



**Notice of a public meeting of  
Economy & Place Policy & Scrutiny Committee**

- To:** Councillors S Barnes (Chair), Daubeney (Vice-Chair), Baker, Douglas, Hook, Pearson and K Taylor
- Date:** Wednesday, 11 March 2020
- Time:** 5.30 pm
- Venue:** The Thornton Room - Ground Floor, West Offices (G039)

**AGENDA**

**1. Declarations of Interest**

At this point, Members are asked to declare:

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

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

**2. Minutes**

(Pages 1 - 16)

To approve and sign the minutes of the Economy and Place Policy and Scrutiny Committee meetings held on 10 December 2019, 15 January 2020 and 12 February 2020.

**3. Public Participation**

It is at this point in the meeting that members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Tuesday 10 March 2020**. Members of the public can speak on agenda items or matters within the remit of the Committee. To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

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- 4. Update report on Planning Enforcement** (Pages 17 - 46)  
This report provides Members with an update on the planning enforcement section in terms of cases being dealt with and a vision for the planning enforcement section into the future. Members of the Area Planning Sub-committee requested that Planning Enforcement be reviewed by Customer and Corporate Services Scrutiny Committee, which referred the matter to the Economy and Place Policy and Scrutiny Committee.
- 5. Make It York's Economic Development Priorities for 2020/21** (Pages 47 - 50)  
This paper invites Members to comment on the broad priority areas to be included in the Council's service level agreement (SLA) with Make it York (MIY) for 2020-21. Following consideration by the committee, a report will be taken to a decision session of the Executive Member for Economy and Strategic Planning in April.
- 6. Update report on Guildhall Project** (Pages 51 - 76)  
This report has come to the Committee following a request from the Customer and Corporate Services Scrutiny Management Committee (CSMC) to review the project status reporting for the Guildhall project, expressing CSMC's concern that the October 2019 Green rating did not accurately reflect the project status at that time. The purpose the report is to review the project governance and risk management arrangements for the delivery of the project which inform the project reporting.

**7. Update report on Apprenticeships and Skills Scrutiny review** (Pages 77 - 80)

This report updates Members on the progress of the scrutiny review into Apprenticeships and Skills and asks the Committee to consider the remit proposed by the Task Group appointed to carry out this review on the Committee's behalf.

**8. Work Plan 2019-20** (Pages 81 - 84)

To consider the work plan for the remainder of the municipal year.

**9. Urgent Business**

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

Democracy Officer

Angela Bielby

Contact details:

Telephone: 01904 552599 Email: a.bielby@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**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 میا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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City of York Council	Committee Minutes
Meeting	Economy & Place Policy & Scrutiny Committee
Date	15 January 2020
Present	Councillors S Barnes (Chair), Daubeney (Vice-Chair), Baker, Douglas, Hook, K Taylor and Mason (Substitute for Cllr Pearson)
Apologies	Councillor Pearson

#### **41. Declarations of Interest**

Members were invited 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, that they might have in the business on the agenda. None were declared.

#### **42. Minutes**

Resolved: That the minutes of the meeting held on 10 December 2019 be updated to include an amendment to minute 38 and be brought back for approval at the next meeting on 12 February 2020.

#### **43. Public Participation**

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

#### **44. Overview Report on Economy and Place Sickness and Workloads**

Members considered a report that updated them on the wellbeing of staff within the Economy and Place (E&P) Directorate. The report included updated management information, staff survey results and information on ongoing activities to support the wellbeing of staff and reduction of staff absence levels. The report also considered any correlation between the staff survey results and absence figures and suggests areas where the committee may wish to scrutinise further.

The Corporate Director Economy and Place and Head of HR were in attendance to present the report. The Corporate Director highlighted a number of points:

- Regarding the average sickness absence per full time equivalent post (fte), fleet made up over 50% of the workforce and there was a constant downward trend for sickness absence levels over the year.
- Within the E&P Directorate the short term absence levels were different for manual workers than for office based members of staff.
- The response rate in pulse survey 3 was under the average response rate. The survey undertaken was not adequate in that format and there is to be a different survey method for future surveys. Subsequent work would be undertaken with regard to workload and stress and the majority of those responses were in Planning, Public Protection and Transport. The work demand in these areas were uncontrollable, customer expectations were rising and often the professional decisions were subject to further challenge through appeals which often added further pressure and work demand.
- The correlation between absence data and staff survey responses was explained.
- There needed to a positive and proactive approach to the workforce.

A request was made for the addition of a column in the table showing the average sickness days per fte for non-directly employed CYC staff and the Head of HR undertook to see if this was possible.

In response to Member questions, the Corporate Director Economy and Place and Head of HR explained that:

- With regard to manager training on staff absence, 80% of managers had received face-to-face training on the day one absence management.
- Concerning the sickness absence rates for office based and manual staff, health and safety in terms of public realm operations was a highest priority.
- The pulse surveys were last undertaken on April/May 2019 and there were plans to rerun them in 2020.
- Staff had not been engaged about responding to the surveys. However, other engagement activities had been undertaken, for example through the use of ipads. It could not be determined if there had been better engagement as different questions had been used in the different activities. The Chair suggested that the same questions needed to be

used in the surveys in order to understand the perspective of the current workforce.

- Following staff feedback investment was made in equipment, for example through the investment of in cab technology in the refuse collection vehicles.
- It was acknowledged that there was sometimes a sense of haste in council communications to residents and the council strived to achieve better communications with residents. The quality of correspondence to residents would be considered and Members were asked to inform officers if they were not receiving copies of letters sent to residents regarding items such as road resurfacing.
- Feedback on the day one absence providers would be given to the Customer and Corporate Services Management Scrutiny Committee.
- The services on offer to employees such as the osteopath service and employee assistance scheme was noted. Staff had been consulted on what areas of support they would like through workforce sessions by the public health teams.
- 80% of the CYC workforce were directly employed by CYC and this was increasing. The figures in the report related to permanent CYC employees and it was confirmed that non-directly employed staff did not have access to the facilities available to directly employed staff.
- Staff usually returned to work on the day they were fit to return unless there was a specific reason, for example a referral to occupational health or making reasonable adjustments for their return.
- With regard to workload being manageable and the effect of this on staff, work was being undertaken to address this for example the introduction of workflow planning by the Head of Planning. This was next being introduced to the highways regulatory service. Where feedback had been given on workload and workflow, officers had examined where improvements could be made.

Members suggested that HR may not be best placed to undertake HR interviews.

The Corporate Director Economy and Place and Head of HR were thanked for their report.

Resolved: That the Economy and Place Scrutiny Committee receive a further report on staff sickness absence and staff response in the staff survey at the earliest opportunity when the next round of feedback had been received.

Reason: To inform the Committee of absence figures in the E&P directorate and the staff's response in the staff survey.

#### **45. Scoping report on in-work poverty including Employers' Charter and Living Hours**

Members considered a report that presented a request by the Customer and Corporate Services Scrutiny Management Committee (CSMC) to undertake a review into elements of poverty in the city which fall within the Economy and Place Policy and Scrutiny Committee's remit, as part of a corporate review of poverty in York. The Scrutiny Officer outlined the report noting the proposed remit and timescales. The Corporate Director Economy and Place suggested that an Employers' Charter could be examined as part of the Economic Strategy as a recommendation to the Executive. He was asked and explained the timeline for the Economic Strategy.

Members discussed the review on in work poverty and it was:

Resolved: That;

- i. The Committee undertake a review on in-work poverty including Employers' Charter and Living Hours
- ii. A task group (made up of Cllrs Douglas, Daubeney and Hook) be formed to further examine the remit of the review with the attendance of the Chair at the first task group meeting.

Reason: To provide a corporate, cross-party response to poverty in the city.

#### **46. Work Plan 2019-20**

Members considered the committee's work plan for the remainder of the 2019-20 municipal year.

Following discussion, Members agreed a number of changes to the work plan and it was:

Resolved: That the work plan be updated to include the following items:



Wednesday 12 February 2020

1. Overview Report on Economic Strategy including attendance of Executive Member for Economy and Strategic Planning.
2. Bi-Annual Update report from the Managing Director of Make It York.
3. 2<sup>nd</sup> Quarter Finance and Performance Monitoring Report (slipped from December)
4. Pre-Decision Report on EV Charging Strategy
5. Pre-Decision Report on Fleet Strategy.
6. Work Plan 2019-20

Wednesday 11 March 2020

1. CYC Flood Defences Action Plan – Biannual Report
2. Update report on Guildhall Project
3. Update report on Planning Enforcement.
4. Update report on In-Work Poverty Scrutiny review.
5. Update report on Apprenticeships Scrutiny review
6. Work Plan 2019-20

Wednesday 15 April 2020

1. Update Report on Highways (content to be informed by Cllr Taylor).
2. Work Plan 2019-20

Reason: To follow up on the decisions made at this meeting and to keep the work plan updated.

Cllr S Barnes, Chair

[The meeting started at 5.30 pm and finished at 7.07 pm].

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Meeting	Economy & Place Policy & Scrutiny Committee
Date	12 February 2020
Present	Councillors S Barnes (Chair), Daubeney (Vice-Chair), Baker [until minute 53], Douglas, Hook, Pearson and K Taylor

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#### **47. Declarations of Interest**

Members were invited 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, that they might have in the business on the agenda. None were declared.

#### **48. Minutes**

Resolved:

- i. That the minutes of the meeting held on 10 December 2019 be updated to include an amendment to minute 38 and be brought back for approval at the next meeting.
- ii. That the minutes of the meeting held on 15 January 2020 be updated to include the addition to minute 44 of it being suggested that HR may not be best placed to undertake HR interviews and be brought back for approval at the next meeting.

#### **49. Public Participation**

It was reported that there had been five registrations to speak on Agenda Item 6 Bi Annual Update from the Managing Director of Make It York (MiY). Kevin Tuohy, Nicholas Roberts, Alessandro Venturi, Robin George and Martin Spencer all spoke on that item.

Kevin Tuohy explained that in July 2019 assurances were sought regarding Jubbergate Market. Following this a working group had been set up and had met for the first time a few weeks previous. Mr Tuohy expressed concern regarding the conduct of MiY representatives at that meeting and he invited MiY to work with the market in a transparent and dignified way.

Nicholas Roberts explained that at Christmas, market traders had been forced into working prolonged hours due to being unable to exit the market. He noted that there had been a petition of 1500 signatures on this and that MiY had been going against market traders' human rights. He cited a number of examples of market traders with many years of trading that had left the market because of their treatment by MiY and he asked how many more traders the market would lose.

Alessandro Venturi, a former food market trader on Silver Street in the city centre explained his background as a chef and thanked Cllr Fitzpatrick and former Cllr Hayes for their support. He explained that he had a pitch on Silver Street where trading was no longer allowed and there was no longer the opportunity to trade in Silver Street. He suggested that MiY did not operate within market rules.

Robin George, Owner and Director of Roma Pasta Bar stated that he was perplexed by the treatment of MiY, which included a lack of communication. He expressed concern at being offered the pitch in Silver Street near some bins and he added that there was a lack of storage. He explained that there had been a breach in confidentiality by MiY disclosing market traders email addresses. He added that it was hoped that there would be resolution to market traders working with MiY.

Martin Spencer explained that MiY had consistently failed to communicate and the lack of attendance by MiY at the meeting demonstrated lack of communication from MiY with Councillors. He expressed concern about the promotional output for the Shambles Market and he added that MiY would not share their future plans for the market. He suggested that the edited 2015 draft market rates and regulations were only sent out to traders in 2019.

The Chair thanked speakers and stated that their comments had been noted.

## **50. Development of a new Economic Strategy**

Following the consideration of a report on developing York's economic strategy and partnership by the Executive Member for Economy and Strategic Planning at his decision session on 17 October 2019, Members considered a report that provided an update in the development of a new Economic Strategy.

The Executive Member for Economy and Strategic Planning, Assistant Director for Regeneration and Asset Management and the Head of Economic Growth were in attendance to present the report. The Executive Member

advised that the new Economic Strategy was in development and there would be a transition in the jobs market. He added that the government was currently developing a new industrial strategy. The Head of Economic Growth gave a presentation on the York Economic Strategy 2020-2025.

Following the presentation, Members raised a number questions to which the Executive Member and officers responded that:

- With regard to a lack of resident representation on the My City Centre consultation and a lack of employee representation on the Economic Strategy consultation board, it would be good to have representation from different groups and this would be welcomed as part of the consultation.
- The view of market traders in relation to MiY was welcomed and the need to review the Service Level Agreement (SLA) was acknowledged, particularly in view of the support needed by businesses in leaving the European Union (EU).
- There would be a virtual network that would ensure that people could be involved in the consultation if they could not commit to attending meetings. The council wanted to make sure that a two way dialogue was established especially in regard to inclusive growth.
- There was a commitment in the Council Plan in relation to the role each group and governing body would play in the development of the economic partnership.
- In regards to the statistics used, the earnings of residents is higher compared to earnings by employment.
- It was hoped that the economic partnership would arise from the twelve groups included in the consultation. There was a desire to include all groups and a request for extra funding to facilitate this had been put forward.
- The Economic Strategy would be an ongoing process.
- In respect of including the outlying areas of the city, for example villages, farms and rural shopping areas, all geographical areas would be covered.
- With regard to York Central, the building use types in the planning application were specifically grade A offices and ancillary businesses and the council was looking to support small businesses in that mix. It was clarified that the council was contributing to the occupier strategy along with other York Central landowners.

- With regard to sustainable growth and reducing carbon emissions, there was a need to make better use of resources as a city and carbon counting would become a part of the process.
- Concerning the threshold for proposed use types in York Central, Permitted Development (PD) rights would last approximately 15 years.

The Executive Member for Economy and Strategic Planning, Assistant Director for Regeneration and Asset Management and the Head of Economic Growth were thanked for their update.

Resolved: That the update on the development of the new Economic Strategy be noted.

Reason: In order to be updated on the development of the new Economic Strategy be noted.

### **51. Inclusive Growth - Referral from Customer and Corporate Services Scrutiny Management Committee**

Members considered a report that advised them of a request by the Customer and Corporate Services Scrutiny Management Committee (CSMC) to consider a definition for “inclusive growth” along with the Executive Member for Economy and Strategic Planning.

The Corporate Director Economy and Place, Executive Member for Economy and Strategic Planning and Head of Economic Growth were in attendance. The Head of Economic Growth gave a presentation on what was meant by inclusive growth.

Following the presentation a Member raised concern about the referral from CSMC Call-In meeting and she was advised to raise her concern with the Monitoring Officer. The rationale for the referral from CSMC Call-In was explained and it was explained that the discussion at this meeting would allow Members the opportunity to feedback their suggestions regarding inclusive growth and the economic strategy to the Executive. Suggestions were put forward regarding how inclusive growth would work as part of the economic growth strategy. The Member having raised concern previously then expressed further concern regarding the process for the CSMC Call-In resolution being brought to the committee meeting.

It was then:

Resolved: That the Chair seek assurance from the Chair of CSMC that the resolution from the CSMC Call-In meeting was being taken forward.

Reason: In order to clarify the resolution from the CSMC Call-In meeting.

## **52. Bi-Annual Update from the Managing Director of Make It York**

The Assistant Director Communities and Culture was in attendance as the client manager for MiY. He explained the formal reporting mechanism arrangements for MiY, which included but were not limited to a tri-annual contract review, SLA process and twice yearly report to the Shareholder Committee. He clarified that the council was the policy body for MiY.

The Chair expressed dissatisfaction that the MiY Managing Director had not attended the meeting and a Member expressed concern that the lack of a paper for the item negated the need to have a representative from MiY.

Members raised a number of points to which the Assistant Director Communities and Culture responded that:

- MiY was a wholly owned council company and was therefore not required to tender to the council.
- He would find out when the when the bicycle parking would be reinstated in Parliament Street.
- The market regulations were clear and set out the process by which MiY work with market traders and the council required MiY to work with market traders.
- There would be a review of the legal and health and safety documentation used by MiY in a constructive and consultative way. This included a full Terms of Reference which would be taken to the Executive Member for Economy and Strategic Planning Decision Session in March, to be following by a six monthly review.
- MiY should respond to emails.
- The MiY annual turnover was £4.8million with a net contribution of £290k from the council.
- In response to concern about the governance of MiY, MiY as a limited company had strict governance procedures.

- The Corporate Director Economy and Place clarified the role of the Shareholder Committee as a sub-committee of the Executive. Following a query about the mechanisms in place to ensure that the Board was meeting its obligations, he clarified the governance arrangements for a Teckal company.
- In response to a Member expressing disappointment that MiY were not in attendance at the meeting, the Chair clarified that the committee could make recommendations about the MiY SLA to the Executive.

Concerning the points raised by public speakers at the meeting, the Assistant Director Communities and Culture explained that he couldn't comment on individual disputes. The Corporate Director Economy and Place added that in regard to food traders in Market Street, this would be followed up with environmental health and clarified with MiY and stall holders. He acknowledged discussions regarding the Jubbergate market had taken place at the July committee meeting and there were ongoing matters relating to the Christmas market and noted the circumstances at MiY relating to their actions to both matters.

Resolved: That the MiY Managing Director be invited to a future meeting to present the bi-annual update to the Committee.

Reason: In order to receive the MiY bi-annual update.

### **53. 2nd Quarter Finance and Performance Monitoring Report**

This report provided details of the 2019/20 forecast outturn position for both finance and performance across services within the Economy and Place Directorate.

Resolved: That the report be deferred to a future meeting.

Reason: To update the Committee of the latest finance and performance position.

### **54. Pre-Decision Report on Public Electric Vehicle (EV) Charging Strategy**

As requested by the committee, Members considered a pre-decision report prior to the Executive's consideration of a report on Public Electric Vehicle Charging at their meeting in March.



The Assistant Director Transport, Highways and Environment and Head of Programmes and Smart Place were in attendance to present the report. An overview of the report was given and in answer to Member questions they responded that:

- Discussions were taking place regarding the pricing structure and the tariff would be used to pay for the power charge and running costs.
- At present there was a low take up of EV parking in York.
- The council was aiming for a minimum of 5% provision.
- The current EV parking arrangement was to pay for charging, not parking, which led to bay blocking. To incentivize against this there was to be investment in rapid and ultra charging. There would be a blend of these in the future.
- The council wanted to provide equality inclusiveness for EV charging.
- The statistics for the number of people working, parking and EV charging in York was not known and it was noted that there were issues with plug in hybrid vehicles.

Following discussion the following suggestions were put forward for consideration by Executive:

- Parking charges should be made on Fast charging (parking bay type) EV charging points;
- Free parking for residents at Fast chargers overnight;
- A penalty regime should be in place for rapid/ultra-rapid charging bays (service station type);
- Availability of EVs through car clubs;
- To continue to explore options for on street charging;
- Energy feeding the chargers should be from a renewable source;
- PPA should be from 100% carbon neutral resources

Resolved: That the following suggestions for the EV Charging Strategy be put forward for consideration by the Executive.

Reason: To ensure that there is a robust, resilient and inclusive approach to the development of public EV charging infrastructure.

## **55. Pre-Decision Report on Fleet Strategy**

As requested by the committee, Members considered a pre-decision report prior to the Executive's consideration of a report on Fleet Strategy at their meeting in March.

The Assistant Director Transport, Highways and Environment and Head of Highways and Fleet were in attendance to present the report. An overview of the report was given and in answer to Member questions they responded that:

- There was 256 under 3.5 tonne vehicles in the fleet of 565.
- Vehicles over 3.5 tonne were more bespoke items.
- The decisions regarding the fleet purchase were based in whole life cost – the bigger the vehicle the bigger the cost.
- With regard to the consideration on the carbon impact or alternative fuels there were concerns regarding biofuels and batteries and there were no perfect solutions as there was a carbon impact on the manufacturing process for these.
- Most vehicles in the fleet were run for 7 years.
- The move to the green energy tariff was noted.

Members considered the options as detailed in the report and two proposals were put forward as to whether the council should have a clear policy position that all new vehicles must be zero emission or whether this should apply to vehicles under 3.5 tonnes. Both proposals were seconded and it was:

Resolved: That it be suggested to Executive that the council have a clear policy position that all new vehicles must be zero emission.

Reason: To ensure that Fleet Strategy addresses the Council ambition of being zero carbon by 2030.

## **56. Work Plan 2019-20**

Members considered the work plan for the remainder of the municipal year.

Resolved:

- i. That it be delegated to the Chair and CSMC Chair to decide whether the committee receive an update paper on the CSMC Call-In on Inclusive Growth.

- ii. That the work plan be updated to include the following items:

Wednesday 11 March 2020

1. Update report on Planning Enforcement.
2. Make It York's Economic Development Priorities for 20/21
3. Update report on Guildhall Project
4. Update report on Apprenticeships and Skills Scrutiny review
5. 2<sup>nd</sup> Quarter Finance and Performance Monitoring
6. Work Plan 2019-20

Wednesday 15 April 2020

1. Make It York update on Shambles market.
2. CYC Flood Defences Action Plan Biannual Report
3. Update Report on Highways (content to be informed by Cllr Taylor).
4. Update report on In-Work Poverty Scrutiny review.
5. Work Plan 2019-20

Wednesday 20 May 2020

1. Further Update Report on Implementation of Recommendations of Economic Health of York City Centre Scrutiny Review.
2. Work Plan 2019-20

Reason: To follow up on the decisions made at this meeting and to keep the work plan updated.

Cllr S Barnes, Chair

[The meeting started at 5.30 pm and finished at 8.45 pm].

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**Economy and Place Policy and Scrutiny  
Committee****11<sup>th</sup> March 2020**

Report of the Assistant Director for Planning and Public Protection

**Planning Enforcement****Summary**

1. This report provides Members with an update on the planning enforcement section in terms of cases being dealt with and a vision for the planning enforcement section into the future.
2. Members of the Area Planning Sub-committee requested that Planning Enforcement be reviewed by Customer and Corporate Services Scrutiny Committee, which referred the matter to the Economy and Place Policy and Scrutiny Committee.

**Background**

3. A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990 as:
  - The carrying out of development without the required planning permission; or
  - Failing to comply with any condition or limitation subject to which planning permission has been granted.
  - Any contravention of the limitations on, or conditions belonging to, permitted development rights, under the Town and Country Planning (General Permitted Development) (England) Order 2015, constitutes a breach of planning control against which enforcement action may be taken.
4. The National Planning Policy Framework para 58 deals with planning enforcement and states that “Effective enforcement is important to maintain public confidence in the planning system.”

5. The City of York Council Planning Enforcement team responds to and investigates complaints about breaches of planning control. Planning enforcement complaints can be extremely complex and time consuming. The investigation process can involve Enforcement Officers working alongside both colleagues across the Planning Service and other departments within the Council and externally. This complexity serves to add to the time taken to resolve an issue. Some cases are best resolved quickly through working in partnership with other agencies and departments.
6. There are various options available to Local Planning Authorities to tackle possible breaches of planning control in a proportionate way these include:
  - No formal action
  - Retrospective planning application
  - Planning contravention notice
  - Enforcement Notice
  - Planning Enforcement Order
  - Stop Notice
  - Temporary Stop Notice
  - Breach of Condition Notice
7. The Enforcement team will assess each case to consider the level of action required and this will depend on the harm the breach causes. It should be noted that there are often cases reported that aren't a breach of planning control which will result in the case being closed and this may be contrary to the opinion of the person who has reported the case.
8. Government Guidance is clear that addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy. For example, a breach of control may be the result of a genuine mistake where, once the breach is identified, the owner or occupier takes immediate action to remedy it. Furthermore in some instances formal enforcement action may not be appropriate.

9. Enforcement action should always be proportionate to the breach in which it relates to and action taken when it is expedient to do so.
10. Local Planning Authorities should usually avoid taking formal enforcement action where:
  - there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
  - development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;
  - in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.
11. In order to make most effective use of the Councils resources, the cases are dealt with in order of priority with the greatest urgency given to cases causing the greatest levels of harm or where such harm would be irreversible.
12. Once the Council's Enforcement Team have concluded that formal action is required the following are ways of enforcing planning breaches and these include:
  - Enforcement Notice
  - Planning Enforcement Order
  - Stop Notice
  - Temporary Stop Notice
  - Breach of Condition Notice
  - Section 215 Notice (untidy land)
13. The actions outlined above can be used by the Local Planning Authority (LPA) in order to rectify planning breaches. The report below outlined the number of Enforcement notices and section 215 notices that have been served.

14. Enforcement notices clearly outline what in the LPA's view constitutes the breach of planning control and what steps the local planning authority require to be taken or what activities are required to cease to remedy the breach.
15. Section 215 notices provides a LPA with the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of their area is being adversely affected by the condition of neighbouring land and buildings, they may serve a notice on the owner requiring that the situation be remedied. These notices set out the steps that need to be taken, and the time within which they must be carried out
16. In terms of enforcement cases received by the service Members receive updates on the number of outstanding enforcement cases on a quarterly basis through a report which is referred to the Planning Sub Committee. This has occurred since July 1998.
17. A list of enforcement cases for their Ward are also sent to each Councillor by email as agreed by the Chair of the Planning Committee. This list also contains a synopsis of progress made on each case.

### **Current Position**

18. During 2019, 592 new planning enforcement investigation cases were received and 712 cases were closed. A total of 467 investigations remain open. 13 Enforcement Notices were served.
19. By comparison:

In 2015 -	483 cases opened
	352 closed
	2 Enforcement Notices were served
In 2016 -	501 cases opened
	367 closed
	3 Enforcement Notices were served
In 2017-	699 cases opened
	880 closed
	7 Enforcement Notices were served



In 2018 - 689 cases opened  
759 closed  
4 Enforcement Notices were served

20. Since April 2019, of the cases closed, 121 cases were not expedient to pursue, 37 were found to be permitted development, 184 were found to be not in breach of planning control and 70 breaches were rectified following work undertaken by the team. 41 were granted planning permission.
21. Currently the Council has 37 cases awaiting the outcome of a planning application.
22. In 2019, 13 Enforcement Notices were served. These included:
  - The failure of a development to be completed in matching materials
  - Failure to provide obscure glazing as shown on approved plans
  - The replacement of timber windows with uPVC windows within a Conservation Area,
  - Unauthorised siting of caravans
  - Display of unauthorised signs
  - Erection of an extension and the unauthorised use of a building for car repairs
23. A more detailed synopsis of these and other recent Notices served, taken from the Planning Enforcement Register, is contained within the Annex section of this report. Please note that the Council is required to remove Notices from the register under certain circumstances such as where an appeal is dismissed or where the Notice is later withdrawn. These Notices are not included in the Register.
24. As outlined above the Council also utilises Section (S) 215 Notices to ensure untidy land which is harmful to amenity is rectified.
  - 1 S215 Notice was served in 2015
  - 3 in 2016
  - 4 in 2017
  - 1 in 2018
  - 0 in 2019.

25. The recently updated Planning Enforcement Register is now published on the Councils website. The register has details of Notices and orders for the last ten years (2009 onwards) in an excel spread sheet set out in a yearly basis. Records prior to 2009 remain in the paper file format and are available to view by appointment for members of the public. The online register will be updated every 6 months.

### **Resourcing**

26. It should be noted that since the appointment of a Principal Planning Officer for the Enforcement team in November 2017 a significant period of change has commenced in terms of managing workloads and working on backlogs that exist within the team.
27. The team currently has one Principal Planning Officer along with 3.8fte enforcement officers. As can be seen above progress is being made and more cases are being closed than are being opened. There is a significant amount of work in the team which results in the need to prioritise work as outlined above in para 7.

### **Going forward**

28. The National Planning Policy Framework para 58 deals with planning enforcement and states that Local Planning Authorities “should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”
29. The Planning Enforcement team are currently scoping the work to progress a Planning Enforcement Plan to replace the current Enforcement Policy which is set out on the Councils website as a web page. It will be entitled the City of York Council Planning Enforcement Plan.
30. An Enforcement Plan gives the Council an opportunity to set out:
- How both the wider planning system and the Councils own Planning Enforcement Service operates
  - The purpose of planning enforcement
  - What the team can investigate
  - How decisions will be made,
  - Expediency
  - Permitted development

- The enforcement register,
- How to report a breach of planning control
- Options available for formal action.

31. By dealing with these issues the Plan will allow engagement in the process of defining objectives and priorities which are tailored to York's special character and heritage. It will define the priorities for enforcement action, which will inform decisions about when to take enforcement action. This is particularly important as it will provide greater transparency and accountability about how the Local Planning Authority will decide if it is expedient to exercise its discretionary powers. Finally this clearly defined policy will provide greater certainty for all parties engaged in the development process.
32. Of the breaches of planning control reported to the Council, a significant number of developments are found to be permitted development. Central Government gives householders and businesses permitted development rights to undertake certain building operations and changes of use without the need to first seek the consent of the Council. Where this occurs, in the absence of the consultation process associated with a planning application, the first a neighbour may be aware of a proposed development is when building operations commence. An enforcement complaint to the Council often swiftly follows. Investigating these complaints forms a significant element of the Council's enforcement work load. The Enforcement Plan will highlight issues of permitted development to users of the Enforcement Service at the earliest opportunity.
33. Where a breach of planning control has been identified it does not automatically follow that formal enforcement action should be pursued. Where a breach of planning control is found, the Council must first use its discretionary powers to consider whether it is expedient to pursue formal action. The expediency test can be a complex one and relies heavily on Officers' planning judgement. The plan will provide greater detail and transparency in this area.
34. Planning Enforcement Investigations can be lengthy and complicated. In order to make most effective use of staff resources, it is usually necessary to give priority to those cases where the greatest or irreversible harm is being caused. Typically the highest priority is given to unauthorised demolition, substantial or irreversible alterations to a Listed Building, unauthorised works to protected trees or trees within a

Conservation Area and unauthorised demolition within a Conservation Area causing irreparable harm. The plan will set out the priorities for investigation and action.

35. The complexity and inevitable time taken to resolve planning issues can result in significant frustration for members of the public. This generally occurs as a result of a number of factors including planning applications and subsequent appeals. An Enforcement Notice can also be appealed to the Planning Inspectorate. This process can also add significant delays. Consequently enforcement action must be put on hold. Highlighting these constraints to members of the public involved in the process will be a key element of the Plan.
36. One of the areas of concern raised by members of the public during the enforcement process is communication and updates from Enforcement Officers. The aforementioned complexity can result in an investigation taking a significant amount of time. Not hearing from the Council during this period can give rise to considerable frustration, a poor perception of the service and associated complaints. The Enforcement Plan will set out how the Council will manage both public expectations and provide an insight into the process so as to improve the service perception in this area. Officers will improve communication thorough providing more regular updates, even if this is to simply informal a complainant that the case is still open and being investigated. Regular updates will help to reassure members of the public that their concerns are being addressed despite the apparent delay.
37. Development Services has recently introduced a new IT system (the Enterprise element of the uniform system). Enterprise allows for more in depth case monitoring of the progress of both planning applications and enforcement cases. The system will ensure the effective management of cases. Through the use of this system it is also intended that communication with complainants is improved with timescales introduced for the Councils Planning Enforcement Officers to regularly communicate with complainants. The operation and targets set by the system will be informed by the plan. The new software will provide reminders to Officers to update complainants at regular intervals or when the status of a case changes (such as when a case is closed or a Notice served). Given the unpredictable nature and complexity of the Enforcement process it would however be impossible to set targets for the serving of Notices or the overall resolution of the breach.
38. The new Plan will also be related to and link in to the creation of an online form for the reporting of breaches of planning control. Most

breaches of planning control area now brought to the attention of the Council electronically. The use of the form will allow the Council to source as much information relevant to the breach as possible to assist with any investigation. The collection of this information in an electronic format will result in it being able to be transferred to the Councils records in a much simpler and faster manner to speed up the registering process.

39. It is envisaged that the first draft of the Plan will be completed by the summer of 2020.

### **Council Plan**

40. The following Council priorities are relevant:
- Good health and wellbeing
  - A greener and cleaner city
  - An open and effective council

### **Options**

41. Members can choose to:
- i. Note the information received in this report
  - ii. Note the information received in this report and request further updates
  - iii. Take another course of action

### **Implications**

42. There are no direct implications associated with the recommendations of this report in relation to any of the following implications:
- **Financial**
  - **Human Resources**
  - **Equalities**
  - **Legal**
  - **Crime and Disorder**
  - **Information Technology (IT)**

- **Property**
- **Other**

**Risk Management**

43. There are no known direct risk management implications associated with the recommendations in this report.

**Recommendation**

44. Members are asked to:

- i.* Note the information contained in this report

Reason: To ensure members are aware of the work currently being undertaken in Planning Enforcement.

**Contact Details**

**Author**

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**Chief Officer Responsible for the report:**

Mike Slater,  
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Report Approved  Date

Wards Affected:

All

For further information please contact the author of the report

**Background Papers:** None

**Annexes:**

Annex A - Enforcement Register

Enf Case No	ADDRESS OF THE LAND TO WHICH THE NOTICE RELATES	AUTHORITY	DATE OF ISSUE	DATE OF SERVICED COPIES OF THE NOTICE	SUMMARY OF BREACH	REQUIREMENTS OF THE NOTICE	PERIOD IN WHICH THE REQUIRED STEPS TO BE TAKEN	DATE NOTICE TAKES EFFECT	Postponements by reason of an Appeal and the Date of the Final Determination	Date of Service of Stop Notice - Statement or summary of the activity prohibited by Stop Notice	Date of withdrawal of Stop Notice	Date which Authority satisfied required steps have been taken
16/00041/COND	J G Windows Unit 2 219A Malton Road Huntington York YO32 9TD	CYC	31/01/2019	31/03/2019	Outside storage of skip, container & materials. Breach of Condition 4 of 3/66/330E/FA	Remove the skip and container from the Land; and cease the following activities: Cease the outside storage of raw materials, finished and unfinished products and parts, crates, materials, waste, refuse and any other item stacked or stored outside any building on the Land.	90 days	31/01/2019				
13/00094/ADV	The Tandoori Night 21 - 23 Bootham York YO30 7BW	CYC	01/03/2019	01/03/2019	Display of unauthorised externally illuminated signs (The Raj)	Remove the lights and signage and make good the fabric of the building.	3 Months	03/04/2019				
16/00261/EXTH	153 Haxby Road, York.	CYC	04/03/2019	04/03/2019	Unauthorised construction of first floor rear terrace and staircase	1. Remove the unauthorised first floor wooden walkway and balcony located to the rear of the property. 2 Removal of the stairs associated with the first floor wooden walkway and balcony located to the rear of the property.	4 Months	03/04/2019				
17/00229/EXTH	59 Westfield Place Acomb York	CYC	04/03/2019	04/03/2019	Unauthorised single storey extension	1. Remove the unauthorised single storey extension located to the rear of the property. 2. Remove the stairs associated with the single storey extension.	4 Months	03/04/2019				
18/00042/EXT	Land To The West Of The Derwent Arms Osbalwick Village Osbalwick York	CYC	20/03/2019	22/03/2019	Unauthorised erection in the north east corner of the field	Remove the unauthorised structure and associated tower.	2 Months	24/04/2019				28/08/2019
17/00256/CARREH	Alx1 Ltd 1 Avenue Road York YO30 6AY	CYC	25/03/2019	26/03/2019	Unauthorised use for car repairs	Cessation of the use of the property for the servicing and repair of motor vehicles.	6 Months	29/04/2019				

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16/00446/PLANSH	8 Badger Wood Walk York YO10 5HN	CYC	09/08/2019	09/08/2019	Side windows not obscure glazed as shown on approved plans	EITHER: Replace all 4 dormers to accord with those approved, replace the side opening front dormer window in the north elevation with an obscure glazed top hinged window to accord with approved drawing, replace the mid grey cladding with hanging tiles to accord with the approved drawing, replace the cladding on all facades of the building with cedar boarding that accords with the approved drawing/ OR Replace the side opening front dormer window in the north elevation with an obscure glazed top hinged window, replace the mid grey upvc cladding on all four dormer window cheeks with hanging tiles to accord with the approved drawing, replace the cladding on all facades of the building with cedar boarding that accords with the approved drawing	6 Months	07/10/2019	05.10.2019 Appeal against Enforcement Notice.			
17/00042/CONSRV	7 Wenlock Terrace York YO10 4DU	CYC	14/08/2019	14/08/2019	Replacement of timber windows with upvc in conservation area	Remove the unauthorised upvc windows and relace wittimber framed windows to match the originals.	6 Months	13/10/2019	09.10.2019 Appeal against Enforcement Notice.			
16/00530/EXT	Whinney Hills Appleton Road Acaster Malbis	CYC	17.10.2019	17.10.2019	Unauthorised siting of two static caravans in field	Cease use of the land for residential purposes, remove all caravans, remove septic tanks, remove hardcore road.	6 Months	13.12.2019				18.11.2019
16/00185/PLANSH	Greensleeves, Lords Moor Lane, Strensall.	CYC	10.10.2019	10.10.2019	Construction of balcony not in approved plans	Remove the unauthorised balcony and associated debris or replace the balcony with a Juliet balcony to accord with that shown on the approved plans.	6 Months	03.12.2019				



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17/00557/E XTH	Kirk View 4 Church Lane Huntington York YO32 9RE	CYC	29/03/2018	04/04/2018	Unauthorised rear dormer window	1. Remove the unauthorised dormer. 2. Make good the roof following removal of the dormer. 3. Remove all resultant building materials and debris from the Land.	2 Months	23/05/2018	24/05/2018 Appeal against Enforcement Notice dated 29 March 2018. Determined 04/02/2019.			23/07/2019
16/00467/C ONSRV	Three Little Birds (York) Llp 8 The Crescent York YO24 1AW	CYC	11/12/2018	11/12/2018	Removal of a chimney in a Conservation Area without consent	Reinstate the chimney stack to the gable of 8 The Crescent to match its former state using the original bricks removed as part of the unauthorised works or if they are no longer available bricks of matching size colour and appearance to the former bricks.	3 Months	25/01/2019	20/01/2019 Appeal against Enforcement Notice. Appeal dismissed on 10 July 2019.			
18/00704/LB UILH	The Judges Lodging 9 Lendal York YO1 8AQ	CYC	21/12/2018	21/12/2018	Unauthorised erection of sheds and bar around the tree	1. To permanently remove the wooden structure and seating area, bar and wooden structure and seating area, bar and wooden sheds from the land edged red on the attached Plan. 2. To make good any damage caused to any part of the Listed Building on removal of the items listed in.	2 Months	28/01/2019				10/01/2019

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15/00481/PLANS	11 Top Lane Copmanthorpe York YO23 3UH	CYC	24/03/2017	24/03/2017	Rear dormer extension not in accordance with plans	i) Remove the unauthorised dormer from the Land and ii) Make good the roof to the dwelling on the Land	4 Months	17/05/2017				09/04/2019
15/00426/A DV	Stylo Barratt Shoes Ltd 1 - 2 St Sampsons Square York YO1 8RL	CYC	18/05/2017	19/05/2017	Unauthorised lighting	A. Removal of the unauthorised i) fascia signs ii) hanging signs iii) fixings including lighting apparatus illuminating the fascia signs iv) vinyl from the first floor windows. B. Make good any damage caused to the fabric of the building as a result of the removal of the unauthorised signs, vinyl's and fixings referred to in A) above.	2 Months	13/07/2017				29/12/2017
15/00115/N OCON	Broadway Post Office And Newsagents 44 Broadway York YO10 4JX	CYC	18/07/2017	18/07/2017	Unauthorised ramp and shutter	1 Remove the external shutters and associated housing and fixings from the land. 2 Make good any resultant damage to the fabric of the building following their removal.	2 Months	05/10/2017				17/01/2018
16/00296/LB UILD	Sutlers Bar And Restaurant 54 - 56 Fossgate York YO1 9TF	CYC	09/08/2017	10/08/2017	Unauthorised menu boards, cigarette ash boxes and a light fitting over the Fossgate entrance of Listed Building	(1) remove the light and fitting situated above the door at 30 Pavement; (2) remove the camera and fittings situated on the fascia at 54-56 Fossgate; (3) remove the light and fittings situated above the door at 54-56 Fossgate; (4) remove the two cigarette ash boxes situated on the Fossgate elevation of the building and (5) make good any resultant damage to the fabric of the building caused by the removal of the unauthorised fittings.	3 Months	04/10/2017	02/10/2017 Appeal against Enforcement Notice. Determined 06/07/2018/			30.04.2019

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14/00527/COU	Bumper Castle Inn Wigginton Road York YO32 2RJ	CYC	15/08/2017	15/08/2017	Unauthorised hand car wash in car park of premises now trading as The Brew and Brisk	<ol style="list-style-type: none"> <li>1. Cease the use of the Car Park for the washing and valeting of vehicles.</li> <li>2. Cease use of the Car Park for the siting of a shipping container, a portable building and a portable toilet used in association with the washing and valeting of vehicles.</li> <li>3. Remove from the Land the shipping container, the portable building and the portable toilet used in association with the washing and valeting of vehicles in compliance with (2) above.</li> <li>4. Remove from the Land all materials, machinery, equipment and installations which are related to the use for washing and valeting of vehicles in compliance with (1) above.</li> </ol>	3 Months	20/06/2018	08/03/2018 Appeal against Enforcement Notice. Determined 20/06/2018.			27/09/2018
16/00423/NOCONS	Crabtree Farm York Road Deighton York YO19 6ES	CYC	06/10/2017	06/10/2017	Unauthorised heliport facility, including maintenance, sales and tuition/	<ol style="list-style-type: none"> <li>(1) Permanently cease the use of any part of the Land for the mixed use (and any component of the mixed use identified at 3(a));</li> <li>(2) Permanently remove the hardstanding (within the area shaded grey on the plan) from the Land;</li> <li>(3) Permanently remove the building (marked 1 on the plan) from the Land;</li> <li>(4) Remove all machinery, paraphernalia, equipment and vehicles associated with the mixed use identified at 3(a) from the Land;</li> <li>(5) Remove the two portable buildings marked A and B from the Land; and</li> <li>(6) Return the Land to its condition before the breach took place.</li> </ol>	6 Months	30/10/2018	06/11/2017 Appeal against Enforcement Notice/ Determined 30/10/2018			

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15/00226/E XTH	7 Fletchers Croft Copmanthorpe York YO23 3YE	CYC	18/03/2016	18/03/2016	Construction of 6' boundary fence in open plan gardens	1) Reduce the height of that part of the said timber fence and all its posts that are situated within a distance of 2 metres of the highway known as 7 Fletchers Croft (in the approximate position marked between points A and B on the attached plan 2) to a height of not greater than 1 metre above ground level. 2) Remove from the Land all waste materials arising from compliance with step 1) above.	3 Months	03/05/2016				10/02/2017
12/00265/C OND	45 Bransholme Drive York YO30 4XN	CYC	02/08/2016	02/08/2016	Breach of condition 5 11/02415/FUL requiring side window to be obscure glazed.	Comply with the stated condition by: Removing the unauthorised clear glazed opening first floor side window and replacing said window with a window that is fixed shut and obscure glazed to a standard equivalent to level 3 on the Pilkington Scale.	90 days	02/08/2016				16.10.2019
16/00010/E XTH	37 Green Lane Acomb York YO24 3DA	CYC	09/11/2016	11/11/2016	fence higher than 1 metre	Reduce the height of the wall to one metre above ground level.	2 Months	05/01/2017				02/03/2017

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14/00231/E XT	Motor Vessel Till Clementhorpe York YO23 1AN	<b>CYC</b>	19/02/2015	19/02/2015	Erection of metal posts and timber fencing infills over 1m in height adjacent to Terry Avenue, to enclose a hardstanding area where boat MV Till is moored	(I) Remove the unauthorised close boarded timber fence, garden pots and other garden accessories associated with the unauthorised change of use of the land: and (ii) cease use of the land as a garden.	2 Months	16/04/2015				07/05/2015
15/00079/LB UILD	Gerrard 3 New Street York YO1 8RA	<b>CYC</b>	04/08/2015	05/08/2015	Unauthorised sign fitted to Grade 2* listed building	Effect the removal of the sign that has been affixed by screws into the brickwork of this Grade 2* Listed Building in contravention of section 9 (1) of the Planning (Listed Buildings and Conservation Areas ) Act 1990,	3 Months	29/09/2015				03/05/2016

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10/00545/LB UILD	3 Low Ousegate York	<b>CYC</b>	07/01/2014	07/01/2014	Listed Building internal works taking place and outside painting.	Remove the unauthorised fascia sign, vinyl letters attached to the window at low level and the hanging sign, and make good any damage caused to the Listed Building by the removal of the unauthorised signs.	2 Months	04/03/2014				07/08/2014
13/00230/N OCONS	17A Hull Road York YO10 3JL	<b>CYC</b>	14/01/2014	14/01/2014	Alterations to shop front	1. Remove the unauthorised projecting box and timber cladding from the shop front. 2. Make good any damage caused by the removal of the unauthorised development.	2 Months	11/03/2014				23/09/2014
12/00205/E XT	97 Chapelfields Road York YO26 5AB	<b>CYC</b>	02/04/2014	02/04/2014	Wall more than 6 ft high, painted white and leaning.	1) Reduce the height of the unauthorised front boundary wall to a height of one metre above ground level; and 2) Reduce the height of the boundary wall between 97 and 95 Chapelfields Road for a distance of two metres from the highway boundary to a height of one metre above ground level.	3 Months	26/05/2014				25/01/2016
13/00162/E XT	Eden Mobility 13 Hull Road York YO10 3JL	<b>CYC</b>	11/04/2014	11/04/2014	Erection of a canopy for cover of outdoor retail display.	Demolish the said unauthorised timber framed canopy with corrugated plastic roof and timber supports. Remove all items and debris arising from that demolition from the premises.	2 Months	20/05/2014				06/11/2014
13/00182/LB UILD	Salt And Peppers 19 Tanner Row York YO1 6JB	<b>CYC</b>	02/05/2014	02/05/2014	Unauthorised illuminated fascia sign to a listed building.	1) Remove from the Building the said internally illuminated fascia sign on the front elevation; 2) Remove from the Building the said seven internally illuminated advertisement panels below the illuminated fascia sign on the front elevation; 3) Remove from the Building the said two CCTV cameras on the front elevation and make good any damage caused to the Building by the installation and removal of the two CCTV cameras.	3 Months	11/06/2014				

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13/00320/EXT	Land At OS Field No 9122 Holtby Lane Holtby York	CYC	31/07/2014	31/07/2014	Change of use of the Land from an agricultural and forestry use and use for the importation and processing of timber to a mixed use. Erection of a dwelling house and other structures.	1. Cease the use of the Land for residential purposes; 2. Remove the dwellinghouse consisting of two portable structures (known as the green container and the white container) and an attached elevated corrugated roof from the Land; 3. Option A: Remove the said pitched roof building from the Land; or Option B: undertake the necessary works to the pitched roof building in order that planning permission reference 08/02294/FUL dated 19 November 2008 is completed in accordance with the approved plans and conditions related to that permission; 4. Remove the said dog runs from the Land; 5. Remove the said fence from the Land or reduce its height so that no part of the fence exceeds 2 metres in height; 6. Remove from the Land all rubble, materials, waste and debris resulting from compliance with steps 5.1 to 5.5 above;	12 Months	14/11/2016	26/09/2014 Appeal against Enforcement Notice. Determined 14/11/2016.			
12/00513/ADV	D And M Atherton Ltd 5 - 7 Nessgate York YO1 9NP	CYC	12/08/2014	13/08/2014	Unauthorised display of banner on listed building at corner of Coppergate.	The removal of the unauthorised fascia and vinyl signs. Any damage to the building caused by the removal of the signs and vinyl advertisements be made good.	3 Months	07/10/2014				23/09/2014
13/00228/COU	105 Newland Park Drive York YO10 3HR	CYC	21/11/2014	21/11/2014	Change of use from C3 dwellinghouse to 8 bedroom HMO (sui generis).	1) Cease the use of the Property as a large (sui generis) house in multiple occupation. 2) Return the Property to its authorised use as a single dwelling house (C3 use). 3) Remove all fixtures and fittings associated with the use as a large house in multiple occupation, including but not limited to all internal locks on bedroom doors.	6 Months	16/01/2015	15/01/2015 Appeal against Enforcement Notice. Determined 19/9/2015			30/11/2016

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11/00524/EXT	136 Boroughbridge Road York YO26 6AL	CYC	15/01/2013	15/01/2013	Erection of a child's play equipment in excess of 2m high to rear boundary fence - unauthorised use of amenity land		20/02/2013	20/02/2013				08/04/2013
12/00071/COU	87 Newland Park Drive York YO10 3HR	CYC	06/02/2013	06/02/2013	Unauthorised change of use to HMO exceeding Use Class C4	Cease the use of the Premises as a house in multiple occupation and revert its use to that of a single dwelling house	01/07/2013	14/03/2013	Appeal received 15/03/2013. Appeal decision 20/08/2013			17/10/2014
10/00177/LBUILD	102 Micklegate York YO1 6JX	CYC	14/06/2013	14/06/2013	Erection of roller shutter	(1) Remove from the Land the said external solid roller shutter to the shop front together with its associated housing and fittings. (2) Make good any damage caused by the removal of said external solid roller shutter to the shop front together with its associated housing and fittings	23/09/2013	23/07/2013				07/03/2014
12/00258/COU	34 Claremont Terrace York YO31 7EJ	CYC	14/06/2013	14/06/2013	Proposed change of use to HMO	Cease the use of the Premises as a house in multiple occupation and revert its use to that of a single dwelling house	01/09/2013	22/07/2013	Appeal received 02/07/2013. appeal decision 31/12/2013			07/11/2014
12/00556/EXT	Grasmere Villa 135 Osbaldwick Lane York YO10 3AY	CYC	19/06/2013	19/06/2013	Erection of fence and archway adjacent to the highway above permitted height	(1) Remove from the Land the timber fence and trellis and timber arch, together with all debris and waste materials arising from such action; OR (2) Reduce in height the timber fence and trellis and timber arch so that no part of their heights exceed 1 metre above ground level and remove from the Land all debris and waste materials arising from such action	25/09/2013	25/07/2013				23/06/2014
09/00294/PLANS	Os Field 2217 Usher Lane Haxby York	CYC	28/06/2013	28/06/2013	Mobile home not sited in accordance with plans (08/00355/FUL). Also engineering operations taking place without consent/	(1) Remove the single storey building from the Land. (2) Remove the concrete pallet from the Land. (3) Return the Land to its original condition and use, including and reseeding of the site	31/10/2013	31/07/2013	Appeal received 30/07/2013. Appeal decision 16/12/2013.			07/08/2017
12/00203/CON	36 Gay Meadows Stockton On The Forest York YO32 9UJ	CYC	13/09/2013	16/09/2013	Non Compliance with 10/02071/FUL, condition 3 re surfacing of the drive	Completing the surfacing in the front garden of the Land	16/11/2013	11/10/2013				11/10/2013
13/00211/COU	Infinity Ltd 88 - 96 Walmgate York YO1 9TL	CYC	04/10/2013	05/10/2013	Change of use to public car park	(1) Cease the use of the Land as a car park/ (2) Remove the Land all pay meters and signs associated with the use of the land as a car park/ (3) Remove from the Land the metal fencing that is in the approximate position shown by a red line on Plan 2	11/12/2013	11/11/2013				13/01/2014



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10/00020/EXT	238 Strensall Road York YO32 9SW	CYC	15/02/2012	15/02/2012	Unauthorised erection of two storey outbuilding	(1) Demolish the unauthorised dwellings. (2) Remove from the Land the fuel tank and associated piping. (3) Remove from the Land all rubble and materials. (4) Reinstate the Land to its condition before the unauthorised development took place	21/09/2012	21/03/2012	Appeal received 20/03/2012. Appeal decision 18/10/2012			01/05/2014
12/00154/NO CONS	OS Field 1600 Hull Road Kexby York	CYC	30/03/2012	30/03/2012	Siting of a residential caravan in OS Field 1600	(1) Remove from the Land the static caravan and touring caravan referred to, together with any associated domestic items and any physical support for the said caravans. (2) Remove from the Land the hardcore. (3) Remove from the Land the fence. (4) Stop using any part of the Land for the stationing of any caravan for residential purposes	04/08/2012	14/05/2012				20/12/2012
09/00591/CO ND	House Of James Stamford Bridge Road Dunnington York YO19 5LN	CYC	10/04/2012	10/04/2012	Breach of condition 6 of 01/03380/FUL - removal of temporary car park	(1) Remove all hard surfacing from that part of the Land Shown edged red on plan 2. (2) Remove from the Land all the rubble and materials resulting from step (1). (3) Stop using that part of the Land shown edged red on plan 2 for the parking of vehicles	16/11/2012	16/05/2012	Appeal received 11/05/2013. Appeal decision 28/03/2013			28/03/2013
08/00460/NO CONS	Ivy Cottage 24 Main Street Wheldrake York YO19 6AF	CYC	17/05/2012	17/05/2012	Fairground ride being stored in back garden.	(1) Remove from the land the fairground equipment and apparatus	22/08/2012	22/06/2012				20/09/2012
10/00103/EXT	The Market Garden Eastfield Lane Dunnington York YO19 5ND	CYC	18/05/2012	18/05/2012	Unauthorised erection of pig houses	(1) Demolish the two pig housing units. (2) Remove from the Land all the rubble and materials resulting from step (1). (3) Reinstate the Land to the condition which prevailed immediately before the carrying out of the unauthorised development	25/01/2013	25/09/2012	Appeal received 19/06/2012. Appeal decision 25/09/2012			
11/00148/LB UILD	Frances Hilary Ltd 35 Stonegate York YO1 8AW	CYC	21/06/2012	21/06/2012	Unauthorised erection of illuminated signage on Listed Building	(1) Remove the said two timber panels with attached vertical lettering stating "HAUNTED" together with associated chain fixings. (2) Restore the Building to the condition that prevailed immediately before the carrying out of unauthorised works referred to in the second schedule	27/09/2012	27/07/2012				05/10/2012

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11/00317/EXT	Mount Pleasant Site Office Oak Avenue Acaster Malbis York YO23 2UN	CYC	07/08/2012	07/08/2012	Unauthorised erection of wall adjacent to highway exceeding 1 Metre high.	(1) Reduce to a maximum of 1 metre in height the walls together with their piers and copings referred to in paragraph 3 above so that no part of them exceed 1 metre in height above ground level. (2) Remove from the Land all rubble and materials resulting from compliance with the requirement (1) above	11/09/2012	11/09/2012	Appeal received 04/09/2012. Appeal decision 14/03/2013			
09/00549/LB UILD	Mala Carpets 35 Micklegate York YO1 6JH	CYC	05/09/2012	05/09/2012	Installation of suspended ceiling without LBC on ground floor/ Currently trading as Amplifon Ltd/	(1) Remove the suspended ceiling referred to in the second schedule. (2) Make good any damage caused by the installed and / or removal of the suspended ceiling referred to in the second schedule	15/04/2013	15/10/2012				07/05/2015
12/00001/CO ND	134 Boroughbridge Road York YO26 6AL	CYC	26/10/2012	26/10/2012	Failure to comply to approved planning conditions ref no: 11/02339/FUL/ Conditions 8 and 13	(1) Submit to the Local Planning Authority for written approval full details of the layout of the parking spaces and circulation arrangements within the front forecourt of the application site, including measures to prevent pedestrian/vehicular conflict (condition 8). (2) Submit to the Local Planning Authority for written approval full details of the cycle parking areas, including means of enclosure (condition 13)	25/11/2012	26/10/2012				10/02/2017

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09/00247/NO CONS	Land To The West Of B1363 Proposed Erection Of Mobile Home Sutton Road Wigginton York	CYC	14/01/2011	15/01/2011	Unauthorised siting of residential caravan	(1) Remove from the Land the said static caravan together with any associated domestic items plus any physical support for the said caravan. (2) Stop using any part of the Land for the stationing of any caravan for residential purposes	04/02/2011	04/08/2011				17/01/2014
08/00588/CO U	The Lord Nelson 9 Main Street Nether Poppleton York YO26 6HS	CYC	01/06/2011	01/06/2011	Siting of caravans for residential use to rear	(1) Permanently cease using any part of the Land for storage of more than ten caravans at all and any time and only park those caravans on the area outlined in red on the attached Plan B in accordance with the planning consent granted by the Council of the Borough of Harrogate dated 3 June 1988 under application reference No.6.116.18.D.PA. (2) Permanently cease residential use of those caravans that are stored lawful on the Land. (3) Permanently cease using any part of the Land for the parking and residential use of mobile homes.	06/09/2011	06/07/2011				22/08/2011
10/00279/NO CONS	The Chinese Medical Centre 85 Clarence Street York YO31 7EL	CYC	28/06/2011	28/06/2011	Installation of exterior metal roller shutter and housing	Remove from the land the said external solid poller shutter to the shop from together with its associated housing and fittings	03/10/2011	03/08/2011				12/03/3012
10/00525/LB UILD	Berties 68 Gillygate York YO31 7EQ	CYC	05/08/2011	05/08/2011	Installation of silver finished swan-neck lights attached to the brickwork above the fascia	(1) Remove the said four swan necked lights on the front elevation of the building together with associated brackets, fixings and cabling. (2) Remove the said two spot lights to illuminate the hanging sign on the front elevation of the Building together with associated brackets, fixings and cabling. (3) Remove the said flag holder on the front elevation of the Building together with associated brackets and fixings. (4) Restore the Building to the condition that prevailed immediately before the carrying out of the unauthorised works referred to the second schedule	12/12/2011	12/09/2011				12/03/2012

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09/00351/ADV	91 Micklegate York YO1 6LE	CYC	05/08/2011	05/08/2011	Erection of an Internally Illuminated box sign on the main street elevation approx 2.1 metres by 1.8 metres in area without Advertisement Consent.	(1) Remove the said six swan necked lights on the front elevation of the building together with associated brackets, fixings and cabling. (2) Remove the said plastic, projecting, internally lit box sign on the front elevation of the building together with associated brackets, fixings and cabling. (3) Restore the building to the condition that prevailed immediately before the carrying out of the unauthorised works referred to the second schedule.	11/11/2011	12/09/2011				21/12/2012
10/00555/EXT	29 White House Dale York YO24 1EB	CYC	01/12/2011	01/12/2011	5ft high shed in front garden	that part of the fence referred to ab	12/04/2012	12/01/2012				29/01/2013
09/00433/COU	92 Tadcaster Road Dringhouses York YO24 1LT	CYC	15/12/2011	15/12/2011	Change of Use from residential dwelling to Bed and Breakfast.	Cease the use of more than any two bedrooms of the building referred to in paragraph 3 of the notice for the guesthouse and/or bed and breakfast	02/05/2012	02/02/2012				30/05/2018

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09/00102/LB UILD	Railway Station Station Road York	CYC	04/02/2010	04/02/2010	Replacement of retail unit - not mobile/	(1) Remove from the said building the Starbucks retail kiosk and all associated fixtures, fittings and cabling referred to in the second schedule above. (2) Resort the said building to the condition that prevailed immediately before the carrying out of the unauthorised works	14/01/2011	18/03/2010	Appeal against Enforcement notice received 19/03/2010. Appeal determined 14/07/2010			21/06/2012
06/00122/EXT	The Bungalow York Road Naburn York YO19 4RR	CYC	25/03/2010	25/03/2010	Unauthorised erection of a building to the rear of The Bungalow	(1) Dismantle the said pre-fabricated double garage. Time for compliance: within 6 months after the date on which this notice takes effect. (2) Demolish the said concrete base. Time for compliance within 7 months after the date on which this notice takes effect. (3) Remove from the land the said pre-fabricated double garage and concrete base and all other building and construction materials, rubble, waste and debris arising from requirements 5 (1) and (2)	29/10/2010	30/04/2010				16/12/2011
09/00149/NO CONS	Double Dutch 72 Clarence Street York YO31 7EW	CYC	26/03/2010	26/03/2010	Shop re-opened having put metal shutters up without consent.	Remove from the Land the said external solid roller shutter to the front together with it associated housing and fittings.	08/08/2010	08/05/2010				11/05/2011
10/00006/CO U	M V Gringley Fulford Reach Mooring St Oswalds Road York	CYC	29/03/2010	29/03/2010	Change of use of land adjacent to residential riverboat for mixed use comprising purposes ancillary to the permanent residential occupation of an adjacent riverboat	Discontinue the use of the Land for the storage of vehicles, sheds, timber, rope, doors, items, equipment and materials. (2) Remove from the Land all the vehicles, sheds, timber, rope, doors, items, equipment and materials referred to in 5 (1) above.	28/05/2010	10/05/2010				

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09/00566/CO U	157A Gale Lane York YO24 3AG	CYC	28/09/2010	28/09/2010	Change of use of front garden to car parking area for adjacent shop	Stop using that part of the Land shown hatched blue on the attached Plan B for use as a car park for commercial premises at 155-157 Gale Lane, York and remove all car parking signs relating to that use from the Land. (2) Reduce to a maximum of 1 metre in height that part of the fence that frontage the highway know as Gale Lane on the Land and which is in the approximate position shown by a green line on the attached plan B. (3) Remove from the Land the said hard surface save in accordance with permitted development rights in the Town and Country Planning (General Permitted Development) (Amended) (No.2) (England) Order 2008.	05/11/2010	05/11/2010	Appeal against Enforcement notice received 04/11/2010. Appeal determined 03/03/2011			12/03/2012
08/00614/LB UILD	Johnson Cleaners Uk Ltd 5 Low Ousegate York YO1 9QX	CYC	22/10/2010	22/10/2010	Stone cat been removed from wall of listed building	Reinstate the said black painted ornamental cat to the position from which it was removed by reattaching it to the existing brackets on the exterior wall between the second floor windows of the northern elevation of the said building	30/02/2011	30/11/2010				20/06/2011

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06/00286/CO ND	Stack Yard Black Dykes Lane Upper Poppleton York YO26 6PT	CYC	06/02/2009	07/02/2009	Breach of condition regarding use of unauthorised workshop. Breach of condition 3 of application 00/01683/FUL	(1) Cease carrying out works or repairs to vehicles on the Land. (2) Remove from the Land all machinery, equipment and materials used in connection with carrying out works or repairs to vehicles	20/06/2009	20/03/2009				02/10/2009
08/00404/CO ND	Moor Farm Moor Lane Bishopthorpe York YO23 2UF	CYC	28/04/2009	29/04/2009	Breach of Condition 7 of Planning Application 05/02521/FUL	(1) Erecting the cycle enclosure in accordance with the approved plans 2005/05/08D and 2005/05/09c for Planning Approval 05/02521/FUL condition 7.	21/08/2009	21/08/2009				20/07/2009
08/00415/NO CONS	Minster Hotel 58 Bootham York YO30 7BZ	CYC	30/04/2009	01/05/2009	Unauthorised installation of air conditioning units	Remove from the Land the said external air conditioning unit and its associated housing and fixings	09/09/2009	09/06/2009				29/06/2012
07/00476/LB UILD	Ali G Pizza 11 Tower Street York YO1 9SA	CYC	30/04/2009	01/05/2009	Works to listed building	(1) Remove from the Listed Building and the Land the following: (i) The said single storey wooden extension with corrugated iron roof and any associated supports and fixings. (ii) The said side boundary fence attached to the Listed Building and any associated supports and fixings. (2) Remove from the Land any waste materials and rubble caused by compliance with steps 1(i) and 1(ii) above. (3) Restore the building to the condition that prevailed immediately before the carrying out of the unauthorised works	09/09/2009	09/06/2009				11/01/2010
08/00605/EXT	47 Thirkleby Way Osbalwick York YO10 3QA 47 Thirkleby Way Osbalwick York YO10 3QA	CYC	29/05/2009	29/05/2009	Outside staircase to the rear of the property, to a flat above.	(1) Cease the use of the Land as a C4 House in Multiple Occupation (2) Return the Land to its authorised use as a single dwelling house (C3 use) (3) Removal all fixtures and fittings associated with the use as a C4 House in Multiple Occupation, including but not limited to, all internal locks on bedroom doors	08/01/2010	08/07/2009				29/06/2012
07/00358/CO ND	Site To Rear Of 22 To 24 Mount Vale Drive York	CYC	23/06/2009	25/06/2009	Failure to surface drain and seal access (condition 11 on decision ref no 03/01091/FUL)	Surfacing, sealing and positively draining within the site the initial 10 metres of vehicular access measured for from the back of the public highway	25/10/2009	23/06/2009				20/07/2009

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08/00439/EXT	11 Farmlands Road York YO24 2UA	CYC	07/08/2009	07/08/2009	1.8 - 2 metres high fence adjacent to public highway, no application for planning permission received.	(1) Reduce to a maximum of 1 metre in height that part of the said fence which frontages the highway known as Farmlands Road and which is shown running between points marked B and C on the attached plan B. (2) Reduce to a maximum of 1 metre in height that part of the said fence for a distance of 1 metre when measured from point C on the attached plan B along the side boundary with 9 Farmlands Road, York to point D on the attached plan B. (3) Reduce to a maximum of 1 metre in height that part of the said fence which runs for a distance of 1 metre when measured from point B on the attached plan B along the side boundary with 132 Wains Road, York to point A on the attached plan B	11/12/2009	11/09/2009	Appeal recieved 16/09/2009/ Appeal determined 14/12/2009			11/06/2010
08/00266/LB UILD	28 Micklegate York	CYC	29/10/2009	30/10/2009	Illuminated unauthorised signs and external lights	1. Remove the pelmet light and two cigarette bins together with associated cabling and fixings. 2. Restore the building to the condition that prevailed immediately before the carrying out of the unauthorised works.	04/03/2010	04/12/2009				25/11/2009
08/00519/LB UILD	Crabtree And Evelyn Ltd 7 St Helens Square York	CYC	29/10/2009	30/10/2009	Air Conditioning Unit on roof. Clearly visible from St Helens Square harming the appearance of the Listed Building and Conservation Area.	(1) Remove from the building the external air conditioned unit and all associated housing and fixings referred to in the Second Schedule above. (2) Restore the building to the condition that prevailed immediately before carrying out of the unauthorised works.	04/03/2010	04/12/2008				17/03/2010
07/00435/LB UILD	Ziggys Nightclub 53 - 55 Micklegate York YO1 6LJ	CYC	04/11/2009	04/11/2009	Advertising signs attached to building	Remove the projecting hanging sign and two spotlights together with associated brackets, fixings and cabling referred to in the second schedule above. (2) Remove the 12 downlighters on the dentil course of the front doorcase together with associated fixings and cabling referred to in the second schedule above. (3) Restore the building to the condition that prevailed immediately before the carrying out of the authorised works referred to in the second schedule above	11/06/2009	11/12/2009				10/01/2019



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06/00230/EXT	13 Barkston Close York YO26 5AX	CYC	08/12/2009	10/12/2009	Unauthorised erection of a extension to existing conservatory	<p>(1) Take down the said unauthorised extension that is shown hatched blue on the attached Plan B.</p> <p>(2) Reinstate that part of the building directly adjacent to the land edged blue on the attached Plan B in accordance with the drawings marked "ORIGINAL REAR ELEVATION", "ORIGINAL GROUND FLOOR PLAN" and "ORIGINAL ELEVATION TO NEIGHBOUR No14" on the attached Plan B.</p> <p>(3) Remove from the Land all building materials, waste and rubble arising from the requirements in steps 5 (1) and 5 (2) above.</p>	02/12/2011	02/02/2010				21/12/2009

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**Economy & Place Policy & Scrutiny  
Committee****11 March 2020****Make it York's Economic Development Priorities for 20/21****Introduction**

1. This paper invites the scrutiny committee to comment on the broad priority areas to be included in the Council's service level agreement (SLA) with Make it York (MIY) for 2020-21.
2. Following consideration by this committee, a report will be taken to a decision session of the Executive Member for Economy and Planning in April.

**Recommendations**

3. The committee is invited to provide feedback on the draft priority areas set out in paragraph 6.

**Background**

4. MIY was set up in 2015 with the aim of increasing the city's profile as a destination for living, visiting, studying, and doing business. The company was tasked with increasing business investment and visitor spend in the city and enhancing the profile of York's cultural offer. MIY's current business plan expresses this in four strategic priorities:
  - City positioning and profile-raising
  - Network-building and inward investment
  - Ensuring an exciting city-centre
  - Delivering the cultural strategy
5. A contract between the Council and MIY sets out the specification, service standards and funding arrangements. The current contract runs to 31 March 2021. Schedule 1 of this contract (often referred to informally as the SLA) is reviewed each year and sets out agreed priorities for the following year. These priorities are formally agreed by the relevant Executive Members and then form the basis of MIY's business plan.

## Priorities for 2020/21

6. The following priorities are proposed in the area of economic development:
- a) **Sector Development** – develop, in close consultation with key businesses, sector development plans setting out current and planned provision on:
    - Key account management, networking and communications
    - Business support, including on low carbon/sustainability and finance
    - Skills, apprenticeships and training
    - International trade & investment, including key markets, work with other regions and the DTI offer
    - Premises & infrastructure needs for the agreed priority sectors – Financial & professional services (including Fintech), Rail engineering, Digital & ITC, Biotech and scientific
  - b) **Business Support** – participate on behalf of the City in LEP business support programmes, and coordinate a broad business support network focussing on existing private sector providers with the aim of increasing uptake by York's businesses of independent and impartial business support.
  - c) **Inward investment, trade and exports** – with LEP, pan-northern and national agencies, respond to inward investment enquiries, and promote trade and export, keeping CYC fully informed of developments.
  - d) **Business events** – develop and deliver a programme of business events, including an annual York Business Week, that enable York businesses to come together and be kept abreast of latest developments.
  - e) **Support the Council's Economic Growth Team to develop the York Economic Strategy** - respond to the needs of businesses and residents in the City of York Council.
  - f) **City Narrative** – in conjunction with CYC and the appointed agency, promote the City Narrative project with city leaders, working closely with the CYC Communications and Economic Growth Teams, building understanding across the city of the

toolkit and narrative filter, and growing its capacity to provide leadership to the project in the future.

g) **Markets** – manage the markets for the Council in line with the Market Charter. Run a stakeholder process, to be approved by the Executive Member for Economy and Strategic Planning, to produce an ambitious vision for the market to make it a high quality destination for local residents and visitors, to be taken back to the Executive Member for Economy and Strategic Planning - together with a business case for any associated investment, to be fed into the My City Centre initiative.

7. In addition to these priorities, three priorities will be proposed in the area of culture. These concern leadership of the cultural strategy, development of an events strategy, and developing an arrangement with city partners for hosting the Unesco designation focal point.

### Next Steps

8. Once these broad areas are agreed they will be written up into reports for April decision sessions for the respective Executive Members and will be enshrined in MIY's business plan going to the Shareholder Committee.

### Contact Details

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Report Approved  Date 03/03/20

Wards Affected:

All

For further information please contact the author of the report

Background Papers: None

Annexes: None

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**Economy & Place Policy and Scrutiny Committee****11 March 2020**

Report of the Assistant Director of Regeneration Economic Growth and Asset Management

**York Guildhall Project****Summary**

1. The Economy and Place Scrutiny Committee have been asked by the Customer and Corporate Services Scrutiny Management Committee (CSMC) to review the project status reporting for the Guildhall project, expressing CSMC's concern that the October 2019 Green rating did not accurately reflect the project status at that time.
2. The purpose of this report is to review the project governance and risk management arrangements for the delivery of the project which inform the project reporting.

**Background**

3. Securing the future of the Guildhall is one of the Council's Major Projects being delivered by the Regeneration team within the Economy and Place Directorate.
4. The project was initiated in July 2013 when the council's cabinet agreed funding to undertake project feasibility work. Since that time, project progress has been reported to Cabinet / Executive at key project stages with approval to progress to the subsequent stage being given in each case. The Executive decisions relating to the project are set out at annex A.
5. The most recent Executive decision in February 2019 confirmed the budget and granted approval to deliver the project.

**Governance**

6. Delivery of the project in accordance with the Executive approval is governed by the Project Board, chaired by the Corporate Director of Economy and Place. Project Board membership is set out at annex B.

7. At monthly Board meetings project progress is reported by the project manager, with all current and future workstreams considered in the context of delivery against the agreed project parameters and programme. The Board monitors the project budget and project risks, providing strategic direction to the project manager in accordance with Executive approvals.

### **Project Risks**

8. A project risk register has been maintained throughout the project. This reflects both risks specific to the construction works and the wider project risks relative to delivery of the key project outcomes, as identified in the highlight reports.
9. The project team has undertaken risk workshops at key project stages facilitated by the project cost consultant Turner Townsend. The project risk register is aligned to the council's corporate format with the key risks identified in the corporate highlight report. The risk register is reviewed at board meetings.
10. The current recent risk register highlighting the key risks relating to the construction phase is attached at annex C.

### **Project Reporting**

11. There is detailed reporting to the project board each month on all aspects of the project; the project manager's report includes:
  - a summary progress report,
  - activity log – recording actions in the period and planned future actions
  - exceptions log - recording issues where they arise and planned mitigating action where necessary / appropriate
  - budget / cost update
  - programme update
12. The monthly highlight reports are prepared by the project manager in accordance with the Council's corporate project management approach.



The most recent report (Feb 2020) is attached at annex D.

13. In accordance with the Council's corporate project management approach all the individual project factors listed below are considered, and rated, but the overall status is a summary, on balance, rating.

Scope	Quality	Costs	Resources	Financial Benefits	Non Financial Benefits	Tasks & Milestones	Risks	Issues
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### **Previous reporting status**

14. A summary of the overall project status over time is set out in the table at annex E. The table confirms that the project RAG status has varied overtime in response to the many challenges experienced in delivering this complex project.
15. The highlight reporting sequence over the period January 2018 to February 2019 clearly demonstrates that the corporate reporting of project status accurately reflected the actual project status / situation at that time. It shows the different risk profiles as the project evolved: from approval to deliver in March 2017; through the failure of the previous procurement exercise to secure a price for delivering the project within budget; the contract was termination and the period where the works were revised and retendered leading to the February 2019 approval.

### **Current Project Progress**

16. The project is currently in the construction phase with work in progress on site. The end of February marks week 24 of a 77 week programme.
17. The Executive approval of February 2019 set the project scope and budget. Accordingly the overall project status was reported as green as at March 2019.
18. Over the period April to July activity was focussed on concluding due diligence with the construction contractor, prior to entering into contract to ensure all contract risks were minimised. The project board were rigorously monitoring progress in relation to the signing of the contract. The contract was signed in August confirming the ability to deliver the project in accordance with the Executive approval, with the project highlight report recording green status. The 77 week works contract commenced on 16 September 2019.

19. Issues were highlighted in the September report as 'at risk', relating to securing a construction access agreement with a neighbouring property. These were not affecting the critical path or overall project delivery at that time.
20. The Project Board had confirmed the overall programme with respect to the construction contract start date with reporting against this for the October 2019 Highlight report. At this time further issues were recorded, relating to discovery on site of a structural arch in the north annex tower wall below ground. This impacted the assumptions for the underpinning design and required a revised approach. The likelihood of unforeseen / structural risks was a key project risk and was accounted for in project contingency. The issues were worked through in accordance with the agreed mitigation. Some delay / additional cost was anticipated and board were aware that the overall status remained green.
21. Further issues were reported in November relating to new structural discoveries complicating the re-design. However, these remained within the scope of the risks identified in the risk register and agreed mitigation actions were implemented. Delay was estimated but not confirmed at 3-5 weeks. Any extension of time under the contract requires a formal determination by the contract administrator, based on a formal submission from the contractor. A delay of this order would not necessarily impact the completion and opening of the refurbished complex where there is some programme float to accommodate this and the contractor may also be able to mitigate the delay so as to avoid impacting on the proposed opening / first use of the completed project. Accordingly the overall status remained green.
22. By December further issues with river levels affecting the timing of the crane erection and further risks were highlighted in reporting although at that stage still the overall impact was being actively managed. As we moved into January the erection of the site crane was achieved representing a key project milestone and the revised underpinning work progressed well. Issues were recorded but progress was improved.
23. Unfortunately February has brought further issues and timescale problems with completion of the underpinning work – obstructions to pile driving and exceptional weather events with high river levels impacting the river logistics (muck removal from site by barge)
24. The March reporting will reflect the impact of these issues and put in place mitigations to address the specific and overall contract risks. The

overall status will still be an on balance view across all factors which will be agreed at the Project Board.

### **Summary**

25. Highlight reports for the Guildhall project over the period January 2018 to March 2019 demonstrate the validity of the overall RAG rating where the failure of the previous procurement exercise and termination of the contract resulted in Red RAG rating. Following the re-tender and Executive approval of the revised scope and budget in February 2019 the overall status was 'reset' to Green in March 2019.
26. Over the period Oct 2019 to Feb 2020 issues, risks and timescales have been recorded as being Amber 'at risk', although the overall, on balance, rating was still Green. This is because the specific issues / areas of concern were being actively managed and were anticipated in the project risk register with planned mitigation.
27. The combination of current and ongoing issues is being actively managed. The majority of issues were anticipated in the project risk register; the structural unknowns, underpinning and high river levels, and mitigation measures and contract contingency were included. However, in combination the overall magnitude and extent may now impact on the overall rating.

### **Recommendation**

28. Members are asked to note the contents of this report and also note the role of the Audit and Governance Committee in monitoring the risks associated with major projects.

Reason: To help Members understand how the Guildhall project is being delivered.

### **Contact Details**

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**Chief officer responsible for this report**

Neil Ferris  
Corporate Director of Economy and Place

Report Approved  Date 02/03/2020

Wards Affected: Guildhall

All

For further information please contact the author of the report

**Annexes and background papers:**

Annex A: - Executive reports / decision history

Annex B: - Guildhall Project Board membership

Annex C: - Project risk register

Annex D: - Feb 2020 highlight report

Annex E: - Highlight reporting overall project status summary 2017 - 2020

**Cabinet / Executive reports :**

Cabinet July 2013 – scheme inception

Cabinet Dec 2014 – approval to proceed to detail design

Scrutiny call in January 2015 – comments to inform design development

Executive July 2015 – scheme review

Executive October 2015 – approval to proceed

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=8842&Ver=4>

Scrutiny – 13 June 2016 – comments to Executive

<http://modgov.york.gov.uk/ieListDocuments.aspx?CId=144&MId=9420&Ver=4>

Executive – 14 July 2016 – approval to submit planning / LBC applications

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=9303&Ver=4>

Executive March 2017 – Approval to deliver scheme

<http://democracy.york.gov.uk/documents/s113442/Development%20of%20the%20Guildhall%20Complex.pdf>

Executive May 2018 – The Development of the Guildhall Complex - Agreed requirement to revise and re-tender scheme

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=10198&Ver=4>

Executive Feb 2019 - Redevelopment Tender Evaluation & Project Business Plan Appraisal - – Approval of budget and delivery of revised scheme

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=11007&Ver=4>

## **Planning application links**

16/01971/FULM | Alterations and refurbishment of Guildhall complex to create conference rooms, meeting rooms and offices, refurbishment and part rebuild of existing south range to provide cafe and ancillary accommodation, and erection of extension on north side of complex to form restaurant and office accommodation | The Guildhall Coney Street York YO1 9QN

<https://planningaccess.york.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCD5KESJMZK00>

16/01972/LBC | Alterations and refurbishment of Guildhall complex to create conference rooms, meeting rooms and offices, refurbishment and part rebuild of existing south range to provide cafe and ancillary accommodation, and erection of extension on north side of complex to form restaurant and office accommodation | The Guildhall Coney Street York YO1 9QN

<https://planningaccess.york.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCD5LDSJMZL00>

**Guildhall Project Board Membership**

 <p>CITY OF <b>YORK</b> COUNCIL</p>	<b>Guildhall Project Board</b>
<p><b>Attendees:</b></p> <ul style="list-style-type: none"><li>• Chair – Corporate Director of Economy and Place</li><li>• Assist. Director of Regeneration Economic Development and Asset Management Head of Regeneration Programmes – (York Central and Guildhall)</li><li>• Guildhall Project Manager</li><li>• Head of Finance</li><li>• Senior Solicitor Legal Commercial Projects team</li><li>• Senior Communications Manager</li></ul>	
<p><b>Additional membership as required to advise</b></p> <ul style="list-style-type: none"><li>• Head of Commercial Property</li><li>• Project Team members by invitation</li></ul>	

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Annex C

Contents

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Quality check

Rev	Status	Prepared by	Checked by	Date	Issued to	Company	Transmission	Date
4	Update	Alex Hargreaves	Jon Marshall	26/Sep/17	Richard Stephenson	CYC	E-mail	02/Oct/19
5	Update	Alex Hargreaves	Jon Marshall	22/Jan/18	David Warburton	CYC	E-mail	02/Oct/19
6	Update	Lee Lawson	Alex Hargreaves	10/Jan/19				
7	Update	Alex Hargreaves	Draft	25/Sep/19				
8	Update	Alex Hargreaves	Draft	01/Oct/19				
9	Update - R1	Alex Hargreaves	Draft	02/Oct/19				

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## Section 1 - Risk Register

Ref	Category	Risk Description	Impact	Chance	Cost	Time	Risk Index	RAG	Mitigation
3	Planning	Failure to discharge planning and listed building conditions		2	1	1	2	Green	Design team and contractor to collate initial pack of information for discharge of conditions
4	Planning	Planning conditions impact on budget	Increase project budget	4	3	4	14	Red	Extent of conditions known and to be reviewed and managed
10	Legislation	Stats Electricity provider	Works to provide new supply are delayed / not in accordance with the programme to save having to provide a sub-station.	2	2	2	4	Green	Orders for the electrical services have been placed by CYC direct.
11	Legislation	Building Control Sign Off delay due to lack of resources	Revisit design to address concerns of building control	2	2	2	4	Green	Continue liaison with the BC Officer
12	Adjoining Owners	Impact of boat companies (City Cruises)	Impact delivery/ site servicing strategy.	2	1	1	2	Green	Legal agreements are in place
13	Adjoining Owners	Party wall negotiations & construction access	Objection from neighbours. Potential delay to programme	3	4	3	10.5	Amber	Appoint party wall surveyor and progress discussions with neighbouring parties
14	Procurement	Failure to secure market interest for restaurant	Restaurant not achieving appropriate tenant and long term revenue projections. Impact on project cost.	3	5	5	15	Red	Early engagement of agent for potential lettings. Sufficient expressions of interest
16	Procurement	Increased construction costs	Exchange rate on materials. Impact of international markets following political decisions.	3	3	3	9	Amber	Tender prices received and under review - Risk shall remain prominent where budget costs / provisional sums are included.
18	Procurement	Sub-contractor insolvency	Impacts Main Contractor	4	3	3	12	Amber	Contractor financial checks and subcontractor vetting to be carried out
20	Surveys	Surveys required to determine ground conditions/ contamination	Possible need to re-visit design / deal with contamination on site.	1	5	1	3	Green	GI survey undertaken, information obtained. Contamination results received. - Desk study provided by Arup
21	Surveys	Identification of active movement	Proven to be active, remediation impacts cost	1	5	5	5	Green	Ongoing monitoring by ARUP and Monitoring specification included within Contract documents for Contractor to follow.
22	Surveys	Unidentified archaeology	Further evaluation required. Cost impact	2	2	2	4	Green	Evaluation of site undertaken.
23	Surveys	Additional surveys required	Cost impact	1	1	1	1	Green	Undertake outstanding surveys
26	Programme	Unrealistic programme submitted by contractor		1	3	2	2.5	Green	Market tested
27	Programme	Programme delays; due to flood levels impacting construction	Works stop, cost and programme implications	6	5	3	24	Red	Review historic flood data, and issue to Contractor. Contingency plan to be developed.
29	Design	Delay to design programme	Client/ Contractor impact cost/ programme	3	3	3	9	Amber	Implementation of IRS schedules, design deliverables and clear responsibility for design
31	Design	Underpinning, piling and crack repairs to be considered	May resolve existing cracks and movement of the tower but other cracks may appear elsewhere that will require repairing.	3	5	5	15	Red	Detailed dilapidations surveys, crack monitors

Section 1 - Risk Register

Ref	Category	Risk Description	Impact	Chance	Cost	Time	Risk Index	RAG	Mitigation
32	Design	Discovering structural unknowns	Costs of additional surveys and remediation works.	5	4	3	17.5	Red	Undertake surveys early to determine unknowns. Allow suitable contingency for remediation. Biggest concerns being the tower underpinning and South Range
35	Services	Undetected services not identified on surveys and drawings	Programme/ re-design/ cost impact to address unknown	2	3	3	6	Green	Utilities surveys maps obtained and plotted on SGA drawings. Careful excavation / groundworks when on site.
40	Services	River source heat pump license approval by the Environment Agency; Refused	Delay in no approval from EA	1	4	5	4.5	Green	Provisional consent obtained. Continued dialogue required.
41	Materials	Sourcing stone for the purpose of remediation/ repair works	Quarry that stone exists from is closed. Impacts programme, and different stone requires further approval from Historic England and the planning authority	4	3	3	12	Amber	Investigate other quarries which supply the stone. Liaise with Historic England and the planning authority to have an alternative approved.
42	Construction	Structural damage and the repairs required to the tower	Finding the right solution to undertake the underpinning works	4	4	3	14	Red	Bullivants / Arup design and Vinci temporary works design to be reviewed in detail to mitigate any consequential delay.  Building monitoring systems and locations to be agreed.
48	Post contract	Outstanding defects remaining unresolved	CYC left with legacy issues and building defects which need resolving / impact on tenant occupation / satisfaction.	2	3	1	4	Green	Ability to resolve within the building contract. Use of retention.
50	Financial	Costs exceeds allocated budget (Non Construction costs)	Particular risks surrounding consultant fees, furniture / fit out works etc.	5	3	3	15	Red	Review the non construction costs prior to contract award and during the construction period.
51	Financial	Incorrect estimation, design errors and ambiguities	Construction cost overrun	3	3	3	9	Amber	Risk sits with CYC with the exception of CDP items
56	Construction	Availability of specialist labour / equipment	Change in specification / need to appoint specialists / commission bespoke works	3	3	3	9	Amber	Dialogue with main contractor & supply chain
61	Design	Poor co-ordination with design team interfaces (contractor design portions)		2	3	3	6	Green	CDP requirements have reduced from initial intent - Regular meetings to be held with Vinci and Design Team to discuss CDP interfaces.
62	Adjoining Owners	Rights of Light		1	4	1	2.5	Green	Title Report does not identify any issues
64	Construction	Poor contractor performance during construction		2	5	4	9	Amber	Contract to be signed to protect client - performance bonds to be obtained.
66	Design	Unknown South Range structures	Risk of discovering old basement causing issues with piling proposals	4	3	3	12	Amber	
67	Design	Insufficient design detail from specialist CDP packages / slow to provide required detail	Impacts the sign off planning conditions / listed building consents etc. In particular pre-commencement conditions	3	1	3	6	Green	Regular design and planning condition reviews
70	River	Satisfying EA requirements	Incident occurring which stops the work and action required to resolve the issue. EA Prohibition.	1	5	4	4.5	Green	Waste management and compliance with the EA to ensure no environmental hazards

Section 1 - Risk Register

Ref	Category	Risk Description	Impact	Chance	Cost	Time	Risk Index	RAG	Mitigation
72	Design	Delay to design programme as a result of tenant/operator requirements (restaurant)	Operator changes impacting on cost / programme	3	3	3	9	Amber	Recovery of cost / time included within the Agreements for Lease should late or significant changes be made
73	Financial	Design changes (including client changes/ variations / EOT & loss & expense claims) and unforeseen items	Construction cost overrun	6	5	5	30	Red	Traditional contract - risk remains with CYC - Adequate contingency to be secured
75	Construction	Weather delays	Delay to programme - Wind, Temp, Rain	5	3	2	12.5	Amber	Contractor to provide impact through contract mechanisms
76	Design	Underpinning, piling and crack repairs to be considered to 3rd parties	Cracks may appear elsewhere. Remediation costs	2	5	5	10	Amber	Detailed dilapidations surveys, crack monitors Additional bore hole surveys indertaken, no foundatons / obstructions found albeit at relatively shallow depth. (near tower)
77	Surveys	Ground conditions - Borehole survey depth insufficient	Proposed piling designs impacted by this and require altering - Time & Cost impact	3	3	3	9	Amber	Bullivants / Arup to review surveys and confirm they are happy with findings.  Vinci to design piling to new structures and confirm site information held is adequate.
80	Design	Instability to boundary wall following demolition of garages	Structural works required (piers)	3	2	2	6	Green	Assessment of wall structure required - Scope of works to be determined
81	Surveys	Clashes between the existing building foundations and proposed drainage network. No information is available for the existing buildings therefore it has not been possible to co-ordinate the height of drainage to pass above/ under the existing foundation as required.	Co-ordination of drainage with foundations during construction. Cost impact.	3	2	3	7.5	Green	Trial holes could be undertaken to better understand the existing foundations. Drainage has been designed conservatively to allow for a level of contingency in the design if foundations impact drainage runs.
82	Surveys	Potential drainage clash with proposed lift shaft pits	Additional external drainage network	1	3	3	3	Green	Trial hole dug in the location and appears to be clear - risk to be reviewed again once demoliton of north annex is complete.
83	Financial	Billing omissions or Inaccuracies	Missing information within the BoQ resulting in time and cost increases	4	5	4	18	Red	T&T have carried out reviews of the BoQ
84	Financial	Additional works not covered by contract documents. Arising from opening up works / scope and extent of works greater than assumed etc.	Cost & programme	6	5	4	27	Red	Detailed change management process to be followed.
85	Design	Ongoing movement in the south range, given the removal of underpinning from the scheme	Underpinning works reinstated resulting in cost and time impact	2	4	4	8	Amber	Arup to monitor during construction works
87	Design	Design change due to level of development and coordination at the point of tender, for items such as North Annex chimney, retaining walls and stairs, and movement joints to existing structures	Impact on cost and programme - changes may delay construction activity / impact on sequencing resulting in EOT claims	2	2	3	5	Green	Coordination to be managed by design team as a priority - Design changes to retaining concrete wall has been instructed by CYC and should be underway by design team.
88	Design	Council chamber cooling to be approved	Revisit of design proposals - time and cost	2	3	3	6	Green	Design team to disucss with planning / conservation

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## Section 2 - Closed Risks

Ref	Category	Risk Description	Impact	Chance	Cost	Time	Risk Index	RAG	Time Impact	Probability	Movement Since	Mitigation	Critical Date	Ownership	Action/ Status	Risk Occurred?	Reason for closure
1	Planning	Planning permission is not granted	Impacts project programme/ cost and potentially impacts the lease of the restaurant	1	5	5	5	Green	Mths	5%	●	Respond to objections. Continued conversations with the local planning authority	10/Nov/16	Design Team	Objections raised. Amendments issued. Objection from Environment Agency, determination of minor/major to be agreed. Positive feedback from Historic England and recommended for approval. Expected to go to committee on 17th November.	Yes	Close as planning has now been graded.
2	Planning	Planning and listed building consent not granted to meet timescales in Programme	Impacts project programme/ Cost	3	4	5	13.5	Amber	Mths	35%	●	Respond to objections. Continued conversations with the local planning authority	30/Nov/16	Design Team	Response to objections.	Yes	Redesign works undertaken - Close as planning has now been graded.
5	Planning	Planning approval limits working hours	Impacts programme/ productivity on site	1	1	1	1	Green	Zero	5%	●	Inform Contractors of operational hours in prelims			8-6 Mon - Fri, 9-1 Saturday No bank holiday or Sunday working.		
6	Planning	Statutory approval impacts river deliveries - Permits with EA		2	5	4	9	Amber	Mths	15%	●	Early engagement with EA.		CYC / Contractor	Meetings held with EA and document issued. No adverse comment received to date. Awaiting EA Approvals.	No	Requested to close e-mail 01.10.19. T&T highlight that Floor risk activity permit received - licence for RWSHP still to be obtained.
7	Planning	Planning approval limits delivery times	May differ from hours of working.	1	1	1	1	Green	Zero	5%	●	Inform Contractors of delivery hours. Operational management plan to be submitted by the Contractor.			Obtain confirmed delivery working hours on pedestrian streets. Review site delivery strategy with planning and obtain confirmation		
8	Planning	BREEAM Rating. Achieve Very Good		1	3	1	2	Green	Zero	5%	●	Monitor design throughout design stages. Scheme registered, and deliverables agreed to achieve very good.			Obtain design and construction BREEAM sign off	No	CYC decision not to pursue BREEAM accreditation
15	Procurement	Failure to secure market interest from Stage 2 construction market		1	2	5	3.5	Green	Mths	5%	●	Main contractor on board and requirement of procurement strategy to obtain minimum of 4nr quotes.		CYC / Contractor	Contractor to follow procurement process and comply with client requirements to secure interest	No	Refers to old ECI works - no longer applicable
17	Procurement	Contractor insolvency	Re-tender works, novate contract. Impacts cost and programme	2	5	5	10	Amber	Mths	15%	●	Bond to be provided by the main contract (confirmed no PCG required) - Amendments include strict timescales for execution and financial consequences should they not be provided.		CYC / T&T	CYC & T&T to monitor and make sure the contractor provides these in a timely manner.	TBC	Requested to close e-mail 01.10.19. CYC informed that bond may not cover all costs should we need to call upon it.
19	Surveys	Surveys required to determine structural capacity	Increased Costs, re-address design may impact design programme	4	4	3	14	Red	Wks.	50%	●	Structural surveys undertaken but residual risk remains due to nature / age / complexity of the buildings	Ongoing	ARUP / Contractor	Arup to monitor and attend site as and when areas are opened up. Contractor CDP items in relation to structural works to be developed and signed off.		Requested to close e-mail 01.10.19. T&T highlight that further surveys may be required as we start to open up works and structures may be questioned.
24	Surveys	UXO Survey	£1,500 (approximate cost)	1	1	2	1.5	Green	Days	5%	●	Undertake a UXO survey.		Contractor	ICL to satisfy themselves of the risk		
25	Surveys	Access for surveys	Delayed access, potential re-visits	1	1	3	2	Green	Wks.	5%	●	Co-ordination for survey access. Programme for survey access			Agreed fit out dates to be detailed in the Agreement for Lease/ Contract		
28	Programme	Tenant requires early access for fit out	Accelerated construction required	1	3	2	2.5	Green	Days	5%	●	Agreed fit out dates to be detailed in the Agreement for Lease/ Contract			Early contractor engagement for specialist knowledge.		
30	Design	Weight limit to be determined; when lifting from a pontoon & crane system.	Delay to design / programme as solution cannot be achieved	3	4	4	12	Amber	Mths	35%	●			Contractor	Contractor to assess this		
33	Services	Connection to existing below ground drainage	Cost and installation of new drainage	4	3	2	10	Amber	Days	50%	●	CCTV survey undertaken. Remediation to blockage in drains to be rectified.		ARUP	Further investigations arranged Dec 17- Arup have provided a sketch (YGH-ARP-ZZ-ZZ-SK-CD-0007) highlighting the areas in which additional survey information is required. This information will further develop our understanding of the existing drainage strategy on site and confirm our proposed outfall location is appropriate.	No	Survey work undertaken at start of 2018 which identified outfall locations
34	Services	Increase ground source heat pump and services connection to combat thermal mass		1	3	5	4	Green	Mths	5%	●			SGA Consulting	SGA to update application with Environment Agency		SGA confirm risk closed
36	Services	Capacity of existing drainage network	May not have sufficient capacity, up-size pipes may be required, impacts cost/ re-design.	3	3	3	9	Amber	Wks.	35%	●	Design development		ARUP/ SGA Consulting	The additional survey information will help verify the capacity of the existing drainage. The proposed networks have currently been designed to accommodate the maximum capacity flows for the existing networks plus any additional proposed flows. The additional survey works will help verify these calculations.	No	Capacity of network confirmed following further surveys on 1Q2018. Note surveys highlighted poor condition of YW sewer. Provisional sum allowance has been included within the BoQ for this therefore risk removed from contingency.
37	Services	Flow rate restrictions		1	2	2	2	Green	Days	5%	●			ARUP	Accepted that site must connect to existing services - is it not possible to install attenuation tanks		
38	Services	Under sizing new incoming services for the restaurant	Increase services, impacting cost and service design.	1	4	2	3	Green	Days	5%	●	Cushman & Wakefield provide advice on services. Design development and tenant co-ordination		SGA Consulting	Position agreed with CYC before application was made to NPG but no tenant yet identified		
39	Services	Sub-station provision	Inadequate provision for the development would require an additional sub-station. Substantial costs would be incurred	4	5	5	20	Red	Mths	50%	●	Review application & Consider all opportunities / negotiation tactics with NPG		SGA Consulting	Still waiting to hear back from NPG - Risk remains right up to main contractor placing order for the services	No	Order placed in advance by CYC to mitigate need for onsite substation
43	Construction	Size of piling rig	Design intent requires a rig which is too big / cannot access the site - alternative solutions / further specialist access required to undertake the works	1	3	2	2.5	Green	Days	5%	●	Early engagement with Contractor.		Contractor	Design changed to use smaller rig to south range risk reduced.	No	Design solution resolved with Vinci site access strategy.
45	Construction	Finding alternative site accommodation should the post office basement not be available	Cost impact	2	2	3	5	Green	Wks.	15%	●	Details of post office basement provided at tender		Contractor	Contractor engaging with the post office to hire the space and use for site accommodation	No	Contractor risk - should not impact on client future contingency
46	Quality	Refurbishment poorly finished	Cost impact, potential impact on tenants letting the spaces	2	4	1	5	Green	Zero	15%	●	Produce a rigorous set of designs and specifications. Resource is procured. Include requirements of quality in tender documentation		Design Team / CYC	A decision is to be made by CYC in regards to Clerk of Works appointment. Design team to ensure specifications are robust	No	Competent contractor selected - design team will not accept poor quality finishes,

47	Quality	Competence of contractors and subcontractors		1	3	3	3	Green	Wks.	5%	●	Second stage tender gives the ability to influence the Contractor and their Sub-Contractors.	Contractor	No	Contractor risk - should not impact on client future contingency
49	Financial	Tender costs come back over budget	Programme delays to account for VE process	5	3	4	17.5	Red	Mths	75%	●	Amendments to design can mitigate risk.	T&T / Main Contractor / Design Team	No	Budgets has been re-based on tender returns
52	Ops & Marketing	Negative PR as a result of the scheme being approved by planning		0	1	0	0	BLANK	#N/A		●	Current feedback positive.		No	Planning granted with no impact from negative press
55	Construction	Management of public interface / access to mansion house etc. to maintain site security & safety.	Measures to be taken to further segregate site activities from a busy public area	1	1	1	1	Green	Zero	5%	●	Agreement of access strategies and segregation methods agreed with CYC / Occupiers and Contractor prior to start	Contractor / CYC	No	Access strategies agreed within Vinci. All restrictions have been noted and acknowledged.
57	Adjoining Owners	Demolition problems	Location of North Annex in relation to ex	4	3	3	12	Amber	Wks.	50%	●	Early engagement with demolition contractors to establish methodology for works & liaison with adjoining owners	Contractor		
63	Procurement	Poor contractor performance during ECI Phase		1	2	3	2.5	Green	Wks.	5%	●	Unlikely given contractor proposals as tendered	Client		
65	Procurement	Failure of tender process	Possible failure to agree a target cost	2	5	4	9	Amber	Mths	15%	●	Review of packages on an ongoing basis - Funding limits shared with the contractor	Client		
66	Design	Access to South Range from Revolution \	Access for piling rig required through Re	4	2	3	10	Amber	Wks.	50%	●	risk to be mitigated by negotiation - but will come at a cost - see 60 above	Client		Local management in city screen happy with access arrangements but formal agreements to be set in place
68	River	Use of the pontoon, barge/tug boat, bar	Day to day operation of the marine equip	4	4	4	16	Red	Mths	50%	●	ICL involvement now confirms a workable solution to deliver the scheme.			
69	River	Canal & River Trust requirements	Cost of using the river - crane over sailin	3	4	1	7.5	Green	Zero	35%	●				
71	River	H&S risk increased for site operatives an	Incident occurring which stops the work	1	3	2	2.5	Green	Days	5%	●	H&S risk assessment & liaison with 3rd parties	Start on Site Contractor		ICL to prepare H&S info
72	Design	Delay to design programme	Operator changes impacting on cost / pr	3	3	3	9	Amber	Wks.	35%	●	Recovery of cost / time included within the Agreements for Lease should late or significant changes be made	CYC		CYC to review T&C's
78	Surveys	Clinker concrete in tower HAC concrete u	Finding this may result in full replacem	2	4	4	8	Amber	Mths	15%	●				
79	Construction	YW Drainage Works	YW drainage works proposed by Gradual	4	3	4	14	Red	Mths	50%	●				
86	Design	Differential settlement due to partial und	Additional underpinning / structural work	2	6	5	11	Amber	Mths	15%	●			TBC	Remved as instructed on e-mail 01.10.19 - duplication of risks 83 and 84 noted by CYC



Appendix A - Risk Register Key

CHANCE		
Rank	%	Description
1	5%	Very unlikely
2	15%	Small chance
3	35%	Fair chance
4	50%	As likely as not
5	75%	Likely
6	95%	Almost certain

Rank	Optimistic	Medium	Pessimistic	Unit
1	0	0	0	Zero
2	0	7	14	Days
3	2	3	4	Wks.
4	1	2	3	Mths
5	3	6	12	Mths

COST			
Rank	Optimistic Value	Most Likely Value	Pessimistic Value
0	£0	£500	£1,000
1	£1,000	£5,000	£10,000
2	£10,000	£20,000	£30,000
3	£30,000	£50,000	£70,000
4	£70,000	£100,000	£130,000
5	£130,000	£180,000	£230,000
6	£230,000	£500,000	£750,000

Ref	Risk Categories	Risk Occurred?
1	Brief	Yes
2	Funding	No
3	Political	Avoided
4	Stakeholders	Transferred
5	Financial	Mitigated
6	Technical / Planning	
7	Programme	
8	Commercial	
9	Design	
10	Procurement	
11	Construction	
12	Site	

Score	Risk Index
0	BLANK
0.5	Green
1	Green
2	Green
3	Green
4	Green
5	Green
6	Green
7	Green
8	Amber
9	Amber
10	Amber
11	Amber
12	Amber
13	Amber
14	Red
15	Red
16	Red
17	Red
18	Red
19	Red
20	Red
21	Red
22	Red
23	Red
24	Red
25	Red
26	Red
27	Red
28	Red
29	Red
30	Red

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## Feb 2020 Highlight Report

<b>Project title</b>		<i>The Guildhall</i>							
<b>Reporting period</b>		February 2020							
<b>Description</b>									
<p>City of York Council vacated the Guildhall in April 2013, moving to West Offices as part of the Admin Accommodation programme, in order to make approx. £1m pa savings. An evaluation of potential future uses had already been undertaken, and following further feasibility work and review a decision on the Future of the complex was taken by Executive in October 2015. Approval was granted for detailed project development work to secure the future of the Guildhall as a serviced office venue; with virtual office and business club facilities, maximising the benefits of the different spaces within the complex, its heritage appeal, and also ensuring ongoing council use and public access in a mixed use development.</p>									
<b>Overall status this period (Feb)</b>					<b>Overall status previous period (Jan)</b>				
	Scope	Quality	Costs	Resources	Financial Benefits	Non Financial Benefits	Tasks & Milestones	Risks	Issues
Feb									
Jan									
<b>Tasks &amp; Milestones Status Explanation</b>		<ul style="list-style-type: none"> <li>Obstacles encountered during the jack piling section of the underpinning have delayed the operation requiring alternative approach to core through the obstructions, initial coring of the three pile locations on the critical path have been successful and jack piling will recommence on the 18th of February.</li> </ul>							
<b>Risks Status Explanation</b>		<ul style="list-style-type: none"> <li>The construction budget is now set.</li> <li>The contract has now moved into the construction phase a collaborative risk workshop has been undertaken, a revised risk register has been agreed.</li> <li>The underpinning of the north range is well advanced and this risk should hopefully be removed by the next reporting date.</li> <li>The river conditions posed a high level of risk for crane erection, the levels are less critical for daily use of the river hence the lowering of the risk to amber.</li> </ul>							

**Current status****Statutory Consents / Approvals**

- Executive approval February 2019 to advance to the construction stage.
- Planning and LBC approvals granted 16 Feb 17.
- Executive approval for scheme delivery 16 Mar 2017.
- Full Council approval of budget requirement 30 Mar 2017.
- Grant Agreement letter signed with WYCA 7 Apr 2017 securing £2.347m of LGF funding from LCR LEP to support project delivery.

**Project Progress**

Construction commenced on the 16th of September 2019.

**Future outlook.**

- The installation of the tower crane from the river has been successfully completed.
- The underpinning of the north range gable and piling of the south range foundations are progressing well.
- We hope to advance to demolishing the annexe within the month of March.

<b>Reports to</b>	The Guildhall board reports to Economy and Place DMT and PM updates Executive member and Executive when required for updates and approvals.
<b>Exec member</b>	Cllr Nigel Ayre
<b>Director responsible</b>	Neil Ferris – Corporate Director of Economy and Place
<b>Dependencies</b>	Local plan
<b>Link to paper if it has been to another member meeting (e.g. executive, council, a scrutiny committee)</b>	<p>Executive October 2015 - The Future of York's Guildhall &amp; Riverside  <a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=8842&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=8842&amp;Ver=4</a></p> <p>Scrutiny – 13 June 2016  <a href="http://modgov.york.gov.uk/ieListDocuments.aspx?CId=144&amp;MId=9420&amp;Ver=4">http://modgov.york.gov.uk/ieListDocuments.aspx?CId=144&amp;MId=9420&amp;Ver=4</a></p> <p>Exec July 2016 - Detailed Designs &amp; Business Case</p>

	<p><a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=9303&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=9303&amp;Ver=4</a></p> <p>Executive March 2017 – The Development of the Guildhall Complex</p> <p><a href="https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=9311&amp;Ver=4">https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=9311&amp;Ver=4</a></p> <p>Executive May 2018: The Development of the Guildhall Complex</p> <p><a href="https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=10198&amp;Ver=4">https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=10198&amp;Ver=4</a></p> <p>Executive February 2019: Redevelopment Tender Evaluation &amp; Project Business Plan Appraisal</p> <p><a href="https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=11007&amp;Ver=4">https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=11007&amp;Ver=4</a></p>
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**Economy and Place Policy and Scrutiny  
Committee****11 March 2020**

Report of the Director of Governance

**Apprenticeship and Skills – Update Report****Summary**

1. This report updates Members on the progress of the scrutiny review into Apprenticeships and Skills and asks the Committee to consider the remit proposed by the Task Group appointed to carry out this review on the Committee's behalf.

**Background**

2. At a meeting of this Committee in October 2019 Members received an update report on High Value Employment, Apprenticeships and Skills as part of ongoing discussions to develop the Committee's work programme. To help the Committee agree its priorities representatives from the City of York Council's Skills Team, York University, York College and York St John University took part in round table discussions to advise and inform Members.
3. As a result of these discussions the Committee agreed it wanted to take forward the apprenticeships and skills topic for possible review. The Committee considered a scoping report at its meeting in December 2019 and agreed a review was appropriate. The Committee appointed a Task Group comprising Cllrs Barnes, Douglas and Pearson to carry out this work.
4. In early January 2020 the Task Group met with representatives from York College, York St John University and Askham Bryan College, as well as City of York Council's Skills manager, to help inform the review remit.
5. At a meeting in February 2020 the Task Group agreed that the review should focus on measures to ensure York retains as much of the

Apprenticeship Levy Fund as possible for the benefit of people in the city.

6. The Apprenticeship Levy is paid by employers with annual pay bills in excess of £3 million and there are around 50 such companies headquartered in York.
7. The levy is used to fund apprenticeship training and assessment. Levy-paying employers can transfer up to 25% of their contribution to support apprenticeships in smaller businesses. If levy payments are not used within two years they are returned to central government.
8. The Committee's October meeting noted that some employers found it difficult to utilise their apprentice levy while small and medium sized enterprises (SMEs) found it difficult to access higher and degree level apprenticeships. However, this will be changing over the next 12 months so any size employer will be able to access any training provider and any apprenticeship training provision they wish.

### **Proposed Remit**

9. **Aim:**

The Task Group will engage with apprenticeship providers and employers in the city with a view to bringing recommendations to the Committee. The aim of the Task Group will be to explore means by which CYC can work with partners in the city to maximise the proportion of the apprentice levy that is retained and spent on training to improve skills in York's economy.

This is likely to be achieved through partnership, including opportunities for levy payers to work with SMEs and identify opportunities for levy transfer where appropriate.

10. **Objectives**

- i. To evaluate the current number of levy payers in York based on best available knowledge so as to assess the value of funds available;
- ii. To understand the current apprenticeship training provision, the potential in York and the current spend;
- iii. To identify the demand from companies who might want to offer apprenticeships;

- iv. To examine best practices with regard to the transfer of the apprenticeship levy;
- v. To understand the use of the apprenticeship levy within City of York Council and how CYC can help facilitate best practice in the rest of the city with a view to meeting Council Plan priorities in terms of improving skills and sustainable development.

### **Consultation**

- 11. The full Committee has already consulted with representatives from the City of York Council's Skills Team, York University, York College and York St John University. In addition the Task Group has had a further meeting with representatives from CYC's Skills Team, York College, Askham Bryan College and York St John University. To progress the review the Task Group plan to hold further meetings with training providers and employers

### **Options**

- 12. Members can decide to:
  - i. Agree to endorse the remit proposed by the Task Group;
  - ii. Amend the proposed remit and suggest any further objectives to complement the proposed remit.

### **Analysis**

- 13. There is no analysis in this report as the Task Group is in the process of gathering information.

### **Council Plan 2019-23**

- 14. This report is linked to several priorities in the Council Plan 2019-23, particularly Well-Paid Jobs and an Inclusive Economy; A Better Start for Children and Young People and An Open and Effective Council.

### **Implications**

- 15. There are no known implications associated with the recommendation in this report. Any implications arising from the final review recommendations will be addressed accordingly.

## Risk Management

16. There are no known risks arising from the recommendation in this report.

## Recommendation

17. Having considered the information provided within this report, Members are asked to endorse the remit proposed by the Task Group and agree a timeframe for the completion of the review.

Reason: To progress the review in compliance with scrutiny procedures and protocols.

## Contact Details

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### Chief Officer Responsible for the report:

Janie Berry  
Director of Governance  
Tel: 01904 555385

Report Approved  Date 26/02/2020

Wards Affected:

All

For further information please contact the author of the report

## Economy and Place Policy and Scrutiny Committee

### Work Plan 2019-20

<p>Wednesday 12 June @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Arrangements for Scrutiny in York</li> <li>2. Draft Work Plan and work planning for the new municipal year.</li> </ol>
<p>Wednesday 10 July @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Attendance of the Executive Member for Economy and Strategic Planning – Priorities and Challenges for 2019-20</li> <li>2. Attendance of the Executive Member for Transport</li> <li>3. Bi-Annual Update Report from the Managing Director of Make It York</li> <li>4. Annual Report of the Executive Director of York BID</li> <li>5. Year End Finance and Performance Monitoring Report</li> <li>6. Work Plan 2019-20 and work planning for the year</li> </ol>
<p>Wednesday 11 September @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Attendance of the Executive Member for Economy and Strategic Planning – Priorities and Challenges for 2019-20</li> <li>2. Attendance of the Executive Member for Environment and Climate Change</li> <li>3. CYC Flood defences Action Plan – Biannual Report</li> <li>4. Work Plan 2019-20 and work planning for the year</li> </ol>
<p>Wednesday 16 October @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Attendance of representatives from Leeds City Region (LCR) and York, North Yorkshire and East Riding (YNYER) Local Enterprise Partnerships for discussions around Local Industrial Strategy.</li> <li>2. Round table discussions around High Value Employment and Skills, Graduate Retention and the loss of skilled people.</li> <li>3. Work Plan 2019-20</li> </ol>

<p>Wednesday 13 November @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Round table discussions around in-work poverty, gender pay gap and low-pay industries.</li> <li>2. Update of implementation of recommendations from Economic Health of York City Centre Scrutiny Review</li> <li>3. Work Plan 2019-20</li> </ol>
<p>Tuesday 10 December @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Overview report from Highways Team</li> <li>2. Update of implementation of recommendations from York Residents' Priority parking Scheme Scrutiny Review (slipped from November).</li> <li>3. Apprenticeship and Skills Scoping Report</li> <li>4. Work Plan 2019-20</li> </ol>
<p>Wednesday 15 January @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Overview Report on Economy and Place Sickness and Workloads</li> <li>2. Scoping report on in-work poverty including Employers' Charters and Living Hours.</li> <li>3. Work Plan 2019-20</li> </ol>
<p>Wednesday 12 February @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Overview Report on Economic Strategy including attendance of Executive Member for Economy and Strategic Planning.</li> <li>2. Bi-Annual Update report from the Managing Director of Make It York.</li> <li>3. 2<sup>nd</sup> Quarter Finance and Performance Monitoring Report (slipped from December)</li> <li>4. Pre-Decision Report on EV Charging Strategy</li> <li>5. Pre-Decision Report on Fleet Strategy.</li> <li>6. Work Plan 2019-20</li> </ol>

<p>Wednesday 11 March @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Update report on Planning Enforcement.</li> <li>2. Make It York's Economic Development Priorities for 20/21</li> <li>3. Update report on Guildhall Project</li> <li>4. Update report on Apprenticeships and Skills Scrutiny review</li> <li>5. Work Plan 2019-20</li> </ol>
<p>Wednesday 15 April @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Make It York update on Shambles market.</li> <li>2. CYC Flood Defences Action Plan Biannual Report</li> <li>3. Update Report on Highways (content to be informed by Cllr Taylor).</li> <li>4. Update report on In-Work Poverty Scrutiny review.</li> <li>5. Work Plan 2019-20</li> </ol>
<p>Wednesday 20 May @ 5.30pm</p>	<ol style="list-style-type: none"> <li>1. Further Update Report on Implementation of Recommendations of Economic Health of York City Centre Scrutiny Review.</li> <li>2. Work Plan 2019-20</li> </ol>

June – Further update on implementation of recommendations from Residents' Priority Parking Scheme

Future Areas of Policy Development

- Community Infrastructure Levy
- Supplementary Planning Guidance – Priorities for York

## **Council Plan Priorities relating to Economy and Place**

### **Well-paid jobs in an inclusive economy**

- Develop a new Economic Strategy
- Align Make it York and Adult Skills Agenda to Economic Strategy
- Promote vocational education and training in sustainable building
- Create new commercial space for start-up businesses and small enterprises

### **Creating Homes and World Class Infrastructure**

- Progress key developments such as the Community Stadium, York Central, Castle Gateway and Guildhall

### **Getting Around Sustainably**

- Review city-wide public transport options and lobby for improvements in rail connectivity
- Identify options to move fleet to low/zero carbon
- Expand York's electric vehicle charging point network
- Work in partnership to deliver low/zero carbon public transport
- Use digital technology to enhance transport systems
- Implement York's first Clean Air Zone and closely monitor air quality
- Deliver enhanced resident parking and pay-on-exit at CYC car parks
- Review potential to extend operation of Park & Ride sites
- Identify opportunities to make bus travel more convenient

### **A Greener Cleaner City**

- Review of waste collection options