developments. The report also provides a commentary on corporate parenting developments and describes progress</p>	<p>Eoin Rush</p>	<p>Cabinet Member for Education, Children and Young People's Services</p>

<p>against the strategy to safely reduce the number of children who need to become looked after in York.</p> <p>Members will be asked to</p> <ul style="list-style-type: none"> (i) Endorse the strategy to address the pressures at the front door of children’s social care. (ii) Note the development work to strengthen the Local Safeguarding Children Board. (iii) Note the progress of the work to safely reduce the Looked After Population in York. 		
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<i>Table 2a: Items scheduled on the Forward Plan for the Cabinet Meeting on 4 March 2014</i>		
Title & Description	Author	Portfolio Holder
<p>Late Night Levy</p> <p>Purpose of Report: To inform Cabinet of a recent consultation carried out in relation to a proposal to introduce a late night levy within the authority area.</p> <p>Members are asked to consider the report and findings of the consultation and recommend to Full Council if they believe the late night levy should be introduced within the authority area.</p>	<p>Lesley Cooke</p>	<p>Cabinet Member for Crime and Stronger Communities</p>
<p>Refresh of the Private Sector Housing Strategy</p> <p>Purpose of Report: The existing 5 year private sector strategy ends in 2013. The report aims to provide an update on its progress and asks members to approve a new 5 year strategy having regard to the new challenges faced by homeowners and the private rented sector within the current national and local policy context.</p> <p>Members are asked to approve a new 5 year private sector housing strategy.</p>	<p>Ruth Abbott and Paul McCabe</p>	<p>Cabinet Member for Health, Housing and Adult Social Services</p>

<p>Cycle Hire Scheme for York - Update & Approval Purpose of Report: To provide an update as regards the proposed 24 month trial of a city wide public cycle hire scheme within York which received in principle agreement from Cabinet (July 2013) following an initial feasibility report.</p> <p>Members are asked to approve the presented business case and grant officers authority to award contract(s) and proceed with implementation of the scheme.</p>	Richard Holland	Cabinet Member for Transport, Planning & Sustainability
<p>Review of the Housing Revenue Account Business Plan Purpose of Report: To review the Housing Revenue Account Business Plan.</p> <p>Members are asked to approve the changes to the Business Plan.</p>	Tom Brittain	Cabinet Member for Health, Housing and Adult Social Services

Table 3: Items slipped on the Forward Plan

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>Contract with the Community Benefit Society for Libraries and Archive Services Purpose of Report: This report asks the Cabinet to agree the heads of terms with Explore Libraries and Archive Mutual for operation of the Council's libraries and archive services.</p> <p>Members are asked to agree the heads of terms of the contract for operation of the service from 1 April, 2015.</p>	Charlie Croft	Cabinet Member for Leisure, Culture & Tourism	Nov 13	4 Feb 14	To fit in with the Community Benefit Society's Implementation Plan.

<p>Late Night Levy Purpose of Report: To inform Cabinet of a recent consultation carried out in relation to a proposal to introduce a late night levy within the authority area. Members are asked to consider the report and findings of the consultation and recommend to Full Council if they believe the late night levy should be introduced within the authority area.</p>	<p>Lesley Cooke</p>	<p>Cabinet Member for Crime and Stronger Communities</p>	<p>Dec 2013</p>	<p>4 March 14</p>	<p>This report will now be taken to Cabinet in March in order to allow for further consultation and consideration of options.</p>
<p>Cycle Hire Scheme for York - Update & Approval Purpose of Report: To provide an update as regards the proposed 24 month trial of a city wide public cycle hire scheme within York which received in principle agreement from Cabinet (July 2013) following an initial feasibility report.</p> <p>The Cabinet Member is asked to approve the presented business case and grant officers authority to award contract(s) and proceed with implementation of the scheme.</p>	<p>Richard Holland</p>	<p>Cabinet Member for Transport, Planning & Sustainability</p>	<p>Jan 14</p>	<p>March 14</p>	<p>To allow further consideration of the best funding routes in light of the current budget process and Tour de France Legacy Strategy.</p>
<p>Draft Local Flood Risk Management Strategy Purpose of Report: The Council is required to produce a Local Flood Risk Management Strategy under Section 9 of the Flood and Water Management</p>	<p>Mike Tavener</p>	<p>Cabinet Member for Transport, Planning and Sustainability</p>	<p>Nov 2013</p>	<p>Sept 2014</p>	<p>This report will now be taken to Cabinet in September 2014 to allow consideration of the alignment of flood strategies. It has therefore</p>

<p>Act 2010. In consultation with flood risk management partners a draft strategy has been produced. Following Cabinet approval of this, it will be subject to public consultation and final Cabinet approval.</p> <p>Members are asked to give approval of the draft strategy to enable public consultation to commence.</p> <p>This report has been slipped to the November Cabinet because the draft Flood Risk Management Strategy requires internal and external consultation to be carried out and the results incorporated into the document to be taken to Cabinet. It is intended to discuss the draft in a workshop format to bring together all interested parties. While the writing of the draft is progressing well it will not be possible to set up a workshop in the timescale required by the Cabinet process, which is further aggravated by the summer holidays. In order to ensure that a robust document can be presented to Cabinet it is requested that the item be slipped to the November meeting, by which time satisfactory consultation will have been achieved. There is no statutory deadline for the production of the strategy and minimal risk to the Council in delaying</p>					<p>been withdrawn from the Forward Plan for the time being.</p>
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<p>its production.</p> <p>Due to a high volume of business scheduled for 5 November meeting, CMT agreed in conjunction with officers that this item can be deferred to 3 December meeting.</p> <p>The decision has been deferred until the January Cabinet meeting as the strategy document that is scheduled to accompany the report is still in draft form and is currently out to internal consultation.</p>					
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Cabinet

7 January 2014

Report of Cabinet Member for Leisure, Culture & Tourism

Community Stadium Update

Summary

1. The purpose of this paper is to provide:
 - An update on the progress of the stadium and athletics elements of the overall project.
 - Options for the stadium's design and increased base capacity.
 - A delivery plan for the Athletics facility at the University of York.
 - The procurement timetable and the stages at which key decisions will need to be made.
 - Risks to the delivery and ongoing operation of the project.
 - A more detailed paper covering all aspects of the project (including details of the leisure facilities contract) will be presented to Cabinet later in the year, once a preferred bidder has been identified.

2. Decisions are required from Cabinet to:
 - Note progress on the project to date and the timetable for the procurement and associated decisions.
 - Agree the change to the design requirements for the stadium
 - Agree the Athletics delivery plan and site as outlined in the report.
 - Note the key risks highlighted and the process in place for risk management.

Background

3. The Business Case and budget for the project were noted at Cabinet on 6th March 2012 and approved at Full Council on 30th March 2012. Outline planning permission was granted on the 5th July, following confirmation from the Secretary of State that the decision should be dealt with locally. The 3 month Judicial Review period ended without challenge on the 6th October 2012.
4. At the January 2012 meeting of the Cabinet Member for Leisure, Culture & Tourism the outline procurement strategy was agreed for the project. The procurement process ongoing is to Design, Build, Operate and Maintain (DBOM) the stadium and operate and maintain the Council's leisure facilities as one single package. An OJEU notice starting the formal procurement activity for the project was posted on the 14th September 2012.
5. A further report will be brought to Cabinet setting out the full details and cost implications of the Preferred Bidder's final proposals. This will include proposals relating to the City's leisure facilities.

Project Progress

6. This procurement is being conducted by Competitive Dialogue which is governed by strict EU regulations that requires strict confidentiality due to commercial sensitivities. The contract is for the Design, Build, Operation and Maintenance of the Stadium, as well redevelopment and investment into the Council's leisure facilities. This will be for a 13 year period with the option for an additional 5 years (total 18 years).
7. Formal bids were submitted in September 2013 and subsequently assessed and scored. The final two bidders have been confirmed and final proposals are being prepared. This phase will run until March when dialogue will be closed. During this period, all aspects of the detailed design, commercial and operational arrangements must be finalised, before bidders are asked to make their competitive bids.
8. A summary of the issues arising from the ITCD submissions is provided below:
 - All submissions were able to meet the basic minimum criteria set of 6,000 capacity all-seat stadium, community hub within the financial parameters of the project

- Changes are required to the design requirements if an attractive and well balanced stadium is to be delivered. The built in expansion requirement from 6,000 to 12,000 has considerable cost and design implications for something that may never happen.
- Scope exists to increase in the base capacity of the stadium through cost efficiencies and alternative design solutions, including the consideration of the use of some terracing.

Stadium Business Case

9. The business case was approved at the March 2012 Cabinet. This is an iterative process and the business case has developed as the procurement has progressed.
10. The over-arching principle agreed remains in place that the costs of running the stadium will be covered through a mix of the rentals from the sports clubs, the community hub tenants and other commercial income streams brought forward by each bidder. This will include full maintenance and lifecycle costs as part of a 13 year operational contract.

Arrangements with core tenants

11. Throughout the life of the project, the risks of operating shared stadiums have been highlighted. To this end, it was always clear that the full costs of operating the stadium could not be realistically met by the sports clubs. The business model has always been underpinned by the inclusion of other commercial uses. This commercial activity, would not be possible without the stadium development, thus is directly connected to its delivery.
12. Detailed legal agreements with all partners need to be in place prior to contract award. Negotiations regarding these agreements are at advanced stages with all partners. To minimise the ongoing risk to the Council and the partners, leases and agreements with tenants have been structured to assume the lowest base rentals only. A surplus share mechanism has been established that will provide payment to the Council if higher returns are achieved through improved commercial performance. This is structured to incentivise all parties to achieve the best commercial returns.
13. The contract is structured so that the operator is responsible for the collection of rents. As the Council is the land owner and sponsor of the project it would ultimately bear the risk for any long-term rental / lease default. However, as set out above, the agreements are structured so they are reliant only on base rentals. Furthermore, the

procurement is structured in a way to encourage bidders to propose operational solutions that minimise the risk. The detailed impact and risk analysis for this will be reported to Cabinet prior to contract award.

14. **Sport Clubs:** Formal match-day agreements for the occupancy of the stadium have been prepared. These have involved detailed discussion between all parties. All agreements will be subject to the award of the overall contract award.
15. The matchday agreements include accounting mechanisms based on the provision of baseline rents with risk / reward structures if attendances improve. Thresholds have been agreed with each club regarding the current operating position at the existing stadiums (Bootham Crescent and Huntington Stadium). Due to the differences between the starting positions of each club, these thresholds are considerably different and the base rentals have been adjusted to reflect this, adopting the risk / reward principle.
16. These arrangements remain within the original financial parameters, that the costs of running the stadium will be covered by the rentals and other commercial income streams providing a sustainable facility for the life of the contract. The final details will be subject to contract and reported to cabinet prior to contract award.

Stadium Design

17. Based on the submissions received, it is evident that some of the original criteria set out for the stadium are not achievable. It is not possible to build a stadium that meets the 'built-in' expansion requirement (up to 12,000 all seat) with an initial capacity of 6,000 seats, without significant compromise to the appearance and design of the stadium. The lower the base capacity and the higher the expansion target the greater the design challenge.
18. The 6,000 capacity has been a design requirement from the outset of the project. This was always considered to be the maximum capacity possible with the funding available, as the FSIF funding terms insist on the more expensive requirement of an 'all seat' stadium. This has added considerable design challenge when added to other constraints, particularly that of funding and future expansion.
19. The requirements have therefore been reviewed with the clubs and the design teams with the following considerations:

- If 'built-in' expansion is required, a much larger main stand is needed. For a 6,000 base capacity this has a major impact on the appearance and design of the stadium bowl.
 - There has been ongoing pressure from the public and the football club to increase the base capacity from 6,000 and to include some terracing.
 - One of the options to increase the capacity would be to consider the use of terracing. For example, if both ends had an all seat capacity of 1,000, a terraced solution could be provided giving an increase to c.1,700 within the same footprint.
 - The best way of enhancing the design and appearance of a lower capacity stadium, is to provide a more even spread of the seats per stand. The more seats / bulk to each stand in a low capacity stadium, the more options that are open to design a more attractive bowl.
 - Requiring built-in expansion adds considerable cost and design constraint, for something that may not be required.
 - The expansion to 12,000 is no longer necessary as Super League requirements are for a 10,000 capacity.
 - The requirement for an all seat stadium comes from the FSIF grant conditions, which adds considerable cost to the design.
 - FSIF funding arrangements state that the grant payment is only payable once a safety certificate is provided for the new stadium. Thus there remains a risk that it will not be secured, particularly as this would have to be achieved through a charge against the disposal of Bootham Crescent.
 - Outline planning permission was granted for a 6,000 all seat capacity. Any increase in capacity would need to be part of a new full planning submission that assessed any planning and transportation issues, costs and mitigations.
20. In preparation for the final tender stage, strict design criteria need to be set for effective evaluation. As it is not possible to have variant options for different capacities at final tender stage, only funding that is secured can be used. Therefore it is proposed, that flexibility is sought within design to enable the provision of a larger all seat stadium, however, this can only be achieved with the preferred bidder if the FSIF money is secured at a later date.

21. Therefore it is proposed that the design criteria for the stadium be changed and bidders are asked to provide within the budget available to design a stadium that:

- Meets current Football League and Rugby Football League entry requirements.
- Removes any 'built-in' expansion requirement.
- Results in a well balanced and attractive stadium bowl.
- Maximises the base capacity.
- As an option, considers the use of some terracing as a means of increasing the base capacity.
- Makes provision within the design to increase the capacity as an all seat solution if the FSIF funding can be legally secured and / or promotion to the Football League 'Championship' is achieved at a later date.
- Demonstrates an all seat capacity of 10,000 can be achieved at a later stage, within the stadium footprint.

22. Any proposal to increase the base capacity above that of the original outline planning consent would need to demonstrate that there is no adverse transport impact of the increase from the original outline planning consent.

Capital & Project Costs

23. The financial structure of the business case was last updated in November 2012.

24. The delivery of the project remains within the overall financial parameters last reported.

Procurement Timetable

25. The indicative timeline below outlines the key points in the procurement process:

Table 1: Indicative Timetable – Events and Milestones

Key Milestone	Estimated date
Final Tenders	May 2014
Planning & Project Agreement Live	January 2015
Site Mobilisation	February 2015
Stadium Operational	February / March 2016

26. The following key actions will take place during this final stage of the procurement process:

- Review and development of commercial proposals
- Submission of final bids
- Preparation of detailed design and planning submission
- Public Consultation sessions for planning process
- Detailed lease agreements with tenants and partners
- Finalisation of Match-Day agreements for the Sports Clubs
- Delivery of Athletics facility
- Delivery of Knights training and interim facilities
- Formal Planning application

27. The project now moves into a new delivery phase and should be treated like any other major capital project. The delays in starting the ITCD stage were well documented due to a number of inter-related problems, including securing the S106 funds.

28. There are a large number of issues that need to be covered in the final stage of the dialogue process. This process cannot be closed until all outstanding matters have been satisfactorily resolved and the project team undertaken all necessary due diligence. For these reasons, the timetable for delivery has been adjusted to build in some contingency time. As set out in the indicative timetable above final tenders will be sought in May 2014. Also additional time has been factored into the planning submission preparation. This is as a precaution.

29. If delay were to occur, the main impact would be with the sports clubs. York City Knights would not be able to occupy the Stadium at the start of the Season 2016. The estimated timetable set out would see the stadium operational for the beginning of that season. It has been agreed with the club that the timetable and progress will be monitored. Both clubs will use Bootham Crescent as an interim ground share facility during construction. It is intended that this arrangement will last for only one season however, as a precaution the agreement will need to make provision for two years as a maximum.

Athletics Facility Timetable and Delivery

30. The Cabinet paper (6 March 2012) outlined the proposed business plan for the new community stadium and associated athletics development. The replacement athletics facility is a requirement in providing vacant possession of Huntington Stadium to the winning bidder.
31. Feasibility studies have now been completed on both the Heslington East Sports Village site and the Heslington West campus. Authority to build a facility with the University and use of the £2M capital funds was confirmed in the March 2012 Business Case approved by Cabinet.
32. Heslington West has been confirmed as the preferred site due to the improved ground conditions, enabling a quicker build, significant financial savings in comparison to the East site and the ability to deliver a better facility due to the existing infrastructure and facilities surrounding it. The proposed specification and plan for the facility is included in Annexes 1 and 2.
33. The capital budget is £2m which includes a grant payment of £31,000 to CYAC. A grant agreement will secure the services of City of York Athletics Club to assist CYC in strategic development of community athletics at the new facility for the first five years. The key deliverables are:
- County Standard athletic track and facility
 - New sand dressed artificial hockey and football pitch
 - Grass infield to track suitable for both athletics field and football
 - 500 capacity covered viewing stand
 - Club house and changing facilities
34. The current delivery timetable, shown below in Table 4, for planning and delivery of the project is due to be completed by September 2014 and including a period of slippage it could be up to 30 October

2014. Planning permission for the artificial pitch site is already in place and the Athletics planning application has just been submitted.

35. Heads of Terms have been agreed for the delivery of the project and signed by all 3 parties, CYC, CYAC and University of York. Sport England and the local planning authority have also confirmed approval and willingness to discharge the relevant planning conditions if this facility is approved.

Table 4: Heslington West Athletics Development – Key Dates

Event	Planned Date
Project Approval to Proceed	August 2013
Sign-off of Legal Agreement, following cabinet approval	January 2014
Selection of Specialist Athletics Consultant Support	September 2013
Replacement JLD Pitch	
Issue Tender Enquiry	October 2013
Award Contract	December 2013
Commence Work	January 2014
Completion	May 2014
Athletics Track and Stand	
Development of Outline Design	December 2013
Submission of Planning Application	December 2013
Planning Approval	March/April 2014
Issue Tender Enquiry	January 2014
Contractor Selection	February 2014
Commence work on Athletics Facilities	April 2014
Complete Athletics Facilities	August 2014
Final Snagging and Acceptance	September 2014

Implications

Financial

36. As set out in the Update Business Case section of this report, the overall financial contribution from the Council is not changed.
37. Arrangements reached with project partners and sports clubs set out in paragraphs 14-16, base rents are used within the DBOM contract to minimise the on-going risk to the council. The surplus share mechanism offers the council the possibility of improving the financial position.
38. The dialogue regarding the stadium design has confirmed that it is more cost effective to reduce the range of the capacity expansion. This reduces the overall cost risk.
39. Securing the funds from the FSIF through the disposal of Bootham Crescent remains a risk until a high ranking charge can be secured against the asset. Therefore, it is sensible that the design process caters for changes to be made at a later stage without compromising the final bid process.
40. Athletics Delivery – The capital budget is £2m which includes a grant payment of £31,000 to CYAC. A grant agreement will secure the services of City of York Athletics Club to assist CYC in strategic development of community athletics at the new facility for the first five years.
41. Human Resources – There are no new equalities implications arising directly from the recommendations contained in this report.
42. Equalities: A Community Impact Assessment was undertaken in 2011 as part of the development of the business case. This work will be further developed as consultation for the planning process progresses.
43. Legal – detailed legal comments will be provided once negotiations are completed and prior to contract award
44. Crime and Disorder – none
45. Information Technology (IT) – none
46. Property – none

Risk Management

47. A recent paper was taken to the Council's Audit & Governance Committee (December 2013) regarding the Risk Process for the Stadium project. A robust risk management process is in place to control the projects risks and issues. The risk and issue registers are commercially sensitive and must remain confidential, however a summary of some of the key risks is provided below.
48. It must be emphasised that these summaries are presented as potential risks i.e. issues or events that may arise or are yet to be resolved and may require mitigating action. They are not predictions or statements of actions that will occur or has occurred.
49. **Risk 8: Insufficient Bidders:** Two bidders have been invited to the final stage of the process. Although it is possible to continue with project with one bidder, this would remove the competitive nature of the process and weaken the value for money objectives of the process. If both bidders were to withdraw at this late stage, the procurement would end, however this is unlikely at this stage.
50. **Risk 9: YCFC / FSIF £2M:** Only £350K is required from the sale of Bootham Crescent for the purpose of the capital build project. However, this needs to be secured by means of a charge against Bootham Crescent. As set out in the report, the FSIF £2M loan can only be converted to a grant when a safety certificate is provided. It is not possible to continue with the design process to detailed stages without funding certainty. Unless a first charge can be secured against the Bootham Crescent in place of the FSIF charge or some other guarantee provided by the football club the design process will need to proceed assuming the funding is not secured.
51. This will result in a smaller base capacity, however, would release the restriction of an all seat requirement.
52. **Risk 22: Project Resources:** The more advanced the process, the lower this risk becomes. However, this is a complex project with considerable property, legal and design challenges. Failure to properly resource the project through the procurement process may result in a lack of confidence from the final two bidders. It is also essential that a fair balance of risk is maintained through the

process to ensure that bidders' costs do not become too great. The process must be professionally controlled and specialist input sourced as required. This risk is controlled by regular budget reports being presented to the Project Board.

53. **Risk 25: Replacement training facilities** for YCKs in line with planning condition 29: This has two impacts, 1) conditions for stadium consent cannot be met 2) scheme cannot progress. Until an agreement is legally binding this will remain a risk.

54. **Risk 36: Interim operation of Huntington stadium:** These proposals provide assurance of the continuity of the service. Although there will be an ongoing financial commitment to keep the stadium open, both YCKs and COYAC need to remain in occupation until alternative facilities are available.

Recommendations

55. Members are asked to:

1) Note progress on the project and procurement to date, particularly that:

- i) The project is proceeding into the final procurement stage within the existing financial parameters.
- ii) The changes made to the estimated project timetable and key milestones.
- iii) Match-day agreements and leases for the project partners will be finalised and that these will all be subject to the overall project contract.
- iv) A detailed report is presented to Cabinet prior to contract award setting out the results of the procurement and the financial implications.

2) Seek tenders that encourage cost effective design solutions for the stadium that:

- i) Meets current Football League and Rugby Football League entry requirements.

- ii) Removes any 'built-in' expansion requirement.
- iii) Results in a well balanced and attractive stadium bowl.
- iv) As an option, considers the use of some terracing as a means of increasing the base capacity.
- v) Makes provision within the design to increase the capacity as an all seat solution if the FSIF funding can be legally secured and / or promotion to the Football League 'Championship' is achieved at a later date.
- vi) Demonstrates an all seat capacity of 10,000 can be achieved at a later stage, within the stadium footprint.

3) Agree that the new Athletics track be delivered at Heslington West Campus as set out in the report, including the payment of a grant of £31,000 for the delivery of a community athletics programme.

4) Note the risks highlighted and agree that the Project Board continue to manage the project risks.

Reason:

To ensure the effective delivery of this procurement exercise and that it remains within the financial parameters set.

Contact Details

Author:	Cabinet Member and Chief Officers responsible for the report:
<p>Tim Atkins Community Stadium Project Manager X1421</p> <p>Charlie Croft AD Communities & Neighbourhoods</p>	<p>Cllr Sonja Crisp, Cabinet Member for Leisure, Culture & Tourism</p> <p>Darren Richardson Director City & Environmental Services</p> <p>Sally Burns Director Communities & Neighbourhoods</p>

	Report Approved	√	Date	26 November 2013
Specialist Implications Officer(s)				
Wards Affected: All				√
<i>For further information please contact the authors of the report</i>				

Supporting Annexes

- **Annex A:** Athletics minimum specification for delivery.
- **Annex B:** Site plan for athletics scheme at Heslington West.

Background papers

- Paper 6th July 2010: Community Stadium Business Case.
- Paper 6th March 2012: Community Stadium Business Case.
- Decision Session of the Cabinet Member for Leisure, Culture & Tourism 9th January 2012.
- November 6th 2012: Community Stadium Cabinet Update.

Glossary of Terms:

DBOM – Design, Build, Operate and Maintain (contract).

OJEU – Ordinary Journal of the European Union.

EU – European Union.

ITCD – Invitation to Continue Dialogue, (a stage of the procurement exercise).

FSIF – Football Stadium Improvement Fund.

JLD – University of York name for Astroturf pitch.

CYC – City of York Council.

CYAC – City of York Athletic Club.

S106 – Section 106 of the Town & Country Planning Act 2000 (as amended).

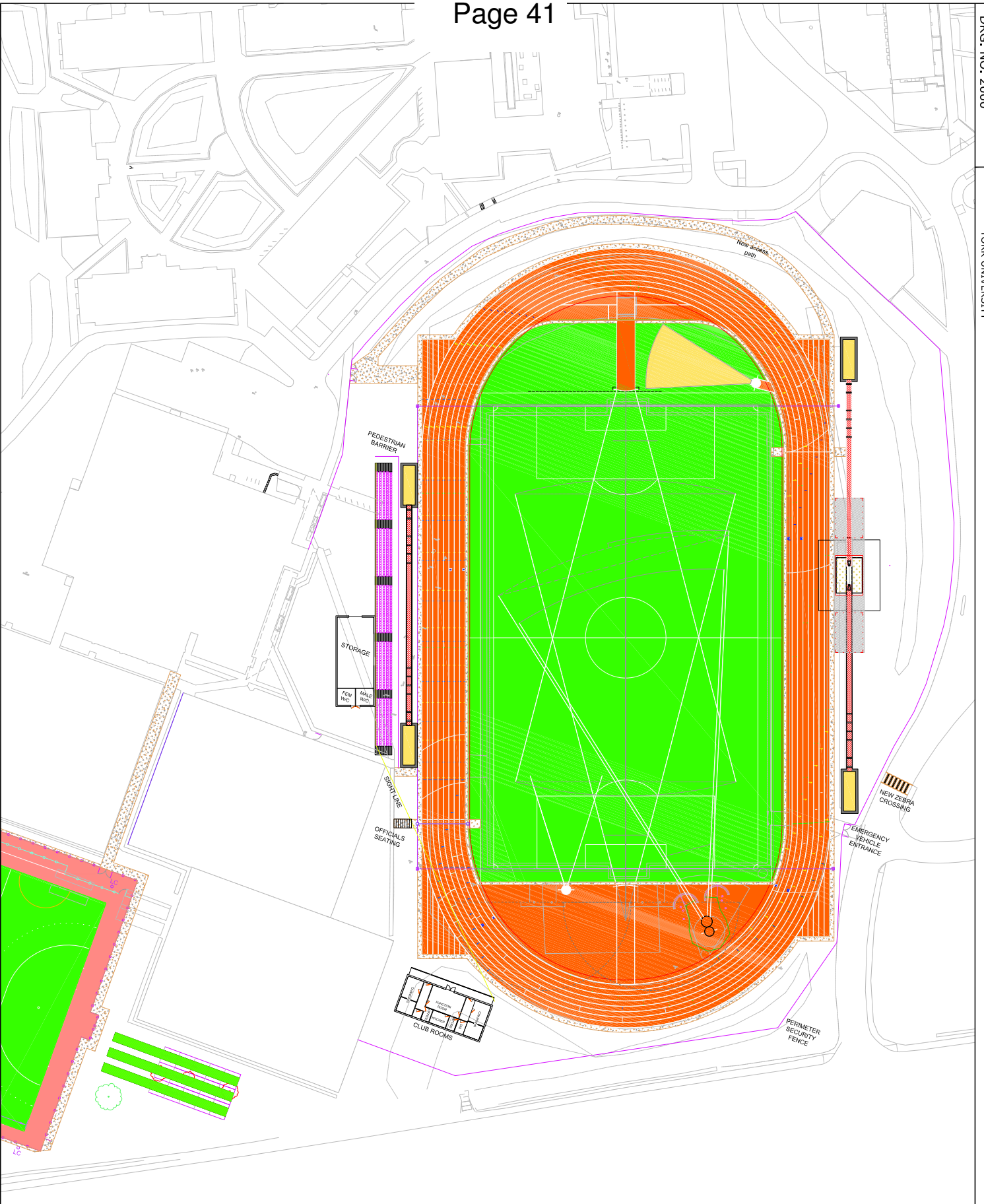
YCFC – York City Football Club

YCK – York City Knights Rugby Football League Club.


Annex A - County Standard Athletics Track and Facilities

Minimum Specification	Notes/issues
Athletics track & infield	
8 Lane County Standard track Must meet UK Athletics and IAAF standards for a type 3 facility with full DDA access for spectators and competitors. Also achieve UK Athletics certification for County standard competition.	CYC require Partner/constructor to appoint a specialist consultant to oversee the design and installation of the Athletics track as per the Sport England Design Guidance note 2008.
Floodlighting to track & infield for athletics training including throwing activities	SE Guidance state min. 200 Lux
Security perimeter fence for the entire athletics track and field facilities to prevent unauthorised access	
Spectator barrier in front of grandstand to keep spectators off the running track	
Accessible path around the outside of the running track	Accessible to wheelchairs
Grass football pitch to meet NGB standards	
Steeplechase with water jump	
2 x long/triple jump areas with 2 run ups per pit	
1 x Pole vault matt with 2 run up's	
2 x Shott putt circle	
1 x High jump	
2 x Javelin run up	
1 x Hammer discus (Concentric circle including throws cage)+ disability fixings.	
PA system and photo finish equipment, including permanent duct under the track near finish area	
Official post at finish line	
Set of competition loose equipment	
Spectator stand for 500 people	Accessible and ensure viewing for wheelchair users
Sports pavilion	Estimated room sizes
Function room	100m2
Kitchen off function room	10m2
Two person office	15m2
Male toilets (2 WC's + 6 Urinals) – ideally with external access and with surface suitable for spikes.	20m2
Female toilets (7 WC's) - ideally with external access and with surface suitable for spikes.	20m2
Accessible WC	10m2
No1. Disabled changing room with WC & shower	15m2
No2. Disabled changing room with WC & shower /officials change	15m2
No1. Athletics equipment store – Large double door access with flush floor plate due to heavy trolleys being used to transport equipment	50m2
No2. Athletics equipment store – Large double door access with flush floor plate due to heavy trolleys being used to transport equipment	50m2
Small storage room for cleaning materials and equipment with Belfast sink.	10m2
A number of lockers will need to be provided within one of the spaces above. Suggest 50 small lockers approximately 300x300x450, so at least valuables can be stored somewhere.	
Officials box and secure room for PA system. This could be in either the stand or pavilion.	10m2
Car Parking	
Access to existing public car park opposite site (100+ spaces)	
Cycle parking - min 20	
Coach drop off point	

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REVISION	DETAILS	BY	DATE	CHECKED

		SPORTS LABS LTD. 2000 Hestlingon Industrial Estate Litherington, EH54 6EG Tel: +44(0) 145 602 6334 Fax: +44(0) 145 602 6386 Email: info@sportslabs.co.uk
YORK UNIVERSITY HESTLINGON WEST PROPOSED TRACK AND FIELD GENERAL ARRANGEMENT		Date: 02/11/2013 Scale: NTS @ A3 York, Nov. 2013 Drawing: 000 Checked by: LD

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Cabinet**7th January 2014**

Report of the Cabinet Member for Transport, Planning and Sustainability

Neighbourhood Planning**Summary**

1. This report requests that members approve the formal application to allow the Copmanthorpe Neighbourhood Plan to progress.

Background

2. As part of the Localism Act 2011, local communities are encouraged to come together to get more involved in planning for their areas by producing Neighbourhood plans for their area. Neighbourhood plans are centred specifically round creating plans and policies to guide new development.
3. Neighbourhood planning is about letting the people who know about and care for an area help plan for it. It is led by the residential and business community, with the Council's input and is about building neighbourhoods – not stopping growth.
4. Neighbourhood planning is a statutory duty for the Council and neighbourhood plans and orders will have weight becoming part of the plan making framework for that area. Designation of a Neighbourhood Area is the first stage in the preparation of a Neighbourhood Plan.
5. Dunnington Parish Council had their boundary approved in October 2013 and the Council is therefore committed to this Plan. Several other Parish Councils have shown an interest in producing Neighbourhood Plans as well and the resource and financial implications of this need to be considered. There is an opportunity to be explored by parishes to combine as neighbourhood forums to jointly produce neighbourhood plans for wider areas.

6. Copmanthorpe Parish Council submitted an application in September 2013. This application and associated boundary map is attached at Annex A and requires Members' approval.
7. The proposal is from the Parish Council and the application boundary is the same as that of the Parish Boundary. It is this 'area application' and recognition that the parish council is an appropriate body to produce a neighbourhood plan that we are asking Members to approve.

Steps for Producing a Neighbourhood Plan

8. If a Neighbourhood Plan area application is approved, the Council must publish the following details of the Plan:
 - The name of the neighbourhood area
 - A map identifying the area
 - The name of the Parish Council who applied for the designation.
9. Following this, the Parish Council can prepare the Neighbourhood Plan with assistance from the Council. They are then required to undertake pre submission consultation by publicising the proposals and inviting representations for a period of not less than 6 weeks.
10. The Parish Council can then submit the Neighbourhood Plan to the Council along with a consultation statement containing details of those consulted, how they were consulted, summarising the main issues and concerns raised and how these have been considered, and where relevant addressed in the proposed Neighbourhood Plan.
11. On receipt of the draft Neighbourhood Plan, the Council needs to publicise the Plan and invite representations for a period of not less than 6 weeks. Once the Council is satisfied that the Plan meets the requirements of the Town and Country Planning Act 1990 the Council then appoints an independent inspector. The Council is responsible for paying the costs of the examination (see Table 2 below) so it is in the Council's interests to ensure that the proposed plan meets the requirements.
12. The Examination and subsequent Referendum will follow. Should the vote be in favour (50% plus 1), then the Council will publish the Neighbourhood Plan.

Timetable for Copmanthorpe Neighbourhood Plan if approved

13. Table 1 below sets out an estimated timetable based on the experience of other Local Authorities. This will be influenced by the progress on the York Local Plan as a Neighbourhood Plan must be in conformity with it.

Table 1

Task	Date
Cabinet	7 th January 2013
Preparation of the Plan	January– February 2013
Pre-submission consultation (6 weeks)	February-March 2014
Plan submitted to Council	End March 2014
Council publish draft Plan (6 weeks)	April – May 2014
Appoint inspector	June 2014
Examination	TBC
Referendum	TBC
Publish Neighbourhood Plan	TBC

Costs

14. Based on examples from other Local Authorities, costs to the Council per Neighbourhood Development Plan could be as follows, albeit the costs of preparing neighbourhood development plans will vary depending on the complexity and size of the proposal, and the available supporting evidence:

Table 2

Task	Costs
Designation of a Neighbourhood Plan Area	£2,775
Drafting of Neighbourhood Plan	£7,250
Consultation and publicity on drafted Neighbourhood Plan	£9,750
Lead into and Examination	£14,360
Referendum	£7,085
Total	£41,220

15. The table recognises the significant level of human resource costs required, although these are an indication based on other local authorities' experiences. A high level of officer input at an appropriate

level is needed to ensure legal conformity, plan content and appropriate liaisons with Parish Councils.

16. Whilst central government funding sources; Neighbourhood Planning Grant, from the Department for Communities and Local Government to the value of £30,000 is available for each Neighbourhood Plan produced, this still leaves a shortfall of approx £11,000 per neighbourhood plan. As the plan progresses, work will continue to bring the budget closer to the level of funding available from DCLG.
17. Despite the funding being available from DCLG, the monies for producing the various stages will be needed up front as the Neighbourhood Planning Grant is only available once certain stages have been completed e.g. £5,000 following the designation, £5,000 prior examination, and £20,000 on successful completion of the examination.

Consultation

18. With regard to the first stage of the production of the Neighbourhood Plan (post application), the Localism Act (Regulation 6) requires that the following information be published:
 - *A copy of the application*
 - *Details of how to make representations*
 - *Details of the deadline for representations, not less than 6 weeks after the date of publication.*

This should be published on the website and in such other manner as is considered likely to bring the area application to the attention of people who live, work or carry on business in the area to which the area application applies.

19. The Council formally published the Copmanthorpe Parish Council's application on 25th September for a 6 week period until 6th November 2013.
20. The application was published in the following ways which are legally compliant with the Act:
 - A letter, with the application attached was sent to the Parish Council (for info), Rural West ward councillors, and relevant internal bodies;

- A notice and a copy of the application was put up at several prominent locations around Copmanthorpe including the Parish notice board;
 - A letter with the application attached was sent to all businesses in Copmanthorpe;
 - A letter and copy of the application and boundary was sent to all neighbouring parish councils, these are:
 - Acaster Malbis
 - Appleton Roebuck & Acaster Selby
 - Askham Bryan
 - Bishopthorpe
 - Colton & Steeton
 - A webpage has been created at www.york.gov.uk/neighbourhoodplanning where the Copmanthorpe application is available to view as well as additional information on the Neighbourhood Planning process.
 - A specific email address neighbourhoodplanning@york.gov.uk has been set up for representations as has a freepost address.
21. We received a petition-style spreadsheet containing 124 signatures to support the production of the Neighbourhood Plan and approving the proposed boundary, in addition to one received through our Neighbourhood Plan mailbox.

Option Choices

22. The following options are available for Cabinet to consider:

Option 1a – approve the application for a Copmanthorpe Neighbourhood Plan, including the proposed boundary (attached at Annex A);

Option 1b – approve the application subject to amendments to the Neighbourhood Plan boundary;

Option 1c – reject the application.

Analysis

23. Work is underway for the Copmanthorpe Neighbourhood plan and consultation has been undertaken on a boundary. The production and boundary have been unanimously supported during this exercise. It is therefore considered that Option 1a is the most appropriate way forward.

Council Plan

24. Neighbourhood plans and in this case, the proposed Copmanthorpe Neighbourhood Plan will be a positive contribution to the Council Plan priority of “Building strong communities”.

Implications

25. **Financial/Programme** – If the council supports options 1a or 1b to produce a plan for Copmanthorpe the council will be required to pay for the examination and the subsequent referendum as per the estimates in table 2. These costs will be met in part by central government funding sources from the Department for Communities and Local Government. Any shortfall will need to be accommodated with existing resource.
26. **Human Resources** – None.
27. **Equalities** – None.
28. **Legal** –The local planning authority has a legal duty to support and advise those communities undertaking neighbourhood planning. The steps outlined in this report comply with the Government’s Neighbourhood Planning (General) Regulations 2012. There are no further legal implications.
29. **Crime and Disorder** – None.
30. **Information Technology** – None.
31. **Property** – None.

Risk Management

32. No risk.

Recommendations

33. Cabinet is recommended to approve the Copmanthorpe application including the proposed boundary as per Option 1a.

Reason: To allow Copmanthorpe Parish Council to proceed with the preparation of their Neighbourhood Plan.

Contact Details

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	Report Approved	√	Date 13/12/2013
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Wards Affected: Rural West			
<i>For further information please contact the authors of the report</i>			

Background Papers:

None.

Annexes:

Annex A – Copmanthorpe Neighbourhood Plan application

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COPMANTHORPE PARISH COUNCIL
APPLICATION TO CITY OF YORK COUNCIL
FOR DESIGNATION OF NEIGHBOURHOOD PLAN AREA

1 INTRODUCTION

Copmanthorpe Parish is situated approximately three miles south-west of York city centre and lies within the Rural West York ward of City of York Council. It comprises the village of Copmanthorpe and surrounding farmland interspersed with a number of farmsteads and individual houses. The attached map shows the extent of the parish with its boundary shown by red line.

2. STATEMENT EXPLAINING WHY THE PARISH IS CONSIDERED TO BE AN APPROPRIATE NEIGHBOURHOOD AREA

Copmanthorpe Parish Council plays an important and active role within the community and its declared objective is to represent effectively all of the people who live in the parish. Consultation carried out to date shows a strong desire from parish residents for a neighbourhood plan. The Parish Council works alongside City of York Council on many matters including road and footpath maintenance and street lighting, and is a statutory consultee on planning applications within its area. The Parish Council manages the Burial Ground, the Allotments, two village greens and numerous green spaces. It plays a significant role on the Recreation Centre Committee, the Youth Club, and the local Drainage Board as well as working closely with the local Police team on law enforcement matters. It gives financial support to numerous village groups and organisations and actively keeps parishioners informed through its website, Twitter account, notice boards and regular newsletters.

3. COPMANTHORPE PARISH COUNCIL AS THE RELEVANT BODY

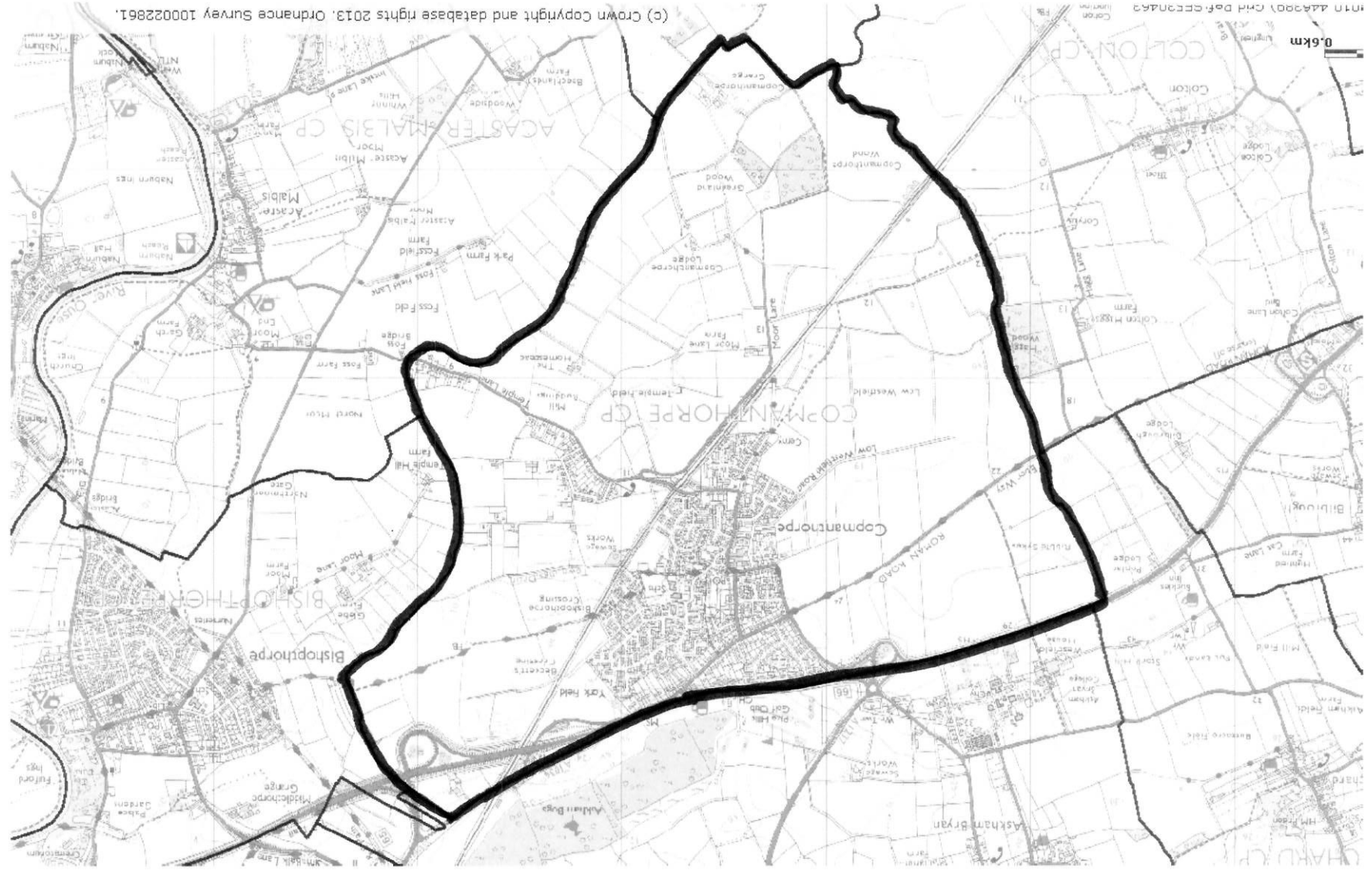
Copmanthorpe Parish Council is the official statutory first tier of government in its parish area and enjoys the strong support of the local community. The Council has considerable collective knowledge of its parish area and has a deep understanding of the area's planning opportunities and constraints and how these interact with the aspirations and concerns of the residents of the parish.

4. CONCLUSION

A significant amount of ground work has already been undertaken towards preparing a neighbourhood plan for the parish and Copmanthorpe Parish Council looks forward to receiving formal designation of its neighbourhood plan area and to working with City of York Council in completing its neighbourhood plan.


D T CARR
CHAIRMAN
COPMANTHORPE PARISH COUNCIL

SEPTEMBER 2013



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Cabinet7th January 2014

Report of the Cabinet Member for Transport, Planning and Sustainability

Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document Review**Summary**

1. The purpose of this report is to inform Members of the review of the Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document (SPD). The review has explored the introduction of the SPD since April 2012, specifically looking at:
 - whether the approach is working, are there any elements that aren't working;
 - what impact has the Supplementary Planning Document had on a range of stakeholders;
 - the approach to data collection of known Houses in Multiple Occupation and whether this is the most appropriate and is it open and transparent; and
 - what is happening elsewhere to determine best practice.
2. This paper has been considered by Members of the Local Plan Working Group on 9th December 2013. The draft minutes from the meeting can be found at Annex G. At the meeting it was resolved that in accordance with Option 1, the Local Plan Working Group recommended Cabinet to:
 - (i) Note the contents of the report.
 - (ii) Approve the proposed amendments to the SPD as outlined at Annex E and the additional amendment outlined above.
 - (iii) Delegate to the Director of City and Environmental Services in consultation with the Cabinet Member for Transport, Planning & Sustainability the making of the amendments to the SPD and the republishing of the SPD.

Background

3. Houses in Multiple Occupation¹ or HMOs as they are commonly referred to represent a significant growing proportion of the mix of housing in York. A city wide Article 4 Direction was implemented on 20th April 2012 which removed permitted development rights, requiring a planning application to be submitted to change a property into an HMO. A Supplementary Planning Document (SPD) was prepared and subsequently approved to provide guidance on how planning applications for change of use to HMO arising from the Article 4 direction will be determined. The Controlling the Concentration of HMOs SPD was a new area of planning policy following changes to government legislation. As such, it was requested by Members that the SPD be reviewed after a year and a report outlining the review be reported back to Members.

The Review

4. A comprehensive review of the Controlling the Concentration of HMOs SPD has been undertaken which has comprised the following:
 - review of HMO change of use planning applications and decision and appeal decisions alongside enforcement cases;
 - telephone interviews with estate agents, letting agents and the York Residential Landlords Association to explore their experiences since the introduction of the SPD;
 - attending a meeting with representatives from both the University of York and York St. John University to explore their thoughts on the impact of the SPD;
 - attending a meeting of the Student Community Partnership group to engage with students;
 - targeted meetings with residents groups to understand how they think the policy is working or could be improved.
 - internal consultation with Development Management and Housing and Adaptation officers to explore the implementation side of the SPD;
 - revisiting the timing of updates to the data sources that comprise the HMO database and explore whether the database should be updated in a different way to ensure a robust approach that reflects as accurately as possible all known HMOs.

¹ A house in multiple occupation or HMO can be defined as a dwelling house that contains between 3 and 6 unrelated occupants who share basic amenities.

- extracting Local Plan Preferred Options consultation responses relating to Policy ACHM6' Houses in Multiple Occupation' which is the same as the approach in the SPD.
- telephone interviews with other Local Authorities using similar threshold approach to explore the issues they are facing.

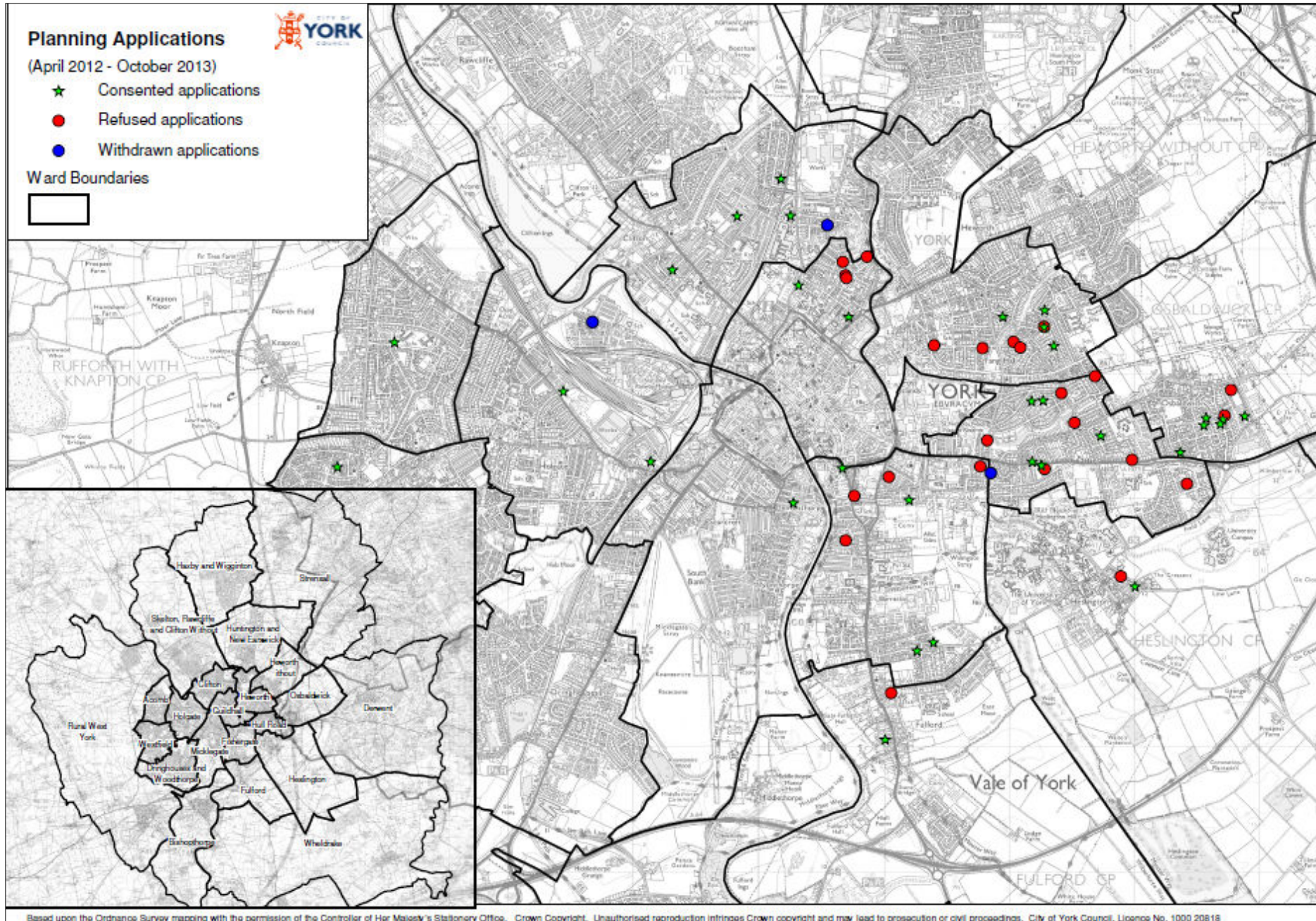
Impact of the SPD

Planning Applications

5. A review of HMO change of use planning applications has been undertaken which has looked at how many applications have been submitted, what proportion have been approved/refused and how many applications have been delegated officer decisions or have gone to planning committee. The number of planning appeals and outcomes was also explored.
6. Since April 2012 there have been 60 applications regarding HMO change of use. Of these, 54 applications were for change of use from dwelling house (use class C3) to small HMO (use class C4) and 6 applications were for dwellinghouse (use class C3) to large HMO (use class Sui Generis²). A small HMO (use class C4) is a house of multiple occupation with between 3 and 6 unrelated occupants who share basic amenities, whilst a large HMO (use class Sui Generis) is for 6 or more unrelated occupants who share basic amenities. The spatial distribution of these applications is shown overleaf. Please note that the applications shown on the map do not total 60 applications as there are some properties where a number of applications were submitted. The map shows the ultimate decision made on the property:

² In a planning sense Sui Generis relates to uses that do not fit within the 4 main use class categories

Map1: Spatial distribution of HMO change of use applications



7. The ward with the most HMO change of use applications was Hull Road with 13 applications, followed by Fishergate and Heworth Wards both with nine applications. In Hull Road six of the applications were approved and seven were refused. In Fishergate four were approved and five were refused. This was the same for Heworth. The map shows a broad spatial distribution of applications which could indicate that the SPD is having the desired effect in that HMOs are being spread out to avoid high concentrations forming. Albeit there is a clustering of wards closest to the universities who experienced the most HMO change of use applications.
8. Of the 60 applications submitted three were subsequently withdrawn. Of the remaining 57 applications 33 were approved whilst 24 were refused. 32 of the approved applications were for change of use from dwelling house to small HMO and one application was approved for change of use from dwelling house to large HMO. Of the 24 refused applications 20 applications were for change of use from dwelling house to small HMO whilst four applications were refused for change of use from dwelling house to large HMO.
9. 28 of the applications submitted and not withdrawn were approved by officers through delegated powers. 22 applications were refused by officers through delegated powers. Seven applications were decided by planning committee; two applications were refused and five applications were approved.
10. Out of the 24 applications that were refused three applicants appealed against the decision. Copies of the appeal decisions can be found at Annex A. The first of these appeals was allowed whereby the Inspector decided that permission should have been granted. The remaining two appeals were dismissed and the Council's decision to refuse permission was upheld. There is currently one other appeal in progress.
11. The Inspector of the allowed appeal concluded that there was not a strong case provided by the Council that the property would fail to provide good accommodation. He commented that the appeal property is well maintained and provides outside storage in the rear yard for its occupants. Parking in the area is controlled and it is served by local bus services, with the centre of the city close by which could mean a low level of car ownership among occupants. Although the street level has been breached the Inspector stated that a degree of flexibility and pragmatism should be applied and planning permission should not be

refused solely on the basis that a numerical threshold has been breached. Alongside this, he argued that no evidence was been provided to indicate how this change of use would adversely affect the specific area and community.

12. This is in contrast to the views of the two Inspectors who dismissed their appeals and upheld the Council's original decision to refuse permission. In these cases the Inspectors made the following comments in support of the Council's policy approach to HMOs:

- the threshold for the concentration of HMOs advocated by the SPD seems a sensible and pragmatic approach to meeting the overarching objective of paragraph 50 of the National Planning Policy Framework to create sustainable, inclusive and mixed communities;
- the Council's decision merits support unless other material considerations justify reaching a different conclusion;
- the SPD is deemed to not be flawed as it has undergone appropriate levels of public consultation which carries significant weight;
- by allowing an additional HMO would breach the guideline figure by 100% which would make it very difficult for the council to support the SPD threshold in the future;
- the proposed scheme would materially breach the Council's recently published SPDs and the objectives of the Framework pertaining to inclusive and mixed developments and have a harmful effect on the character of and community in the area; and
- the proposal would increase the already high concentration of HMOs in the immediate area, which detracts from its character and contributes to an imbalance in the make up of the local community. It would also cause material harm to the residential character of the area.

Enforcement

13. There has been a sharp increase in the number of HMO enforcement cases raised. In 2010 there were just 6 cases rising to 95 cases in 2012. There have been 19 cases so far in 2013. Albeit this cannot be solely attributed to the implementation of the Article 4 Direction and SPD. A large number of cases were raised in early 2012 by enforcement officers as a result of an investigation into suspected large HMOs (sui generis), which would have needed consent regardless of the Article 4 Direction.

14. As a result of the investigations 15 planning applications were subsequently submitted and 10 Certificate of Lawful Use applications received. Three enforcement notices have been served, all three have been appealed. One of appeals was dismissed by the Inspector who agreed with the Council's decision to issue an enforcement notice, two appeals are pending decision. In his report into the appeal that was dismissed the Inspector gave considerable weight to Council's policy approach to HMOs set out in the SPD.

Key Stakeholders

Estate Agents and Letting Agents

15. Telephone interviews were undertaken with estate agents to explore if there have been any issues of blight or impact on house prices since the policy has been introduced. Coalters, Reeds Raines, Ashtons, Yor Move and Churchills were contacted and made the following comments:
- whilst one estate agents felt they were still having many enquiries for buy to let properties and haven't experienced any decrease in interest for buy to let properties another said that there has been a decline in interest specifically for student lets. Albeit there is still plenty and growing interest for buy to let for professionals and families;
 - it is considered that there has been some interest in buying family homes in areas where there are lots of student housing and another comment was made that families are still prepared to buy family housing in student areas ;
 - another estate agents felt that the Article 4 Direction has had a strong impact on the buy to let market. Interest is still high but when it is known a change of use planning application is needed this puts some people off purchasing. It was also felt that in some instances they are struggling to sell family homes for families in the Badger Hill/Tang Hall areas;
 - it was felt by one estate agents that people still want properties for buy to let but are moving away from student lets to the profession/family rental market. In some case when people become aware of the need to apply for change of use permission they are put off by the "hassle factor". Another estate agent felt that there is a range of buyers out there and an area which is known for its high student population doesn't always put buyers off;
 - another estates agent commented that demand for buy to let properties needing a change of use planning permission has

decreased and that they are struggling to get offers on houses in student areas without HMO permission; and

- it was noted that houses that benefit from HMO planning permission sell very fast and that there has been some cases where HMO properties have been bought and reverted back to family housing.

16. Telephone interviews were also held with letting agents to explore whether the private rented sector has changed as a result of the SPD, including any changes in supply and demand. Comments received are summarised below:

- considered that there has been a noticeable loss of family housing to rent as a result of the Article 4 Direction as previously landlords could swap between C3 and C4 uses depending on what the demand is but now landlords would rather leave their property empty than let to family and lose their HMO permission. As such there are international families looking for rental homes that come to lecture at the Universities or work at major employers in the city but struggle to find properties to rent;
- there are lots of landlords approaching with properties now aware of the need for change of use planning permission;
- there is approximately the same number of properties coming on to the books but they are starting to move further afield from the usual areas into areas such as Appletree village and Heworth village;
- there have been a number of cases where it has proved very difficult to find family rental properties in the Hull road area and very few new HMOs are coming on to the books, they are moving from other agents;
- purpose built student accommodation is very expensive and its felt that this has had very little impact on the HMO market. The university is now offering accommodation on campus for 2 and 3rd years and this has affected the demand for 6 bedroom HMOs. The demand for 3 and 4 bed HMO is still high and there is not enough to meet demand; and
- the spread of HMO does not seem to be moving outwards significant, students want to be as near to the University as possible and there is a boundary that people are not prepared to live beyond, unless they are medical or teacher training.

17. A formal response was also submitted by the York Residential Landlords Association (RLA) which has sought the opinions of their

members (in excess of 500) on the effect the Article 4 Direction is having on them as landlords and on the Private Rented Sector (PRS) in general. The RLA have had a significant level of feedback. The views expressed by the York RLA members fall broadly into three groups as set out in the following paragraphs.

18. A small but significant minority feel that as a landlords association the RLA should totally disengage with City of York Council; they feel that despite the fact that they are one of the two major stakeholders in the PRS, their views are totally ignored. This group of members cites amongst other things the York RLA's original objection to the introduction of Article 4 and more recently the RLA's opinions on Landlord Accreditation as examples of the Council ignoring the views of landlords and the public.
19. The second group of opinion is larger, and although still in a minority, are in favour of the Council keeping the Article 4 Direction in place. This tends to be the view expressed by older landlords and/or those not wishing to invest in further improvements and/or do not wish to expand their portfolios. They feel that the Article 4 Direction has already, and will in future reduce competition thereby enabling them to increase rents and spend less time and money improving their houses. It was also noted that many landlords in this group have benefited from increases in the value of their portfolios by 20% to 30% which is considered to be as a result of the introduction of the Article 4 Direction. Many have put some or all of their rental properties on the market to 'cash in' on this additional profit.
20. The majority of opinion within the RLA however is that the Article 4 Direction is bad for tenants and bad for the City's economy. This group acknowledge that it is good for existing landlords in the short term but consider that it will be very damaging in the long term. A copy of the full response from the RLA can be found at Annex B.

The Universities

21. A meeting was held with representatives from both universities, including the Director of Estates and Campus Services for the University of York and the Director of Facilities at York St. John University. The following comments were made following a discussion about the PRS, university campus accommodation and the impact of the Article 4 direction and SPD:

- demand in the PRS was felt to be reducing due to there being more on campus accommodation and increasing purpose built student accommodation being provided by third parties independent of the Universities;
- there are concerns about the quality of some properties in the PRS, with recent evidence of some properties not meeting each Universities' Fire and Safety requirements;
- there have been no notable issues in supply of HMOs since the Article 4 Direction was introduced, it is felt that letting agents can often over hype the issue of finding accommodation to encourage students to sign leases. If anything there is evidence of oversupply due to additional on campus provision and purpose built student accommodation;
- both universities are hoping to use purpose built student accommodation to eventually withdraw from university managed housing in the PRS, however these properties are appealing to 'returners' or second and third years. It was stated that there will always be a demand for a significant proportion of University students to live in the private sector, it is considered as part of the student experience. However through the provision of additional purpose built accommodation the proportion of PRS housing occupied by students is likely to reduce;
- it was stated that all students can apply for on campus accommodation for both universities. There are also plans for a significant increase in purpose built student accommodation within the City by third party developers independent of both Universities. Because of this it is likely that a lower proportions of students per academic year will go into the PRS; and
- there seems to be a slower uptake of properties for sale in places like Badger Hill because of the threshold approach and planning permission not being forthcoming due to there already being large concentrations of HMOs.

22. On a wider issue in relation to the recent increases in granting of planning permission for purpose built student accommodation it was suggested that a balance needs to be established between the provision of student accommodation provided by Universities, third party developers and the PRS. The development of additional purpose built student accommodation will be dependent upon economic viability and a guarantee that it can be filled.

Students

23. To engage with the student body officers attended a meeting of the Student Community Partnership. The partnership comprises students' unions representatives, students, Councillors, Council officers and the wider community to discuss issues, celebrate successes and good practice and to ensure that there is a constructive dialogue between students and members of the communities they live in. Members of the partnership were informed of the review and feedback on their experiences of HMOs and student housing since the introduction of the SPD was requested. The following feedback was given at the meeting:
- increases in student numbers has not been matched by an increase in housing;
 - the price of purpose built student accommodation is putting students off living in this type of accommodation and that a lot of second and third year students want to have their own space so do not want to live in purpose built blocks. Students feel that they will have a better level of pastoral care if they are in university-managed accommodation in the first year and often want to live in traditional housing in their second and third years. It was noted that it would be useful to investigate this further in the next housing survey;
 - due to increased student numbers at the University of York, students are having to live further away from campus, which is harder for students in terms of getting to campus, and results in problems with residents who are not used to having students living in their area; and
 - There was a particular concern for student families who over the last year had found it difficult to source adequate housing close to campus. It was requested that the HMO review takes account the needs of student families, as often landlords are unwilling to rent to families as they will lose their HMO permission and would have to reapply if they then wanted to let to individual students.
24. In relation to the last bullet point, following the meeting a formal response was received from the Graduate Students' Association (GSA) which can be found at Annex C. This response highlights that the GSA believe that the SPD has negatively impacted student families. In talking to student families the GSA had concluded that one of the unintended consequences of the introduction of the SPD has been that landlords with HMO properties which would be suitable for student families are unwilling to rent to families as this would revert the properties use back to dwellinghouse (Use Class C3) which would mean they would then be

unable to subsequently rent out to individual students. It is considered that the Article 4 Direction effectively removes flexibility to cater to both student families and the more traditional individual students/young professional market. The GSA recognise that planning policy is a complex issue and discussions about the merits and drawback of the Article 4 Direction are ongoing but would welcome discussion on this issue.

25. A formal joint response from the University of York and York St. John students' unions can be found at Annex D. In summary the students' unions made the following comments:

- the Article 4 Direction and SPD has prevented more HMOs for students nearer campus, driving prices up as competition is reduced. Any increases in accommodation prices across wider areas of the city is a major concern;
- students are having to look for houses in new areas not traditionally occupied by students. The 'Rate Your Property' survey(see Annex D) shows that students living outside some of the typical 'student areas' (such as South Bank and Huntington) choose to do so due to cost of accommodation but also because of a lack of availability close to their place of study; over 10% of students were unable to find property in their chosen location;
- as students move into areas not traditionally occupied by students this will create the usual problems in new areas;
- whilst students wishing to remain on campus are supported by lobbying the universities to make adequate, affordable accommodation available it is also recognised that many students choose to live off campus. The importance of choice should not be undermined and it is considered that in order to provide this, more HMOs are needed in some areas;
- more properties should be made available close to the universities campuses, although there is not support for an approach which 'ghettoises' students as it is considered that students living out in the community should feel part of, and get involved in their local community;
- the concerns made by the GSA regarding the impact upon housing for students with families are supported; and
- if HMO restriction is to continue to apply there would be support for a redistribution of HMOs in order to balance the demand for quality student housing which is both affordable and conveniently located.

Residents

26. Targeted consultation was undertaken to understand the views of residents on the impact of the SPD. Meetings were held with groups who have previously been actively involved in HMO issues including representatives from Osbaldwick Parish Council, the Badger Hill Residents Community Group and the Heslington Village Trust. Heslington Parish Council provided written comments.
27. The following views were expressed by Osbaldwick Parish Council:
- 10% at the street level is still considered to be too high a threshold. Between 0% and 5% was considered to be more appropriate as this would ensure that all HMO applications would be determined on their own merits and with all factors considered and not just based on a threshold;
 - it is important that both the threshold calculations and assessment of residential amenity are taken into consideration and afforded equal weight when determining planning applications;
 - there should be a mechanism for residents to challenge the database and local knowledge should be taken into account;
 - large HMOs (6 or more people) should be resisted in quiet residential areas but are more suitable on busy roads;
 - there should be an exceptional circumstances clause in the policy for those properties blighted by the threshold approach. There should also be more flexibility in cases where there are groups of properties next to each other i.e. account should be taken of the specific location of HMOs at the street level;
 - as the areas closest to the universities reach the threshold of concentration of HMOs and become less attractive to landlords the problem of HMOs will only be passed to the next area which will be targeted by landlords wishing to buy new properties to let. This is happening to Osbaldwick which the Parish Council states has experienced an increase in HMOs since the introduction of the Article 4 Direction;
 - it was felt that more can be done to improve standards and the quality of HMOs; and
 - many residents are still querying why students do not pay Council Tax. The Parish Council fully support these concerns and believe as the Council tax exempt student HMOs are in effect businesses run by landlords then the properties should have business rates levied. It is unfair to increase pressure on services in an area

(waste collection, parking etc.) and expect the existing residents to pay an increasing burden on local taxations.

28. The Badger Hill Residents Community Group made the following comments:

- there is support for the Article 4 Direction and SPD which helps to maintain the balance of communities where it was previously threatened. It is felt that the SPD does control the location of HMOs to avoid new concentration forming;
- there has been a reduction in the number of family homes that have been converted to HMOs. This is also possibly due to the growth of purpose built student accommodation;
- would like to see a lowering of existing HMO numbers which would see the restoration of family homes in areas like Badger Hill. Need to exploit all opportunities to restore the balance of communities;
- would like to see homes let to families rather than left empty as they are now, this is because landlords want to retain C4 status for their properties which they would lose by letting to a family and so would rather see their property empty than lose HMO status ;
- the approach to HMOs could be improved by having a compulsory registration scheme for HMOs of all sizes. Registration should be along the lines of licensing with standards of conditions for tenants, including fire escapes. There should be a minimum standard which allows a landlord to register their HMO with a reduction in registration fee according to the better standards the property demonstrates; and
- the quality of the environment is no better since the introduction of the SPD, by having a registration system this could help to improve the environment such as gardens and bins.

29. The Heslington Village Trust commented that since the introduction of the Article 4 Direction and SPD there hadn't, to their knowledge, been any applications for change of use to HMOs, other than a retrospective application at 12 School Lane, and an application to convert Fairfields, again in School Lane, both of which were refused. The Trust had no further comments to make other than that they supported the Article 4 Direction and SPD.

30. Heslington Parish Council made the following comments:

- “neighbourhoods” are the special units in which face-to-face social interactions occur – the personal settings and situations where

residents seek to realise common values. Thus the “neighbourhood” for any application in Heslington should be just the parish of Heslington or it could be enlarged to include Badger Hill but certainly should not include more distant settlements;

- thresholds are to be reviewed annually, the criteria used for these thresholds should also be reviewed; and
- the 100m street length rule should include any property with a boundary which can be reached on foot within 100m of the applicant property.

31. The Tang Hall Residents Association approached the Council to discuss their experiences of HMOs since the introduction of the SPD and a meeting was offered and the opportunity to provide written comments, but was not taken up prior to publishing this report.

Implementation of the SPD

Development Management and Enforcement

32. Consultation with Development Management and Enforcement officers was undertaken to find out how the SPD is being applied from an implementation perspective, what is and isn't working and what changes could/should be made. Comments made by officers are summarised below:

- expansion of paragraph 2.1 of the SPD to clarify why the SPD remains a *draft* SPD but that it is still a material consideration. Ambiguity relating to the status of the SPD was raised by an Inspector in a recent appeal decision;
- it should be clearly set out in paragraph 2.2 that the SPD applies to all development consisting of a change of use of a building from a use falling within the Use Class 'C3' to Use Class C4. It does not just apply to change of use to HMO from traditional family dwellings for example, but change of use to HMO from any property falling within use class C3, such as houses that have been subdivided into flats;
- paragraph 3.1 and the definition of a small HMO should replicate the wording in Government circular 08/2010 i.e. a use class C4 HMO is a property occupied by between 3 and 6 people;
- clarity should be provided as to whether government changes to permitted development rights apply to HMOs, particularly in relation to small HMOs;

- advice should be added in relation to applying for Certificates of Lawful Development to demonstrate that a property had been operating as an HMO prior to April 12 2012 when the Article 4 Direction came into force and been operating as an HMO since; and
- a new section should be added to provide information on the Council's pre application advice.

Housing Standards and Adaptation

33. There has been a continued dialogue between planning officers and colleagues from housing standards and adaptation since the introduction of the SPD. This is essential given the complimentary powers available to the Council in relation to HMOs under both the planning act and the housing act. This dialogue has mainly taken the form of information sharing on known HMOs, particularly in relation to enforcement cases. Colleagues in housing and adaptation are currently looking at ways of making this information sharing better.

The Database

34. The HMO database was updated in May 2013 in accordance with the provisions of the SPD and is being used to determine HMO change of use planning applications. Updated mapping is available to download from the website to provide an indication of where existing large concentrations of HMOs exist.
35. Following the implementation of the SPD a number of queries have been made about the accuracy of the database and only proposing to update it annually. It has been argued that particularly with new HMO planning permissions being granted monthly it is necessary that the HMO database used to determine new applications is as up to date as possible to reflect the most up to date picture of HMOs and to ensure a robust decision making process. As such work has been undertaken to explore the possibility of updating the database more frequently. Following this work it is proposed that the most appropriate way forward is to have mechanisms in place to update the database with information from Development Management on approved HMO change of use applications and certificates of lawful use on a monthly basis. Having spoken to colleagues in Council Tax, it is proposed to continue to update the Council Tax exemption data annually. It is not possible to update this part of the database more frequently as this would result in an incomplete picture of council tax returns and would not result in robust decision making.

36. Several residents have also queried the database with their own local knowledge since the implementation of the SPD. This is been welcomed to help aid the Council in building up as complete a picture of HMOs as possible and to ensure the database is scrutinised and challenged to build in robustness. It is proposed that this is acknowledged in the SPD under the 'properties known to the council to be HMOs' element of the database. Albeit it will be necessary caveat that there must demonstrable evidence from residents that a property is an HMO otherwise it will be assumed the database is correct. Please see Annex E for proposed amendments to the SPD which are discussed in more detail in the 'recommended amendments to the SPD' section of this report from paragraph 51.

Outcomes of the Local Plan Preferred Options Consultation

37. An eight week consultation was undertaken on the City of York Local Plan Preferred Options (June 2013). The emerging Local Plan replicated the SPD approach to HMOs in Policy ACHM6 'Houses in Multiple Occupation'. Whilst analysis of the outcomes of the consultation is still ongoing comments received in relation to ACHM6 have been extracted to contribute to this review. Policy ACHM6 did not receive a large volume of responses, overall, comments were favourable and there is support for the current approach. A summary of the comments received relating to Policy ACHM6 is set out below:
- the student population should be distributed more or less evenly throughout the city in order to minimise student hotspots which can have harmful impacts on a neighbourhood;
 - more control should be exhibited on HMOs, whilst the two universities are of benefit to the city they do not and should not have priority over local people's needs;
 - HMOs must be carefully situated and universities must take responsibility for student accommodation needs;
 - the Plan should provide local policy to guide development of student accommodation towards campus locations. Such accommodation located in residential areas is adversely affecting the amenity value of long established residential areas;
 - in Fulford there is a shortage of houses because hundreds of family homes have been turned into HMOs. The University must take its share of responsibility by creating more student accommodation and encouraging students to live there; and
 - a policy should be adopted which would strictly control the creation and extension of HMOs.

The National Picture

38. Telephone interviews were undertaken with other Local Authorities who have similar threshold policy approaches to HMOs to explore the issues they are facing. In Exeter on the whole the Article 4 Direction and threshold approach has been well received by householders and letting agents. There has been frustrations from some at the boundary cut offs dividing streets rather than encompassing the whole street. There has also been a significant amount of purpose build student accommodation which has resulted in empty HMOs. With regard to appeals there have been a small number, the majority of which have been dismissed. The Council are looking to reduce the current threshold from 20% to 15% and also to extend the area covered by the Article 4 Direction.
39. In Southampton there have been a number of appeals of decisions on HMO change of use applications which have been dismissed by the planning inspectorate, providing support for their threshold policy approach. Inspectors who have made similar comments to those received for appeals in York; namely agreeing that further change of use would give rise to an unacceptable concentration of HMOs.

Analysis

40. It is evident from engaging with a range of stakeholders that on balance, the SPD is welcomed and supported and is considered to have had a positive impact. Albeit there remains some opposition to the Council exerting control over HMOs through the Article 4 Direction and concerns raised with impacts from the introduction of the SPD. Overall it is considered that the policy approach set out in the SPD has enabled the Council to control the location of HMOs to ensure that new unsustainable concentrations of HMOs are not formed. Importantly, the policy approach set out in the SPD is standing up to scrutiny at appeal. However concerns have been raised by stakeholders which are addressed below.

Impact on Student Families/Empty HMOs

41. The review has highlighted that in some instances landlords have been unwilling to rent properties to student families to avoid losing the HMO status of the property. This has meant some student families have found it difficult to find accommodation since the Article 4 Direction was implemented and the SPD threshold approach introduced. It has also meant that there has been an increase in HMOs standing empty as landlords would rather this then let out to a family and have their property revert back to use class C3. Whilst there is currently no evidence that the SPD is constraining supply and creating issues of

undersupply this is an issue that will need close monitoring to ensure there are not supply issues for student families and also to prevent increases in empty properties in the city.

42. It is possible under Schedule 2, Part 3, Class E of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) to apply for a flexible planning permission. In the short term to address the issues raised through the review it is proposed to include new text in the SPD to inform landlords of the opportunity to apply for a flexible C3/C4 permission. This would require a planning application to be submitted, but would allow continuous occupation of the building as either use for a period of 10 years without the need for subsequent planning applications. Should such an application be successful it is hoped that this flexibility will ensure that student families in particular are not marginalised and are able to find appropriate accommodation in the future. Where C3 to C3/C4 applications are sought the provisions of the SPD and the threshold approach would be applied. Any properties with flexible C3/C4 permission will be recognised on the database as an HMO.

Threshold Approach

43. Osbaldwick Parish Council consider that the thresholds set out in the SPD do not go far enough and have suggested that they are made more stringent with between 0% and 5% considered most appropriate at the street level. Heslington Parish Council have also commented that the threshold approach should be modified with regard to the application of the neighbourhood area in Heslington and that the criteria for calculating the thresholds should be reviewed annually. Overall however stakeholders seem happy with the thresholds and the approved approach and importantly two independent Inspectors have been supportive of the thresholds set. Indeed one Inspector made reference to the 'appropriate levels of public consultation' undertaken in preparing the SPD and agreeing its approach which was said to carry 'significant weight'. In light of this and the overall support for the threshold set out in the SPD it is not considered appropriate at this time to amend the thresholds. That is not to say that a later date these maybe revisited should another comprehensive consultation on the SPD be undertaken.

Supply of HMOs

44. The students' unions have commented that since the introduction of the SPD more HMOs nearer campus have been prevented which has meant that students have had to look for houses in new areas. There are concerns as students move into areas not traditionally occupied by

students this may create problems in new areas. Firstly it is important to note that the purpose of the Article 4 Direction and the policy approach in the SPD is not to unreasonably suppress the number of HMOs or to restrict HMOs but to allow the Council to exert control over the location of HMOs to avoid large concentrations forming which can have negative impacts. The aim of the SPD is to continue to provide HMO accommodation to meet the City's housing needs but to manage the location to avoid high concentrations of HMOs in one area.

45. As shown by the analysis of the planning applications submitted since the introduction of the SPD (see paragraph 5 onwards and Map 1) there has been a broad spatial distribution of applications for change of use to HMO, albeit there has been a clustering of applications in the wards closest to the universities. More applications have been approved than refused which demonstrates that the SPD is not unnecessarily restricting the number of new HMOs. Moreover, supply of HMOs has not been raised as an issue by key stakeholders as part of this review. As set out in the SPD, it is still considered that given the compact nature and well connected public transport network, the spreading out of HMOs to avoid unsustainable concentrations of HMOs will still mean that for students in particular, HMOs will remain highly accessible. It also in the students' unions words, avoids the 'ghetto-isation' of student housing through ensuring mixed and balanced communities where students can feel part of the wider community.

Increasing Rents

46. The student's unions also commented that in preventing more HMOs for students nearer campus this is driving prices up as competition is reduced. Any increases in accommodation prices across wider areas of the city is a major concern for the student' unions. The York RLA also suggested that the Article 4 Direction already has, and will in the future, reduce competition enabling landlords to increase rents.
47. Prior to implementing the Article 4 Direction City of York Council discussed with Oxford City Council their experiences of managing concentrations of student housing and its was indicated that increases in rents could be a possible outcome of controlling HMOs. Given that only a year has passed since the introduction of the Article 4 Direction and SPD it is difficult to say whether comments made about increases in rents can be attributed to the control exerted by the Council. It is recommended that further work be undertaken into this issue to establish if any rises in rents can be directly attributed to the SPD.

Quality of Properties/Residential Amenity

48. The quality of HMOs and the impact of HMOs on residential amenity continue to be concerns of stakeholders. In assessing HMO applications there are both threshold and residential amenity considerations to take into account. When giving advice to Development Management on HMO applications Forward Planning officers highlight the threshold and indicate that an assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change of should also be undertaken. This is done by Development Management officers when undertaking site visits. As such, for permission to be granted both the street and neighbourhood thresholds must not have been breached and residential amenity should be satisfactory. However, to date, there have been no cases whereby officers have considered there to be overriding residential amenity concerns to warrant overriding the outcomes of the threshold calculations.
49. In accordance with the provisions of the SPD, in the interests of the proper management of HMO properties, to ensure quality property standards and in the interests of the amenity of adjacent residents all HMO applications that have been granted permission have had a condition attached requiring that prior to the dwelling being occupied a management plan shall be agreed in writing with the Local Planning Authority to demonstrate the control of the following: i) Information and advice to occupants; ii) Garden maintenance; iii) Refuse and recycling facilities; iv) Property maintenance. This approach will continue to be adopted.
50. Alongside this, to promote good quality, safe accommodation the Council is currently pursuing the implementation of a voluntary accreditation scheme which will be in place by the end of the year. The aim behind accreditation is to provide landlords with information and skills to build successful business and to help tenants identify safe, high quality accommodation. The scheme website (www.yorproperty.co.uk) will be going live in the coming weeks and landlords and agents will be invited to join. To date there have been 14 expressions of interest in joining. Higher York, the universities and students' unions have agreed to support the scheme and will be directing all students to the website to look for accredited accommodation in future. The existing university code of practice will be phased out after the next academic year and landlords encouraged to join the accreditation scheme instead. A major promotion of the scheme will take place in January 2014 at the time students are being recommended to look for properties.

Withdrawal of the Article 4 Direction

51. Whilst it was not the purpose of the review to consider whether the Article 4 Direction should remain in place the York RLA have expressed that the Article 4 Direction is bad for the city and should be withdrawn (see Annex B for further detail). This is not the view of the Council or other key stakeholders. Overall this review has indicated that a range of stakeholders are supportive of both the Article 4 Direction and the policy approach set out in the SPD. It is evident that the Article 4 Direction is not constraining the supply of new HMOs, with more change of use applications being approved than refused. Furthermore, stakeholders have not raised supply of HMOs as an issue and there has been no identified shortfall in provision of this type of housing. The Article 4 Direction and corresponding SPD would appear to be achieving their main purpose, namely to continue to provide HMO accommodation to meet the city's housing needs but to manage the supply of new HMOs to avoid night concentrations of this use in an area. It is therefore not considered appropriate to withdraw the Article 4 Direction.

Recommended Amendments to the SPD

52. Proposed amendments to the SPD can be found at Annex E. These minor amendments are considered necessary to make the SPD fit for purpose. For example amendments have been made to references to national and local policy contexts and weblinks have been updated. Amendments have also been made to ensure the document is clear and concise and easily understandable by residents and landlords. In some cases new text has been added to increase clarity and provide additional information, this can be found at paragraphs 5.21, 5.25, 5.26 and 5.28 of the SPD in relation to information on permitted development rights for use class C4 HMOs, regularising existing HMOs through applying for a certificate of lawful use, flexible C3/C4 permission and information on the Council's pre application advice.
53. Importantly, it is not considered necessary or appropriate to make amendments to the policy approach to determining HMO change of use applications. Albeit, there are proposed changes in relation to data collection and the updating of the HMO database as discussed at paragraph 34 of this report. These changes can be found at paragraph 5.4 and 5.5 of the SPD.

Options

54. The options below are available to Cabinet.

Option 1: Approve the proposed amendments to the SPD as shown at Annex E

Option 2: Make no changes to the SPD

Option 3: Request officers to undertake further work

Council Plan

55. Exploring the impacts of HMOs relates to the following Council Plan Priorities:

- Build strong communities.
- Protect vulnerable people.
- Protect the environment.

Implications

56. 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

Risk Management

57. In accordance with the Council's risk management strategy, the main risk associated with the HMO SPD is financial, relating to the impact on Planning and Environmental Management resources arising from the implementation of the SPD. Following the introduction of the SPD there has been a significant and ongoing proportion of officer time spent dedicated to both formal planning application policy comments and informal queries on whether thresholds have been breached and advice on whether to pursue planning applications for change of use. Officer time has also been ongoing with regard to maintaining the HMO

database and mapping requests. Measured in terms of impact and likelihood, this risk has been assessed as requiring frequent monitoring.

Recommendations

58. That Cabinet:

- i) note the contents of the report
- ii) approve the proposed amendments to the Supplementary Planning Document at Annex E
- iii) delegate to the Director of City and Environmental Services in consultation with the Cabinet Member for Transport, Planning and Sustainability the making of the amendments to the SPD and the republishing of the SPD.

Reason: So that the SPD be fit for purpose and can continue to be used effectively for Development Management purposes to support the emerging Local Plan and the Article 4 Direction which came into force on 20 April 2012.

Contact Details

Author:	Cabinet Member and Chief Officer responsible for the report:		
Frances Sadler Development Officer Planning & Environmental Management 01904 551388	Cllr Dave Merrett, Cabinet Member for Transport, Planning and Sustainability		
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	Report Approved	√	Date 18/12/2013
Specialist Implications Officer(s) N/A			
Wards Affected: All			√
<i>For further information please contact the authors of the report</i>			

Annexes:

Annex A: Appeal Decisions

Annex B: York Residential Landlord Association Response

Annex C: Graduate Students Association Response

Annex D: Students' Unions Joint Response

Annex E: Proposed amendments to the Controlling the Concentration of
HMOs SPD

Annex F: Abbreviations

Annex G: Draft Local Plan Working Group Minute

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Annex A: Appeal Decisions



Appeal Decision

Site visit made on 4 December 2012

by Robin Brooks BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 January 2013

Appeal Ref: APP/C2741/A/12/2182758

11 Feversham Crescent, York YO31 8HQ

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Anthony Peck against the decision of City of York Council.
 - The application Ref 12/01945/FUL, dated 9 May 2012, was refused by notice dated 31 July 2012.
 - The development proposed is change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4).
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4) at 11 Feversham Crescent, York YO31 8HQ in accordance with the terms of the application, Ref 12/01945/FUL, dated 9 May 2012, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the location plan and floor plan received by the Council on 18 May 2012.
 - 3) No later than the expiry of two months from the date of this permission a management plan for the property shall be submitted for the approval of the Local Planning Authority including information and advice for occupants. This shall include guidance on care of external areas and appropriate storage of refuse and recycling and shall be implemented as approved.

Policy context and main issue

2. Policy H8 of the City of York Local Plan permits conversion of a dwelling to multiple occupation subject to a number of criteria covering internal suitability, external alterations, adequacy of parking, impact on neighbouring residential amenity and provision for refuse storage. As the Plan has not been formally adopted it carries only limited weight but the criteria appear to me to be generally soundly based.
3. In support of their refusal the Council also cite their Supplementary Planning Document (SPD) *Controlling the Concentration of Houses in Multiple Occupation* which sets out thresholds for levels of houses in multiple occupation which should not be exceeded if a balanced community and appropriate range

of housing are to be maintained. The latter objective generally reflects advice in the National Planning Policy Framework (NPPF). The status of the SPD is unclear as it is said to have been approved by members in April 2012 for development management purposes but is titled "draft". However, despite this ambiguity I regard it as a material consideration.

4. Against this policy background the determining issue in the appeal is the impact of the proposal on the character and appearance of the surrounding area.

Reasons

5. The SPD states that a change of use to a house in multiple occupation will only be permitted where the accommodation provided is of a high standard which does not have a detrimental effect on residential amenity; where it is in a neighbourhood where less than 20% of properties are in multiple occupancy; and where less than 10% of properties within 100m are so occupied. The Council do not argue that the property would fail to provide good accommodation and I see no reason to question that stance. It is a substantial building on 3 floors, appears to be well maintained and has a rear yard that would provide outside storage for its occupants. Parking in the area is controlled and I would expect space to be at a premium but there are bus services on Wiggington Road, a major radial road into the city centre, and the centre itself is no great distance away. The property would also be well placed for anyone employed at the adjacent General Hospital or studying at York St John University nearby. All of this could well mean a low level of car ownership among occupants.
6. As regards the occupancy thresholds, the Council say that in the neighbourhood around the property 7.3% of houses are in multiple occupation but that within 100m the figure is 15.3%. However, it seems to me that like any policy or guidance the approach set out in the SPD must be applied with a degree of flexibility and pragmatism and with due regard to the particular case at issue. Although, as the Council's development control report says, the criteria make no reference to the requirement (sic) being applied flexibly depending on the location of a property or its specific characteristics, this does not in my opinion justify refusing planning permission solely on the basis that a numerical threshold has been breached. No evidence has been submitted to indicate whether or how this particular change of use would adversely affect the specific area and community around it.
7. It is evident from the street and from representations made by objectors that there is a high level of multiple occupation in Feversham Crescent, and that this may well be above the level indicated by the Council. I also accept that such occupancy can cause problems of noise and disturbance, parking pressure and anti-social behaviour, as referred to by objectors. However, this particular case has to be seen in the context of its location close to both a main road and a large acute hospital both of which are likely to give rise to a good deal of activity. Also, from what I saw on my visit the properties in the Crescent appeared to be generally well maintained and they have very little external space, other than the enclosed rear yards, where refuse could be left in an anti-social manner. I am also mindful of the statement by the Appellant, not contradicted by the Council, that the property was registered and occupied as a house in multiple occupation for some 15 years from 1995 and that it was re-registered as such in July 2012. I conclude on the main issue that, although

the Council's objectives of maintaining a balanced community and a range of housing choice are sound, there is no cogent evidence that the appeal proposal would unacceptably harm the character and appearance of the surrounding area. It would not therefore undermine the aims of the Local Plan, the SPD or the NPPF.

8. The Council have suggested a condition requiring submission of a management plan for occupants of the property that would help address potential areas of friction between them and neighbours. Given the number of people who might be accommodated, this seems to me a reasonable approach and in principle to fulfil a planning purpose. I have amended the Council's suggested wording for greater clarity and precision. I have also applied a condition requiring compliance with the submitted plan for the avoidance of any doubt as to the nature or scope of the change of use.
9. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be allowed.

Robin Brooks

INSPECTOR



Appeal Decision

Site visit made on 7 January 2013

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 January 2013

Appeal Ref: APP/C2741/A/12/2183491
20 Hartoft Street, York, YO10 4BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Sally Cakebread against the decision of City of York Council.
 - The application Ref 12/01938/FUL, dated 9 May 2012, was refused by notice dated 24 August 2012.
 - The development proposed is change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4).
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Miss Sally Cakebread against City of York Council. This application is the subject of a separate Decision.

Procedural Matters

3. In the interests of accuracy I have taken the site address and the description of development from the Council's decision notice.
4. Information provided by the appellant indicates that the appeal property was successfully let to tenants in October 2012. As such, I have considered the appeal on the basis that the development proposed has already taken place.
5. The appeal site lies within a larger area that is covered by an Article 4 Direction made by the Council, which came into force on 20 April 2012. The Direction removes permitted development rights for change of use from Class C3 (dwelling houses) to Class C4 (houses in multiple occupation) in an effort to control the number of houses in multiple occupation, to ensure that communities do not become imbalanced. It applies across the whole of the main urban area of York.

Main Issue

6. The main issue in this case is the effect of the proposal on the residential character of the area.

Reasons

7. The appeal site is a modest three bedroom mid terrace house. The surrounding area is residential, characterised by other similar terraced houses fronting directly onto the street with rear yards and accesses.

8. Policy H8 of the Local Plan¹ indicates that houses in multiple occupation (HMOs) will only be permitted where, amongst other things, they would not have an adverse impact on the residential character of the area by virtue of the conversion alone, or cumulatively with a concentration of such uses. Similarly, the Council's SPD² seeks to ensure that communities do not become imbalanced through unsustainably large concentrations of houses in multiple occupation. The SPD is only permissive of HMOs in neighbourhood areas where less than 20% of properties are in multiple occupation and, at street level³, where less than 10% of properties are in multiple occupation.
9. The appeal site is within a neighbourhood area where, based on the Council's analysis, the proportion of houses in multiple occupation is low at 8.8% (falling well below the 20% threshold). However, at street level 13.1% of properties are considered by the Council to be HMOs. Whilst the appellant questions how this figure was arrived at, no alternative, substantiated evidence has been submitted to undermine the Council's figure. As such I see no reason to dispute the Council's view that the 10% threshold set out in the SPD is already exceeded.
10. I am conscious that only slightly more than the recommended level of existing properties at street level are HMOs, and the appeal property has only three bedrooms. On this basis, allowing one additional property to be used as a HMO, may appear insignificant in itself. However, it increases the already high concentration of houses in multiple occupation in the immediate area, which detracts from its character and contributes to an imbalance in the make up of the local community. This impact exacerbates a situation which already requires careful management, and has been identified by the Council as a concern.
11. I note the appellant's view that the SPD is unfair to new landlords, will put off investors, and is detrimental to the relationship between the Council and the University, forcing students to live in worse locations and inferior accommodation. I have also considered the argument that the thresholds in the SPD have been set too low, particularly having to regard to the historical levels of student houses in the area. Further, I acknowledge that the appellant considers a street level threshold of 15% would be more appropriate and better reflect the representations made on the SPD. However, I am mindful that the SPD has been subject to thorough research and consultation. In particular the alternative approach of a variable threshold was considered but not favoured by consultees. On this basis, the adopted thresholds are considered by the Council to be the point at which a community can tip from balanced to imbalanced, and I see no reason to disagree with this stance. Moreover, the SPD allows for a consistent approach to the determination of relevant applications and is an important tool in the Council's efforts to prevent the gradual erosion of residential areas, and the creation of unsustainably large concentrations of HMOs.

¹ City of York Draft Local Plan Incorporating the 4th set of changes – Development Control Local Plan 2005

² Draft Supplementary Planning Document 'Controlling the concentration of houses in multiple occupation'. Although the title of the document includes the word draft, it was approved in April 2012.

³ The SPD assesses the impact of HMOs at two geographic levels: neighbourhood level and street level. The term street level is defined as including both sides of the road within 100m of street length either side of a site.

12. I conclude that the proposal causes material harm to the residential character of the area, in conflict with Local Plan Policy H8. It is also contrary to the terms of the SPD and undermines its overall aim of ensuring communities do not become imbalanced. Further, the proposal is at odds with paragraph 50 of the National Planning Policy Framework which seeks the creation sustainable, inclusive and mixed communities. The effect of the revocation of the Regional Strategy has been considered but in the light of the facts in this case, the revocation does not alter my conclusion.

Other Matters

13. I am aware that the SPD recognises the important contribution HMOs make to York's housing offer, providing flexible and affordable accommodation. I also note the appellant's view that students and local residents can benefit from living together, and that the appeal site is in a good location close to the river and the university. These factors are benefits in favour of the proposal, but taken either individually, or together, they do not outweigh the harm I have identified. I also recognise that the standard of accommodation for future occupiers would be acceptable and that no issue is taken with any adverse impact on the living conditions of adjoining occupiers, with particular regard to noise and disturbance. However, the absence of harm in this regard is not a benefit of the scheme as such.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

Inspector



Appeal Decision

Site visit made on 16 April 2013

by J S Nixon BSc(Hons) DipTE CEng MICE MRTPI MCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 June 2013

Appeal Ref: APP/C2741/A/13/2191992
226 Melrosegate, York, YO10 3SW.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Planusual Projects Ltd against the decision of the City of York Council.
 - The application Ref. No: 12/02745/FUL, dated 27 August 2012, was refused by notice dated 4 October 2012.
 - The development proposed is for the change of use of a 5-bedroom dwelling to a 7-bedroom house in multiple occupation (HMO).
-

Decision

1. For the reasons given below, this appeal is dismissed.

Main Issue

2. From the written representations and a visit to the appeal site and surroundings, it follows that the main issue to be decided in this appeal is the effect the proposed change of use would have on the character of and community in the area.

Reasons

3. In refusing the appeal scheme, the Council relies on paragraph 50 of the National Planning Policy Framework (the Framework), which advocates sustainable, inclusive and mixed communities and its two Supplementary Planning Documents (SPDs) entitled "Controlling the Concentration of Houses in Multiple Occupation" (April 2012) and "Subdivision of Dwellings" (December 2012), which are argued as being in conformity with the Framework.
4. Although the absence of an adopted local plan means that the SPDs cannot form part of the statutory Development Plan Framework at this stage, the Council has confirmed that, after the requisite extensive public consultation, both the SPDs have been formally adopted by the Council for development control purposes. Accordingly, these SPDs can be given considerable weight.
5. In the context of the appeal proposal, the threshold for the concentration of HMOs advocated by the earlier SPD seems a sensible and pragmatic approach to meeting the overarching objective of paragraph 50 of the Framework. As such, the Council's decision merits support unless other material considerations justify reaching a different conclusion.

6. Several submissions are made on behalf of the Appellants and these are looked at in turn. As for the need for any planning permission, this appeal is dealt with on the basis that planning permission has been sought. However, as the Council says, if it is felt that a material change from the existing situation would not take place, a Lawful Development Certificate could be applied for.
7. The SPDs are also objected to on a ground of principle. However, it is not accepted that they are fundamentally flawed but, as noted above, having undergone appropriate levels of public consultation carry significant weight. Moreover, even though it is suggested that the Council's assessment only looks at student houses, the Council points out that this is not the case, confirming that the SPDs consider all shared houses. This seems reasonable, because nothing is identified that would preclude any shared house being used by students. It is also worth noting that the Council believes its assessment, using the records it has, is likely to produce an underestimate of HMOs. This is not disputed.
8. Next, having regard to the open land nearby, the density of housing within the 100 metre walking distance may be lower than some other areas in the City. However, the SPDs make clear that they apply to all areas of the City and are not intended only to apply to certain areas or for the threshold to vary dependant on the prevailing local density. No doubt this was a feature retained or included following the consultation responses.
9. Moving on, it is submitted that the appeal premises is capable of supporting eight people, which is said to be one more than is now proposed. The application does not give the internal measurements of the appeal dwelling, so it is not possible to compare this with the guidance in paragraph 3.6 of the second SPD. However, the Council emphasises that the ability of the property to support the number of residents proposed has not influenced its decision. On this basis, this is not something that counts against the project.
10. Whereas the proposed conversion itself might only have a modest effect on the character of the area, the SPDs require that consideration is given to the cumulative effect on the character of a particular area of all the HMOs within that area. The guideline threshold figure evinced by the first SPD is 10% within a 100 metres walking distance and the figure here is quoted as 19.2%. Although the 19.2% figure is questioned, the Council draws this from its figures, including registered student council tax exemptions. There is nothing objective that is proffered to challenge this figure. As such, an additional HMO would mean the guideline is breached by almost 100%. This would make it very difficult for the Council to support the SPD threshold in the future. In addition, although less of a breach the proposal would exceed the neighbourhood threshold of 20% within a 450 metre radius. It is noted that the first SPD requires proposals for HMOs to fall within both thresholds.
11. Looking next at arguments relating to the scheme's sustainability accreditation, the appeal site is relatively close to the University, but no travel audit is contained in the Design and Access Statement accompanying the application to show that this is a better area than others. There is certainly no objective audit to demonstrate the present modal split. Even if it is a good area locationally, and even if there is some conflict with the sustainability policies in the Framework and development plan, this does not outweigh the SPD and

Framework objectives for the community. To adopt a strict sustainability stance in every case would conflict with the overarching intentions of the SPDs.

12. Finally, it is submitted that there is no evidence that HMOs create any greater noise and disturbance in an area and in this case there have been no objections to the proposal. On the first point, the Council disagrees and common sense dictates that it is unlikely that the SPDs would have been felt necessary if there were no problems in areas where there are a high level of HMOs. The Farnworth decision cited exhibits several differences from this case, not least that it would house less people. More importantly, however, it is not identified as in an area where there is already a concentration of HMOs, and it is the cumulative effect that causes the City Council most concern.
13. As for the lack of local objection, experience shows that it is quite often the case that, to avoid bad feelings, neighbours do not object, especially where there are clear policies available for the council to invoke. Certainly the lack of local objection is not a sound reason for allowing something in the face of a firm policy objection.
14. In summary, the proposed scheme would materially breach the Council's recently published SPDs and the objectives of the Framework pertaining to inclusive and mixed developments and have a harmful effect on the character of and community in the area. The arguments advanced in support of the scheme and the challenges to the Council's stance do not, either individually or cumulatively, overcome the clear policy objection. Moreover, to allow a proposal that runs counter to an objective that has been the subject of very recent public consultation would undermine the Council's position for the future. Accordingly, and having taken into account all other matters raised, this appeal fails.

JS Nixon

Inspector

Annex B: York Residential Landlords Association Response

Sadler, Frances

From: Niall McTurk [niall@yorkrla.co.uk]
Sent: 28 October 2013 12:02
To: Sadler, Frances
Subject: Review of Article 4 Directive

Dear Frances

I am sorry for the delay in replying to your email; quite honestly we've had somewhat of a lengthy debate on whether to send in a response at all, but more of that later.

We have sought the opinions of our members (now in excess of 500) on the effect that Article 4 is having on them as landlords and on the Private Rented Sector in general. Not unsurprisingly, we have had an enormous amount of feedback. The views expressed by our members fall broadly into three groups.

A small but significant minority feel that as a Landlords Association we should totally disengage with City of York Council; they feel that despite the fact that we are one of the two major stakeholders in the PRS, our views are totally ignored. This group of members cites amongst other things our original objection to the introduction of Article 4 and more recently our opinions on Landlord Accreditation as prime examples of CYC ignoring the views of landlords and the public repeatedly saying: " how important it is that we (CYC) support the PRS and help encourage it to grow".

The second group of opinion is larger, and although still in a minority, are in favour of CYC keeping the Article 4 in place. This tends to be the view expressed by older landlords and/or those not wishing to invest in further improvements and/or do not wish to expand their portfolios. They feel that Article 4 has already, and will in future reduce competition thereby enabling them to increase rents and spend less time and money improving their houses. There is certainly evidence that the rents from some private landlords and some Letting Agents have risen disproportionately more in the last year than in previous years. It is difficult to determine how much this is to do with Article 4 and how much it is to do with the knock on effect of the high rents demanded in private sector purpose built accommodation, such as The Boulevard, driving up landlord expectations. Many landlords in this group are also delighted that CYC have, perhaps unwittingly, increased the value of their portfolios by 20% to 30%. As a result of this many have put some or all of their rental properties on the market to 'cash in' on this additional profit.

The majority of opinion however, is that Article 4 is bad for tenants and bad for the City's economy. This group acknowledge that it is good for existing landlords in the short term but that it will be very damaging in the long term. The following views have been expressed by numerous members:

- **it is wrong for any local authority to try and 'engineer' the market to restrict where people can live. The free market should be allowed to rule the PRS to increase competition in rents and quality. Surely this can only serve to be beneficial for our tenants?**
- **how can Councillors ignore the lack of evidence presented in Frances Sadler's report on Article 4 AND then go ahead to ignore her recommendation which, as I recall, was "not to introduce Article 4 and to undertake further consultation? They must be crazy"**
- **this Article 4 is a form of Social Engineering which will only serve to disadvantage tenants who will see higher rents, less choice in where to live and lower standards as competition amongst landlords reduces.**

- how can CYC ignore the views put forward in 2011/2012, not only by our Association but also by The Chamber of Commerce? Where are our current and future young professionals going to find low cost accommodation in the City?
- everyone, both nationally and locally in York, acknowledge that the PRS needs to grow to meet the huge, current (and forecast ongoing increase) demand and yet CYC seem hell bent on stopping investment in the PRS in York
- since April 2012 there has been a huge drop in the number of houses bought for letting in York specifically as a result of Article 4. This can be evidenced by speaking to any Estate Agent in York. If the PRS needs to grow to meet the ever increasing demand, how is CYC going to achieve this ?
- whilst previously unlet houses are taking longer to sell, despite being cheaper, houses that have been let as HMO's are selling at an ever increasing premium. This is great for us that are selling our rental properties now but it cannot be a good thing to create a two tier house price system whereby two identical houses in the same street can vary in value by 20% to 30%.
- do the small group of owner occupiers who campaigned in favour of Article 4 realise their house has now dropped in value by tens of thousands of pounds?
- York is generally a low income economy where large numbers of people work in Hotels, bars, restaurants, museums and in low paid admin/call centre jobs etc. The majority of these people cannot afford a one bed roomed apartment and need high quality rooms in a shared house. If they can't find suitably priced accommodation they will leave our City to the detriment of our economy. CYC are crazy!

I am sure you will appreciate that I have tried to give you a response that reflects all the varying views of our members. However, the official view of York RLA concurs with the views of the vast majority of our members in that this Article 4 should be withdrawn.

I hope you can incorporate our views in your report in the context that we represent one of the major stake holders and we also request that our views are given more emphasis than isolated opinions you may receive from one or two landlords who, with all due respect to them, may not see the larger picture and who (like me) are undoubtedly currently gaining from all the benefits that less competition gives landlords as a result of Article 4.

We look forward to CYC Councillors finally listening to and acting upon our valued opinions.

Regards

Niall

Niall McTurk
Chair ~ York RLA



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Annex C: Graduate Students' Association Response



To: Councillor James Alexander
 Leader – City of York Council
 West Offices
 Station Rise
 York
 YO1 6GA

Cc Councillor Janet Looker
 Councillor Tracey Simpson-Laing
 Dr Jane Grenville
 Dr David Duncan
 Article 4 Review Team
 Higher York

Review of Article 4 and the impact on student families

Dear Councillor Alexander,

We are aware that the City of York Council is currently undertaking a review of Article 4 as a means of controlling the concentration of Houses of Multiple Occupation (HMOs) within the City. The Graduate Students' Association (GSA) is a member of Higher York and that group plans to submit a response to that review. However, we would like to separately highlight one side effect of Article 4 that we believe has negatively impacted a small but significant number of our membership – student families.

The GSA runs the Student Family Network¹, which is designed to support students, their partners and their children and is open to both UK and international families. The University of York has a limited number of student family housing available and has a policy of only allowing families to stay in university managed accommodation for 50 weeks². This policy is in place in the interests of fairness to ensure that people unfamiliar with York have a year in which to find something in the private accommodation market. Generally, Family Network members are personally, or have partners who are, enrolled in a course spanning several years. This means we expect the majority of Family Network members to have to find private family accommodation at some point during their time in York.

In talking to families over the past year we have come to the conclusion that one of the unintended consequences of Article 4 has been that landlords with a HMO licence, who have properties which would be suitable for families, are unwilling to rent to them as they would immediately lose their HMO licence and with it the flexibility to cater to both student families and the more traditional single student/young professional market.

¹ <http://www.yorkgsa.org/site/welfare/university-of-york-student-family-network>

² <https://www.york.ac.uk/students/housing-and-money/accommodation/families/>



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On the assumption that Article 4 is will remain in force for the foreseeable future we would welcome a dialogue to look at ways in which HMO licencing can be made more flexible and attractive to landlords who may wish to convert current HMO-licensed student accommodation to student family accomodation and mitigate the perceived difficulty in regaining HMO-status should they wish to re-enter that market.

We believe the simplest solution to this problem would be to allow landlords to keep a HMO licence for a period of time – a maximum of two years – after they convert from a HMO-compliant group (such as students or young professionals) to family housing. This would allow them to ‘take a risk’ on renting to a family without feeling they would be at risk of losing their HMO licence. However, we understand that such an option would be impossible under section 62 of the Housing Act 2004 which allows, at maximum, a six-month suspension of the licence.

We believe that the following minor policy interventions may help the situation:

- One possibility would be to make the process of reapplying for a HMO licence easier for landlords in good standing who previously gave up their licence in order to rent their property to a student family. We note that there may be room in the current licence fee structure³ to offer discounts to landlords who fall into this category.
- Similarly, we wondered if it would be possible to offer a ‘fast-track’ reapplication process for landlords who fall into this category? They then could be confident of a faster decision should they find the housing market in and around York shifts in any given year.
- We would also welcome an opportunity to work together in talking with private landlords and letting agents about the benefits of renting to student families, such as a fixed income for at least three years.

The goal of Article 4 was to create balanced communities in York. We have collected evidence to suggest that, in some circumstances, rather than limiting the number of HMOs for single students in York Article 4 has made landlords *less* likely to open up their properties to student families. Attached as an appendix to this letter are some anomonus comments from members of our Family Network on the issue.

We understand that housing policy is a complex issue and discussions about the merits and drawback of Article 4 are ongoing. We hope however that you consider the issues raised here and our suggestions to help eleviate the situation on our student families.

We would welcome further discussion on this matter.

Yours sincerely

Kelvin Elphick
GSA Principal Officer with responsibility for family accommodation

³ http://www.york.gov.uk/downloads/file/5917/licence_fee_structure





Appendix A – Sample of anonymous feedback from student families on approaching student letting agencies and student landlords.

“We approached [letting agency] and when we mentioned it was for a family they didn't even try a waiting list, but were straightforward and said they only did SINGLE students accommodation. We also approached [another letting agency] and they took our contact details to "let us know" when something suitable for families came up, but that it was highly unlikely to happen (and indeed in one year in their waiting list we were never contacted)..”

“...to my experience, student letting agents don't have many properties available for student families. Most properties are available for students sharers and do not accept children. On the other hand, when I looked for a property at the residential market, the properties are suitable for family, BUT some of them do not accept students. So, it's not easy to find a property for students with children.”

“Student letting agents focus on single students and letting shared houses which are not suitable for families. Even if there is any house which can be used for a family for example with two bedrooms, they prefer to rent each room separately.”

“One student letting agency explained that it was more profitable for landlords to let their houses based on individual students rather than to a family and so the limited number of houses for students for families reflected this. They also mentioned that more landlords appear to go down the route of letting out by per student basis.”

“[letting agent] seems like very difficult to understand the needs and circumstances of a student with family. Very very late even sometimes just ignore the e-mail to answers any reports of problems in the house etc. :(“

“Yes, I approached them, but no student family house available.”

“In addition, when we deal with property agents which are not specialised in student properties, we need to go through referencing procedure, like other (normal/non-student) families, which also I found difficult. I was asked to provide a minimum of 1,600 pounds income per month as a reference. Obviously, as a student, I can't meet that requirement. Even my scholarship can't be used as a reference because it's below the minimum amount of referencing. Some students might be lucky to have spouse who works and earns income that meet the referencing requirement, but that's not always the case.”

“We were fortunate to only be asked for a month's deposit and a month of advance rent but I have heard my friends complained that there were instances when six months to nine months rent was asked. It was also mentioned that most of the affordable housing for families were in areas that were not family friendly or were quite far from uni. Those that managed to find a family accommodation close to uni were too small and did not meet their needs as a family. And because of these reasons



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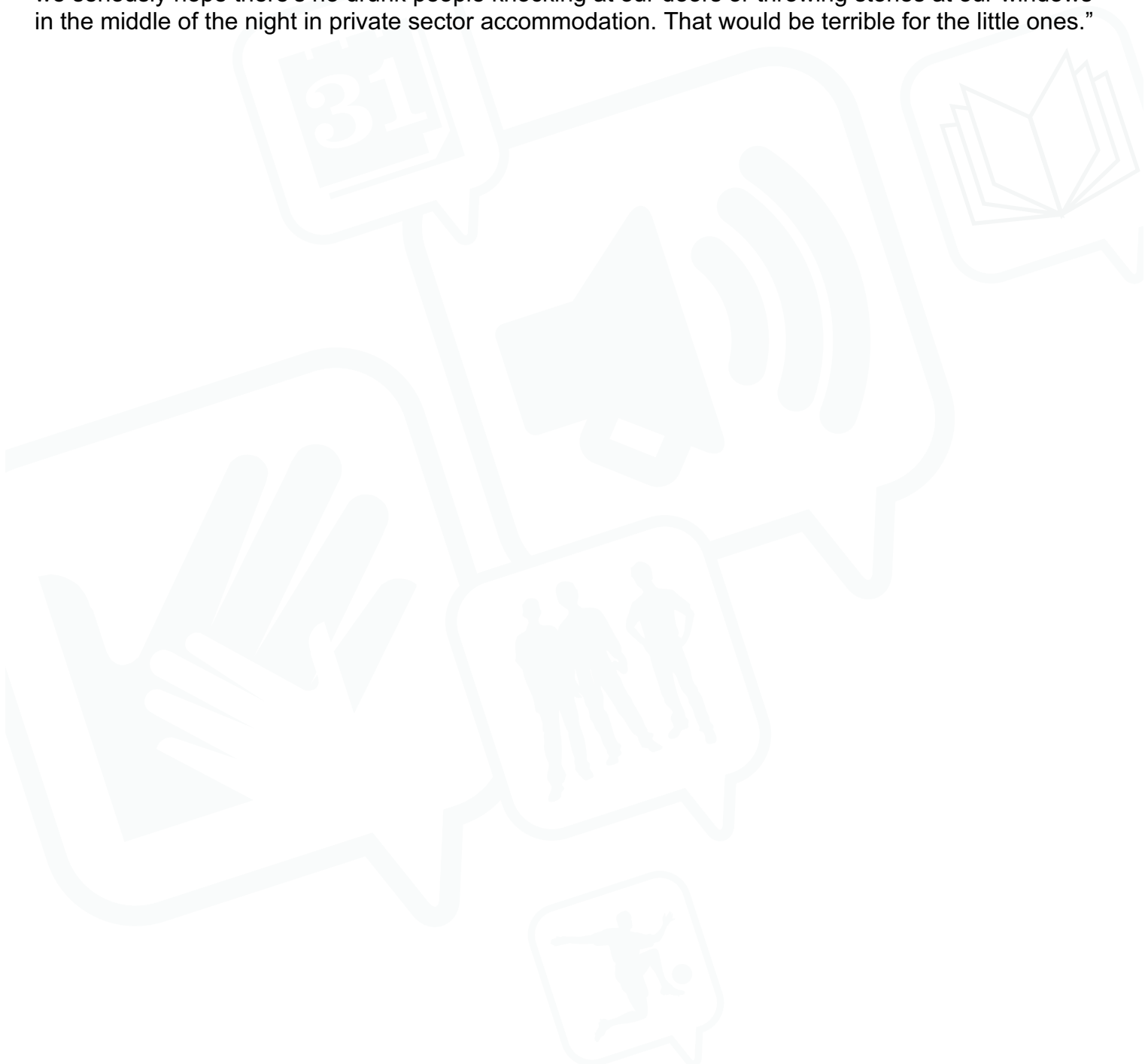
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when we viewed our current house, we felt quite pressured by the letting agent to immediately put in an application as we knew there were a limited number of good houses for families.”

“...it becomes very difficult for people like us with children travelling to England for the first time. Plus we seriously hope there's no drunk people knocking at our doors or throwing stones at our windows in the middle of the night in private sector accommodation. That would be terrible for the little ones.”



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Annex D: Students' Unions Joint Response



RE: Review of the Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document

Through the Student Community Partnership, the University of York Students' Union (YUSU) and York St John Students' Union (YSJSU) are working together to better understand the student housing market in York. A specific aspect of this is the impact of the recently imposed restriction on planning permission for new Houses of Multiple Occupancy (HMOs). This is a collaborative response from the Student Community Partnership to the review of the HMO Supplementary Planning Document (SPD) in the City of York.

Our feedback is largely contained in the 'Rate Your Property' survey 2013 findings (attached as an annex to this document), a summary of student feedback on the availability and quality of housing. The 'Rate Your Property' student survey has been undertaken by YUSU in 2012 and 2013. Whilst we are unable to provide a direct comparison between years due to the inclusion of additional questions and a sample which includes York St John University students in 2013, we are able to report that some trends remain fairly static. Price and location of accommodation continue to be key determinants in student choice regarding housing, followed closely by housing quality.

Our primary concern is that Article 4 has prevented more HMOs for students nearer campus, driving prices up as competition is reduced, this forces students to look for houses in areas with fewer student houses, these may be new HMOs or HMOs not previously let to students. Our research shows that students living outside some of the typical 'student areas' (such as South Bank and Huntington) choose to do so due to cost of accommodation but also because of a lack of availability close to their place of study; over 10% of students were unable to find property in their chosen location and this is significant to the SPD (Rate Your Property, 2013). Increased demand in these areas may push up low prices so students will quickly end up paying similar accommodation costs to live further away from their place of study. Separately as students move into areas not traditionally occupied by students this will create the usual problems in new areas.

Student maintenance loans barely cover the cost of accommodation, the average annual rent being £3,900 (Rate Your Property, 2013) and the average student loan only around £3,760 (Student Loan Statistics, 2013 [www.parliament.uk/briefing-papers/sn01079.pdf]). We are very strongly against an increase in student debt upon leaving university thus would obviously not like to see an increase in maintenance loan and if Article 4 is set to increase accommodation prices across wider areas of the City then this is a major concern.

Whilst we support students wishing to remain on campus after the first year of their studies and lobby the universities to make adequate, affordable accommodation available, we also recognise that many students choose to live off campus for different reasons. Our research show us that some students prefer the independence and responsibilities which come with off campus living; cost is

also an important factor in this decision (Rate Your Property, 2013). The importance of choice should not be undermined and we believe that in order to provide this, more HMOs are needed in some areas.

If a HMO restriction is to continue to apply, we would request that consideration is given to the distribution of quality student housing which is available. The current restrictions on the number of HMOs should recognise the fact that the distribution of students is far from uniform, this is in part due to the planning consent applying only for new applications and therefore not reflecting the current distribution; further work could be done to assess the current distribution of HMOs which existed prior to the Article 4 directive. It is our opinion that more properties should be made available close to our campuses but we are not supportive of an approach which 'ghettoises' students as we think that students living out in the community should feel part of, and get involved in their local community. However we would campaign for a better balance and believe that ghettos can be easily avoided by continuing to pay close attention to the distribution of HMOs on individual streets.

We support the concerns made by the Graduate Students' Association (GSA) regarding the impact upon housing for students with families. Indeed, whilst the intention of the SPD was to limit student housing and therefore make privately rented accommodation available to families, the restriction appears to be having an opposite effect in some areas.

We know that renting to students is attractive to many landlords for a variety of reasons including the comparatively high revenue which can be drawn by charging rooms at an individual rate. However, the current approach to shared accommodation is having an adverse effect on the rental market. The type of landlords who might choose to have student tenants may not choose to rent to a family as an alternative. One example of this is outlined in the list of planning applications received to date: C4 planning consent has been refused in a property and now planning permission is being sought to convert the property into bedsit-type accommodation. Non-student residents living in houses in areas already over the HMO threshold are effectively trapped. Privately owned houses drop in value due to the fact that the properties cannot be converted to HMOs and the area is no longer attractive for families due to the large proportion of perceived 'problem neighbours'.

In terms of quality, we are mindful of the availability of advice for students regarding housing and have been working closely with the City of York Council as the YorProperty accreditation scheme has developed. We see our links with this as having potential to reassure the student population regarding privately rented accommodation and standards which are deemed acceptable, however we fear that this could be undermined by the lack of choice which could cause some student tenants to compromise on key standards.

In summary, we would support a redistribution of HMO allocations in order to balance the demand for quality student housing which is both affordable and conveniently located.

Rate Your Property

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Introduction

As part of a joint community strategy with York St John Students' Union, YUSU are asking students from the University of York and students from York St John University to tell them about their experiences of living off-campus. Some of the areas that were explored as part of this included the quality of off-campus housing and the efficiency of landlords. In addition, key areas of interest included safety and security and attitudes to refuse collection and recycling. The Students' Unions were also keen to explore what factors influenced decisions when selecting a property and

the issues that students experienced with fellow housemates and other local residents.

Methodology

An online survey was designed (Appendix 1) to investigate the key areas of interest and was advertised via the YUSU newsletter, social media sites, via the YUSU website and by YJSU. As an incentive, participants were offered the chance to win an iPad mini or one of twenty £5 iTunes vouchers upon completion of the survey. The survey was live for a total of three weeks from 17th October until 7th November and was fully completed by a total of 788 off-campus students including 564 students from the University of York and 222 students from York St John University. The full breakdown of demographics can be found in Appendix 2.

Finding Your Property

Landlord/Letting Agent

In the first instance respondents were asked to indicate who their letting agent or landlord was and why they had chosen to rent with them. Over 32% of the sample stated that they rented from a private landlord and 28.5% of these had found them through their University housing list. The most used letting agents for student accommodation included IG properties (16.3%), Sinclair (12.0%) and Adam Bennet (10.7%).

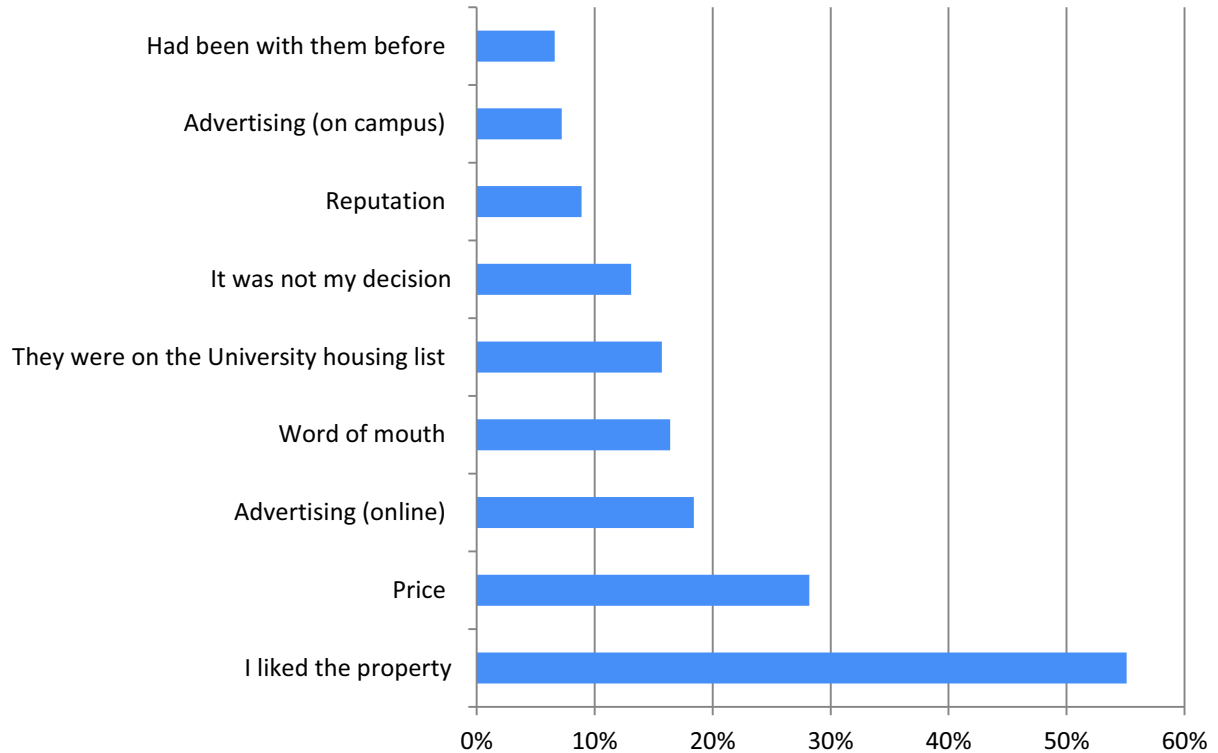


Figure 1: Reasons why respondents chose their landlord or letting agent

Students reported that the main reason that they had chosen to rent with their particular landlord or letting agent was because they liked the property. A high

percentage of students who rented with Sinclair stated that they had chosen them because of their reputation (37.6%), and word of mouth (32.3%). Those who had chosen private landlords had done so because of the price of accommodation (44.6%) and because they had been on the University housing list (28.5%). One of the most popular reasons why students had chosen Adam Bennett was because of advertising on campus (25.3%) and one of the most popular reasons respondents had chosen IG properties was because of the price (23%).

Choosing a Property

In terms of choosing a property, the figure below demonstrates the main factors that influenced respondents when selecting a property.

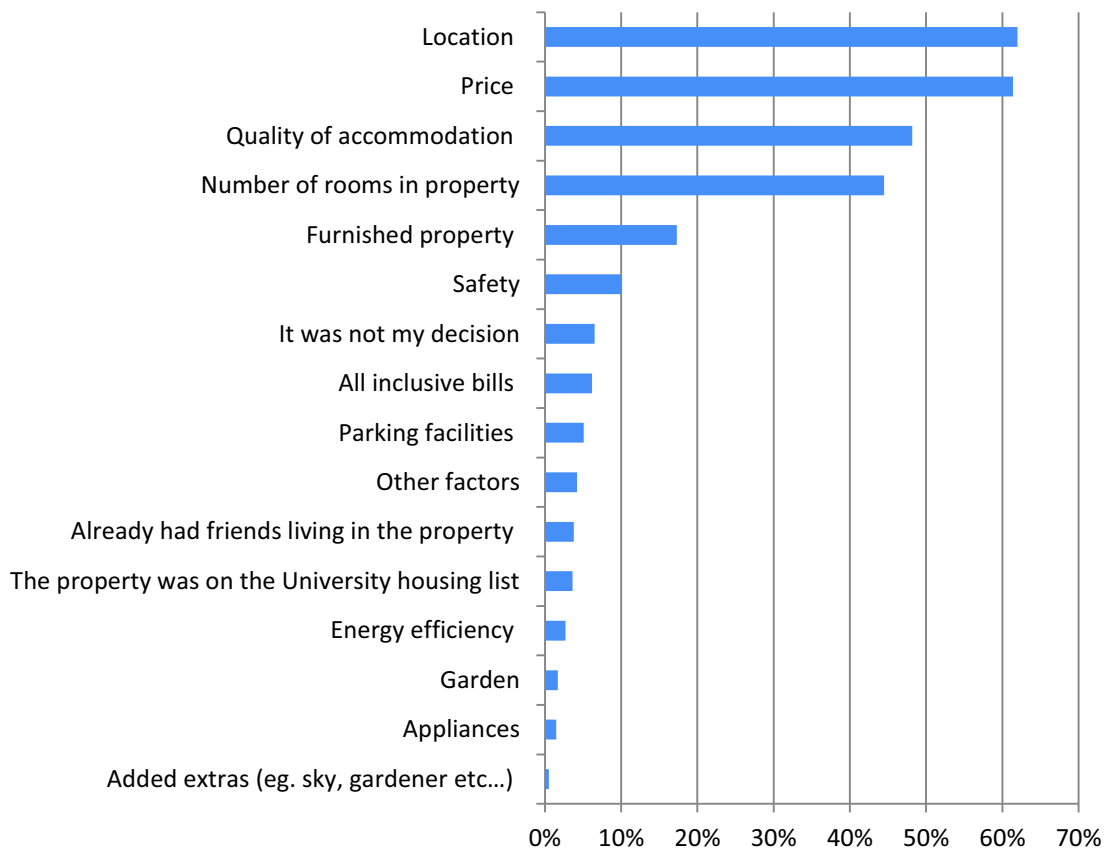


Figure 2: Factors influencing the choice of property

Interestingly there was a strong correlation between the importance of the number of rooms in a property and the number of students wanting to live in a household with the number of rooms proving more important as the number of students wanting to live together increased.

It can clearly be seen that price, location and quality of accommodation were the top three factors that influenced students when selecting a property. Students from outside the UK were significantly less likely to say that the quality of accommodation was a main factor that influenced their decision than UK students. Location of the property was significantly more important for non EU students than UK students but not other EU students. Price was equally important for all students and one of the most important factors for the majority of respondents. There were no significant differences in the factors influencing the choice of property based on state of study.

Location was deemed a more important factor based on where students lived and what University they attended. For University of York students, 83.1% of students living in Heslington and Heslington Road area said that location had been a key factor as well as 76.3% of students living in Badger Hill, 69.2% living in Fishergate and 66.2% living in the Hull Road area. For York St John students, 78.4% of students living in the Groves stated that location had been a key factor in their decision as well as 77.3% of students living in the Guildhall/City Centre area and 65% of students living in Huntington. Other areas were seemingly selected for their price with 87.5% of South Bank residents stating it was the main factor for selecting their property as well as 85.7% of residents in Bishopthorpe, 80% of residents in Clifton and 76.8% of residents in Tang Hall.

A total of 76.1% of respondents had been able to find suitable accommodation in their desired location with a further 12.5% stating that they had not had a preference of location. Those who hadn't been able to find accommodation in their desired location stated that they had wanted accommodation nearer to campus but that they had missed out on most of them and those properties that were left were either poor quality or too expensive:

"We're a 40 minute walk from the University, I would have liked to have been closer, but we had trouble finding somewhere."

"Wanted to be closer to campus, but lacked the funds to pay for decent quality location close to campus. We substituted proximity for a house which isn't cramped or moulding."

Some also commented that they had wanted to live on campus but that there had not been any on-campus accommodation left:

"I'm a first year undergraduate student, I ended up here only because there weren't enough rooms available on campus. I would have liked to have been put in on-campus accommodation."

Respondents were also asked whether they been able to find a property with the number of bedrooms that they had wanted, with almost 95% stating that they had. Some however stated that they had wanted to live in large groups but had been forced to split into two smaller groups due to a lack of properties available. Others had wanted to live alone but not been able to because of high rent prices and some had found that two bedroom properties in York were particularly expensive and they had been forced to move in with strangers:

"We wanted 8 bedrooms to start with but were forced to split into smaller groups to find a house."

"I did initially want to live alone, but I was unable to and now live with 4 other people."

"We wanted a smaller house but ended up in a larger one sharing with strangers."

Your Property

Household

The majority of respondents stated that they lived in a private or rented house with a further 5% stating that they lived in purpose built student accommodation. Very few residents lived alone and the average number of students per household was four. There was also 23.2% of the sample who stated that they lived in a household of six or more people. Interestingly postgraduate students were significantly more likely than undergraduate students to live in a household of 2 people. 66.8% of respondents were already friends with their housemates before moving in, 17.8% were friends with some of their housemates and as many as 15.4% did not know their housemates before moving in.

Price of accommodation

Students were asked to indicate how much they paid in rent per month and whether bills were included in their rent. A total of 15.3% of students stated that their rent was all inclusive and these were removed from the following analysis of rent prices as it could not be determined how much was spent on bills and how much was spent on the rent itself.

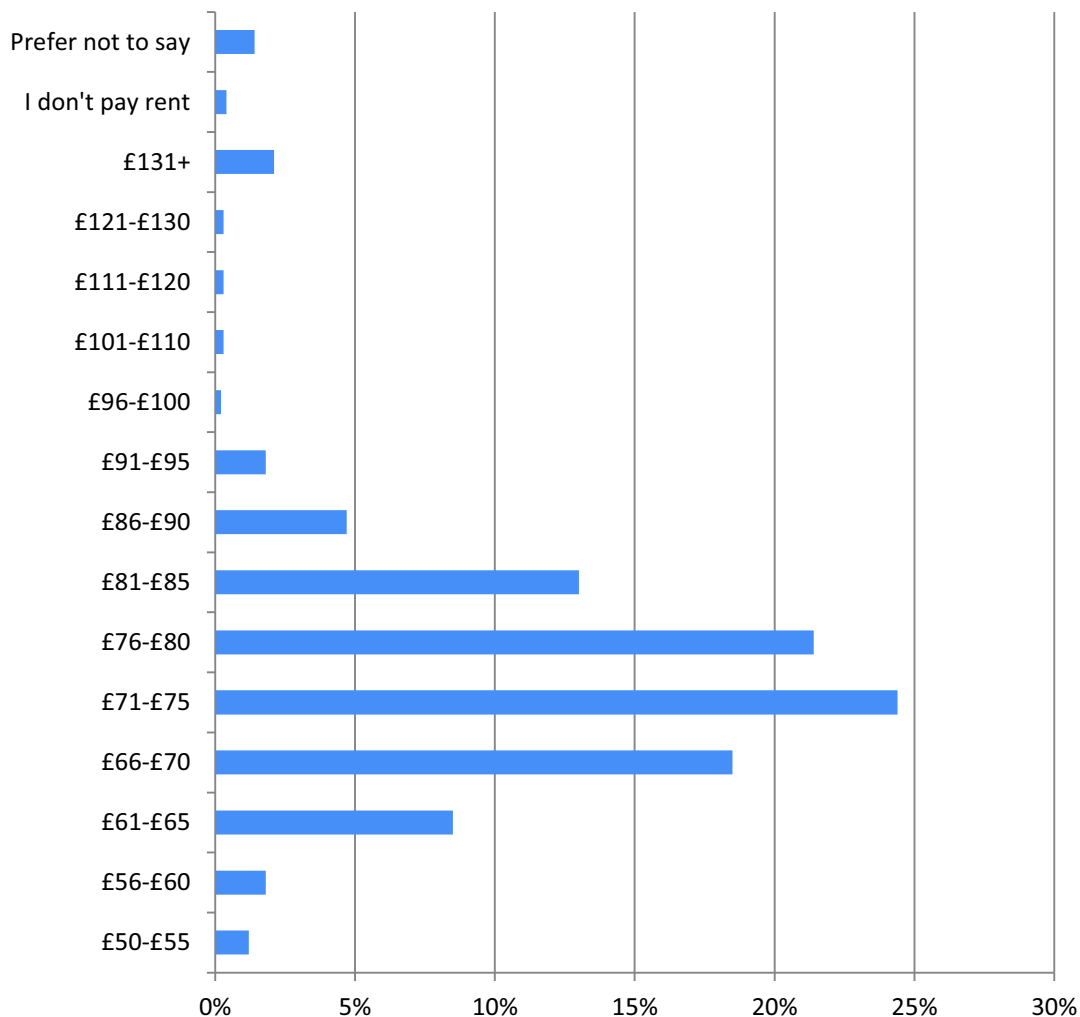


Figure 3: Weekly spend on rent

Students paid a range of different rates for their properties in York with over 64.3% stating that they paid between £66 and £80 per week. The average spend¹ of the sample was £75, with University of York students paying an average of £78 per week rent and York St John students paying an average of £70 per week. The cheapest areas to live in included Heworth and Haxby which had an average rent of £68 per week; this was followed by Clifton, Tang Hall, Fulford and the Groves all with an average rent of £71. The most expensive areas, with average rents of over £80, included Guildhall/City Centre, Holgate, Micklegate and Badger Hill. Interestingly postgraduate students spent an average of £80 compared to undergraduates who spent an average of £76 per week.

Satisfaction with Property and Landlord/agent

Respondents were asked to rate several aspects of their current property including: the quality of their accommodation, the ability to contact their landlord/letting agent, efficiency of their landlord/letting agent, their landlord/letting agent overall and the up-keep of the gardens/grounds.

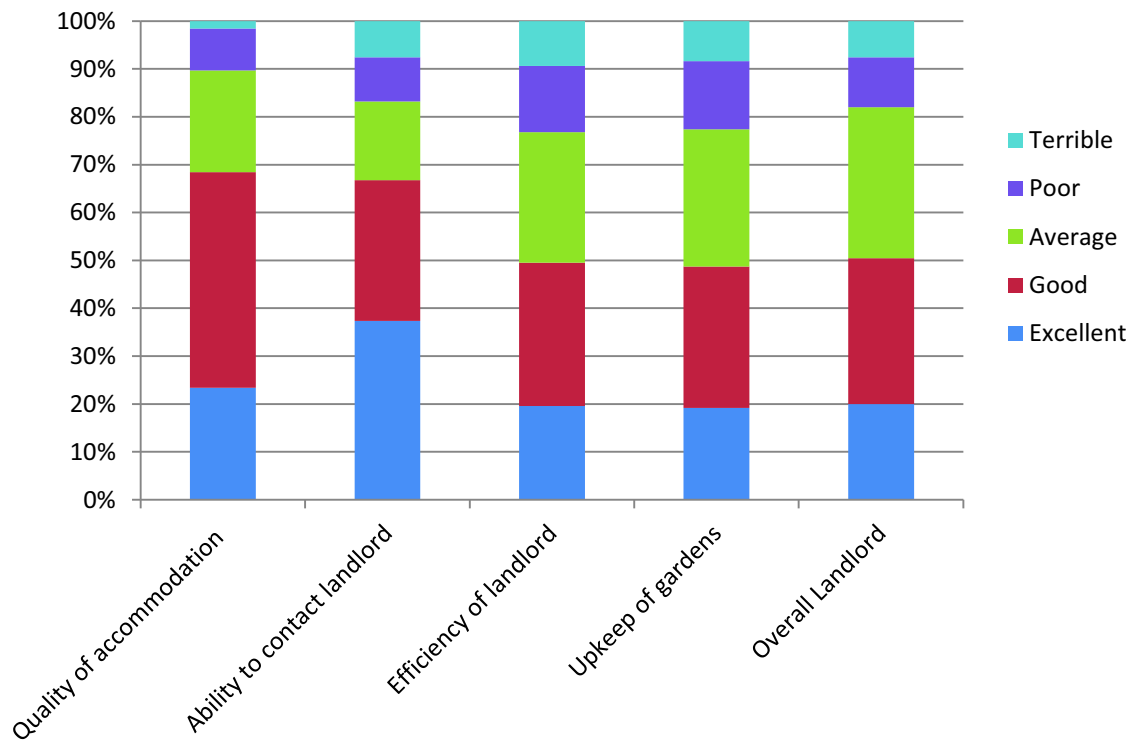


Figure 4: Ratings of property and landlord/letting agency

A total of 68.4% of respondents rated the **quality of their accommodation** as good or excellent and 10.3% rated it as poor or terrible. The areas that received the highest levels of poor or terrible ratings included Micklegate (28.6%), Clifton (23.3%), The Groves (22.8%) and Haxby (21.4%). The areas that received the highest levels

¹ Average spends were calculated using the average value of each price bracket.

of good or excellent ratings included Holgate (88.9%), Osbaldwick (90%), Fishergate (77.8%) and Fulford (76.5%). Encouragingly, South Bank, Holgate and Bootham received no poor or terrible ratings. There was also a significant correlation between the price of the rent and the quality of the property with more expensive properties receiving more positive quality ratings. Interestingly there was a significant difference in level of quality of accommodation depending on the University that the respondents were enrolled at with 72.9% of students at the University of York stating that the quality of their accommodation was good or excellent compared to only 57.2% of students enrolled at York St John University (see Appendix 3 for breakdown by University and area).

Many students reported that they had had lots of issues with their accommodation and that many items and appliances were broken:

“We've had problems with slugs and sewage leaking into the kitchen and damp.”

“I have had mould in my room for over a year and the landlady just repaints the wall and it keeps coming back on the external wall of my room, I believe there is a problem with the wall but they won't look into it further.”

“Broken heating took 3 weeks to fix, broken tumble dryer took since July to fix this week, a number of problems with the property that simply aren't being addressed.”

“Mould all over the house, had trouble getting rid of making our clothes etc go mould.”

“The roof internally is damp with a patch on it that was painted over to hide it. If I put anything on the floor it gets damp, and the room is constantly cold and smells funny.”

There were also several comments that revealed that some students were very satisfied with the quality of their accommodation stating that “the house is extremely nice, good size with good furnishings”.

Students were also asked several questions about their landlord:

Respondents were mostly satisfied with their **ability to contact their landlord/letting agent** with many commenting that their landlord was “easy to contact at any time of the day”. There were over 16% of respondents however who were not satisfied with their ability to contact their landlord or agent and had struggled doing so in the past. Many stated that “*the landlord is not replying to our calls or e-mails with regards to several issues we have with the property*”. Others commented that “*we report problems and they never come and sort them out, they don't get back to us if we have emailed them*”. Some also had landlords who lived outside the country and were very difficult to get hold of.

In some cases, despite being able to contact their landlord/letting agent, students were not satisfied with **the efficiency of their landlord/letting agent**, with 23% of respondents stating that they were poor or terrible. Students complained that problems were often not dealt with efficiently, repairs often took months to do and problems weren't taken seriously:

“After making several complaints about the state of the house (poor hygiene, many appliances not working), it took several weeks for the agent to do anything about this.”

“[Agent] are atrocious at dealing with anything that goes wrong, it takes at least a week for them to come and look at, let alone fix, anything. When we had water pouring through our ceiling it took them half an hour to even pick up on the emergency line and even then they were very unhelpful and the guy was reluctant to come round and even look at the problem, despite it being a health and safety hazard.”

“We had several leaks in the house and when trying to contact him he either didn't reply or when he did he said he'd come round tomorrow - but never did, and one housemate stayed in all day to wait for him to turn up when he did say this.”

“Had a few issues with the property and had to call [agent] Very unprofessional in dealing with the problems and slow. I had to chase them up to do things, they frequently made promises to me that they didn't keep and only sorted a certain situation out once I'd spoken to a director of the company.”

A further 57.2% stated however that the efficiency of their landlord was excellent or good:

“Can get hold of both [agent] and the landlord very easily and any maintenance is carried out swiftly.”

“Landlords have been very helpful and pleasant and carried out prompt repairs and replacements to the damaged sofa, soiled carpets, broken oven, damp stain and collapsed doorstep.”

“Landlords are very nice and helpful couple. Despite living far away (Essex) all the problems we report are sorted out almost immediately.”

“The house is extremely nice, good size with good furnishings. Landlord is easy to contact at any time of the day, and is very quick in dealing with issues and the like. Also a very likable individual who has made some effort to talk to us and get to know us a bit more, so it feels less awkward to contact him as needed.”

Students were also asked to rate their satisfaction with the **upkeep of the gardens/grounds** of their properties. Over 10% stated that the landlord/agent was not responsible for the garden; for those who were, just over 58% of respondents were satisfied with their landlord/agent's upkeep of the garden and grounds however some students commented that *“the garden is at an unacceptable condition, the landlord has always made excuses to not get the garden fixed”*. Others reported that the upkeep of their garden was poor but admitted that it was their responsibility to ensure that it was well maintained.

Overall, 62.1% of respondents rated their landlord/letting agent as good or excellent and some of the positive comments included:

“Excellent landlord, particularly after hearing of horror stories, it is a great relief to have a very co-operative landlord”.

“The landlords are absolutely wonderful, we can contact them anytime about anything, and they fully encourage us to do so. As it is rented directly from the landlords themselves rather than through a company it is much more personal and we can tell they really care about the students in their house, not just the house itself”.

There were however 18% of respondents who rated their landlord/letting agent as poor or terrible and some commented that they were inefficient, uncooperative and rude. Interestingly this was significantly higher for York St John University respondents where almost 30% of students rated their landlord/ letting agent as poor or terrible (see Appendix 4 for breakdown by University and area).

“[Agent], however, are abysmal. They don't care, and I feel that they think they don't have to listen to us because we're students. If we have a persistent problem, they only try and sort it out properly if the parents get in touch- we're adults, this is pathetic.”

“They are just generally appalling, unhelpful and do not, in anyway, want to make our property a nicer place to live in.”

“We have had nothing but problems, and the landlord is awful, threatening and bullying behaviour.”

Overall, private landlords were mostly rated more positively than any of the letting agents with 58.1% rating them as good or excellent and only 9.3% rating them as poor or terrible. In terms of the three most used letting agents, IG properties received 38% of positive ratings, Adam Bennett received 54.2% positive ratings and Sinclair was rated positively by 44.8% of their customers. Worryingly, there were 35.5% of IG customers who rated them overall as poor or terrible as well as 22.9% of Adam Bennet customers; Sinclair however only received 9.2% of negative ratings with 46% of respondents rating them as average.

Safety

Students were asked how safe they felt in their property and a total of 88.2% of respondents stated that they felt somewhat or very safe. Only 4.5% responded that they felt somewhat unsafe and less than 1% stated that they felt very unsafe. When asked what would make them feel safer in their accommodation, the top responses included better locks on windows and doors, working alarms, secure garden gates and better lighting outside the property. Students also stated that they would like better doors, locks on bedroom doors and night latches on the front doors so that they could not be left unlocked. Some students also felt that the area itself made them feel unsafe; the areas where students felt most unsafe included Haxby, Clifton, The Groves and Tang Hall. The areas where students reported feeling safest included South Bank, Bishopthorpe, Fishergate and Osbaldwick. Interestingly, significantly more UK students stated that they felt unsafe than either International or

other EU students. Furthermore students under the age of 24 were significantly more likely to state that they felt unsafe in their property than students over the age of 25.

Insurance

Students are encouraged to get insurance in order to cover their belongings when living in shared accommodation. Only 39% of the respondents stated that they had some insurance and the majority of these had insurance with Endsleigh (65%). Others had insurance under their parent's insurance or with their bank and almost 15% of respondents stated that they did not know whether they had any insurance. Interestingly undergraduates (41.8%) were significantly more likely than postgraduates (19.6%) to state that they had insurance and UK students (44%) were significantly more likely than both other EU (15.3%) and International (12.%) students to state that they had insurance.

Refuse collection

A total of 13.3% of respondents were not aware of when their black bin collection day was although some of these commented that this was because they lived in apartment blocks and therefore used a communal bin facility. Only 14.5% stated that their bin was collected weekly with the majority of 75.8% stating that it was collected fortnightly.

Several students commented that they would like their bins to be collected more regularly:

"I feel the bins need to be emptied more regularly as we have 6 students and often fill our black bin and recycling within one week."

"I wish the black bins were collected more than fortnightly, or we were at least given another black bin, as it is constantly overflowing."

When asked how they would prefer to receive information about waste collection in their area, a majority of 52.4% responded that leaflets were the best way followed by 25.1% stating that they wanted to find out via email. A further 11% wanted to use the council website and 9.8% were interested in a smartphone application to inform them of the details. Some students just stated that they wanted it to be *"easier to find out what day the bins are"*.

Respondents revealed that they had a very positive attitude towards recycling with only 1.4% saying that they did not recycle, 26.5% stating that they would recycle if it does not require any additional effort and an impressive 70.9% stating that they would recycle even if it requires additional effort. However, several students were frustrated that they had not been provided with adequate recycling bins and at the level of recycling that took place in York: *"The small boxes do not provide much room for recyclables and many items that can be recycled in other cities cannot be recycled here"*.

Car ownership and parking

Students were asked whether they owned and used a car in York and a total of 14.4% responded that they did. Unsurprisingly UK students were significantly more

likely than students from outside the UK to own a car. Of these, 49.5% stated that their property had allocated parking or a driveway and a further 45% used on street parking. Research postgraduates were significantly more likely than taught postgraduates and first, second and third year undergraduates but not fourth year undergraduates to have a car in York. Students who lived in Bootham, Huntington, Clifton and Badger Hill were the most likely to own cars and those who lived in the Guildhall/City Centre area were the least likely.

Your Neighbourhood

Students in the Local Area

Students were asked whether they knew of any student properties apart from their own in their local area and if so how many. Over 57% of respondents living in Bishopthorpe were not aware of any student properties in the area as well as 31.3% of students living in South Bank and 28.6% of students living in Micklegate. Furthermore, 28.6% of respondents living in Haxby stated that they knew of over ten student properties in their immediate area as well as 26.1% of students living in The Groves.

A total of 38.7% stated that they had direct neighbours who were students with a further 42% of respondents stating that they did not and 19.3% responding that they did not know. A total of 66.9% of students who had student neighbours had met their neighbours compared to a significantly lower 58.8% of those who did not have student neighbours. Interestingly some students commented that “*knowing the neighbours reassured both me and my house mates*”.

Complaints

Respondents were asked to indicate whether their neighbours had complained to them about a range of issues or whether they themselves had experienced any issues from their neighbours. Issues included: Noise problems, antisocial behaviour, parking problems, un-kempt gardens and problems with refuse and rubbish.

A total of 79.5% of respondents stated that they had never received any complaints about any of the above issues from their neighbours. There was no significant difference depending on what University the respondents were enrolled at, although there was a significant difference between undergraduates and postgraduates with undergraduates receiving overall more complaints than postgraduates.

The graph below shows the percentage of respondents stating that they had received a range of complaints from their neighbours.

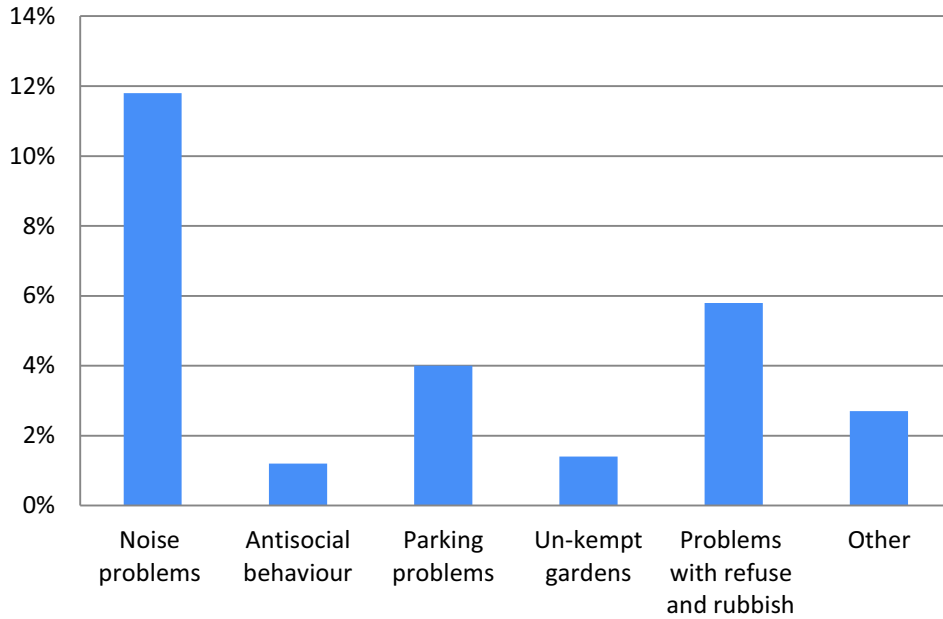


Figure 5: Range of complaint received from neighbours.

It can clearly be seen that most complaints were about noise and problems with refuse and rubbish. Interestingly, respondents were significantly less likely to report that they had received complaints from their neighbours about any of the issues, if they had met their neighbours; apart from complaints about un-kempt gardens where there was no significant difference.

Respondents were also asked if they themselves had experienced any of these issues from their neighbours:

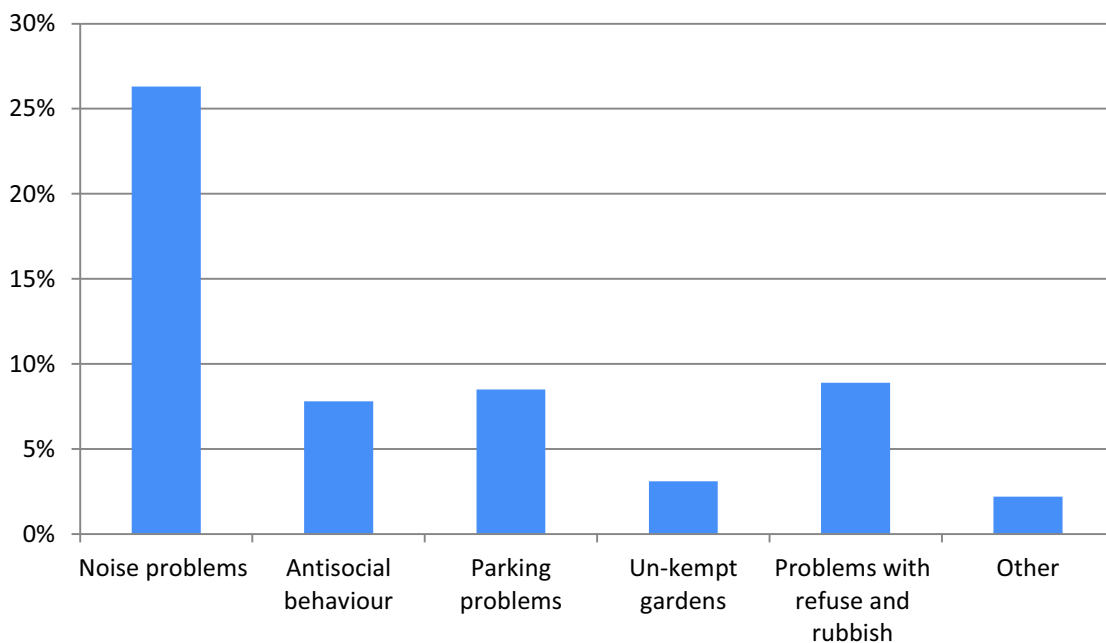


Figure 6: Range of issues experience from neighbours

Over 26% of respondents had experience noise problems from their neighbours whilst living in their property. Over 46% of these noise problems were reported by respondents who had student neighbours however 36% of them did not have any student neighbours. Respondents were significantly more likely to have experienced problems with refuse and rubbish if their direct neighbours were students than if they were not although there was no significant difference with any of the other issues.

Community

Respondents were asked to indicate to what extent they agreed with the following statement: 'I feel like a valued part of the local community'.

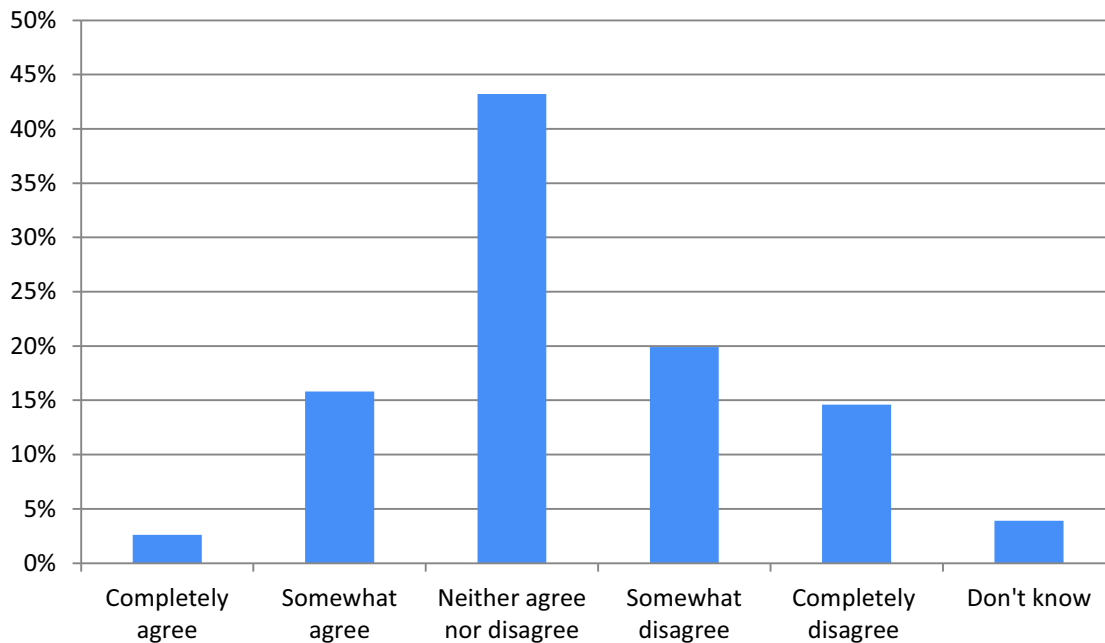


Figure 7: Level of agreement with the statement 'I feel like a valued part of the local community'

Only 18.4% of the respondents agreed that they felt like a valued part of the local community with a further 34.5% actively disagreeing. Interestingly, International students were significantly more likely to state that they agreed with the statement than UK students but not students from other UK countries. Undergraduates were significantly more likely to disagree with the statement than postgraduate students however there was no difference in the level of agreement with the statement. Students under the age of 24 were significantly more likely to disagree that they felt like a valued part of the community compared to more mature students; students over the age of 36 were the most likely to feel part of the community.

There was no difference in agreement levels between the University of York and York St John University however there were differences between different areas of York. Respondents who lived in Holgate (57.1%) and Bishopthorpe (55.6%) were the most likely to state that they felt like a valued part of the community, this was followed by students living in Guildhall/City Centre (26.5%), Heworth (25%) and Huntington (25%). The areas where students most disagreed with statement

included Bootham (42.9%), Badger Hill (42.1%), Tang Hall (40.2%) and Osbaldwick (39.5%). Interestingly, Students who had met their neighbours were significantly more likely to state that they felt like a valued part of their local community.

Future property

Lastly, students were asked whether they would consider living in University Halls in their next year. A total of 12.7% of students who were continuing at University stated that they would consider living in University halls next year, a further 61.7% stated that they would not and 23.4% said that they might consider it. International students (21.1%) were significantly more likely than UK students (10.3%) but not other EU (12.1%) students to state that they would be willing to live in University halls in the coming year. Interestingly, students from York St John University were significantly more likely than students from the University of York to state that they would not be willing to move into halls in the coming year.

Many students stated that although they had enjoyed halls during their first year they now felt it was **time to move on**:

"I enjoyed the experience of halls in the first year, but for 2nd and 3rd year the peace and quiet of your own home (and the chance to experience running my own home too!) has been wonderful".

Some of the other main reasons why respondents stated that they would not be willing to move back into University Halls were because they were **too expensive, not value for money** and of a **poor standard**:

"Considering the higher price of the on-campus accommodation, I would not consider living in university halls."

"I would LOVE to live in halls for the entire duration of my degree but the rent is just too expensive- my maintenance loan barely covers it, let alone buying groceries etc".

"The accommodation cost provided by university is too high, hence students doesn't have any option left, rather to look for private accommodation."

"Resident in halls first year, did not enjoy the living conditions, overcrowded and generally run down."

Students also **liked the independence and responsibilities** that came with off-campus living as well as being able to **choose who they lived with**:

"I like the freedom which living off-campus gives me. It is nice to be part of a community and I feel that moving back to campus would be a regression."

"Living off campus allows for more flexibility, is cheaper, and allows for more independence than living on campus."

“Off campus has more freedom and I believe experience living more independently will be beneficial for when I leave university.”

“When you move off campus, you enter the 'real world'. It makes you grow up a lot and you become even closer to your friends. You can really make the house your own and you have to make your own decisions about heating and bills.”

“I would prefer to live off-campus with people that I know and have chosen to live with.”

Comments also revealed that halls **did not feel very homely**, especial due to the **lack of communal space** and the living conditions were **noisy, small and cramped**:

“Halls are small and can be very isolated, when your living in a house it feels more of a home from home.”

“I like having a living room and the atmosphere living in a house with a few other people.”

“Lived in halls in first year, too noisy, especially when in final year of study.”

“Living in halls was fun throughout the first year - however it was hard to concentrate and the space was too confined.”

There were several students however who liked the idea of moving back into University halls. Many liked the fact that it was **more convenient, nicer, more secure** and they would be **closer to campus**.

“Being on campus is nice. It's close, slightly more social and you get most costs included in your rent.”

“Would be nice to be closer to campus and have everything sorted out ie bills and issues”

“Living in halls ensures a good standard of living conditions and also there is not the stress of having to organise the payment of bills and the way in which they are split between those you live with.”

“On campus accommodation would be more convenient for being involved with uni life and for getting to lectures; there is also the benefit of pre-paid bills!”

Some also thought that it would be **overall cheaper** and **more sociable** than living off-campus:

“University halls is cheaper as it includes bills and you are not paying for time that you are not there such as holidays”

“Easier to get involved with on campus events and feels more like you're part of a community than off campus.”

Lastly there were others who stated that their decision would **depend on what their friends were doing** and **how much it would cost overall**.

“Strongly depends on the coherence of my current housemate group, as well as on university accommodation prices, in comparison to private sector prices.”

“If I were to do another year I would prefer to be in halls, as long as I could be with people i specified.”

Conclusion

The research reveals that the majority of students are choosing their properties based on the property itself rather than the landlord or letting agent. However, for properties owned by private landlords, students are more likely to choose them if they are on the housing list. Other factors that influenced the choice of property included price, location and the actual quality of the accommodation. Whilst a high percentage rated the quality of their accommodation and their ability to contact their landlord/letting agent as satisfactory, much lower ratings were seen for the efficiency of landlords/letting agents and the upkeep of the gardens. Tenants felt that their landlord/letting agent was often too slow to respond to problems with the property and did not carry out certain repairs as promised. Students from York St John University also had lower levels of satisfaction than students from the University of York in terms of satisfaction with the quality of their property and their landlord.

The majority of students revealed that they felt safe in their property, although worryingly, very few respondents stated that they had insurance to protect their belongings with only 39% of the sample stating that they did. Respondents also reported having a high positive attitude towards recycling and waste disposal although many suggested that refuse needed to be collected more often.

The research revealed some of the issues that respondents had received complaints about as well as some of the issues that respondents themselves had received from their neighbours. It also revealed that very few students felt like they were a valued part of their community although those who did were significantly more likely to have met their neighbours. Lastly the research explored whether students would be willing to move back into University halls in coming years and their reasons behind this.

The results of this research will be used to provide key recommendations about off-campus student accommodation as part of the Community Strategy.

Appendix 1: Survey


Rate Your Property

Demographics

As part of a joint community strategy York St John Students' Union and the University of York Students' Union are asking their members to tell them about their experiences of living off-campus.

This is a great opportunity for you to tell us about your landlord and the standard of your living conditions. The survey should only take 10mins and you could be in with a chance to win one of 20 £5 iTunes vouchers or an iPad mini.

Thank you in advance!



***1. How old are you?**

Under 21

21-24

25-28

29-35

36+

***2. What is your state of study?**

Undergraduate 1st year

Undergraduate 2nd year

Undergraduate 3rd year

Other (please specify)

Undergraduate 4th year

Taught postgraduate

Research postgraduate

***3. Gender**

Male

Female

Prefer not to say

Other (please specify)

Rate Your Property

***4. Where are you from?**

UK

Other EU

Non EU

***5. Which University are you enrolled at?**

University of York

University of York St John

Other (please specify)

***6. Do you currently live in accommodation off-campus?**

Yes

No

Location

***7. If you had the choice, would you consider living in University Halls next year?**

Yes

No

Maybe

Don't know

N/A

Please use this space to expand on your answer

Location

Rate Your Property

***8. What area do you currently live in?**

- | | | |
|---|---|---------------------------------------|
| <input type="checkbox"/> Acomb | <input type="checkbox"/> Gildhall/City Centre | <input type="checkbox"/> Micklegate |
| <input type="checkbox"/> Badger Hill | <input type="checkbox"/> Heslington | <input type="checkbox"/> Osbaldwick |
| <input type="checkbox"/> Bishopthorpe | <input type="checkbox"/> Heworth | <input type="checkbox"/> Outside York |
| <input type="checkbox"/> Clifton | <input type="checkbox"/> Holgate | <input type="checkbox"/> South Bank |
| <input type="checkbox"/> Fishergate | <input type="checkbox"/> Hull Road | <input type="checkbox"/> Tang Hall |
| <input type="checkbox"/> Fulford | <input type="checkbox"/> Huntington | <input type="checkbox"/> The Groves |
| <input type="checkbox"/> Other areas in York (please specify) | | |

Finding your house

***9. Who is your letting agent/landlord?**

- Sinclair
- Coalters
- Adam Bennett
- IG Properties
- AP
- Private Landlord
- Other (please specify)

***10. What made you choose them? (please select as many as applicable)**

- | | |
|--|---|
| <input type="checkbox"/> Advertising (on campus) | <input type="checkbox"/> Reputation |
| <input type="checkbox"/> Advertising (online) | <input type="checkbox"/> They were on the University housing list |
| <input type="checkbox"/> Word of mouth | <input type="checkbox"/> I liked the property |
| <input type="checkbox"/> Had been with them before | <input type="checkbox"/> It was not my decision |
| <input type="checkbox"/> Price | |
| <input type="checkbox"/> Other (please specify) | |

Rate Your Property

11. What factors most influenced your decision when selecting a property? (please select your top 3)

- | | |
|---|--|
| <input type="checkbox"/> Safety of property | <input type="checkbox"/> Appliances |
| <input type="checkbox"/> Number of rooms in property | <input type="checkbox"/> Furnished property |
| <input type="checkbox"/> Parking facilities | <input type="checkbox"/> All inclusive bills |
| <input type="checkbox"/> Location | <input type="checkbox"/> The property was on the University housing list |
| <input type="checkbox"/> Quality of accommodation | <input type="checkbox"/> Already had friends living in the property |
| <input type="checkbox"/> Price/ affordability of property | <input type="checkbox"/> Added extras (e.g. Sky subscription, gardener etc.) |
| <input type="checkbox"/> Garden | <input type="checkbox"/> It was not my decision |
| <input type="checkbox"/> Energy efficiency | |
| <input type="checkbox"/> Other (please specify) | |

***12. Were you able to find suitable accommodation in your desired location?**

- Yes
- No
- Did not have a preference of location

If no, please expand

***13. Were you able to find suitable accommodation with the number of rooms that you were looking for?**

- Yes
- No

If no, please expand

Your Property

Rate Your Property

***14. What type of accommodation do you live in?**

Private/rented house
 Private/rented flat
 Private/rented bungalow
 Purpose built student accommodation (off-campus)
 Other (please specify)

***15. How much rent do you pay per week?**

<£50 £76-£80 £111-£120
 £50-£55 £81-£85 £121-£130
 £56-£60 £86-£90 £131+
 £61-£65 £91-£95 I don't pay rent
 £66-£70 £96-£100 Prefer not to say
 £71-£75 £101-£110

***16. Does your rent include utility bills?**

Yes
 No

***17. How would you rate the following aspects regarding your property?**

	Excellent	Good	Average	Poor	Terrible	Don't know/ not applicable
Quality of accommodation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ability to contact your landlord	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Efficiency of your landlord	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Landlord overall	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Up-keep of the gardens/grounds	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please use this space to expand on your answer

Rate Your Property

***18. How safe do you feel in your property?**

- Very safe
 Somewhat safe
 Neither safe nor unsafe
 Somewhat unsafe
 Very unsafe

What would make you feel safer?

Your Household

***19. How many people live in your household?**

- 1
 2
 3
 4
 5
 6+

Your Household

***20. What best describes your situation?**

- I was already friends with my housemate(s) before moving in
 I did not know my housemate(s) before moving in
 I was friends with some of my housemates before moving in but not all

Your Neighbourhood

***21. Do you know of any other student properties in your immediate area?**

- No
 Don't know
 1-2 properties
 3-4 properties
 5-6 properties
 7-8 properties
 9-10 properties
 10+ properties
 I live in purpose built student accommodation

***22. Have you met any of your direct neighbours?**

- Yes I have introduced myself
 Yes they have introduced themselves
 No

Rate Your Property

***23. Are any of your direct neighbours students?**

- Yes
- No
- Don't know

***24. Have YOUR NEIGHBOURS ever complained about any of the following? (please select as many as applicable)**

- | | |
|---|--|
| <input type="checkbox"/> Noise problems | <input type="checkbox"/> Un-kept gardens |
| <input type="checkbox"/> Antisocial behaviour | <input type="checkbox"/> Problems with refuse or rubbish |
| <input type="checkbox"/> Parking problems | <input type="checkbox"/> None of these |
| <input type="checkbox"/> Other (please specify) | |

***25. Have YOU ever experienced any of the following from your neighbours? (please select as many as applicable)**

- | | |
|---|--|
| <input type="checkbox"/> Noise problems | <input type="checkbox"/> Un-kept gardens |
| <input type="checkbox"/> Antisocial behaviour | <input type="checkbox"/> Problems with refuse or rubbish |
| <input type="checkbox"/> Parking problems | <input type="checkbox"/> None of these |
| <input type="checkbox"/> Other (please specify) | |

***26. To what extent do you agree with the following statement: "I feel like a valued part of the local community"**

- | | | | | | |
|--|--------------------------------------|--|---|---|----------------------------------|
| <input type="radio"/> Completely agree | <input type="radio"/> Somewhat agree | <input type="radio"/> Neither agree nor disagree | <input type="radio"/> Somewhat disagree | <input type="radio"/> Completely disagree | <input type="radio"/> Don't know |
|--|--------------------------------------|--|---|---|----------------------------------|

27. Do you have any other comments about your neighbours or neighbourhood?

Insurance

***28. Do you have any contents insurance?**

- Yes
- No
- Don't know

If yes, who with?

Rate Your Property

Refuse collection

***29. What day is your black bin collection?**

- | | |
|---------------------------------|----------------------------------|
| <input type="radio"/> Monday | <input type="radio"/> Friday |
| <input type="radio"/> Tuesday | <input type="radio"/> Saturday |
| <input type="radio"/> Wednesday | <input type="radio"/> Sunday |
| <input type="radio"/> Thursday | <input type="radio"/> Don't know |

***30. How often do your black bins usually get emptied?**

- Daily
- Weekly
- Fortnightly
- Monthly
- Every 3 months
- Don't know
- Other (please specify)

***31. Which of the following best describes your attitude towards recycling?**

- I do not recycle
- I recycle if it does not require any additional effort
- I recycle even if it requires additional effort
- Don't know

***32. How would you prefer to be informed about details of waste collection in your area? (please select one option)**

- Council Website
- Smartphone app
- Leaflets
- Emails
- Other (please specify)

Car ownership

Rate Your Property

***33. Do you have a car in York?**

- Yes
- No

Parking

***34. What best describes your situation with regards to parking?**

- My property has allocated parking
- There is on-street parking - permit needed
- There is on street parking - no permit needed
- Other (please specify)

Thank you!

35. Do you have any other comments about any of the issues raised throughout this survey?

36. Thank you for completing the survey! For your chance to win one of 20 £5 iTunes vouchers or an iPad mini, please enter your email address below:

Appendix 2: Demographics

The Rate Your Property survey was fully completed by a total of 788 students living off campus. Below is a brief summary of the demographics of respondents:

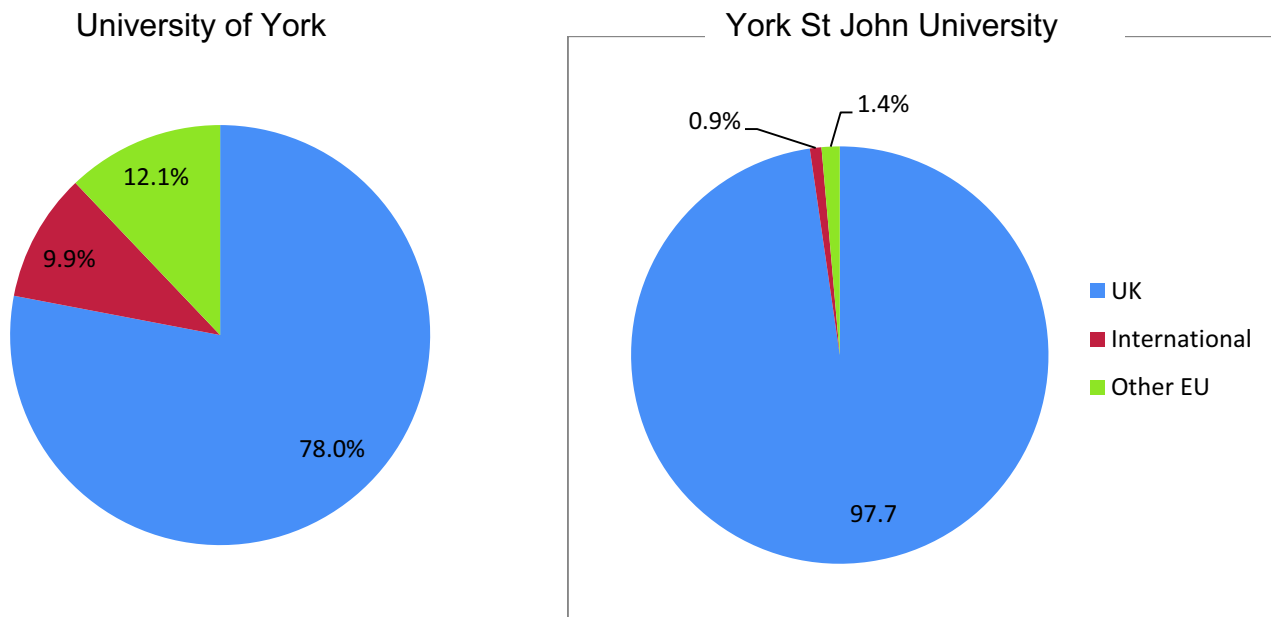
Age

Age category	University of York (%)	York St John University (%)	Total (%)
21 or below	58.0	75.2	62.8
21-24	29.1	22.1	27.0
25-28	7.1	2.3	5.8
29-35	3.9	0.5	2.9
36+	2.0	0	1.4

Gender

Gender	University of York (%)	York St John University (%)	Total (%)
Male	33.0	26.1	31.0
Female	66.1	73.4	68.2
Prefer not to say	0.9	0.5	0.8

Nationality- Overseas status



State of study

State of study	University of York (%)	York St John University (%)	Total (%)
Undergraduate 1st year	9.2	3.6	7.6
Undergraduate 2nd year	39.3	44.2	40.7
Undergraduate 3rd year	28.2	51.3	34.8
Undergraduate 4 th year	4.4	0.0	3.2
Taught postgraduate	11.0	0.4	8.0
Research postgraduate	7.1	0.4	5.2

Area of property

Percentage of respondents living in each area of York based on what University they attend.

Area	Excellent & Good	Average	Poor & Terrible
Acomb	0.4%	0.0%	0.3%
Badger Hill	6.7%	0.0%	4.8%
Bishopthorpe	1.2%	0.0%	0.9%
Bootham	0.4%	2.2%	0.9%
Clifton	0.4%	12.5%	3.8%
Dringhouses	0.2%	0.0%	0.1%
Fishergate	4.6%	0.4%	3.4%
Fulford	12.1%	0.0%	8.6%
Guildhall/City Centre	2.1%	9.8%	4.3%
Haxby	0.0%	6.3%	1.8%
Heslington Road area	10.5%	0.9%	7.8%
Heworth	3.9%	9.8%	5.6%
Holgate	0.4%	3.1%	1.1%
Hull Road	27.9%	2.2%	20.6%
Huntington	0.0%	8.9%	2.5%
Layerthorpe	0.2%	0.4%	0.3%
Micklegate	1.1%	0.4%	0.9%
Osbalwick	7.6%	0.0%	5.5%
Other areas in York (please specify)	0.4%	0.0%	0.3%
Outside York	2.8%	1.3%	2.4%
South Bank	2.8%	0.0%	2.0%
Tang Hall	13.7%	2.2%	10.4%
The Groves	0.7%	39.3%	11.7%

Appendix 3: Quality of Property by Area and University

All respondents

Area	Excellent & Good	Average	Poor & Terrible	(N)
Acomb	100.0%	0.0%	0.0%	2
Badger Hill	68.4%	21.1%	10.5%	38
Bishopthorpe	71.4%	14.3%	14.3%	7
Bootham	71.4%	28.6%	0.0%	7
Clifton	50.0%	26.7%	23.3%	30
Dringhouses	100.0%	0.0%	0.0%	1
Fishergate	77.8%	18.5%	3.7%	27
Fulford	76.5%	17.6%	5.9%	68
Guildhall/City Centre	67.6%	23.5%	8.8%	34
Haxby	50.0%	28.6%	21.4%	14
Heslington Road area	63.9%	24.6%	11.5%	61
Heworth	70.5%	25.0%	4.5%	44
Holgate	88.9%	11.1%	0.0%	9
Hull Road	75.9%	19.8%	4.3%	162
Huntington	65.0%	15.0%	20.0%	20
Laythorpe	50.0%	50.0%	0.0%	2
Micklegate	57.1%	14.3%	28.6%	7
Osbalwick	86.0%	7.0%	7.0%	43
Other areas in York (please specify)	50.0%	50.0%	0.0%	2
Outside York	60.0%	40.0%	0.0%	5
South Bank	75.0%	25.0%	0.0%	16
Tang Hall	61.0%	26.8%	12.2%	82
The Groves	54.3%	22.8%	22.8%	92
(blank)				
Grand Total	68.4%	21.3%	10.2%	773

Respondents Enrolled at the University of York

Area	Excellent & Good	Average	Poor & Terrible	(N)
Acomb	100.0%	0.0%	0.0%	2
Badger Hill	68.4%	21.1%	10.5%	38
Bishopthorpe	71.4%	14.3%	14.3%	7
Bootham	50.0%	50.0%	0.0%	2
Clifton	100.0%	0.0%	0.0%	2
Dringhouses	100.0%	0.0%	0.0%	1
Fishergate	76.9%	19.2%	3.8%	26
Fulford	76.5%	17.6%	5.9%	68
Guildhall/City Centre	91.7%	8.3%	0.0%	12
Heslington Road area	62.7%	25.4%	11.9%	59
Heworth	77.3%	18.2%	4.5%	22
Holgate	100.0%	0.0%	0.0%	2
Hull Road	75.8%	19.7%	4.5%	157
Laythorpe	100.0%	0.0%	0.0%	1
Micklegate	50.0%	16.7%	33.3%	6
Osbalwick	86.0%	7.0%	7.0%	43
Other areas in York (please specify)	50.0%	50.0%	0.0%	2
Outside York	100.0%	0.0%	0.0%	2
South Bank	75.0%	25.0%	0.0%	16
Tang Hall	62.3%	26.0%	11.7%	77
The Groves	50.0%	50.0%	0.0%	4
Grand Total	73.0%	19.9%	7.1%	549

Respondents Enrolled at the York St John University

Area	Excellent & Good	Average	Poor & Terrible	(N)
Bootham	80.0%	20.0%	0.0%	5
Clifton	46.4%	28.6%	25.0%	28
Fishergate	100.0%	0.0%	0.0%	1
Guildhall/City Centre	54.5%	31.8%	13.6%	22
Haxby	50.0%	28.6%	21.4%	14
Heslington Road area	100.0%	0.0%	0.0%	2
Heworth	63.6%	31.8%	4.5%	22
Holgate	85.7%	14.3%	0.0%	7
Hull Road	80.0%	20.0%	0.0%	5
Huntington	65.0%	15.0%	20.0%	20
Laythorpe	0.0%	100.0%	0.0%	1
Micklegate	100.0%	0.0%	0.0%	1
Outside York	33.3%	66.7%	0.0%	3
Tang Hall	40.0%	40.0%	20.0%	5
The Groves	54.5%	21.6%	23.9%	88
Grand Total	57.1%	25.0%	17.9%	224

Appendix 4: Rating of Landlord Overall by Area and University

All respondents

Area	Excellent & Good	Average	Poor & Terrible	(N)
Acomb	100.0%	0.0%	0.0%	2
Badger Hill	70.3%	21.6%	8.1%	37
Bishopthorpe	100.0%	0.0%	0.0%	7
Bootham	71.4%	14.3%	14.3%	7
Clifton	50.0%	19.2%	30.8%	26
Dringhouses	100.0%	0.0%	0.0%	1
Fishergate	69.2%	15.4%	15.4%	26
Fulford	64.6%	21.5%	13.8%	65
Guildhall/City Centre	64.7%	14.7%	20.6%	34
Haxby	38.5%	15.4%	46.2%	13
Heslington	66.7%	16.7%	16.7%	60
Heworth	69.8%	23.3%	7.0%	43
Holgate	88.9%	0.0%	11.1%	9
Hull Road	70.9%	16.5%	12.7%	158
Huntington	40.0%	45.0%	15.0%	20
Layrthorpe	50.0%	0.0%	50.0%	2
Micklegate	0.0%	42.9%	57.1%	7
Osbalwick	59.5%	31.0%	9.5%	42
Other areas in York (please specify)	50.0%	0.0%	50.0%	2
Outside York	60.0%	40.0%	0.0%	5
South Bank	73.3%	26.7%	0.0%	15
Tang Hall	53.8%	23.1%	23.1%	78
The Groves	47.8%	17.4%	34.8%	92
Grand Total	62.1%	20.0%	18.0%	751

Respondents Enrolled at the University of York

Area	Excellent & Good	Average	Poor & Terrible	(N)
Acomb	100.0%	0.0%	0.0%	2
Badger Hill	70.3%	21.1%	8.1%	37
Bishopthorpe	100.0%	0.0%	0.0%	7
Bootham	100.0%	0.0%	0.0%	2
Clifton	100.0%	0.0%	0.0%	2
Dringhouses	100.0%	0.0%	0.0%	1
Fishergate	68.0%	15.4%	16.0%	25
Fulford	64.6%	20.6%	13.8%	65
Guildhall/City Centre	91.7%	8.3%	0.0%	12
Heslington Road area	65.5%	16.9%	17.2%	58
Heworth	71.4%	22.7%	4.8%	21
Holgate	100.0%	0.0%	0.0%	2
Hull Road	71.9%	15.3%	12.4%	153
Laythorpe	100.0%	0.0%	0.0%	1
Micklegate	0.0%	33.3%	66.7%	6
Osbaldwick	59.5%	30.2%	9.5%	42
Other areas in York (please specify)	50.0%	0.0%	50.0%	2
Outside York	100.0%	0.0%	0.0%	2
South Bank	73.3%	25.0%	0.0%	15
Tang Hall	57.5%	20.8%	20.5%	73
The Groves	50.0%	50.0%	0.0%	4
Grand Total	67.5%	18.8%	13.2%	532

Respondents Enrolled at the York St John University

Area	Excellent & Good	Average	Poor & Terrible	(N)
Bootham	60.0%	20.0%	20.0%	5
Clifton	45.8%	17.9%	33.3%	24
Fishergate	100.0%	0.0%	0.0%	1
Guildhall/City Centre	50.0%	18.2%	31.8%	22
Haxby	38.5%	14.3%	46.2%	13
Heslington Road area	100.0%	0.0%	0.0%	2
Heworth	68.2%	22.7%	9.1%	22
Holgate	85.7%	0.0%	14.3%	7
Hull Road	40.0%	40.0%	20.0%	5
Huntington	40.0%	45.0%	15.0%	20
Laythorpe	0.0%	0.0%	100.0%	1
Micklegate	0.0%	100.0%	0.0%	1
Outside York	33.3%	66.7%	0.0%	3
Tang Hall	0.0%	40.0%	60.0%	5
The Groves	47.7%	15.9%	36.4%	88
Grand Total	48.9%	21.0%	29.7%	219

**Annex E: Proposed Amendments to the Controlling the Concentration of
HMO's SPD**



SUPPLEMENTARY PLANNING DOCUMENT

DRAFT **Controlling the Concentration of Houses in Multiple Occupation**

Approved 2012, Amended 2013

City of York

Local Plan

Draft Controlling the Concentration of Houses in Multiple
Occupation Supplementary Planning Document
Approved April 2012, amended 2013

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format (for example, large print or by email) or another language.

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)

**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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Background Papers

Annex 1: Local Plan (2005) Extract
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1.0 Introduction

- 1.1 ~~The National Planning Policy Framework National policy guidance provides the context for local planning policy to meeting the overarching objective of creating sustainable, inclusive and mixed communities. 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 Occupation¹, 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 that 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 ~~is~~ will be achieved through an Article 4 Direction which ~~came~~ 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

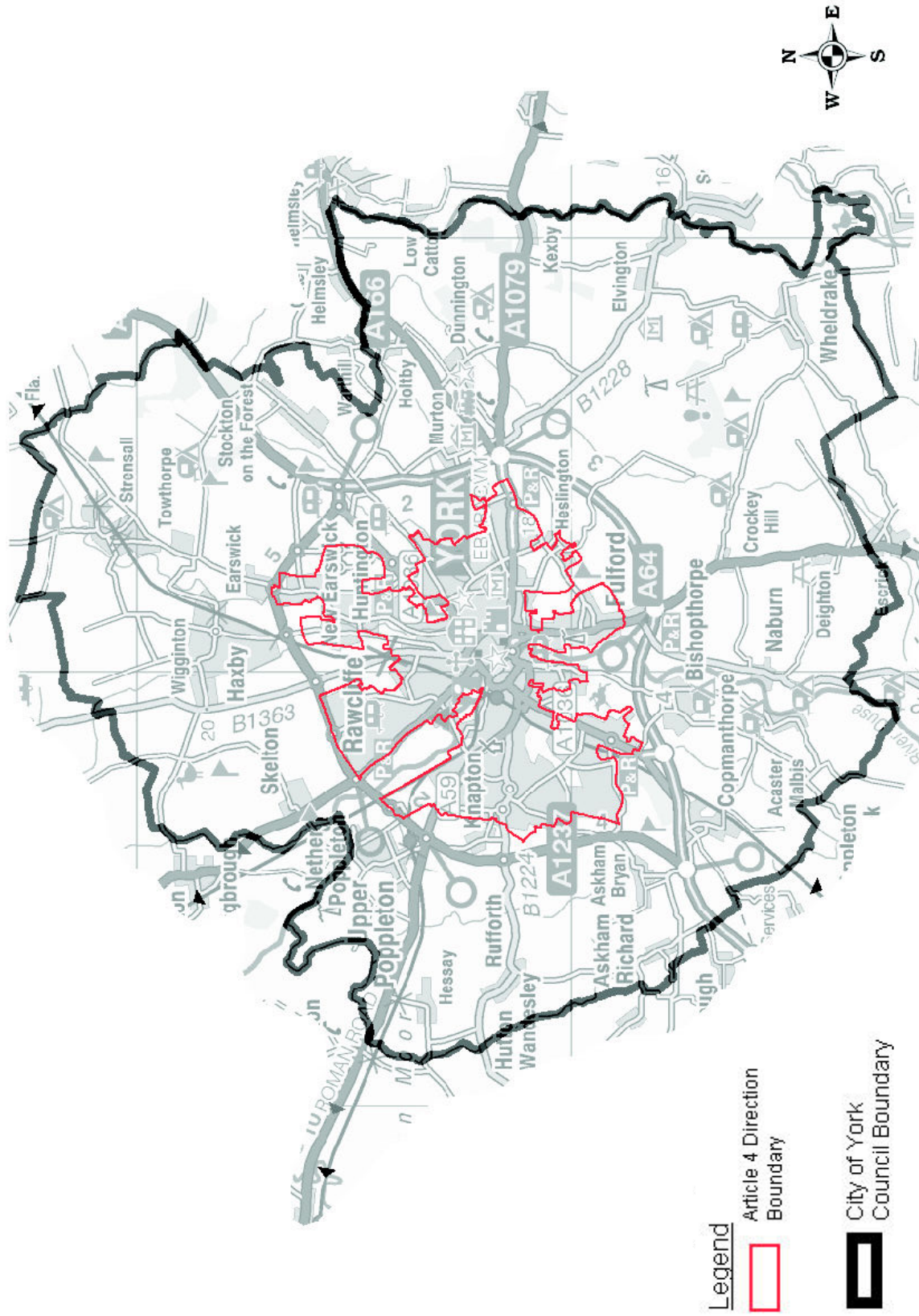
- 2.1 An SPD is intended to expand upon policy or provide further detail to policies in Development Plan Documents. It does not have development plan status, but it will be afforded significant weight as a material planning consideration in the determination of planning applications. This SPD remains a draft until such a time as there is an adopted development plan in York. Although a 'draft' SPD this documents is a material consideration in the planning application process.

¹ 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 development consisting of a change of use of a building from a use falling within the Use Class 'C3' (a family dwelling house or flat for example) to Use Class 'C4' (small HMO) 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') and flexible permissions within Use Class C3 to C3/C4 or C3/Sui Generis large HMOs 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 (2005) and emerging ~~Core Strategy~~ Local Plan 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'² 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 occupants³. The new use class, C4, describes, for planning purposes, a house that contains between three and six ~~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 Occupation⁴, 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 (dwellinghouse) to a use falling within Class C4 (HMO). The effect of the

² In a planning sense Sui Generis relates to uses that do not fit within the four main use class categories.

³ 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.

⁴ 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

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 ~~came 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 Practice⁵ 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 is currently pursuing the implementation of an accreditation scheme which will be in place by the end of 2013. The new YorProperty scheme is voluntary and landlords and/or agents can sign up for accreditation

⁵ Please see http://www.york.gov.uk/downloads/file/1516/letting_property_to_students-the_2013_2014_code_of_best_practice_for_landlords_and_students
http://www.york.gov.uk/housing/hmo/Landlords_accreditation_scheme/

if they agree to meet certain standards which promote safe accommodation. Once accepted, properties of accredited members will be marketed on a branded website, supported by City of York Council. The aim behind accreditation is to provide landlords with information and skills to build successful businesses, to help tenants identify safe, high quality accommodation and for self-certification of private rented properties to dominate. As the scheme comprises an element of self-regulation on the parts of landlords and letting agents, 10% of properties registered with the scheme will be inspected annually to ensure the validity of the scheme. More information about the scheme can be found at www.yorproperty.co.uk. This will seek voluntary compliance by private landlords with good standards in the condition and management of their properties and their 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 (2005)

- 4.1 At the time of preparing the City of York Draft Local Plan (2005) 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) Emerging Local Plan

- 4.3 Work is currently underway on preparing a new Local Plan for the City of York. The Local Plan is a citywide plan which will help shape future development in York up to 2030 and beyond. It sets out the opportunities and

~~policies on what will or will not be permitted and where, including new homes and businesses. Using existing evidence base work and consultation undertaken as part of the Local Development Framework process as a starting point the council have prepared a draft Local Plan document that has been through a consultation process. Policy ACHM6 'Houses in Multiple Occupation' shown at Annex 2 replicates the policy approach set out in the original April 2012 Draft SPD in seeking 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. 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 Local Plan continues to recognise 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 emerging Local Plan LDF Vision to build strong communities. ~~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 Local Plan is its role in meeting the needs of specific groups, including students and supporting development which helps to balance York's housing

~~market, 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. Local knowledge of known HMOs is welcomed where there is demonstrable evidence that properties are operating as HMOs. If there is not sufficient evidence it will be assumed that properties are not HMOs.

- 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 there are multiple data sources the HMO database will be updated a number of times a year to reflect these data sources ~~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 from the HMO licence register will be updated quarterly as and when the register is updated, planning permission and certificate of lawful use permissions will be updated monthly and Council Tax data will be updated annually, in May, to allow for a complete picture of Council Tax returns. Additional properties that become known to the Council will be added as and when they are confirmed to be HMOs. Updating the HMO database in this way will allow for best picture of existing HMOs to be known. City wide mapping ~~is~~ 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.*

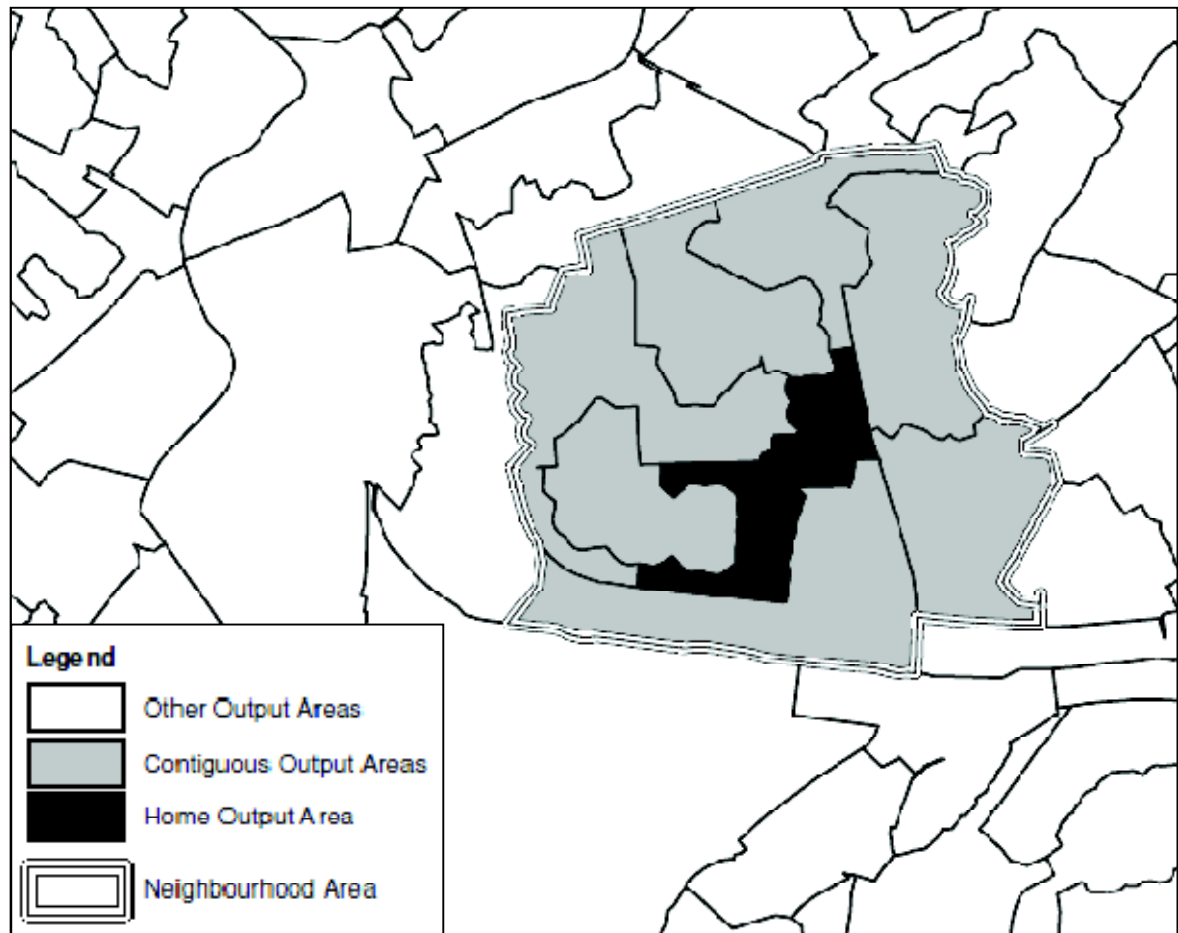
- 5.8 The aim of the policy is to continue to provide HMO accommodation to meet the City's housing needs but to manage the supply of new HMOs to avoid high concentrations of this use in an area. Given York's compact nature and well connected public transport network it is considered that the spreading 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






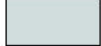


- 5.11 An assessment of concentrations of HMOs at street level will allow the Council to manage the clustering of HMOs along streets. This would prevent whole streets from changing use from dwellinghouses to HMO. Such control may be beneficial for those streets with property types that are particularly 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 application street
-  Application Property

Residential Amenity

- 5.14 The 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 residents⁶;
 - 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;

⁶ 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.

- 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.

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 Order⁷ 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 A number of changes and additions to the rights to carry out works or change the use of land or buildings without needing planning permission have recently been made through changes to Permitted Development Rights in May 2013.

⁷ 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

This includes changes to domestic rear extensions. For HMOs falling under the new Use Class C4 the Council's position on this at present is that they do not benefit from permitted development rights and therefore planning permission is required for additions/alterations to these type of properties

- 5.22 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 Construction which is designed to help achieve the Council's objectives for sustainable development.
- 5.23 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 standard⁸. 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.
- 5.24 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.

Regularising Existing HMOs

- 5.25 A landlord may be eligible to apply for a 'Certificate of Lawfulness' to regularise an existing HMO dwelling which is not lawful under the Council's planning records. A certificate can be applied to regularise a large or small HMO. A small C4 HMO occupied on or before 20th April 2012 (when the Article 4 direction became effective) will be deemed the lawful use after this date. Satisfactory evidence will be required to demonstrate the lawful occupation of the HMO since 20th April 2012. If a Landlord does not want to

⁸ 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/info/200486/repairs_and_modernisation/1075/major_improvements_and_maintenance/2 http://www.york.gov.uk/housing/Housing_plans_and_strategies/stockcon/

regularise their HMO, it is strongly recommended that they retain sufficient documentation to demonstrate lawful use as a small HMO since 20th April 2012, or 10 years as a large HMO. This will reduce the owner's risk of the Council taking enforcement action against them.

Flexible C3/C4 Permissions

5.26 For those landlords wanting to let their properties to both families and groups of individuals it is recommended that a flexible C3/C4 permission is sought under Schedule 2, Part 3, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). This would require a planning application to be submitted, but would allow continuous occupation of the building as either use for a period of 10 years without the need for subsequent planning applications. Applications seeking a flexible permission will be assessed against the provisions of this SPD and the threshold approach. Properties benefitting from a flexible permission will be added to the HMO database and be taken into consideration in threshold calculations irrespective of whether the property is being let as a C3 dwellinghouse or C4 HMO.

Enforcement

5.27 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 website⁹. 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.

Pre-application Advice

5.28 The Council offer pre-application planning advice in a structured, time-bound manner which is subject to a set fee depending on the proposal. Advice can be sought as to whether permission/consent is required and/or in relation to the prospects of permission/consent being granted. This may be particularly useful for applicants wishing to understand whether the thresholds have been breached and if further change of use to HMO is likely to be granted. Information on our pre application advice service is available via our pre application webpage¹⁰. This provides answers to common enquiries, and guidance on our schedule of fees for advice. For further information please contact planning enquires, details can be found at the end of this document.

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

⁹ http://www.york.gov.uk/info/200390/planning_enforcement/346/planning_enforcement
<http://www.york.gov.uk/environment/Planning/enforcement/>

¹⁰ http://www.york.gov.uk/info/200385/planning_advice/318/planning_advice/2

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.

Further Advice

Key City of York Council Contacts:

Integrated Strategy Unit Planning and Environmental Management

01904 551388

integratedstrategy@york.gov.uk

Development Management

01904 551553

planning.enquiries@york.gov.uk

Planning Enforcement

01904 551553

planning.enforcement@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

'Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document' Report to Cabinet 10 January 2012 and Minutes

'Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document Consultation Outcomes' Report to Cabinet 3 April 2012 and Minutes

Houses in Multiple Occupation Technical Paper (2011) CYC

Article 4 Direction and Plan

Annex 1: Local Plan (2005) 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)~~ Emerging Local Plan
Extract****Policy ACHM6: Houses in Multiple Occupation**

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:

- i. 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
- ii. 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 permission and are known to the Council to be HMOs; and
- iii. the accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

- 11.10 Under Policy ACHM6, HMO accommodation will continue to be provided to meet the city's housing needs but the supply will be managed 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. 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.
- 11.11 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, following consultation as the point at which a community can tip from balanced to unbalanced.
- 11.12 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.

11.13 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.

11.14 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 residents¹¹;
- there is sufficient space for potential additional cars to park;
- there is sufficient space for appropriate provision for secure cycle parking;

¹¹ 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.

- 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.

11.15 Further information can be found in the *Draft Controlling the Concentration of HMOs Supplementary Planning Document (2012)*

Annex F: Abbreviations

GSA – Graduate Students' Association

HMO – House in Multiple Occupancy

PRS – Private Rented Sector

RLA – Residential Landlords Association

SPD – Supplementary Planning Document

Annex G: Draft Minutes from the Local Plan Working Group

Meeting	Local Plan Working Group
Date	9 December 2013
Present	Councillors Merrett (Chair), Alexander (Substitute), Ayre, Barnes, D'Agorne, Funnell, Horton, Reid, Simpson-Laing, Steward and Watt (Vice-Chair)
Apologies	Councillor Riches
In Attendance	Councillor Fitzpatrick

5. **Declarations of Interest**

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

6. **Minutes**

Resolved: That the minutes of the last Local Plan Working Group held on 4th November 2013 be approved and signed by the Chair as a correct record.

7. **Public Participation**

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

8. **Controlling the Concentration of Houses in Multiple Occupation - Supplementary Planning Document Review.**

Members considered a report which informed them of the review of the Controlling the Concentration of Houses in Multiple Occupation (HMO) Supplementary Planning Document (SPD).

Officers outlined the report and advised that the review explored the introduction of the SPD since April 2012 specifically looking at:

- Whether the approach is working.
- What impact the SPD has had.
- The approach to data collection of known HMO's.
- What is happening elsewhere to determine best practice.

Members questioned a number of points including:

- Page 13 of the agenda, bullet point 3 – whether there are any statistics' to support the statement that people are being put off purchasing buy to let properties when they discover a change of use planning application is required. Officers advised that it is still too early to know if this is the case but it is something that will be monitored.
- Members queried why the consultation with residents mentioned on page 19 appeared to have been focused around the York University area and not York St John. Officers confirmed that the groups that had been involved in this consultation were those who had been actively involved in the Article 4 and these Groups were mainly from the York University area. It was confirmed that The Groves area would be included in future consultations.
- Some Members queried the proposed change to the SPD in relation to allowing landlords to apply for flexible planning permission. This would enable a property to have both C3 (a family dwelling) and C4 use (small HMO). Members asked if this would address the problem of landlords being unable to rent HMOs to families if they wished to. Officers advised that it is possible under schedule 2 of the Town and Country Planning Act to apply for flexible permission and that if introduced, the situation would be monitored and a further report would be brought back to the LPWG after a year to allow for student turnover.

Councillor Horton moved an amendment to the SPD to amend the wording in paragraph 3.1 from 'The new use class C4, describes for planning purposes, a house that contains between three and six unrelated occupants'...to the words 'three to six inclusive' to avoid confusion as the original wording could be interpreted to mean 4 or 5 occupants. This amendment was seconded by Councillor Merrett and when put to the vote was carried.

Resolved: That in accordance with Option 1, the Local Plan Working Group recommended Cabinet to:

- (i) Note the contents of the report.
- (ii) Approve the proposed amendments to the SPD as outlined at Annex E and the additional amendment outlined above.
- (iii) Delegate to the Director of City and Environmental Services in consultation with the Cabinet Member for Transport, Planning & Sustainability the making of the amendments to the SPD and the republishing of the SPD.

Reason: So that the SPD be fit for purpose and can continue to be used effectively for Development Management purposes to support the emerging Local Plan and the Article 4 Direction which came into force on 20th April 2012.

Cllr D Merrett, Chair
[The meeting started at 5.00 pm and finished at 5.45 pm].



Cabinet

7th January 2014

Report of Cabinet Member for Finance, Performance & Customer Services

Review of the York Financial Assistance Scheme

Summary

- 1 This report provides Members with an update on the operation of the York Financial Assistance Scheme (YFAS), including results of related consultation activity, with recommendations to enhance the scheme from 1st April 2014.

Background

- 2 YFAS was established from April 2013 following the transfer of funding from the Department for Works and Pensions (DWP) previously spent on Social Fund Crisis Loans and Community Care Grants. Available funding is summarised below with an additional administration grant of £66,592 (2013/14) and £61,039 (2014/15). There is no information available on funding from April 2015. The council has agreed to add £100,000 to the scheme for the current year and a further £100,000 for the following year.

Funding	2013/14	2014/15
Awards (DWP)	£315,141	£315,141
CYC* addition	£100,000	£200,000
Total	£415,141	£515,141

*City of York Council

- 3 Equivalent DWP expenditure in 2010/11 was £388,400, reducing to £306,300 in 2011/12. Concerted efforts were made to reduce spend in these areas prior to the transfer. No data for 2012/13 is available as yet.
- 4 The current YFAS as approved by Cabinet in December 2012 provides 'Emergency' and 'Community' assistance based on eligibility criteria and individual circumstances. Residents must be in

receipt of a means tested DWP benefit, Housing Benefit (HB) or Local Council Tax Support (LCTS) to apply. The inclusion of HB and LCTS means that the council can help those on low pay who were excluded under the previous national scheme.

- 5 Emergency grants are intended to meet expenses that have arisen from an emergency or disaster and are the only option to avoid risk or harm. Community grants are intended to help vulnerable people to live independently in the community.
- 6 Payment is made by a pre-paid cash card which can be used at cash machines or in shops, using a 4 digit code provided directly to the customer by the card company. Data on the usage of the cards shows that the majority are used to withdraw cash.
- 7 Extra help with rent (through Discretionary Housing Payments – DHPs) and Council Tax is also available. These are included under the YFAS umbrella to increase awareness and take-up and to ensure that residents can access the right support. DHPs are funded from a separate DWP grant - £116,422 in 2012/13 and £286,409 in 2013/14.
- 8 YFAS is administered by the CYC Benefits Team in Customer Services. Applications are handled by staff who also deal with Housing Benefit/Local Council Tax Support claims. Where appropriate, customers are referred on to other organisations which may be able to offer further tailored and intensive help (for example, debt problems are referred to the Citizen's Advice Bureau). The Scheme is monitored by the Financial Inclusion Steering Group (FISG), an officer and partner group chaired by the Director of Customer & Business Support Services.
- 9 Cabinet agreed to a one year interim scheme with full consultation and a review after 6 months, allowing time to focus on the development of a comprehensive localised support scheme including partnerships with other key agencies within the city.
- 10 Implementation of YFAS was on time and is broadly performing well.

Applications and Awards – Emergency and Community Grants

11. Spend against budget to 31/10/13 is summarised in this table:

As at 31/10/13	DWP grant + CYC addition
Budget	£415,141
Spend	£106,432
% spent	25.6%
Projected spend	£ 206,041
Projected % spend	49.6%

12. See detail on grants and food vouchers issued at **Annex A**, from which the following points are highlighted:

- The first 7 months of the scheme saw 1,484 applications (average of 49 per week) with total payments of £ 89,154 (Table 1 and 3).
- 561 applications (38%) did not qualify (Table 1).
- Over 40% of referrals to YFAS are from the DWP (Table 2).
- 55% of applications have been made via the public website
- 544 Emergency Grants paid - average payment of £71.23 (Table 3).
- 122 Community Grants paid - average payment of £413.11 (Table 3).
- 29% of spend has been on daily living allowances with an average payment of £48.05 (Table 4).
- 38% of spend has been on cookers, washers and fridges (Table 4).
- 70% of applications are from single residents, 16% from lone parents and 8% from families (Table 5).
- 72% of applications for daily living expenses are from single residents (Table 6).
- 34% of applicants give 'delay in benefit payment' as a reason for applying (Table 7 and 8).

- 8 of applications are from residents who have no food (Table 7 and 8).
- 13 The following analysis (see Table 9 and the map at **Annex B**) uses the Indices of Multiple Deprivation and Lower Super Output Areas located in Wards: Westfield, Guildhall, Heworth, Micklegate, Clifton and Holgate (Information provided by CYC Business Intelligence):
- 25% of applicants are from areas that are nationally within the 20% most deprived areas in the country.
 - 88% of applicants are from the 50% most deprived areas in York.
- 14 Where a customer's DWP claim is delayed and they are not entitled to a DWP 'benefit advance', a small grant for daily living expenses is made. Food bank vouchers can also be issued, provided by the Trussell Trust (see Tables 10, 11 and 12). This incurs no direct cost to the council.
- Data from the Foodbank shows that single residents are the biggest users of the food banks in York.
 - Similarities can be seen between YFAS and the food banks on the levels of / reasons for demand in different Wards.
 - Benefit delays and changes account for 53% of vouchers redeemed by the Trussell Trust in York.

Other Findings

- 15 By mid-September 2013, 17 residents had applied to YFAS for the maximum of 3 times (or more) in a 12 months period. Of these, 12 were single people on Job Seeker's Allowance (JSA) or Employment and Support Allowance (ESA), 3 were couples with children on Income Support (IS) or JSA, 1 was a single parent on IS, and 1 couple on JSA.
- 16 One reason for higher demand from single residents is because there are fewer other 'safety nets' for this group.
- 17 All of these applicants were of working age but not in work and present with different reasons each time but some indicate chaotic lifestyles and lack of any savings to fall back on to for example, replace a broken cooker or fridge.

- 18 In 2011/12 the average DWP payment for a Crisis Loan was £50.76 and for Community Care Grants was £443.69. Although higher, these compare favourably with our Grant for 'daily living allowances' averaging £48.05 and Community Grant of £413.11.
- 19 Specific early issues have been addressed, such as changing the policy on the treatment of Disability Living Allowance (DLA) and Attendance Allowance (AA) for discretionary awards. We now disregard this income fully when looking at an applicant's resources, bringing the treatment of DLA and AA in line with Housing Benefit (HB) and Local Council Tax Support (LCTS).
- 20 The DWP provided repayable loans. CYC decided to award grants rather than loans for a number of reasons including the cost of recovery and the potential to increase indebtedness. With local and central provision of services, CYC staff are less remote from customers and there is more accountability for decisions and ready access to local information about applicants' circumstances. There is a clearer focus on the budget implications of making an award than under a national, centralised and remote decision making system with a larger budget. This may help explain the reasons why demand is less than expected and echoes the experience of other councils nationally.

Comparison with other Local Welfare Assistance schemes

- 21 The decision on how to provide local welfare assistance is discretionary. There is no national data on different schemes available yet. Some provide goods, pre-paid cards linked to a specific retailer or item, vouchers or the arrangement of services. Others provide cash equivalents, using pre-paid cards, BACS (Bank Automated Credit System) payments into a bank account, vouchers or bar coded letters that can be 'cashed' at Post Offices or Pay-points. Some provide grants, and some loans and grants.
- 22 **Annex D** gives some information on schemes in Hull and North Yorkshire County Council. Research shows that proportionally demand in York is consistent with or higher than other authorities locally.

Consultation

- 23 Using DWP funding, CYC commissioned a telephone survey of YFAS applicants. The sample size was 244 which, when the

survey was conducted in September 2013, represented nearly 25% of all applicants. In addition we consulted with partners with clients who had used the service. **Annex C1** provides a summary of applicant consultation results.

24 Feedback from those surveyed was in the main very positive:

- The overwhelming majority found the application process easy (80.3%) whilst only 4.1% found it difficult or very difficult.
- Speed of processing was found to be good with only 6.6% expressing any dissatisfaction whilst 71.7% were satisfied.
- Some 84.6% said that the grant provided met their needs but a minority (15.4%) felt it was not sufficient.
- Of the 92 customers surveyed that applied for help to pay for goods (rather than daily living expenses) a clear 80% preferred the current arrangement of fulfilment by cash card rather than direct provision of goods.

25 Some areas for improvement were nevertheless identified:

- To make information about eligibility for a grant and reasons for refusal of a grant clearer.
- To provide more money and benefits advice (92% of those surveyed would welcome this).

26 Despite the overall satisfaction levels with the current service being generally positive, 52.5 % thought that the service should be provided through an organisation other than the council. This seems contradictory given the positive responses to other questions asked.

Partner Feedback – Annex C2

27 We consulted with 12 external organisations in addition to other council departments. We received 5 responses back although feedback from regular liaison meetings told us that generally the scheme was well received. No organisation expressed an interest in administering the scheme on the council's behalf.

28 Responses told us:

- the scheme is quick and simple
- the criteria for making the grants needs review
- the scheme needs publicising more
- that money, debt and detailed welfare benefits advice should be part of the service
- that we need to treat the cause of crisis not just the symptoms
- we should use information from schemes such as YFAS and the food banks to identify the causes of crisis so we can find the right solutions
- that customers need more help to use technology
- that they can think of ways to spend the fund if it is in surplus, and
- that generally the grants cover needs but are not generous and seem less than granted by the DWP.

29 Partners also made the following comments on areas where they thought YFAS funds could be directed:

- Supported Housing has customers with needs that may not be fulfilled; people entering Hostels with no income or possessions.
- Arc Light hostel would like help when personalisation budgets are delayed (allocation of personal budget to cover care needs). Annex C2 gives more detail of this.
- The Castlegate Centre need to be able to pay for interview clothes to help young people to find work.
- The Integrated Family Support service work with families with multiple and complex needs and could address need at short notice: for food parcels when the food bank is closed, utilities including meter top-ups, basic bedding, shoes and clothes, school uniforms, interview clothes, emergency childcare funds, court fines and court orders to prevent prison, and domestic appliances.
- Pupil level deprivation analysis could be used to award grants from YFAS surplus to schools on the basis of need. This would help tackle the causes of poverty early and help to give children a better start. For example, Westfield Primary School purchases white goods, beds, pay rent arrears and fuel bills for vulnerable

families. They have had to discontinue breakfast club funded places due to lack of funds.

Staff feedback - Annex C3

30 Staff enjoy providing the service and gain satisfaction from helping vulnerable customers, however they would like:

- More guidance on making decisions to ensure they are consistent,
- To have time to provide more in-depth help to customers by working more closely with other services in the council,
- That the policy should be reviewed in relation to not making payments when there is a DWP benefit sanction in place and
- To provide money management advice (and debt advice where relevant) to all applicants and should make that a condition of accessing the scheme.

Service Improvement Proposals

31 The following improvements are recommended:

- a. The full administration remains within the Benefits service with a strengthening of advice, referrals and researching of other sources of funding. More training would be required for support staff across the council. Better co-ordination of existing welfare advice provisions from within the Council would support this as well as closer working with partners.
- b. FISG to have overall control over the general distribution of the fund and commission other organisations as necessary to target specific initiatives. Reports to Cabinet from FISG could be produced bi-annually in June and November to update progress on financial inclusion activities with particular emphasis on YFAS.

Other possible changes for consideration:

- 32 Explore the possibility of closer working with the Credit Union to provide loans for those who do not qualify for assistance under YFAS or who have reached the 12 month rolling limit on the number of applications.
- 33 FISG to consider the improvement suggestions referred to in paragraphs 28 and 30 arising from the consultation feedback.

Analysis

- 34 Recommendation 31a represents the lowest cost option in terms of alternative service delivery models considered but requires strengthening of advisory and information services. This will occur through the planned reallocation of available Welfare Benefit advisors to areas of specific need. It requires the council to work very closely as 'one organisation' across departments to ensure that referrals are made and funding opportunities maximised.
- 35 Recommendation 31b brings the governance, development and direction of YFAS under FISG thereby ensuring the continuing alignment of initiatives with the broader Financial Inclusion Policy framework.

Council Plan

- 36 This report and its recommendations will help to deliver two priorities in the Council Plan to 'Protect vulnerable people' and to 'Build strong communities'. Financial assistance will be targeted at those most in need and will assist in allowing residents to continue to live in our communities.
- 37 It supports the objectives of the Without Walls Poverty Programme Strategy to:
 - Establish an overarching view of citywide anti-poverty priorities and to ensure that actions to meet priorities are agreed at a strategic level first and then made operational;
 - Embed York's vision for a poverty-free city into all future CYC and partner priorities and, through a targeted programme of

interventions, start the city's progress towards its achievement.

It supports the Child Poverty Strategy principles.

Implications

38

- **Financial**

The base funding from DWP for YFAS, including a grant for administration, is £381,733 (2013/14) and £376,180 (2014/15)

The DWP grant can be supplemented with additional funds provided by the council as part of the budget setting process for 2013/15. Additional funding of £100,000 has been approved for 2013/14 and a further £100,000 for 2014/15.

- **Human Resources**

The DWP grant provided funds the equivalent of two full-time posts needed to administer the scheme. This continues to help offset the impact of a reduction in the Benefits Administration Grant for 2013/14 of £118,464, reducing the number of compulsory redundancies in this area.

- **Equalities**

The full YFAS Communities Impact Assessment will be updated for the decisions contained in the report but the key points for ongoing monitoring and action are:

- Analysis of application data will ensure that we direct funds to those most in need.
- Using this analysis, look at alternative ways of supporting residents, which may be, for example, seeking partnerships with more groups who can help us address those needs.
- To use the financial Inclusion strategy to provide city wide support to financially vulnerable customers.
- To use economic inclusion initiatives to try to ensure the right skills are developed to engage all residents in current and future employment opportunities.

- Staff will receive applications from potentially stressed, desperate and upset customers. Staff are trained to deal with these issues.

- **Legal**
None

- **Crime and Disorder**
None

- **Information Technology (IT)**
None, if no change to current service provision

- **Property**
None

- **Other**
None

Risk Management

39 The key risks are:

- managing the costs of the service (both service delivery and administration) within a fixed budget, with no information about the likely levels of funding after March 2015;

- managing the budget to ensure that customers get the same service irrespective of when they apply in the financial year;

- minimising opportunities for fraud and abuse, whilst ensuring that customers who need help can access scheme easily and quickly;

- any failure to provide an appropriate service will have a negative impact on the wellbeing of vulnerable people and the reputation of the council.

Recommendations

- 40 Cabinet is asked to agree in light of the consultation feedback:
- a. The full administration of the Scheme remains within the council's Benefits Service with a strengthening of advice, referrals and researching of other sources of funding.
 - b. Financial Inclusion Steering Group to have overall control over the general distribution of the fund and will commission other organisations as necessary to target specific initiatives.
 - c. Reports to Cabinet from FISG to be produced every year in June (Annual Report) and November (Interim Report) to update progress on financial inclusion activities with particular emphasis on the York Financial Assistance Scheme.

Reason: To ensure ongoing improvements so there is no gap in provision of urgent financial resources available to our most vulnerable residents at times of crisis or other difficulty. To mitigate the impacts of wide ranging welfare benefits changes. To meet the priorities set down in the Council Plan and Financial Inclusion Strategy.

Contact Details

Author:	Cabinet Member and Chief Officer responsible for the report:			
Di Bull/ John Madden Strategic Welfare reform and Partnerships Manager Customer Services Tel No.01904 552260 / 551132	Cllr Dafydd Williams, Cabinet Member for Finance, Performance and Customer Service Ian Floyd Director of Customer, Business and Support Services			
Pauline Stuchfield AD Customer & Employees Tel No.01904 551100	Report Approved	√	Date	20/12/2013
Specialist Implications Officer(s) Financial: Ian Floyd Director of Customer & Business Support Services				
Wards Affected: All				√

For further information please contact the authors of the report

Background Papers:

Cabinet Paper 4th December 2012

'Transfer of responsibility of Social Fund to Local Authorities and establishment of the York Financial Assistance Scheme'

Annexes

Annex A YFAS statistics for period 1 April to 31st October 2013

Annex B Map of YFAS take up by ward

Annex C1 Customer Survey Outcome

Annex C2 Partner Feedback

Annex C3 Staff Feedback

Annex D What is happening in other LAs?

Annex E Abbreviations

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Annex A - York Financial Assistance scheme statistics from 1.4.13 to 31.10.13

Table 1 - No. & status of applications for Emergency & Community grants:

Status of application	Complete	Ineligible	New	Paid	Pending	Refused	Resolving*	Withdrawn	Total
COMPLETE	63			709		542	18	4	1336
INFO				19	2	5			26
PROOF				4	1	4			9
REFOTHERAG**	2					3			5
WITHDRAWN				1		1		6	8
(blank)		35	42	14	3	6			100
Grand Total	65	35	42	747	6	561	18	10	1484

*awaiting payment run

**referred to other agencies

Notes:

- Refusal rate 38%

-Total food vouchers issued 148

Table 2 - Where applicants found about the scheme from:

Council	DWP	Friends/Family	Other	Probation	RSLs	Soc Services	All
493	589	131	147	25	11	53	1449

Data on source of 35 ineligible claims not available.

Table 3 - Monthly payments and fund amounts paid

Month	Emergency £	No. paid	Community £	No. paid	Total no.	Total £
April	2,329	30	2,716	13	43	5,045
May	4,056	75	3,270	9	84	7,326
June	4,045	61	4,788	14	75	8,833
July	7,117	89	14,301	29	118	21,418
August	8,268	92	6,620	16	108	14,888
Sept	6,094	88	10,250	23	111	16,344
Oct	6,845	109	8,455	18	127	15,300
	38,754	544	50,400	122	666	89,154

There was a slow start with increased expenditure during the school holidays. This replicates expenditure patterns under the Department for Works and Pensions Social Fund for Crisis loans and Community Care grants.

Table 4 - Analysis of items requested for Emergency & Community Grants paid.

Items	Community count of item codes	Sum of amounts	Emergency count of item codes	Sum of amounts	Total items	Total amount
BEDDING	51	1714.95			51	1714.95
CLOTHING			29	1229.90	29	1229.90
CURTAINS	46	1847.94			46	1847.94
DAILYEXPEN			540	25951.35	540	25951.35
FLOORING	40	4918.90			40	4918.90
FURNITURE	250	14015.45	19	1671.95	269	15687.40
HOUSEHOLD	107	1693.37	1	37.5	108	1730.87
TRAVEL			31	1621.15	31	1621.15
WHITE	204	26209.76	64	8010.30	268	34220.06
REPAIR			3	231.98	3	231.98
Grand Total	698	50,400.37	687	38,754.13	1385	89,154

% of total value £

38% on white goods – cookers, washers & fridges

29% on daily living expenses – have no money to buy food

18% on furniture

Table 5 - Who is applying?

Applications & status	Couple	£	Family	£	Lone Parent	£	Pensioner	£	Single people	£	Total app.	Total paid £
COMPLETE	1	0	6	0	10	0	4	0	44	105.07	65	105.07
INELIGIBLE									35	0	35	0
NEW									42	0	42	0
PAID	27	3831.14	70	7383.70	139	24710.89	15	3130.86	496	50329.88	747	89386.47
PENDING		0		0	3	0	1	0	2	0	6	0
REFUSED	12	0	48	0	89	0	9	0	403	0	561	0
RESOLVING	1	40.99			1	150.99			16	189.96	18	381.94
WITHDRAWN			1	0			1	0	8	0	10	0
Grand Total	41	3872.13	125	7383.70	242	24861.88	30	3130.86	1046	50624.91	1484	8987

Applications

Refusal rate

70% single people

38%

16% Lone parents

37%

8 % Families

38%

Applications

Refusal rate

2% Pensioners

30%

3% Couples

29%

Table 6 - What are people with different circumstances applying for ?

Item	Couple	Family	Lone Parent	Pensioner	Single	Total
BED	5	21	43	6	94	169
BEDDING	1	3	11	2	36	53
CLOTHING		5	13		67	85
COOKER	3	3	10	3	26	45
COOK PANS			1			1
CROCKCUTLY			1		2	3
CURTAINS		2	3		5	10
DAILYEXPEN	26	79	136	13	661	915
DRAWERS		1			4	5
FLOORCOVER	1		3		14	18
FRIDGE	2	4	7		12	25
IRON					1	1
MICROWAVE					1	1
REPAIR		1	4	1	3	9
SOFACHAIR		1			2	3
TRAVELCOST		2	2	4	18	26
WARDROBE			1			1
WASHER	1	2	5	1	8	17
(blank)					97	97
Grand Total	39	124	240	30	1051	1484

The report from which this table is compiled shows the first item asked for, which for daily living expenses is normally the only item requested, so while not a total picture it gives an indication of demand in each group.

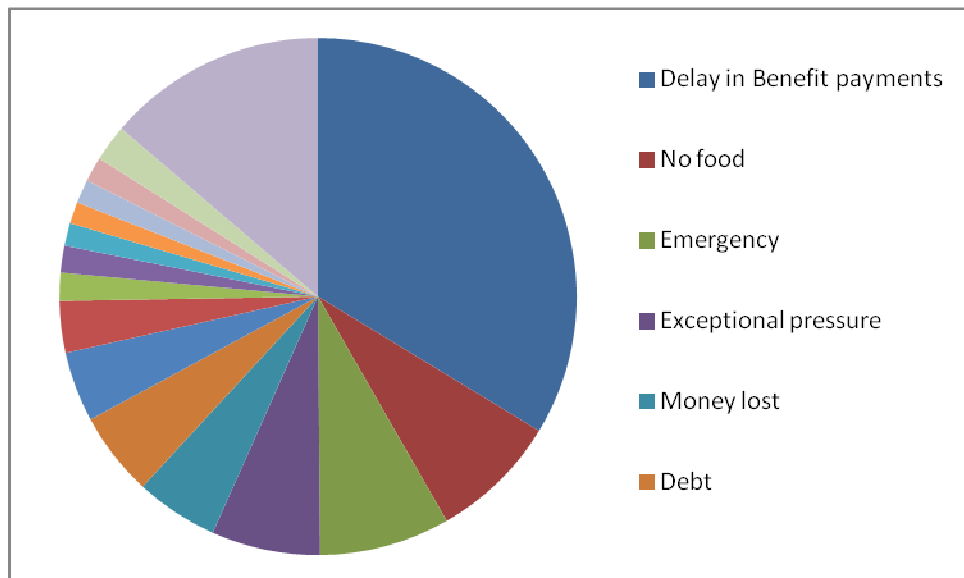
Daily living expenses applications breakdown (% rounded up)

72% from single people.

15% from lone parents

9% from families

Table 7 - The reasons people are applying



Top 6 reasons

Delay in Benefit payments 34%

No food 8%

Resettlement / stay in the community 9%

Emergency 8%

Exceptional Pressure 7%

Money lost 5%

Debt 5%

Table 8 Full breakdown with numbers of reasons for application

Delay in Benefit payments	500
No food	119
Emergency	121
Exceptional pressure	101
Money lost	77
Debt	78
Resettlement not previously homeless	65
Resettlement previously homeless	48
Council Tax	26
Money stolen	25
Leaving prison	21
Repair	20
To stay in the community	22
Special travel e.g. to funeral	23
Other Misc	34
Blank	204
Total	1484

Table 9 - Applicants by Ward

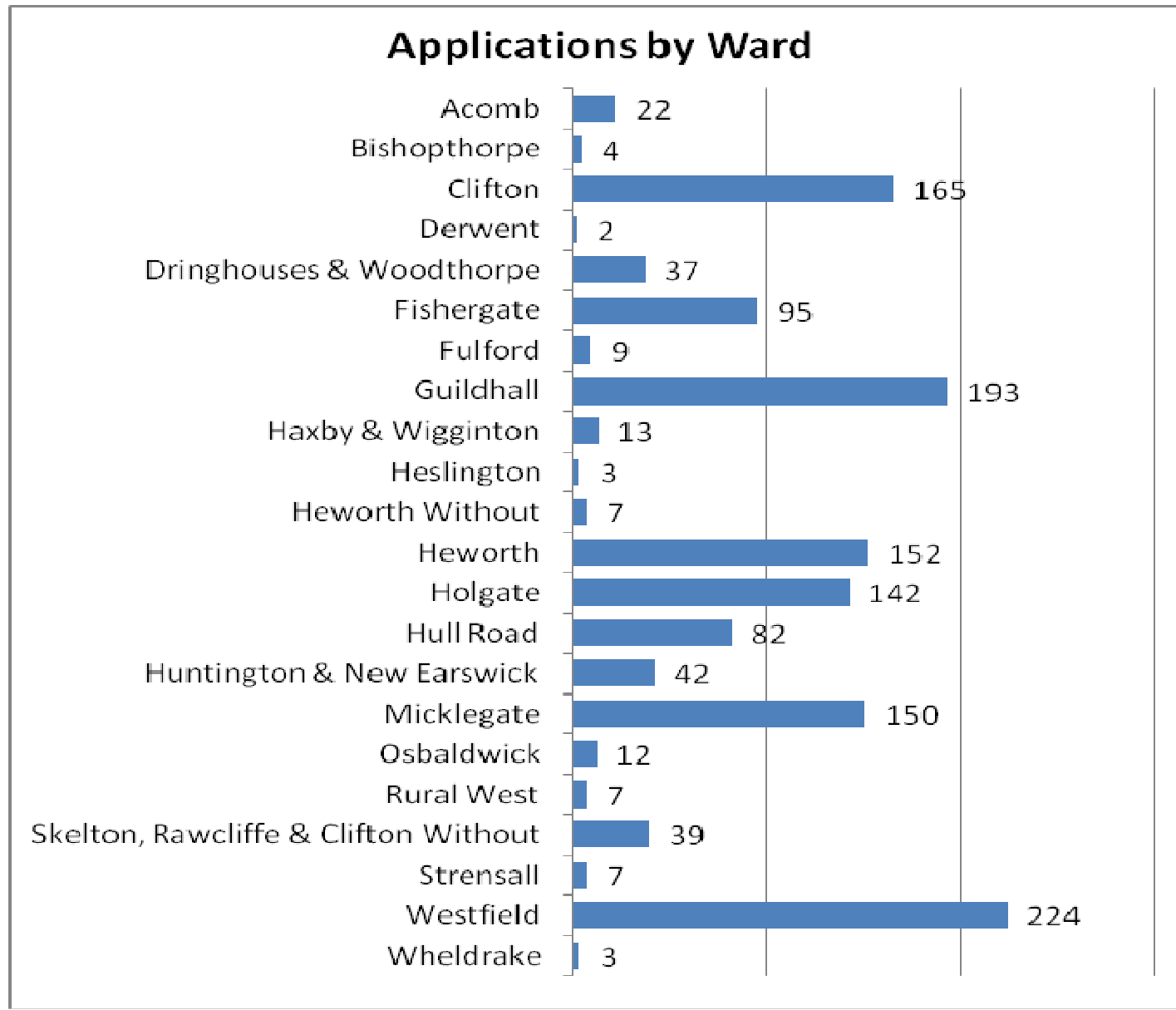


Table 10- The Trussell Trust Food banks

We are authorised to issue food vouchers and generally do so when our applicant is waiting for a DWP benefit to be paid (and cannot get a benefit advance).

75% of the vouchers that YFAS has issued have been redeemed by adults with no children.

The Trust has provided us with the following information about use of the Food banks in York. **This confirms our experience in that the largest percentage group accessing both services are single people. This could be because there are no safety nets for this group.**

Couple	12%
Family	16%
Other	6%
Single	52%
Single Parent	14%

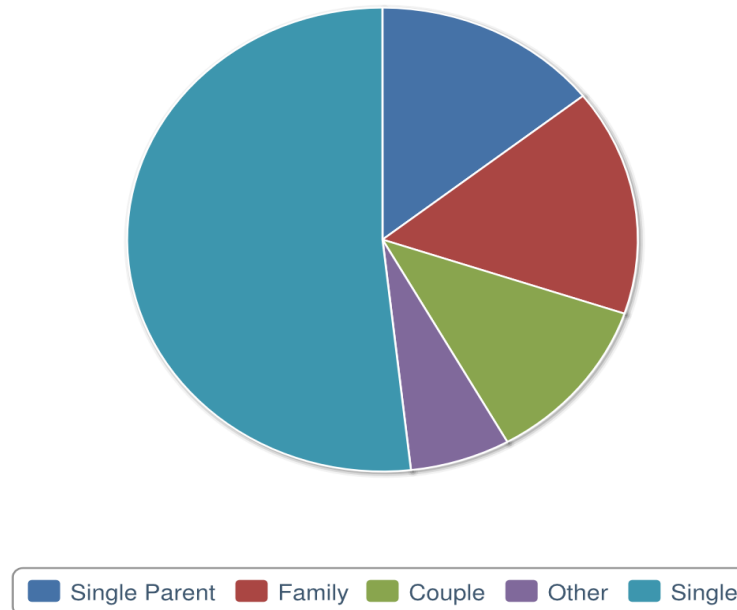


Table 11 – Vouchers issued by the Trussell Trust by Ward including numbers of adults and children helped

Ward	Vouchers	Adults	Children	Total people
Westfield	148	237	143	380
Holgate	139	181	59	240
Heworth	78	106	66	172
Hull Road	74	105	86	191
Micklegate	67	82	19	101
Guildhall	58	70	13	83
Clifton	74	93	32	125
Dringhouses & Woodthorpe	40	54	33	87
Acomb	32	57	60	117
Fishergate	30	33	11	44
Huntington & New Earwick	10	15	11	26
Osbaldwick	12	32	5	37
Rural West	11	22	0	22
Skelton, Rawcliffe & Clifton Without	14	22	18	40
Bishopthorpe	4	10	0	10
Heworth Without	5	8	0	8
Wheldrake	6	13	1	14
Fulford	6	6	8	14
Strensall	3	3	4	7
Haxby & Wigginton	2	4	0	4
Derwent	0	0	0	0
Heslington	1	1	0	1
	814	1154	569	1723

Table 12 – The Trussell Food bank Crisis types – why people ask for food vouchers

Crisis	No Vouchers	Adults	Children	Total	%
Benefit changes	169	255	108	363	19
Benefit delays	308	421	197	618	34
Child holiday meals	2	5	6	11	
Debt	104	142	80	222	12
Delayed wages	8	14	0	14	1
Domestic violence	7	7	7	14	1
Homeless	28	35	6	41	3
Low income	162	241	124	365	18
Other	70	100	61	161	8
Refused Crisis loan/benefit advance	4	5	0	5	-
Sickness	9	11	4	15	1
Unemployed	27	38	21	59	3
Totals	898	1274	614	1888	100

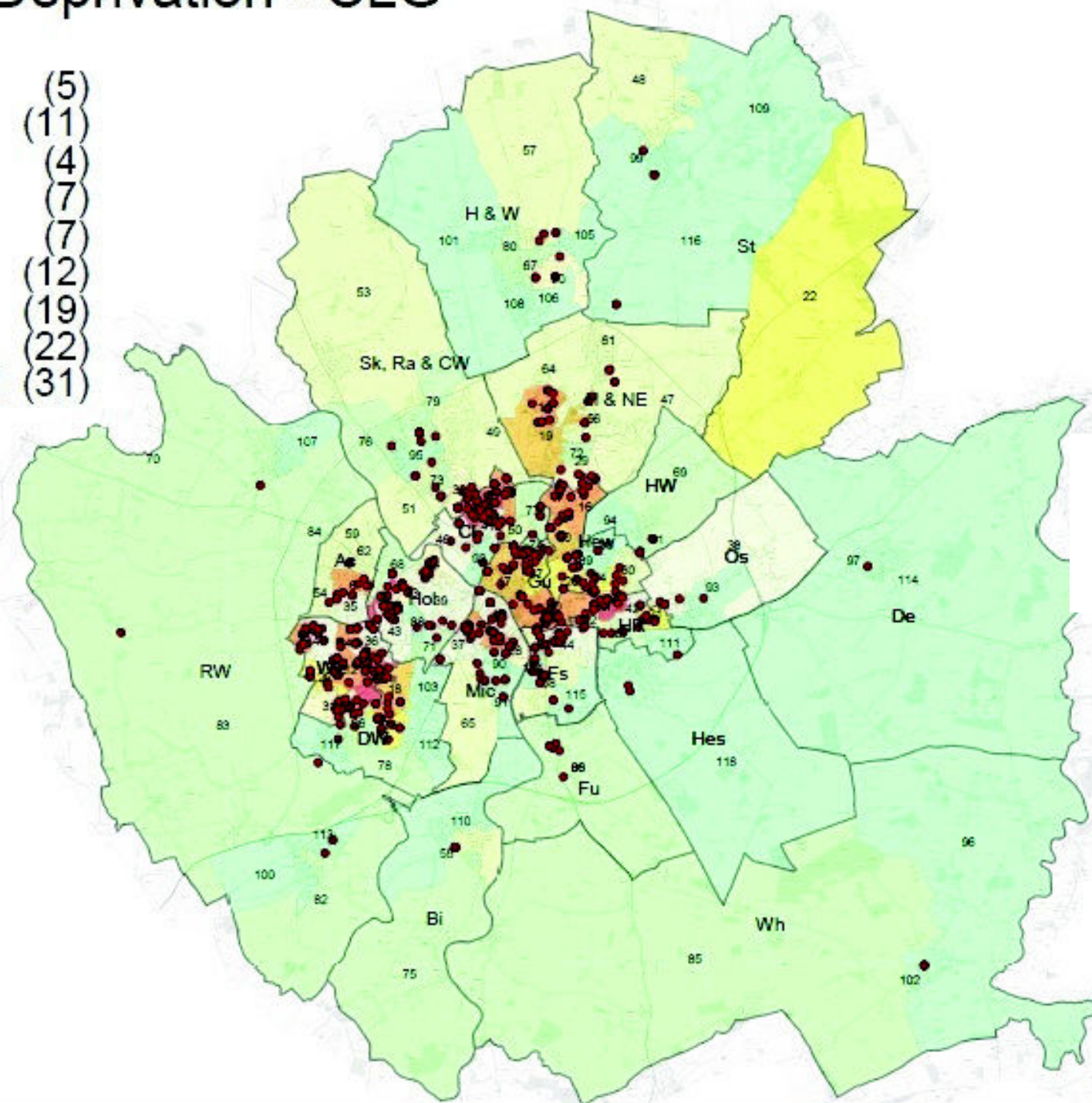
The difference in the number of vouchers issued between table 11 & 12 is due to vouchers issued outside of York area & 61 unknown.

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Indices of Economic Deprivation - CLG

Overall Rank (2009)

■ 10% to 19% Most Deprived	(5)
■ 20% to 29%	(11)
■ 30% to 39%	(4)
■ 40% to 49%	(7)
■ 50% to 59%	(7)
■ 60% to 69%	(12)
■ 70% to 79%	(19)
■ 80% to 89%	(22)
■ 90% to 100% Least Deprived	(31)



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Annex C1

YFAS Customer Survey Outcomes

Using funding provided by the DWP, an external market research company conducted a telephone survey of YFAS applicants asking a range of questions to find out about direct customer experience of claiming help under the scheme. The sample size was 244 which, when the survey was conducted over a four week period in September 2013, represented nearly 25% of all applicants.

Feedback from those surveyed was mainly very positive although there are some areas of improvement.

The key findings were:

- Most customers (192 / 78.7%) did not need help to apply and around the same proportion (182 / 74.7%) said that the information available on eligibility was clear.
- Of the 52 (21.3% of the sample) that needed help 21 (40%) were helped by CYC staff whilst 17 (33%) were assisted by their 'key' or support worker.
- The overwhelming majority found the application process easy (80.3%) whilst only 4.1% found it difficult or very difficult.
- Speed of processing was found to be good with only 6.6% expressing any dissatisfaction whilst 71.7% were satisfied. (We aim to deal with emergency situations on the same day whilst non-emergency within a time frame aligned to customer needs).
- Some 84.6% said that the grant provided met their needs but a minority (15.4%) felt it was not sufficient. There was no particular common reason given for this beyond comments that it simply wasn't enough for their situation at that time.
- Of the 92 customers surveyed that applied for help to pay for goods (rather than daily living expenses) a clear 80% preferred the current arrangement of fulfilment by cash card rather than direct provision of goods. The other 20% would prefer goods for a number of reasons including making the process easier as the council would choose and arrange delivery (the recipient would not have to shop around to keep within the amount of grant awarded)

and some made comments about ensuring the money was spent on the correct items.

- When asked about what changes they might want to see in the scheme 70.5% thought that loans would be preferable if it meant that more people got help. Depending on repayment levels more money would go back into the scheme to help more people. Another comment asked 'if you couldn't get grant it would be good to be able to get a loan'.
- Just less than 30% of the whole sample thought that the direct provision of goods would be preferable to cash cards and an overwhelming 92.2% felt that the inclusion of 'money and benefits advice' as part of the YFAS service would be welcome.
- Despite the overall satisfaction levels with the current service being generally positive, 52.5% thought that the service should be provided through an organisation other than the council. This seems to contradict the positive responses to other questions asked and would need further research to find out the specific reasons why.
- Some of the areas for improvement include providing more information and fuller explanations as to why applications were unsuccessful with 42% (26) of those surveyed who were unsuccessful saying they did not understand the reasons why their claim was turned down.
- Several customers thought that the material on eligibility could be made clearer by simplifying the information available. Some thought less repetition and plainer phrasing would help.
- Of the 16 people who felt that it took too long several said that it took up to three days for their emergency to be dealt with.

(Our real time daily monitoring shows that we turn around emergencies on the day or within 24 hours, if the customer applies late in the day. Some applications require proof or further information, for e.g. a police crime number for stolen cash or no contact details have been given. In August 2013 we had a software problem for 1 week which would have caused a longer delay.)

Annex C2

Feedback from organisations that help clients apply to YFAS

Regular liaison meetings are held with partners and they have been positive about the scheme but not many organisations responded to the survey.

The organisations that responded to the survey were: the Citizen's Advice Bureau (CAB), Yorkshire Housing Association, York Housing Association, CYC Housing Services and the Arc Light Hostel.

Summary of comments from York CAB

The scheme should not be taking disability income into account on discretionary grants. This refers to income that is disregarded for other benefit purposes e.g. Disability Living Allowance.

That the council should design a service or services which:

- Has an integrated approach to providing emergency support, whether it is from YFAS, the remaining DWP grants, Food Bank and local trusts. We should explore whether the funds available to YFAS could be supplemented by the myriad of small trusts in York, agencies such as Yorkshire Water and individuals through the "Giving City" initiative.
- Ensures that people who present with a crisis get help, not only to meet their immediate needs but their ongoing needs. This could include help to make relevant benefits applications, advice, help managing money and referrals to relevant support agencies.
- Collates and examines all the information from these schemes to learn what we can about the causes for financial crisis in the lives of York residents, what we can do to help prevent those crises and what policies or procedures should change.

The criteria for making the grants and the general marketing both need to be looked at. Perhaps the marketing should be focused at support agencies

Coventry CAB runs a joint project with Severn Trent Water ('The Big Difference Fund'), to provide a combination of emergency grants and advice. To apply people have to have water arrears over £400 and fulfil eligibility criteria such as being on benefit or having a low income.

Some more information is available at: <http://www.coventrycab.org.uk/BDF>

Applicants to the scheme also get support from a debt caseworker who will also give support with managing money and will make referrals to any additional support a person might need, such as mental health services, help with drug or alcohol issues, counselling, social services and other legal advice.

Ryedale CAB has a similar if more modest amount given to it by a local trust to help families in crisis and that might be a useful model also to look at. The Coventry CAB model is attractive, because it combines advice with the provision of grants. A CAB makes a natural home, in terms of the provision of advice but an unnatural home in terms of giving grants.

CYC, as part of the poverty strategy, is aiming to encourage local residents who are relatively well off to make donations to help those in need. It would be good if some of this giving could be to support clients in need – i.e. in some way matching the funds available to YFAS. People might feel more willing to give if it was to a form of independent trust rather than apparently subsidising local government spending, which is there to help people suffering because of the general cut backs in public spending. There are a number of small trusts in York that help individuals in need and it might be worth trying to persuade them to put the funds into a central pot and reduce administration costs see the list available on the York CVS website.

General comments from others

- The system is a lot faster than when government ran it and so they don't have to wait as long to get an answer or the card.
- The process is quick and easy but little success with applications so far.
- Online applications are dealt with on the same day, customers getting call back within a couple of hours, seems very fair and an accessible way to apply for help. All applications have been successful as long as the person is need of food and money for utilities even travel sometimes. Good system.
- All the ones I have applied for have been dealt with really quickly and most have been successful.

Answers to specific survey questions

Q2: Do you think that YFAS is sufficiently tailored to local needs / needs of your clients?

- Yes I deal with resettlement and that is covered.

- Does not cover installation of telephone line - with the move to Digital by Default should this be considered?
- More information is needed on eligibility and refusal reasons.
- More help is needed to help customers use computers.

Q3: Are the levels of payments reasonable given the limited nature of the budget available?

- When emergency payments have been received they have been very low even compared to crisis loans from the DWP. (*Note: DWP Crisis Loans averaged £50.76, YFAS £48.05; DWP Community Grants averaged £443.69, YFAS £413.11*)
- Yes it's very easy to use and if you do it online they try and give you a decision within 24hours which is a lot better than before. I have only done one so far but it was successful – albeit the pot seems to be emptying fast and my customer didn't get much money despite the fact her ESA application had been lost and she had no money to live on!
- To summarise; easy, quick service, not a lot of money given out.
- The most recent grants have been more in line with how much has been applied for.
- The amounts that are detailed as prices for items through the furniture store do not prove to be correct when investigated. The furniture store have told staff that they rarely get second hand white goods, so our clients would not be able to buy at the price specified.
- Overall maximum payment OK but some discretion on overriding this amount in exceptional circumstances would be useful i.e. where more than one large item is required.
- Some of my clients – i.e. those moving into new accommodation, but those who are living in accommodation for a while are denied as not an emergency.

Q4: If the scheme is under spent can you identify needs that are outside the Council Scheme that could benefit from this funding?

- Assistance with fuel charges, child care, school charges and travel to school to alleviate financial hardship.
- Supported Housing always has customers with needs that they may not get and we try other places first. We also have people coming into hostels with

nothing but advise them to wait until they are getting their properties to get the bigger bulky items.

- When Personalisation Budget claims are delayed, YFAS could help to provide an interim payment when need is immediate (see below).

[**Personalisation budgets** are an allocation of funding given to users after a care assessment which should be sufficient to meet their assessed needs. Users can either take their personal budget as a direct payment, or – while still choosing how their care needs are met and by whom – leave councils with the responsibility to commission the services. Or they can take some combination of the two.]

Personalisation budget possible expenditure:

- Mobile phones and credit to enable staff to contact customer
- Birth certificates
- New clothes
- New lock / keys
- TV / radio *
- Items to improve self esteem, health, personal care
- Small gifts for birthday *
- Furniture and carpets
- Bedding / Waterproof bedding
- Rent in advance and / or deposit (possibly more than usual to gain access to accommodation)
- Transport
- Visits to agencies and hostels
- Access to training / education / employment
- Support into health care / retreat / detox
- Therapeutic services (eg art, music) *
- Gym membership/ bikes/ all fitness equipment *

* in exceptional circumstances / for specific reasons

Q5: Would your organisation be interested in distributing funds on behalf of the Council?

- York HA would be interested in distributing funds to their tenants.
- Arc Light Hostel would be interested in distributing funds to their residents.

Q6: Which of the following changes would you agree with?

1. Provide goods instead of a prepaid cash card

- Providing goods only can be very restrictive but it can ensure that only basic needs are met. I know that Community Care Grants (when under DWP) were often used on items not requested (but still meeting need).
- The main issue for me is accessibility of both money and food parcels – many of my customers are in the outlying areas (Strensall & Haxby) and the current system of a cash card would seem to counter this problem as it can be posted out (or BACS).
- There is no guarantee that the money given in a cash card is going to be used solely to buy what has been applied for. A card with £300+ is a temptation for anyone to use, even just a little to buy something that is not deemed essential.

2. Provide loans instead of grants so more people could get help

- Loans would just increase hardship of claimants already suffering.
- Loans would be a good idea but unsure if cost effective due to recovery costs.
- No, people are already struggling with managing with the money they have without making further deductions.
- Grants are preferable – possibly cost of recouping loans is greater than the loan itself?

3. Provide the service through another organisation

- It's difficult to see what other organisation would be set up well enough to meet 'crisis' needs, and the central location of the council is very helpful.
- Worth piloting.

4. Provide money and benefits advice as part of the YFAS service

- Money and Benefits advice is a very good idea, always.
- Agree.
- Yes – to non hostel applicants.

5. Any other change? – Please specify

No suggestions provided

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Annex C3

Staff feedback on administering YFAS

A sample of staff was asked for their view on delivering YFAS.

In summary they:

- enjoyed providing the service and got satisfaction from helping vulnerable customers.
- would like more detailed guidance on decision making e.g. the amount of furniture that different sizes of family could have from the scheme.
- would like staff who support customers to have more training to go on- line to make applications and to provide more information on the reason for the application.
- would like us to review our policy on not making payments where there is a DWP benefit sanction in place.
- would like to be able to provide more in depth help to customers rather than just referrals on to other agencies.
- think that we should be providing money management (and debt advice, where relevant) to all applicants and make that a condition of accessing the scheme.
- would like to be given more time to work with other departments, partners and charities to review the scheme and get to the root causes of customers' crises and help solve deeper community issues.

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Annex D -**Local Welfare Provision - What is happening in other Local Authorities**

CYC has close contact with North Yorkshire County Council (NYCC) and its District Council Benefit Services and with Hull Benefits Service, which have provided the following information:

NYCC contracted out their provision. Between April and end August they received 509 applications of which 428 were successful. Applications can only be made by agencies that specialise in the 9 vulnerabilities covered (e.g. homeless, learning/physical disabilities, families under exceptional pressure) and who have been nominated by the fund. 35% of successful applications have been from families experiencing exceptional pressure.

Initial contact is handled by NYCC who exceptionally will approve food parcels and utility top ups, (still provided by the contractor), for applicants who do not fulfil all the criteria of the scheme. Customers fulfilling the criteria are directed to the approved agency who deals with their vulnerability, the agency applies to the fund on their behalf. Awards are goods in-kind not cash and do not have to be repaid. Expenditure of their grant is comparable to YFAS at around 30% of the budget. NYCC do not anticipate that their fund will be under spent at 31st March 2014, as they expect increased winter demand.

Hull manages their scheme in-house with a combination of grants and loans. Up until 11th August (19 weeks) they had 450 applications for Community Support grant of which 53% were successful, paying out £128,844 (an average award of £541.36). The main reason for claiming is seeking to move into more suitable accommodation (66% of successful applications & 34% of expenditure).

Applications for Crisis Loan claims amounted to 3,853 (84% successful) paying out £179,000 (average of £55.08). The main reason for application is that people have no money. This accounts for 76% awards and 72% of expenditure. Repayment of loans is optional but if no repayments are made only two awards can be made in a 12 month period or 1 each 6 months. 275 re-payments had been made back against the loans totalling £2,255.

By August Hull had spent 21% of their grant budget of £1,48m and expect a surplus even with winter months bringing extra demand.

Hull bench-marked locally and nationally following the first three months of operation. Against 16 local authorities Hull had the highest number of claims for Crisis Loans compared with the benchmark group and the 2nd highest number of applications to the scheme. Their expenditure at the end of the first quarter was 13% of the grant and they were second highest in the group. Therefore proportionally demand in York is consistent with or higher than other authorities locally.

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Review of York's Financial Assistance Scheme - List of Abbreviations

AA	Attendance Allowance
APR	Annual Percentage Rate
ACE	Adults, Children and Education
BACS	Bank Automated Credit System
CAB	Citizen's Advice Bureau
CLG	Communities & Local Government
CTS	Council Tax Support
CVS	Council for Voluntary Services
CYC	City of York Council
DHP	Discretionary Housing Payments
DLA	Discretionary Living Allowance
DWP	Department for Works and Pensions
ESA	Employment & Support Allowance
FISG	Financial Inclusion Steering Group
HA	Housing Association
HB	Housing Benefits
K	Thousand
LCTS	Local Council Tax Support
M	Million
NYCC	North Yorkshire County Council
YFAS	York's Financial Assistance Scheme

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Cabinet

7 January 2014

Report of the Cabinet Member for Finance, Performance and Customer Service

Discretionary Rate Relief Awards 2014 - 2016

Summary

1. The purpose of this paper is to provide Cabinet with details of new applications for Discretionary Rate Relief (DRR) for the period 1st April 2014 to 31st March 2016. The paper sets out the Council's existing DRR commitments against the available budget and asks Cabinet to approve any new awards based upon the details of new applications and funding available.

Background

2. Cabinet approved a new process for awarding DRR at its meeting on 12th February 2013. With effect from April 2014 all new awards are a Cabinet decision taking into account any budget available and consideration of applications against council priorities.
3. Guidance in the 1988 Local Government Finance Act provides that although authorities may adopt rules for the consideration of discretionary cases, they should not adopt a blanket policy either to give or not to give relief instead, each case should be considered on its own merits. The areas where DRR can be awarded are:
 - Charities
 - Non-profit making organisations
 - Community Amateur Sports Clubs (CASC's)
 - Rural discretionary relief
 - Rural top up

4. All applications for DRR are currently submitted on a standard application form directly to the relevant department (excluding Education). The application is to top up the 80% mandatory award in respect of Charities and CASC's. This paper presents details of all new applications along with the current cost of existing DRR commitments against the councils DRR budget.

Existing Discretionary Rate Relief costs

5. Table 1 below sets out the cost of the existing DRR awards in the categories set out at paragraph 3 for the 2014/15 year. The figures used take into account the 2% cap on the business rate multiplier increase announced in the Autumn Statement 2013.

Table 1.

Category	Total Cost of DRR	CYC Share
Not-for Profit	£3,340	£1,670
Charities	£119,931	£59,966
CASC's	£21,925	£10,962
Rural Discretionary	£40,606	£20,303
Rural Top Up	£5,514	£2,757
Total Cost	£191,316	£95,658

6. The total council budget for DRR in 2014/15 is £112K. Taking into account the 2% rise in the business rate multiplier there is a maximum of £16.3K available to make new awards for the 2014 – 2016 period. The organisations currently receiving DRR were approved by the relevant council directorates for a 2 year period with effect from the 1st April 2013 so do not require approval again this year. These awards were approved in the 2012/13 year and are set out in detail in Annex A.

New Applications

7. Table 2 below sets out the number and value of new applications for DRR in each of the categories. Applications that do not meet the qualifying criteria have not been submitted by the relevant directorate.

Table 2.

Category	No	Total Cost of DRR	CYC Share
Not-for Profit	0	0	0
Charities	1	£6,406	£3,203
CASC's	0	0	0
Rural Discretionary	0	0	0
Rural Top Up	0	0	0
Total Cost		£6,406	£3,203

8. There has only been one new application received for discretionary rate relief for 2014 and this is from the Steiner School. The school is a registered charity and a non for profit organisation with any surplus made used for school development. The school has recommended fees of £6,500 pa per child. Families unable to pay the recommended contribution can contribute based upon a percentage of gross family income. The last two full year accounts (2011 & 2012) show that the school is not making any material surplus.
9. The school currently receives 80% mandatory relief on its annual business rate bill of £29,160 (2014/15) equivalent of £23,328 pa which is shared on a 50/50 basis between the council and Central Government. The cost of providing top up discretionary relief to 100% is set out in table 2 above.
10. The key consideration in relation to this application is in respect of whether the council should be using council tax income to provide support to a non-local authority fee paying schools. A further implication of providing support to a private school is that in doing so we may open the door to applications from other fee paying schools and Government funded academies.
11. The number of applications due in 2014 for the 2015 - 2017 period will be much higher as the current awards (Annex A) come to an end and most organisations are likely to reapply. These along with any further new applications will be submitted to Cabinet to review in December 2014.

Options

12. There are two options associated with this report:

Option 1 – Approve the new application of discretionary rate relief set out at paragraph 8 – 10;

Option 2 – Decline the new application of discretionary rate relief set out at paragraph 8 – 10.

Analysis

13. There is a year on year increasing demand on the existing DRR budget from current recipients as the business rates multiplier continues to rise by RPI. Annex A clearly shows that many organisations do not receive the full 20% ‘top up’ award as there are insufficient funds to do so. The key considerations at paragraph 10 indicate the potential pressures that may arise through the approval of Option 1 and it is recommended that the application from the Steiner School is not approved.

Council Plan 2011 - 15

14. The power to provide discretionary rate relief contained within the Local Government Finance Act 1988 & 2012 impact on several of the council’s priorities that create the Council Plan 2011 - 15 specifically:
- a) Protecting vulnerable people
 - b) Building strong communities
 - c) Creating jobs and growing the economy

Implications

15. (a) **Financial** – The changes in the Local Government Finance Act 2012 mean that any new discretionary awards are now met on a 50/50 basis with Central Government.
- (b) **Human Resources (HR)** - There are no implications
- (c) **Equalities** – There are no direct implications

- (d) **Legal** - There are no implications
- (e) **Crime and Disorder** - There are no implications
- (f) **Information Technology (IT)** - There are no implications
- (g) **Property** - There are no implications

Risk Management

16. The key risk associated with discretionary reliefs is a financial one. The risk is not high and is in the control of the authority through the implementation of proper policies and procedures.

Recommendations

17. Cabinet are asked to consider the new application for discretionary rate relief set out at paragraphs 8 - 10, and approve or reject the application taking account of the recommendation at paragraph 13;

Reason: To provide a transparent process for awarding discretionary rate relief as approved by Cabinet in February 2013.

Contact details:

Author:	Cabinet Member and Chief Officer responsible for the report:		
David Walker Head of Financial Procedures Phone No. 01904 552261	Cllr Dafydd Williams, Cabinet Member for Finance, Performance and Customer Service		
	Ian Floyd Director of Customer & Business Support Services Telephone: 01904 551100		
	Report Approved	√	Date 18/12/2013
Specialist Implications Officer(s) None			
Wards Affected: All			√
For further information please contact the authors of the report			

Background Papers

Discretionary & Mandatory Business Rate Relief and Discounts -
February 2013

<http://modgov.york.gov.uk/mgChooseDocPack.aspx?ID=6881>

Annexes

Annex A – Current organisations receiving discretionary rate relief

Glossary

DRR – Discretionary Rate Relief

CASC - Community Amateur Sports Club

Organisations currently receiving Discretionary Rate Relief

Annex A

Organisation Type	Ratepayer	Full Property Address	% Award	2010 RV	2014-15 DRR Est. based on 48.0p	CYC Contribution
Non Profit Organisation	Holtby Village Hall Management Ctte Mr	Village Hall, Holtby, York, YO19 5UD	67.23	1150	£371.11	£185.55
Non Profit Organisation	My Community Social Enterprise Ltd	The Melbourne Centre, Tx020/13100, Escrick Street, York, YO10 4AW	67.23	9200	£2,968.88	£1,484.44
				Sum:	£3,339.99	£1,669.99

CASC Top Up case	Heworth Tennis Club	Heworth Tennis Club, East Parade, York, YO31 7TA	13.45	1775	£114.59	£57.30
CASC Top Up case	York & District Indoor Bowls Club	302, Thanet Road, York, YO24 2PG	13.45	51250	£3,308.70	£1,654.35
CASC Top Up case	Dringhouses Bowling & Rec. Club	Bowling Club, Off Tadcaster Road, Knavesmire, York, YO23 1EJ	13.45	1100	£71.02	£35.51
CASC Top Up case	York Railway Institute	York Railway Inst. Gymnasium, Queen Street, York, YO24 1AD	13.45	48000	£3,098.88	£1,549.44
CASC Top Up case	York Railway Institute	Railway Institute Sports Club, Hamilton Drive, York, YO24 4NX	13.45	26750	£1,726.98	£863.49
CASC Top Up case	York Railway Institute	York Railway Institute Bowling Club, Ashton Lane, York, YO24 4HX	13.45	7500	£484.20	£232.10
CASC Top Up case	Acomb Sports Club	Acomb Sports Club, The Green, Acomb, York, YO26 5LL	13.45	8500	£548.76	£269.38
CASC Top Up case	York Railway Inst. Club	York Railway Institute Club, 22, Queen Street, York, YO24 1AD	13.45	17750	£1,145.94	£562.97
CASC Top Up case	York City Rowing Club	York City Rowing Club, West Esplanade, York, YO1 6FZ	13.45	5400	£348.62	£169.31
CASC Top Up case	York Cricket & Rugby Union Club	Sports Pavilion, Shipton Road, Clifton, York, YO30 5RE	13.45	23000	£1,484.88	£742.44
CASC Top Up case	Heworth Amateur R L C	Heworth A.R.L. Club, Elmpark Way, Heworth Without, York, YO31 1DX	13.45	13750	£887.70	£443.85
CASC Top Up case	York Squash Rackets Club	Squash Courts, Shipton Road, Clifton, York, YO30 5RE	13.45	10000	£645.60	£322.80
CASC Top Up case	New Earswick Tennis Club Fao Mr D An	Tennis Courts Off, Lime Tree Avenue, New Earswick, York, YO32 4BD	13.45	2700	£174.31	£87.16
CASC Top Up case	Strensall Bowls Club Mr Tom Hart	Bowling Green, Northfields, Strensall, York, YO32 5UP	13.45	2750	£177.54	£88.77
CASC Top Up case	Osballdwick Sports Club	Osballdwick Playing Field, The Leyes, Osballdwick, York, YO10 3PR	13.45	12000	£774.72	£387.36
CASC Top Up case	York Railway Institute	British Transport Yacht Club, Acaster Lane, Acaster Malbis, York, YO23 2XB	13.45	1300	£83.93	£41.96
CASC Top Up case	Bishopthorpe Tennis Club	Tennis Courts, Acaster Lane, Bishopthorpe, York, YO23 2SA	13.45	1800	£116.21	£58.10
CASC Top Up case	Bishopthorpe Bowling Club	Bowling Green, Acaster Lane, Bishopthorpe, York, YO23 2SA	13.45	630	£40.67	£20.34
CASC Top Up case	York Railway Institute	Pikehills Golf Club, Tadcaster Road, Copmanthorpe, York, YO23 3UW	13.45	45750	£2,953.62	£1,476.81
CASC Top Up case	Yorkshire Ouse Sailing Club	The Clubhouse, Main Street, Naburn, York, YO19 4PN	13.45	1900	£122.66	£61.33
CASC Top Up case	Fulford Sports Club	Fulford Sports Club Pavilion, School Lane, Fulford, York, YO10 4LS	13.45	3050	£196.91	£98.45
CASC Top Up case	Hamilton Panthers A.F.C.	Hamilton Panthers Changing Rooms, Knavesmire Road, York, YO23 1EJ	13.45	3400	£219.50	£109.75

CASC Top Up case	New Earswick & District Bowls Club	New Earswick & Dist Bowls Club, Huntington Road, Huntington, York, YO32 9	13.45	43250	£2,792.22	£1,396.11
CASC Top Up case	York City Rowing Club	Archbishop Holgate Sa103/13100, Boathouse , Sycamore Terrace, York, YO3	13.45	6300	£406.73	£203.36
				Sum:	£21,924.90	£10,962.45
Charity Top Up case	York Citizens Theatre Trust Ltd	Theatre Royal, St Leonards Place, York, YO1 7HD	8.40	49500	£1,995.84	£997.92
Charity Top Up case	Poppleton Road Community Centre Men	Community Centre, Oak Street, York, YO26 4SG	13.45	4950	£319.57	£159.79
Charity Top Up case	Lord Mayors Own Scouts	Scout Hall R/O, Bootham Terrace, York, YO30 7DH	13.45	1400	£90.38	£45.19
Charity Top Up case	1st Heworth Scout Group	Scout Headquarters, Bad Bargain Lane, York, YO31 0LW	13.45	2300	£148.49	£74.24
Charity Top Up case	York Comm & Gymnastics Fund F.A.O. I	Gymnastics Centre, Heworth Green, York, YO31 7SX	13.45	66000	£4,260.96	£2,130.48
Charity Top Up case	York Sea Cadet Corps	Cadet Headquarters, 21/22, Skeldergate, York, YO1 6DH	13.45	8400	£542.30	£271.15
Charity Top Up case	United Response	3/5, Tanner Row, York, YO1 6JB	8.50	18750	£765.00	£382.50
Charity Top Up case	1st Clifton Sea Scouts	1st Clifton Sea Scouts, Green Lane, Clifton, York, YO30 5QX	13.45	3050	£196.91	£98.45
Charity Top Up case	Joseph Rowntree Housing Trust	Swimming Pool R/O Folk Hall, Hawthorn Terrace, New Earswick, York, YO32	13.45	18750	£1,210.50	£605.25
Charity Top Up case	The City Of York Hockey Club	York Hockey Club & Heworth, Elmpark Way, Heworth Without, York, YO31 1D	13.45	15250	£984.54	£
Charity Top Up case	Orchard Park Recreat'N & Comm.Assoc	Orchard Park Community Centre, Badger Paddock, Huntington Road, York, Y	13.45	6900	£445.46	£
Charity Top Up case	Huntington Community Centre F.A.O. Mr	Huntington Community Centre, 26, Strensall Road, Huntington, York, YO32 9F	13.45	3450	£222.73	£
Charity Top Up case	2nd Haxby & Wigg.Scout Group	Ethel Ward Playing Field, York Road, Haxby, York, YO32 3HG	13.45	6300	£406.73	£
Charity Top Up case	Rawcliffe Recreation Association R M W	Rawcliffe Recreation Assoc, St Marks Grove, Shipton Road, York, YO30 5TS	13.45	8000	£516.48	£
Charity Top Up case	1st Poppleton Scout Group	Scout Headquarters, Main Street, Upper Poppleton, York, YO26 6JS	13.45	4200	£271.15	£
Charity Top Up case	Strensall & Towthorpe Village Hall Mr C	Village Hall, Northfields, Strensall, York, YO32 5UP	13.45	10000	£645.60	£322.80
Charity Top Up case	Wigginton Recreation Hall Committee Mi	Village Hall, The Village, Wigginton, York, YO32 2PU	13.45	8600	£555.22	£277.61
Charity Top Up case	Wigginton Bowling Club	Bowling Club, Mill Lane, Wigginton, York, YO32 2PY	13.45	3250	£209.82	£104.91
Charity Top Up case	Rufforth Playing Fields Association	Sports Field, Rufforth Airfield, Rufforth, York, YO23 3QA	13.45	7500	£484.20	£242.10
Charity Top Up case	Askham Bryan Club House	The Village Hall, 91, Main Street, Askham Bryan, York, YO23 3QU	13.45	1675	£108.14	£54.07
Charity Top Up case	Elvington Scout Group	Scout Hall, Wheldrake Lane, Elvington, York, YO41 4AY	13.45	1725	£111.37	£55.68
Charity Top Up case	Copmanthorpe & Dist. Recr'Tn Centre	Copmanthorpe Recreation Centre, Barons Crescent, Copmanthorpe, York, YO	13.45	19750	£1,275.06	£637.53
Charity Top Up case	Lower Derwent Sports & Social Club	Elvington United Sports Club, York Road, Elvington, York, YO41 4AU	13.45	4050	£261.47	£130.73
Charity Top Up case	Wheldrake Recreation Assoc.	Wheldrake Sports & Social Club, Broad Highway, Wheldrake, York, YO19 6BC	13.45	9500	£613.32	£306.66
Charity Top Up case	Naburn Village Hall Trust	Village Hall, Vicarage Lane, Naburn, York, YO19 4RS	13.45	1425	£92.00	£46.00
Charity Top Up case	Heslington Sportsfield Man Ctee	Heslington Sportsfield, Outgang Lane, Heslington, York, YO10 5EW	13.45	2550	£164.63	£82.31
Charity Top Up case	Heslington Scout Group	Heslington Scout Group, School Lane, Heslington, York, YO10 5EE	13.45	940	£60.69	£30.34

Charity Top Up case	Foxwood Community Centre	Foxwood Community Centre, Cranfield Place, York, YO24 3HY	13.45	6000	£387.36	£193.68
Charity Top Up case	Bell Farm Social Hall Management Co	Social Hall, Roche Avenue, York, YO31 9BB	13.45	4650	£300.20	£150.10
Charity Top Up case	Age Concern Fao Miss Jean Weston	215, Burton Stone Lane, York, YO30 6EB	8.50	11000	£448.80	£224.40
Charity Top Up case	Age Concern Fao Miss Jean Weston	70, Walmgate, York, YO1 9TL	8.50	13500	£550.80	£275.40
Charity Top Up case	Age Concern	19, Bishopthorpe Road, York, YO23 1NA	8.50	13000	£530.40	£265.20
Charity Top Up case	1st Copmanthorpe Scout Group	Scout Hq Recreation Centre, Barons Crescent, Copmanthorpe, York, YO23 3	13.45	5800	£374.45	£187.22
Charity Top Up case	Dunnington & Grimston Play F'ld Ass	Dunnington Sports & Soc Centre, Common Lane, Dunnington, York, YO19 5N	13.45	45000	£2,905.20	£1,452.60
Charity Top Up case	Riding Lights	Friargate Theatre, Lower Friargate, York, YO1 9SL	13.45	48500	£3,131.16	£1,565.58
Charity Top Up case	1st Huntington Scout Group	Huntington Scout Grp, R/O St Andrews, Huntington Road, Huntington, York, Y	13.45	9700	£626.23	£313.12
Charity Top Up case	Yorkshire Museum Of Farming Ltd	Yorkshire Museum Of Farming, Murton Lane, Murton, York, YO19 5UQ	13.45	26750	£1,726.98	£863.49
Charity Top Up case	The Wilf Ward Family Trust	69, Green Lane, York, YO24 3DJ	8.50	6900	£281.52	£140.76
Charity Top Up case	Poppleton Community Trust	Sports Ground, Main Street, Upper Poppleton, York, YO26 6JT	13.45	6000	£387.36	£193.68
Charity Top Up case	Dunnington Scout & Guide H Q	Scout & Guide Hut, Garden Flats Lane, Dunnington, York, YO19 5NB	13.45	1400	£90.38	£45.19
Charity Top Up case	Hopgrove Playing Fields Association	Hopgrove Playing Field Assoc, Malton Road, York, YO32 9TG	13.45	14250	£919.98	£
Charity Top Up case	Copmanthorpe Youth Club	Copmanthorpe Youth Club, 7, School Lane, Copmanthorpe, York, YO23 3SQ	13.20	3750	£237.60	£
Charity Top Up case	York Early Music Foundation	Music Foundation, St Margaret'S Church, Walmgate, York, YO1 9TL	13.45	37500	£2,421.00	£1,;
Charity Top Up case	Friends Of St Nicholas Fields	York Environment Centre, Rawdon Avenue, York, YO10 3ST	13.45	7400	£477.74	£;
Charity Top Up case	City Of York Council (Education)	St. Aelreds R.C., Primary School Sa103/13100, Fifth Avenue, York, YO31 0QC	20.00	27500	£2,640.00	£1,;
Charity Top Up case	City Of York Council (Education)	St Lawrence C Of E, Sa103/13100, Heslington Road, York, YO10 5BW	20.00	22000	£2,112.00	£1,056.00
Charity Top Up case	City Of York Council (Education)	St Georges Rc School, Sa103/13100, Fishergate, York, YO10 4BT	20.00	19750	£1,896.00	£948.00
Charity Top Up case	City Of York Council (Education)	St Wilfreds Ce, Sa103/13100, Monkgate, York, YO31 7PD	20.00	35500	£3,408.00	£1,704.00
Charity Top Up case	City Of York Council (Education)	Heworth C Of E, Sa103/13100, Heworth Road, York, YO31 0AA	20.00	12000	£1,152.00	£576.00
Charity Top Up case	City Of York Council (Education)	Our Lady R C Primary, Sa103/13100, Windsor Garth, York, YO24 4QW	20.00	22250	£2,136.00	£1,068.00
Charity Top Up case	City Of York Council (Education)	All Saints Comp., Sa103/13100, Mill Mount, York, YO24 1BH	20.00	145000	£13,920.00	£6,960.00
Charity Top Up case	City Of York Council (Education)	All Saints School, Sa103/13100, Nunnery Lane, York, YO23 1AB	20.00	90000	£8,640.00	£4,320.00
Charity Top Up case	City Of York Council (Education)	Vol.Primary School, Sa103/13100, Hawthorn Terrace, New Earswick, York, YC	20.00	25250	£2,424.00	£1,212.00
Charity Top Up case	City Of York Council (Education)	C E Primary School, Sa103/13100, North Lane, Wheldrake, York, YO19 6BB	20.00	22000	£2,112.00	£1,056.00
Charity Top Up case	Age Concern Fao Miss Jean Weston	77, Fourth Avenue, York, YO31 0UA	8.50	9400	£383.52	£191.76
Charity Top Up case	Age Concern	7a Acomb Court, Front Street, York, YO24 3BJ	8.50	27250	£1,111.80	£555.90
Charity Top Up case	Poppleton Community Trust	Poppleton Community Centre, Main Street, Upper Poppleton, York, YO26 6JR	13.45	24000	£1,549.44	£774.72
Charity Top Up case	Tang Hall Community Centre Mgt.Ctte	Tang Hall Community Centre, Fifth Avenue, York, YO31 0UG	13.45	8500	£548.76	£274.38

Charity Top Up case	Strensall & Towthorpe Sport Assoc	Sports Ground & Premises, Durlston Drive, Strensall, York, YO32 5AT	13.45	8400	£542.30	£271.15
Charity Top Up case	Dunnington Reading Room (Village Hall)	Village Hall, Church Street, Dunnington, York, YO19 5PW	13.45	6700	£432.55	£216.28
Charity Top Up case	York Council For Voluntary Service	15/17, Priory Street, York, YO1 6ET	20.00	159000	£15,264.00	£7,632.00
Charity Top Up case	York Blind & Partially Sighted Society	Rooms 003 007 008 009 012 013a At 22, Holgate Road, Holgate, York, YO24	8.50	15250	£622.20	£311.10
Charity Top Up case	Poppleton Community Trust Football Gr	Poppleton Community Sports Pavillion , Millfield Lane, Nether Poppleton, York	13.45	11250	£726.30	£363.15
Charity Top Up case	York Citizens Theatre Trust Ltd	1st Flr & Bst Oak Room At De Grey Rooms, St Leonards Place, York, YO1 7H	8.40	36750	£1,481.76	£740.88
Charity Top Up case	Community Furniture Store (York) Ltd	Unit 29, The Raylor Centre, James Street, York, YO10 3DW	8.50	24000	£979.20	£489.60
Charity Top Up case	Haxby Christian Cafe Ltd	30, The Village, Haxby, York, YO32 3HT	13.45	17500	£1,129.80	£564.90
Charity Top Up case	United Response	35-41, North Street, York, YO1 6JD	8.50	16250	£663.00	£331.50
Charity Top Up case	St Leonards Hospice	St Leonards Hospice, Tadcaster Road, York, YO24 1GL	4.45	139000	£2,969.04	£1,484.52
Charity Top Up case	Rufforth Institute & Social Club	Village Institute , York Road, Rufforth, York, YO23 3QH	13.45	1875	£121.05	£60.53
Charity Top Up case	York Citizens Theatre Trust Ltd	3rd Flr, De Grey House, St Leonards Place, York, YO1 2HA	8.40	3900	£157.25	£78.62
Charity Top Up case	York Citizens Theatre Trust Ltd	Bst & Gnd Flr, De Grey House , St Leonards Place, York, YO1 7HB	8.40	17750	£715.68	£357.84
Charity Top Up case	The York Bridge Club	York Bridge Club, 152/154 , Holgate Road, York, YO24 4DQ	13.45	19250	£1,242.78	£621.39
Charity Top Up case	York Older Peoples Assembly	Suite H (Room 108) At, 22, Holgate Road, Holgate, York, YO24 4AB	8.50	1675	£68.34	£34.17
Charity Top Up case	The Jack Raine Community Foundation	Unit 5 Enterprise Complex , Walmgate, York, YO1 9TT	13.45	25750	£1,662.42	£831.21
Charity Top Up case	York Citizens Theatre Trust Ltd	1st Flr Office , De Grey House , St Leonards Place, York, YO1 2HA	8.40	17250	£695.52	£347.76
Charity Top Up case	Upstage Centre	Upstage Centre Youth Theatre, 41, Monkgate, York, YO31 7PB	13.45	37750	£2,437.14	£1,218.57
Charity Top Up case	City Of York Council (Education)	Our Lady Queen Of Martyrs School, Hamilton Drive, York, YO24 4JW	20.00	117000	£11,232.00	£5,616.00
				Sum:	£119,931.58	£59,965.79
Rural Discretionary	Pharmacy	The Green, Upper Poppleton, York, YO26 6DF	100.00	6700	£3,216.00	£1,608.00
Rural Discretionary	Shop	16, Allerton Drive, Nether Poppleton, York, YO26 6HN	100.00	5500	£2,640.00	£1,320.00
Rural Discretionary	City Of York Council (Libraries)	Upper Poppleton Library, Tw060/13100, Main Street, Upper Poppleton, York,	100.00	2950	£1,416.00	£708.00
Rural Discretionary	Fulford Parish Council	Social Hall, School Lane, Fulford, York, YO10 4LS	100.00	3150	£1,512.00	£756.00
Rural Discretionary	Naburn Parish Council	Reading Room, Main Street, Naburn, York, YO19 4RR	100.00	335	£160.80	£80.40
Rural Discretionary	Fulford Parish Council	Fulford Sportsfield & Pavillio, School Lane, Fulford, York, YO10 4LS	100.00	2500	£1,200.00	£600.00
Rural Discretionary	Chemist	101, Main Street, Fulford, York, YO10 4PN	100.00	6500	£3,120.00	£1,560.00
Rural Discretionary	Elvington Under Fives Playgroup The Ch	Elvington Under 5'S, Elvington Primary School, York Road, Elvington, York, Y	20.00	5300	£508.80	£254.40
Rural Discretionary	City Of York Council (Education)	St Marys C E Primary School, Sa103/13100, Askham Richard, York, YO23 3P	100.00	16000	£7,680.00	£3,840.00
Rural Discretionary	City Of York Council (Education)	Naburn Ce School, Sa103/13100, Main Street, Naburn, York, YO19 4PP	100.00	7400	£3,552.00	£1,776.00

Rural Discretionary	City Of York Council (Education)	Rufforth Primary Sch, Sa103/13100, Wetherby Road, Rufforth, York, YO23 3C	100.00	6300	£3,024.00	£1,512.00
Rural Discretionary	City Of York Council (Education)	Primary School, Sa103/13100, The Village, Stockton On Forest, York, YO32 9	100.00	11500	£5,520.00	£2,760.00
Rural Discretionary	St Marys C E Primary School	Day Nursery , The School House, School Lane, Askham Richard, York, YO23	100.00	9000	£4,320.00	£2,160.00
Rural Discretionary	City Of York Council (Lccs)	Fulford Youth Centre, Fulfordgate, Fulford, York, YO10 4LY	100.00	5700	£2,736.00	£1,368.00
				Sum:	£40,605.60	£20,302.80
Rural Top Up	Shop	22, Allerton Drive, Nether Poppleton, York, YO26 6HN	50.00	5200	£1,248.00	£624.00
Rural Top Up	Village Store	52, The Village, Stockton On Forest, York, YO32 9UQ	50.00	3000	£720.00	£360.00
Rural Top Up	Post Office	Post Office, Station Road, Upper Poppleton, York, YO26 6DA	50.00	4150	£996.00	£498.00
Rural Top Up	Shop	71, Main Street, Fulford, York, YO10 4PN	50.00	4850	£1,164.00	£582.00
Rural Top Up	Village Store	Village Store, Mount Pleasant Stores, Acaster Malbis, York, YO23 2UP	50.00	2325	£558.00	£279.00
Rural Top Up	Post Office	Wetherby Road, Rufforth, York, YO23 3QB	50.00	3450	£828.00	£414.00
				Sum:	£5,514.00	£2,757.00
				Sum:	£191,316.06	£95,1

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Cabinet

7 January 2014

Report of the Cabinet Member for Finance, Performance and Customer Service

Business Rate Discount Policy

Summary

1. The purpose of this paper is to provide Cabinet with an updated business rate discount policy for approval. The revised policy sets clear ambitions and is aligned with the principle of having similar policies within the Leeds City Region.

Background

2. The Localism Bill that came into effect on 1st April 2012 provided councils with the power to award business rate discounts to for profit companies where previously our powers were limited to discretionary relief in respect of:
 - Charities
 - non-profit making organisations
 - Community Amateur Sports Clubs (CASC's)
 - Rural discretionary relief
 - Rural top up
3. An initial policy was approved by Cabinet in February 2013 which set out the processes for considering an award. The revised policy sets out our key ambitions and has regard to the principle that each authority within the Leeds City Region will adopt similar policies. Leeds City Council has already developed a similar policy which is due for approval in December 2013. This more joined up approach to policy development should help deliver a consistent approach across the Leeds City Region for businesses who may wish to make an application.

Revised Policy

4. The revised policy continues to be one of discretion but takes a more strategic approach than the initial policy using three key ambitions to specifically target discounts. The three ambitions are set out in more detail within the policy (Annex A) but are:

Supporting Young Business in our Economic Growth Sectors

– This looks to encourage the growth of small young businesses in the areas targeted by the council’s Inward Investment Strategy e.g. Business Software Innovation & Bio-medical;

Bringing Empty Listed Buildings back into Use – This looks to support the renovation and bring back into commercial use of vacant listed buildings across the city;

Significant business relocations to York – This looks to support significant relocation or reinvestment of businesses within the city that will help create substantial new employment opportunities.

5. The extent to which any discount can be provided in any one year outside of the qualifying criteria set out in the revised policy (Annex A) is the budget available and the European State Aid Rules.
6. It is important that any decision to provide a discount is based upon the policy criteria and is rigorously controlled. This will avoid external criticism from both the business community and local tax payer. It also ensures that a formal process to consider the financial implications has been undertaken and that the decision is both democratic and transparent.
7. The localisation of business rates with effect from 1st April 2013 and this policy may through stimulating economic growth help to generate greater retained income helping to provide sustainable funding against which applications can be considered.

Options

8. There are two options associated with this paper:

Option 1 - Approve the revised business rate discount policy

Option 2 - Do not approve the revised business rate discount policy

Analysis

9. The revised policy builds upon the policy approved by Cabinet in February 2013. It provides more strategic direction in terms of how the power to award discounts can be used and aligns itself with the Leeds city region principle of a generic policy promoted by Leeds City Council.

Council Plan 2011 - 15

10. The impact of the powers to provide business rate discounts contained within the Localism Act impact directly on two of the council's priorities that create the Council Plan 2011 - 15.
 - a) Building strong communities
 - b) Creating jobs and growing the economy

Implications

11.
 - (a) **Financial** – Funding for the award of discounts will be met from any surpluses generated through business rate growth. This will be considered as part of the budget process each February.
 - (b) **Human Resources (HR)** - There are no implications
 - (c) **Equalities** – There are no direct implications
 - (d) **Legal** - Business rates discounts are likely to constitute state aid and can only be granted where they fall within an approved exemption. In most cases a de minimis exemption is available covering aid from all state resources of €200,000 over 3 fiscal years
 - (e) **Crime and Disorder** - There are no implications
 - (f) **Information Technology (IT)** - There are no implications
 - (g) **Property** - There are no implications

Risk Management

12. The key risk associated with business rate discounts is a financial one. The risk is not high as any award can only be made by following the proper procedures as set out in the revised policy at Annex A.

Recommendation

13. Cabinet are asked to approve the revised business rate discount policy attached at Annex A;

Reason: To provide a policy to deal with any requests for business rate discounts.

Contact Details

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	Report Approved	√	Date 13/12/2013
Specialist Implications Officer(s)			
Katie Stewart Head of Economic Development Phone Number: 01904 554418 Charles Storr Economy and Enterprise Manager Phone Number: 01904 55 5901			
Wards Affected: All			√
For further information please contact the authors of the report			

Background Papers

Discretionary & Mandatory Business Rate Relief and Discounts
February 2013

<http://modgov.york.gov.uk/mgChooseDocPack.aspx?ID=6881>

Annexes

Annex A – Discount Policy

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Discretionary Business Rates Discount Policy

City of York Council

Discretionary Business Rate Discount Policy

OVERVIEW

This policy provides the Council's guidance in relation to discretionary business rate discounts. It provides the principles upon which the council will deal with any application that may be received.

Discretionary Business Rates Discount Policy

Background

1. The power for local authorities to grant business rate discounts is provided through the Localism Bill and came into effect on 1st April 2012. The purpose of this change is to empower local authorities that until now had very little latitude to reduce the tax burden on non-domestic rate payers. Until the bill was passed local authorities were only able to provide discretionary rate relief in respect of:
 - a) topping up the 80% mandatory relief given to charities and Community Amateur Sports Clubs to 100%;
 - b) topping up the mandatory relief available to rural village shops;
 - c) providing up to 100% relief to other non-profit making bodies;
 - d) hardship relief to certain businesses that are finding it difficult to pay;
 - e) discretionary relief to other small rural businesses.
2. The Government's objective for this change is to provide greater opportunity for local authorities to use innovative approaches in delivering a wide range of policy objectives through use of this new power.
3. The change in powers provides local authorities complete discretion allowing them to give no discounts at all through to the extreme of providing a 100% to all businesses. From 1st April 2013 the amount of discount provided is funded on a 50/50 basis with Central Government.
4. This policy has been developed in light of our membership of the Leeds City Region business rate pool. It is intended to provide a consistent approach to business rate discounts within the pool taking into account the approach used by Leeds City Council but reflecting the aspirations and challenges facing York.

Business Rate Policy

5. The policy is one of discretion and is based upon the three ambitions set out in the following paragraphs. The extent to which any discount can be provided in any one year outside of the qualifying criteria is the budget available and the European State Aid Rules.

Discretionary Business Rates Discount Policy

6. It is important that any decision to provide a discount is based upon the set criteria and is rigorously controlled. This will avoid external criticism from both the business community and local tax payer. It also ensures that a formal process to consider the financial implications has been undertaken and that the decision is both democratic and transparent.
7. The localisation of business rates with effect from 1st April 2013 and this policy may through stimulating economic growth help to generate greater retained income helping to provide sustainable funding against which applications can be considered.

Ambition 1 – Supporting Young Business in our Economic Growth Sectors

8. The York growth sectors are defined in the draft Inward Investment Strategy. The growth sectors are:
 - a) Bio-medical/sciences
 - b) Agritech
 - c) Insurance & Professional Services
 - d) Rail & related industries
 - e) Business software innovation
 - f) Creative medicine
9. Level of Relief: Young businesses (first five years of trading) in target sectors can receive up to 2 years of rate relief 50% in first year, 20% in second year, up to a maximum of £5K in any one year. The qualifying criteria are:
 - a) Young – must have been founded less than 2 years from date of application;
 - b) Must be independent – not a subsidiary or local branch of an existing business;
 - c) Must not be eligible for small business rates relief;
 - d) York-based – must be paying rates on a property in the City of York Council area;
 - e) Target sectors – must be working in one of the six growth sectors;
 - f) Must be able to demonstrate need for rate relief;
 - g) Must be able to demonstrate the business will be viable after two years relief;
 - h) Must demonstrate the potential to create new jobs.

Discretionary Business Rates Discount Policy

Ambition 2 – Bringing Empty Listed Buildings back into Use

10. Empty Listed Buildings receive mandatory 100% rate relief with no time limit. As an incentive to bring such premises back into use, relief is proposed on a sliding scale – 80%/50%/20% over three years – to the landlords or occupiers of the building up to a maximum of £10K (taking into account any Government incentives) in any one year. The qualifying criteria are:
- a) The building must be Listed and have been vacant for a minimum of 12 months;
 - b) Some renovation must be required to bring the premises back into use;
 - c) Application must gain Listed Building consent for the proposed work (and planning permission, if required);

Ambition 3 – Significant business relocations to York

11. This category is intended to allow the possibility of relief being awarded to organisations seeking to relocate or invest in new operations in York, as opposed to another area outside of the City region, which would have a significant impact on employment. Relief would be offered at 1% relief for every new job up to a maximum of 50% or funding available in financial year of application and within the State Aid Rules in the first year of relocation/inward investment only. The qualifying criteria are:
- a) Inward investment must create new jobs (not just relocation of existing employees to York);
 - b) Available to companies or organisations in target growth sectors as set out in paragraph 8 above, with the exception of retail;
 - c) Jobs created must not have a significant risk of displacing similar employment from existing York businesses.

Managing the Process

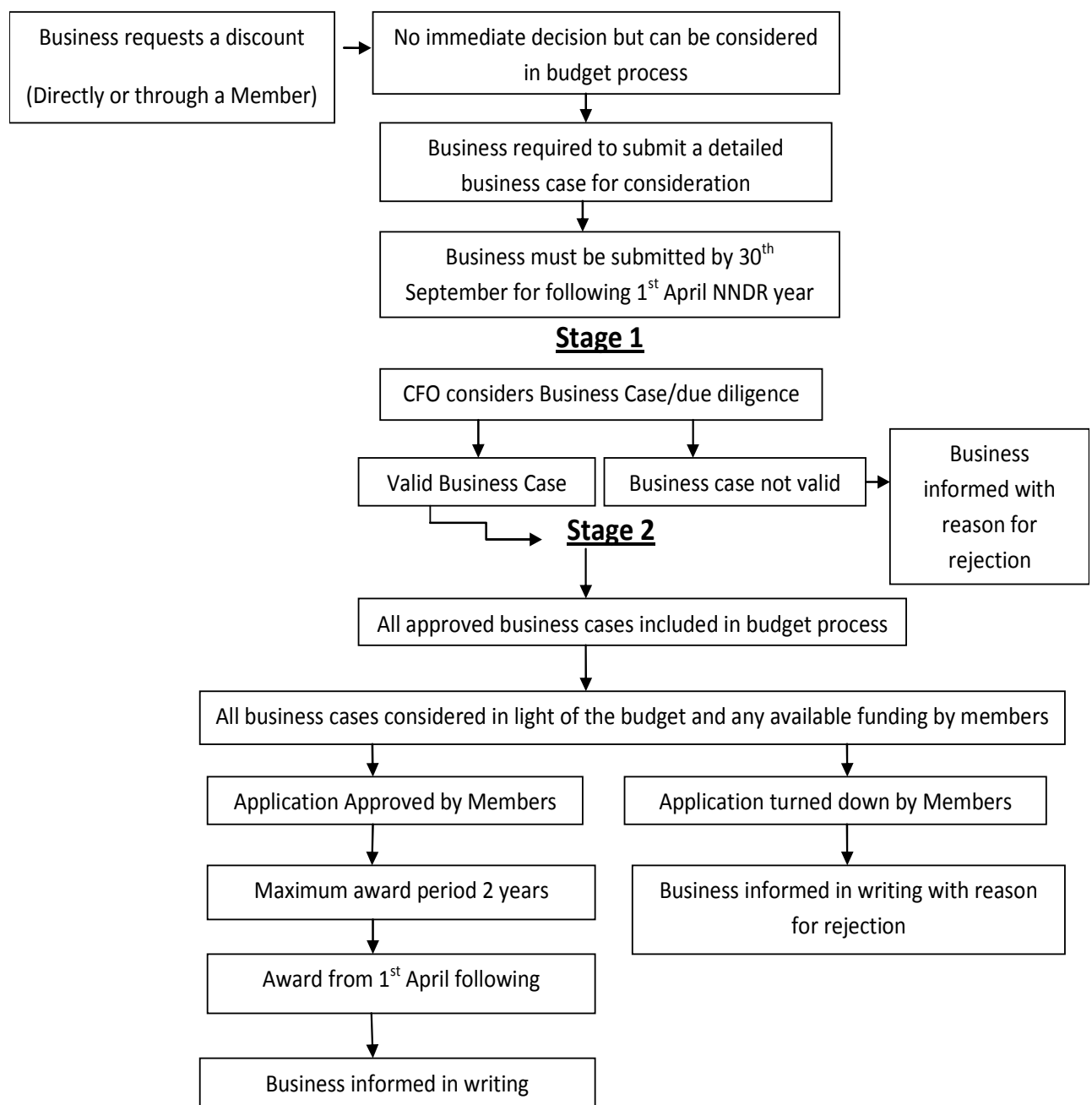
12. To ensure transparency and fairness any consideration to award a business rate discount must have a clear and measurable link to the three ambitions set out above. In addition the business must provide a clear business case setting out the benefits to the council and its tax payers of providing any such discount.
13. All applications must use the standard application form with additional supporting information been attached. Submissions can be made in both a paper and electronic format.

Discretionary Business Rates Discount Policy

14. The business case considered must contain the full financial impact on the council along with measurable medium and longer term benefits.
15. Where the council chooses to consider requests for discounts it will do so through its current budget process. The process will occur only once each year and has specific timelines and cut off points to ensure clarity for the applying business as well as officers and Members.

Table 1 below sets out the process:

Table 1



Discretionary Business Rates Discount Policy

16. Applications at Stage 1 as set out above (Table 1) must be signed off by the Chief Financial Officer (CFO) for all business cases including due diligence with regards to the applying organisations financial accounts. This will ensure that only business cases that are assessed as been financially sound move to Stage 2. Stage 2 is the democratic decision to approve or reject a discount based upon the presented business case and any available funding. This will require as a minimum Cabinet approval. No discount can move to stage two without the approval of the CFO. There is no right of appeal to either the stage 1 or 2 decision applicants can however make new applications in the following year.
17. There may be exceptional circumstances where it is in the interest of the council to consider an application outside of the standard process and timeline set out at Table 1. Where this arises it will still require the Section 151 officer to sign off the business case and in addition agree that the required funding is available. The final decision will still require Cabinet approval at the first available session.

PRINCIPLES

18. The basic principles underpinning this policy are as follows: -
 - I. The council wishes to operate in a fair and transparent way ensuring its powers are used sensibly and coherently to benefit the community as a whole;
 - II. The council wants to use where appropriate its powers to help stimulate and develop the local economy to the benefit of it's residents and service users ;
 - III. The council wants to deliver its services through a sound and well maintained corporate governance framework that provides clarity and certainty to both Officers and Members
 - IV. The council wants to help develop a consistent approach to business rate discounts across the Leeds City Region

EVALUATION AND REVIEW

19. This policy will be reviewed annually to ensure its continued relevance and to assess its performance against the four ambitions.



Cabinet

7th January 2014

Report of the Cabinet Member for Finance, Performance and Customer Services

Disposal of and Investment in Council Assets

Summary

1. This report sets out details of progress made on a number of asset management projects involving the disposal of surplus assets and investing in other assets to assist in the delivery of key Council projects priorities. In particular decisions are sought concerning
 - the disposal of the buildings at Lower Darnborough Street, 17/21 Piccadilly, land at the former Manor School and land adjacent to the A59 roundabout
 - acquisition of the remaining freehold part of Stonebow House

Background

2. One of the key principles for the asset review of all council property and land agreed by Cabinet in November 2012 was to identify opportunities to generate capital receipts by rationalising and sharing the occupation of properties so reducing the number of properties the Council owns and occupies. In addition opportunities are always looked at where the Council can significantly increase the value of its properties by acquiring interests in existing property assets and also land around Council assets where this will assist in delivering Council projects and priorities
3. The Council's Asset and Property Management Team have been working on a number of projects as part of this asset review. This has included working closely with other Council services, public sector and community organisations and also private commercial landowners and developers.

- 4 It is the responsibility of the Council to ensure it receives best value from the disposal of all its land and buildings using the principles for disposal detailed above. Obtaining this best value can be dealt with in a number of ways
 - Open market sale – the asset is placed on the market and offers are received with the highest one being accepted. These offers are made unconditionally and ensure a sale goes through quickly. Examples of these which have recently taken place are the sale of Hollycroft
 - Open market sale with conditions – the asset is placed on the market with a planning brief and offers are invited setting out the conditions (ie. obtaining planning permission) which the offer is subject to. These offers are then considered both on price and the risk of the conditions not being fulfilled. Examples of this type of approach recently done are the Yearsley Bridge site and the Edmund Wilson Pool site
 - Direct negotiations with one party – this method is not often followed but is used when the other party has an interest in the property – ie. a current tenant – or there is a very good economic and financial reason for dealing directly with them such as the creation of new jobs or the assembly of a larger site for residential development. These other parties are known as ‘special purchasers’ or ‘particular buyer.’ Disposal by this method is permitted as long as an independent valuation is carried out by a firm of chartered surveyors not connected to the case showing that market value has been obtained. An example of this would be the agreement to sell the Hungate site to Hiscox and Kent St Coach park for the new fire station
5. It is the responsibility of the Assistant Director for Finance, Asset Management and Procurement to ensure the right approach to the method of disposal is followed on a case-by-case basis using these principles. Proposed disposals of Council property assets are reported to the Capital and Asset Board and, where the capital receipt is above £100,000 are then reported to Cabinet for approval.
6. Detailed below are 4 proposed disposals which have followed the process outlined in paragraph 4 for the reasons stated below which member approval is now sought and a proposed acquisition for which member approval is also sought

Clementhorpe Maltings, Lower Darnborough Street - sale

- 7 Clementhorpe Maltings is a Grade 2 listed two-storey former malting which has been vacant for several years (its last use was for storage for the Castle Museum). Because of its current space layout, limited headroom and its structural condition substantial capital investment is needed to stabilise the building and then convert it into a beneficial use. The plan at Annex 1 shows it's location in the centre of York.
- 8 The method of disposal chosen was to invite bidders to present their proposals for the re-use of the building to an officer panel appointed by the Capital and Asset Board which included a representative from English Heritage. Agreed criteria were used to assess the bids and the preferred buyer, Northminster Properties, was agreed by the panel and approved by the Capital and Asset Board. Their proposed scheme is to develop the property as 6 town houses, the existing machinery and fittings remaining in situ in the communal area and the creation of a renewable energy heating centre using the existing kiln and flue to heat the townhouses which will be let on long leases.
- 9 The costs of this conversion are only estimates at this time and so it is agreed that whilst no capital receipt is guaranteed the project will be run on an 'open book basis' and the Council will receive any surplus receipt after the developer has taken the normal level of profit.
- 10 Summary details of the analysis of the bids are contained in Confidential Annex 2 and **Cabinet is recommended** to approve the sale to Northminster with the approval of any capital receipt to be received to be delegated to the Director of Customer and Business Support Services in consultation with the Cabinet Member for Finance Performance and Customer Services.

Former Manor School Site - sale

- 11 This site (location plan at Annex 1) has been held following the relocation of the school to a new site in 2008 due to its immediate proximity to the British Sugar Site – one of the key housing and employment sites in the Council's draft Local Plan. The Manor site will provide a main access route to the British Sugar site as well as an area for residential and potential other development. Therefore there has been close liaison between the Council and Associated

British Foods plc (ABF), the freeholders of the British Sugar site, on joint masterplanning for both sites.

- 12 ABF has now made an offer for the freehold of the Manor site which is currently being assessed and further negotiated. The capital payments offered are staged over a period of time and dependent on planning approval being obtained for phases of the development. There is a substantial initial deposit proposed and the total potential receipt represents a full market value for the site.
- 13 Negotiations are ongoing and **Cabinet is recommended** to approve the sale to ABF with delegation given to the Director of Customer and Business Support Services to agree the details and phasing of payments. Approval now will enable the masterplanning of the combined site to proceed with the prospect of a planning application being made in the first half of 2014.

17/21 Piccadilly - sale

- 14 This vacant site (location plan at Annex 1) has been marketed by the Council as it is no longer required as part of any redevelopment plans for the Coppergate Centre. A number of bids were received for the site for a range of uses and with vastly varying capital values. These bids were assessed against agreed criteria, the level of capital receipt, economic impact of the development, community benefit and the deliverability of the scheme.
- 15 A shortlist of the 4 bids which scored the highest against the criteria has been drawn up. All the shortlisted bids propose a hotel with other facilities. They are all subject to planning approval and so further evaluation is needed to refine the initial evaluation. Further information is being sought from shortlisted bidders and this will be evaluated in January before a preferred bidder can be identified.
- 16 All the shortlisted bids have offered a substantial capital receipt as part of their bids. A recommendation is expected in mid January and therefore **Cabinet is recommended** to delegate the approval of the preferred offer to the Director of Customer and Business Support Services in consultation with the Cabinet Member for Finance Performance and Customer Services, subject to the preferred offer having the highest evaluation score.

Land adjacent to A59/A1237 Roundabout - sale

- 17 As part of the Access York Park and Ride project highway improvements are being carried out to the roundabout of the A59/A1237 junction. An area of land (see location plan Annex 1) is not required for these improvements and therefore is surplus to requirements. An offer has been received for this land from the owners of the adjacent garage and petrol filling station site so that the combined site can be developed for retail/restaurant use.
- 18 The capital receipt offered is substantially in excess of the current use value of this site which is currently a landscaped area and so a decision was made not to market this surplus site as it is not large enough to be developed for any commercial use on its own and instead conclude negotiations with this special purchaser.
- 19 The details of the purchaser and the offer made are contained in Confidential Annex 2 and are supported by the independent valuation report which is summarised in Annex 2. **Cabinet are recommended** to accept this offer which represents best value for this site.

Stonebow House, Piccadilly – acquisition

- 20 The land on which Stonebow House is built is jointly owned by City of York Council and North Yorkshire County Council (NYCC) – see site plan at Annex 1 for details - and is let on a long lease to a property holding company that are currently in receivership. The ownership of this site was considered as part of the Asset Management Review and it was agreed that ownership of the freehold of the whole site should be pursued to enable City of York Council to enter negotiations with the long leaseholder on options for the building and sites future.
- 21 Agreement has been reached with NYCC to purchase their interest for £62,250. Cabinet is recommended to approve this purchase as it reflects 50% of the commercial valuation of the freehold. It will mean CYC have full freehold ownership of this site which is in a strategic location for the future expansion of the city centre. CYC will pay 50% of any increase above £124,500 if the whole site is sold for more than this figure within 10 years.

Consultation

22. All properties which are suitable for sale are first checked to see if there are any service requirements or any potential community use for the buildings as part of the disposal policy. Then a report is taken to the Capital and Asset Board on offers which have been received and any other interest in the property. All the above sales and acquisition have been approved by the Capital and Asset Board.

Analysis/Options

23. The only 2 alternative options are to proceed or not with any of the above disposals and acquisitions.

24 Clementhorpe Maltings

- Proceed – bring vacant listed building, potentially at risk into use providing 6 housing units
- Not proceed – building further deteriorates and will require maintenance and management to prevent possible structural failure

Former Manor School site

- Proceed – enable the British Sugar site master planning and development to proceed as a key access route is obtained and also provide a substantial capital receipt for the Council
- Not proceed – this site could be disposed of separately for housing development on part of the site which although would raise a capital receipt it would be unlikely to be at the same level as the figure offered. In addition the benefits of masterplanning of both sites would be lost as well as the control of seeing both sites developed together.

17/21 Piccadilly

- Proceed – development and re-use of this vacant and derelict site which is in a prominent area of the city centre so will help with the re-generation of this part of the City
- Not proceed – building remains derelict and further work will need to be done to reduce the risk of a structural failure.

Land adjacent to A59/A1237 Roundabout

- Proceed – significant capital receipt received for this area of land and also an improvement in the area and environment around the new roundabout
- Not proceed – area of land is not large enough to sustain a development in isolation so would remain as landscaped area with future maintenance liability for the Council

Stonebow House, Piccadilly

- Proceed – City of York Council will control the freehold of the whole site and so can have meaningful discussions with the long leaseholder about future options for the site with the objective of improving the appearance and development of this area on the edge of the City Centre
- Not proceed – no detrimental effect but any future discussions with the long leaseholder will need to include NYCC as the owner of part of the site which could cause delay and possible conflicting ideas for the site

Council Plan

- 25 The proposed sales would meet the Council priorities for **Creating Jobs and Growing the Economy** by supporting the development of key sites within the City such as the British Sugar site and also **Building Strong Communities** by providing residential accommodation in a number of areas throughout the city. In addition the substantial capital receipts raised from these sales will provide funding to also help meet the Council's priorities through its capital programme.

Implications

- 26 **Financial** – The £62,250 capital cost of the purchase of the remaining freehold for Stonebow House will come from capital contingency where there is a remaining balance of £421k.

All capital receipts are managed as part of the capital programme and the Director of CBSS reports regularly on over and under achievement against this programme

- 27 **Property** – all the implications are contained in this report

- 28 **Legal** - Under section 123 of the Local Government Act 1972 the Council may not generally dispose of land for less than the best consideration reasonably obtainable. Best consideration includes price and may include other matters which have a direct financial value to the Council. It does not include more general benefits to the area such as social or other economic benefits.

Best consideration is normally evidenced through marketing and a sale to the highest bidder. Where a bid is conditional the Council is entitled to take a reasonable view on the likelihood of a condition, such as the achievement of planning permission, being met.

Best consideration may alternatively be evidenced through independent valuation. The valuation must be of the unrestricted value of the land – ignoring restrictions which the Council is placing on future use in its capacity as vendor. Planning restrictions can be considered but, in general terms, unrestricted value is intended to be the amount which would be received for the disposal of the property where the principal aim was to maximise the value of the receipt.

The Council is under no duty to dispose of land through particular means such as through open marketing. A failure to market does though increase the risk of a sale being challenged. However, the Courts though have said that a breach of section 123 is only likely to be found if:

“the council has (a) failed to take proper advice or (b) failed to follow proper advice for reasons which cannot be justified or (c) although following proper advice, followed advice which was so plainly erroneous that in accepting it the council must have known, or at least ought to have known, that it was acting unreasonably.”

Where the Council uses criteria for assessing bids other than those in relation to capital value there is self evidently a risk that the Council will receive less than best consideration. This therefore presents a risk in respect of the Clementhorpe Maltings and 17/21 Piccadilly sales. Under section 123 the Secretary of State may consent to disposals at less than best consideration and a general consent has been given to disposals at an undervalue of up to £2m where the Council considers the sale will promote the economic, social or environmental well being of the area.

European state aid rules must also be complied with. State aid is a complex and developing area of law. The starting point is that the resources of the state should not be used to benefit a particular entity in a way which has the potential to impact on trade between member states.

It is clear that a sale at less than market value can constitute state aid. The achievement of market value may be demonstrated by a full marketing exercise. Alternatively, the advice of an independent valuer may be relied upon. In assessing market value it is permissible to have regard to special conditions imposed by the seller affecting the land and buildings provided that any purchaser could, in principle, be capable of complying with those conditions.

29 Equalities and Human Resources – no implications

Risk Management

30. There are no major risks associated with the sale of the properties detailed above.

31. Property disposals generally do carry risks such as the

- Legal title which the Council has for the property – this is being mitigated by the Council registering it's title with the Land Registry to all its property assets
- Uses to which vacant sites and buildings can be put to – this requires close liaison with Planning and also the Local Plan development to bring more certainty when any disposal takes place
- The state of the market – for buying the type of properties which come forward. This is more difficult to control but, as has been done in the past the sale of vacant properties can be delayed until market conditions are suitable with temporary occupation in the meantime to reduce the cost of retaining vacant properties.

Recommendations

32. That the Cabinet

- Approves the sale of Clementhorpe Maltings and land adjoining the A59/A1237 roundabout for the capital receipts detailed in confidential Annex 2.
- Approves the acquisition of the remainder of the freehold for Stonebow House for £62,250
- Approve the sale of the Former Manor School off market to ABF Ltd with delegation of the conclusion of negotiations to the Director of Customer and Business Support Services in consultation with the Cabinet Member for Finance Performance and Customer Services subject to the provision of adequate supporting valuations
- Delegate the final evaluation and selection of a purchaser for 17-21 Piccadilly to the Director of Customer and Business Support Services in consultation with the Cabinet Member for Finance Performance and Customer Services subject to the provision of adequate supporting valuations. .

Reason: To support the economic development of the city and create jobs and provide capital receipts to fund the Council's capital programme.

Contact Details

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	Report Approved	√	Date	23/12/2013
Specialist Implications Officer(s) Ross Brown – Technical Finance Manager Brian Gray – Senior Legal Assistant				
Wards Affected: All				√
<i>For further information please contact the authors of the report</i>				

Background Papers: None

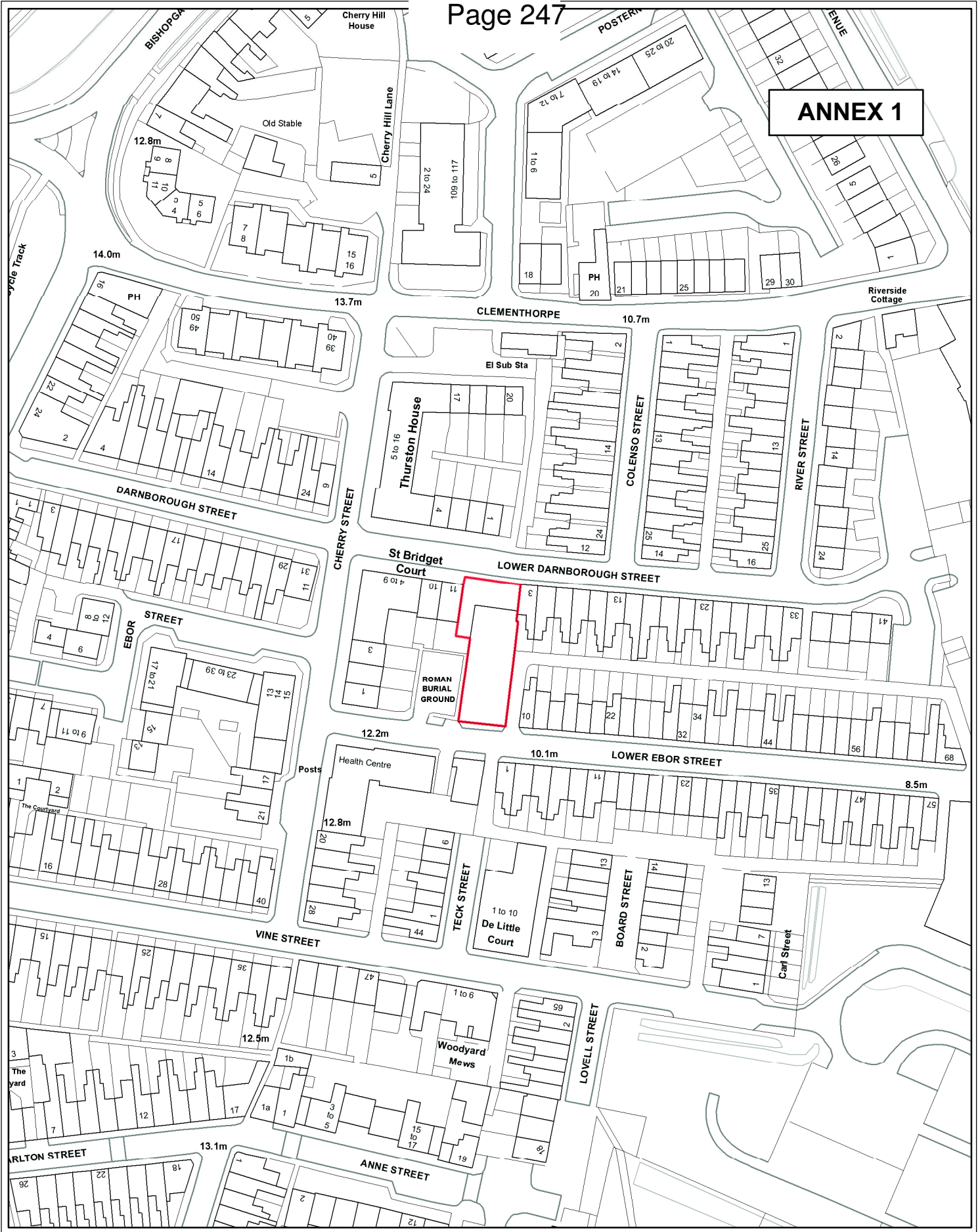
Annexes:

1 – Site Plans 1-5

2 – Confidential – Details of sale and acquisition terms and summary of independent valuers report

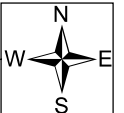
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ANNEX 1



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Management

Clementhorpe Maltings



SCALE 1:1,250

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Originating Group:

Asset & Property Management

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ANNEX 1



Land at Former Manor school



SCALE 1:2,500

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Originating Group:

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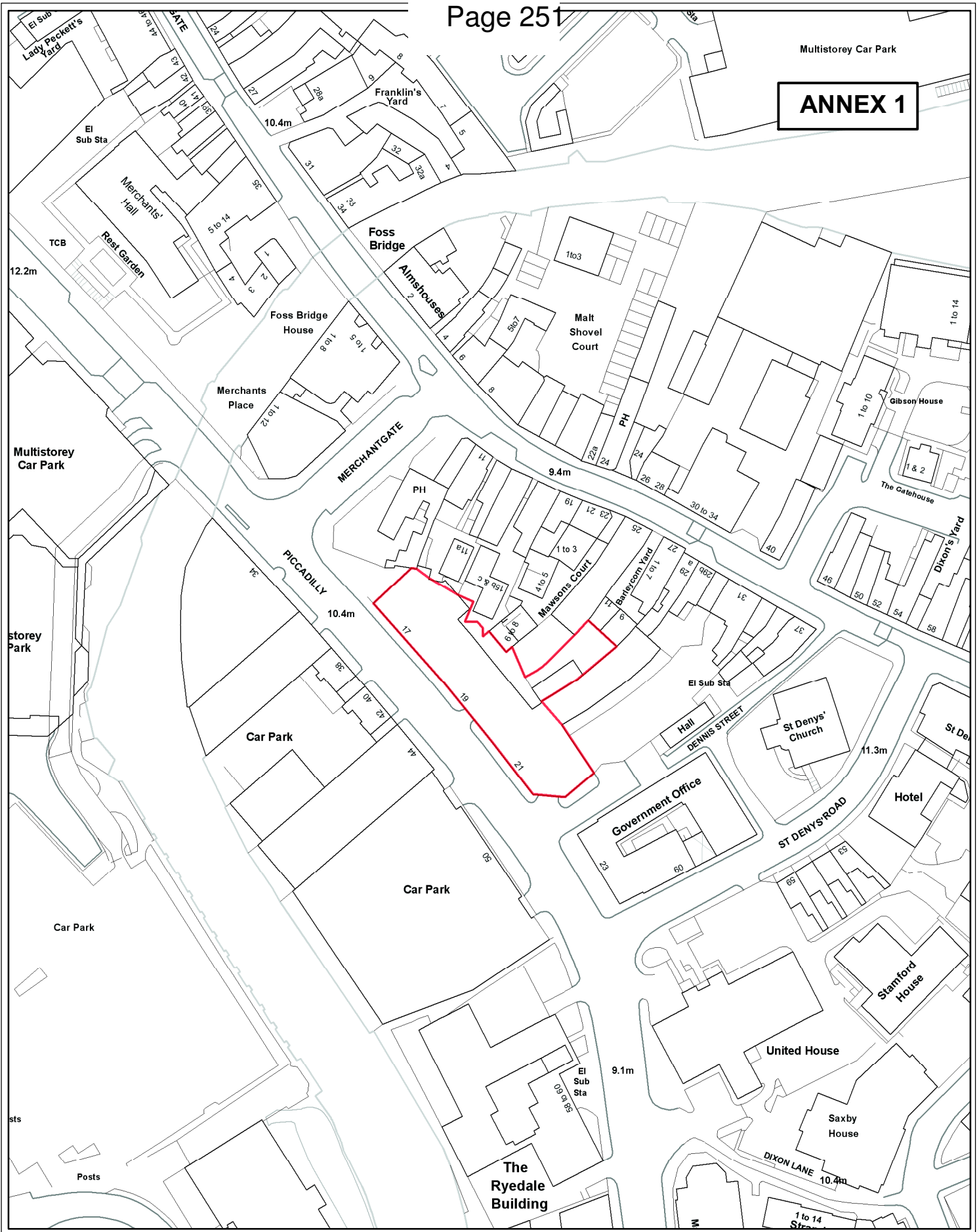
CBSS
Asset & Property
Management

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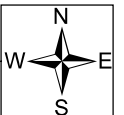
Multistorey Car Park

ANNEX 1



CBSS
Asset & Property Management

17-21 Piccadilly



SCALE 1:1,250

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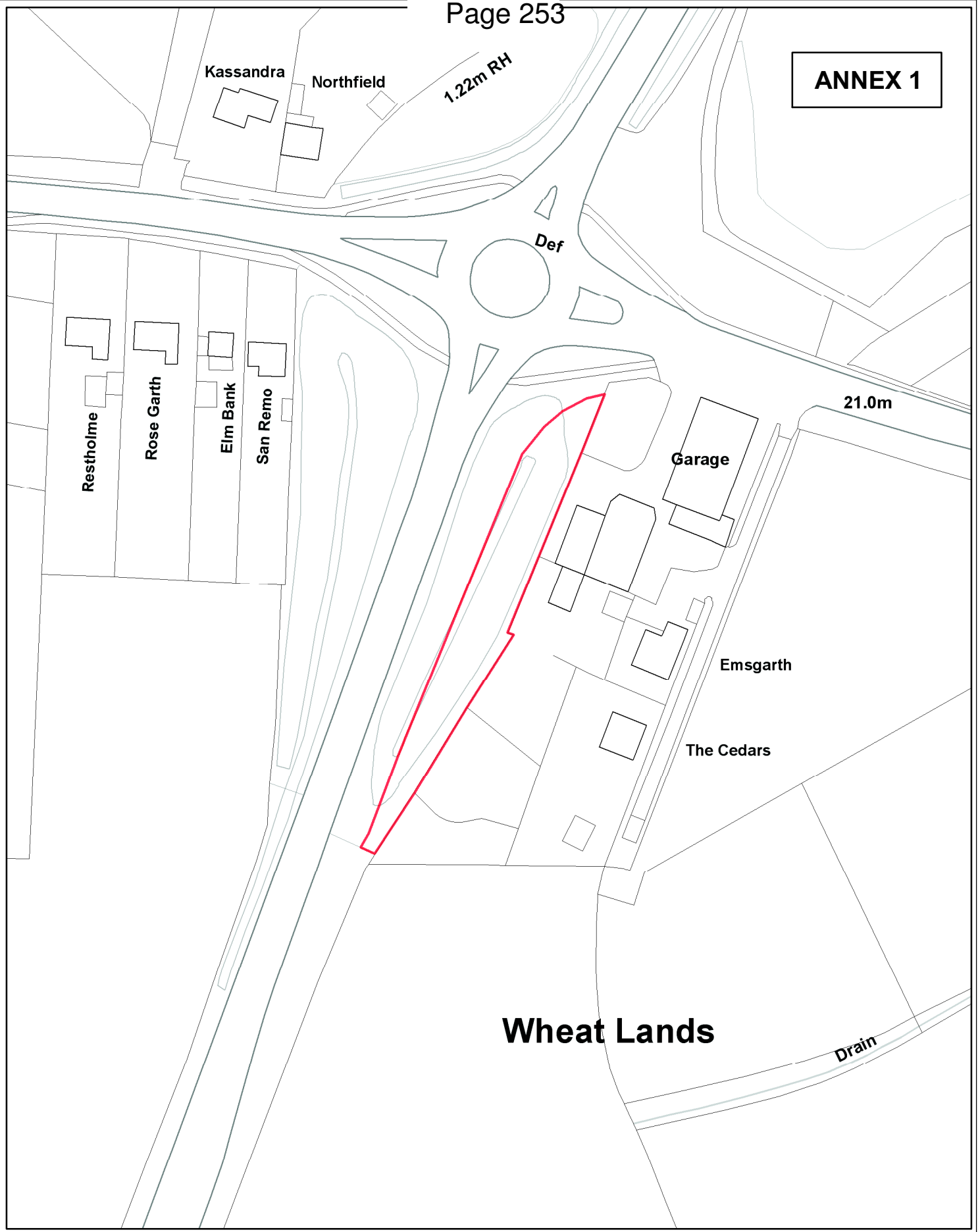
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ANNEX 1



CBSS
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Management*

Land Adjacent to A59 / A1237 Roundabout



SCALE 1:1,250

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DATE: 10/12/2013

Originating Group:

Asset & Property Management

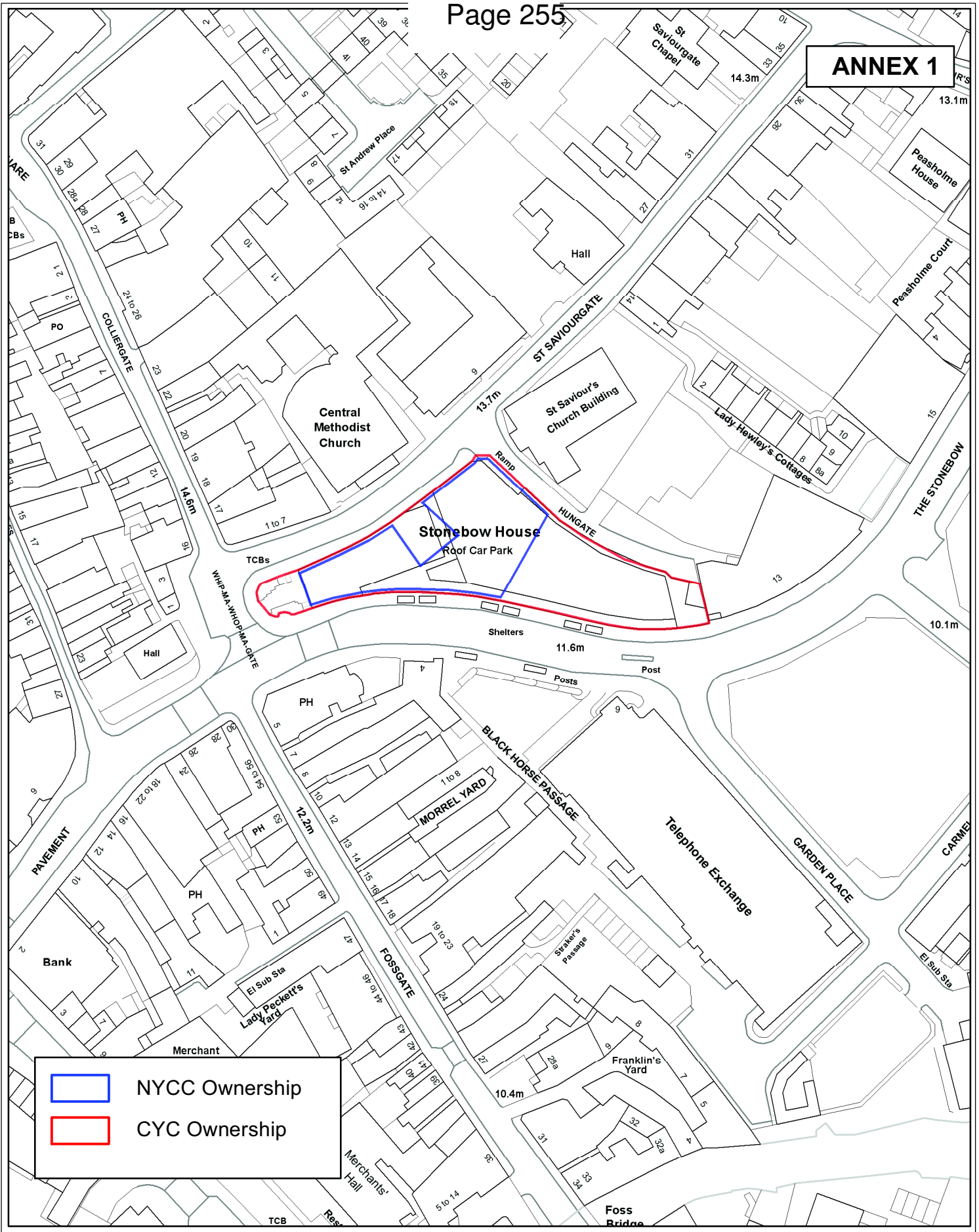
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ANNEX 1



	NYCC Ownership
	CYC Ownership



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Stonebow House



SCALE 1:1,186

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