

Notice of a public

Decision Session - Executive Member for Economy and Strategic Planning

Meeting to be held in consultation with the Executive Member for Housing and Safer Neighbourhoods (for agenda item 3. Formal Enforcement Action)

To: Councillors Waller and Craghill (Executive Members)

Date: Monday, 20 January 2020

Time: 2.00 pm

Venue: The King John Room (GO59) - West Offices

A G E N D A

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democracy Support Group by:

4:00pm on Wednesday 22 January 2020 if an item is called in *after* a decision has been taken.

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

Written representations in respect of item on this agenda should be submitted to Democratic Services by **5.00pm on Thursday 16 January 2020**.

1. **Declarations of Interest**

At this point in the meeting, the Executive Members are asked to declare:

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

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

2. **Public Participation**

At this point in the meeting, members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on 17 January 2020**. Members of the public can speak on agenda items or matters within the Executive Member's remit.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at

https://www.york.gov.uk/downloads/file/11406/protocol_for_webcasting_film_and_recording_of_council_meetings_20160809

3. **Formal Enforcement Action** (Pages 1 - 30)
This report enables the Executive Members to review the formal enforcement action, as well as, the surveillance activity undertaken in 2018-19 by Public Protection (Environmental Health, Trading Standards and Licensing), Housing Services, Community Safety, and National Trading Standards Regional Investigation and National Trading Standards eCrime teams.
4. **Planning Enforcement Update** (Pages 31 - 60)
This report provides an update on planning enforcement cases and a vision for the planning enforcement section for the future.
5. **York Business Perceptions Survey – BEIS funded project** (Pages 61 - 134)
This report provides an update on the findings from City of York Council's York Business Perceptions Survey. The survey was undertaken with city centre retailers, hospitality and tourism businesses to understand their experiences of complying with the Council's regulatory services and issues around general business performance.
6. **Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer

Robert Flintoft

Contact details:

- Telephone – (01904) 555704
- Email robert.flintoft@york.gov.uk

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

- Registering to speak
- Written Representations
- Business of the meeting
- Any special arrangements
- Copies of reports

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 مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550



Executive Member for Economy and Strategic Planning**20 January 2020****Executive Member for Housing and Safer Neighbourhoods**

Report of the Assistant Director for Planning and Public Protection

Update on formal enforcement action**Summary**

1. The purpose of this report is to enable the Executive Members to review the formal enforcement action as well as the surveillance activity undertaken in 2018-19 by:-
 - Public Protection (Environmental Health, Trading Standards and Licensing)
 - Housing Services
 - Community Safety
 - National Trading Standards Regional Investigation and National Trading Standards eCrime teams
2. Examples of the action taken includes prosecutions of food businesses for failing to keep premises clean or take appropriate steps to ensure the food they are selling is safe, action against unscrupulous traders 'ripping off' consumers, housing repossessions for anti-social behaviour and a whole host of actions for anti-social behaviour such as fly tipping, urinating in the street and failing to control dangerous dogs amongst many other things.

Recommendations

3. That the Executive Members approve the report.

Reason: To provide oversight to the activity undertaken in 2018-19, and meet the requirement of the surveillance commissioner for Member oversight of surveillance activity.

Background

4. The City of York Council's Executive approved an updated enforcement policy for Public Protection, Housing Services and Community Safety on 28 September 2017. It also approved a separate, updated policy for the National Trading Standards Regional Investigation and National Trading Standards eCrime teams at the same time.
5. This report details the results of formal enforcement action taken in the period specified. Each case is considered on its merits before legal proceedings or other types of formal enforcement action including a 'simple caution' or fixed penalty notices are initiated.
6. Annex A summarises the enforcement action taken by each team.
7. Annex B gives details of the surveillance activity undertaken as part of the team's investigations. Local Authorities may only undertake 'surveillance' in connection with serious offences i.e. offences which carry a maximum prison sentence of 6 months or more and/or other specific offences such as those in connection with the sale of alcohol or tobacco to children.

Public Protection

8. Public Protection Officers undertake the majority of the council's environmental health, trading standards and licensing duties and as such are responsible for enforcing over a hundred Acts of Parliament and thousands of underpinning Regulations. Each year, officers carry out a detailed assessment of the issues most affecting residents, visitors and businesses within the city and identify a series of 'priorities' around which most activity will be focussed.
9. The priorities for 2018-19 were as follows:-
 - Ensuring businesses meet food safety requirements

There is a separate, statutory food plan which sets out our planned activity in this respect.
 - Ensuring local businesses are meeting their health and safety obligations
 - Dealing with nuisance from noise, smoke, odour etc emanating from commercial premises

The Community Safety team have responsibility for dealing with domestic noise including operating the night time noise nuisance service
 - Improving the environment, particularly in relation to air quality

- Protecting residents from unfair trading practices – particularly doorstep crime, mass marketing scams and second hand vehicles.
- Preventing the supply of dangerous products including illegal supplies of alcohol tobacco and potentially harmful foods.

This includes activity to prevent illegal sales of age restricted products such as alcohol, tobacco and knives (all minimum age 18) and involves advising businesses on their legal obligations and undertaking 'test purchases' with the help of young persons to ensure they are complying with their obligations. We respond to complaints and other sources of intelligence about problem premises and areas of anti-social behaviour, we also carry out some routine purchases to test wider compliance. In relation to any other age restricted products including spray paints (minimum age 16) , fireworks (18) and solvents (18) we carry out activity in response to complaints and intelligence about particular problem businesses.

- Ensuring businesses are meeting their licensing obligations

10. Please note, none of the above is of greater priority than any another. The enforcement activity shown in Annex A reflects that officers have been working in accordance with these priorities.

11. Similar priorities remain for 2019-20, and our approach will largely remain unchanged except that:-

- We have re-defined the 'improving the environment priority' 'Improving local environment, particularly air quality and supporting new developments' to reflect the work we do to help developments have a positive impact on the environment. Furthermore, the work in this area will include carrying out anti-idling patrols and enforcement.
- Whilst carrying out all of this work, officers will share intelligence on serious organised crime and modern slavery with appropriate organisations.

Housing Services

12. The Housing teams manage and take enforcement action on council owned homes and managed properties for another housing organisation, Thirteen, working closely with the Community Safety Hub on more serious cases.

13. The Housing Standards and Adaptations team regulates standards in the private sector with a focus on the private rented sector and in particular Houses in Multiple Occupation.

Community Safety

14. The Neighbourhood Enforcement Team forms part of the Community Safety Hub. Officers work across three geographic 'patches', chosen to align with North Yorkshire Police's Neighbourhood Policing boundaries to assist with joint working.
15. The remit of the team is to tackle enviro crime and low level antisocial behaviour (ASB) including: domestic noise nuisance, fly tipping, commercial and domestic waste duty of care offences, waste presentation offences, flyposting, dog fouling, dog on dog attacks, litter, unlawful encampments, enforcement of Public Space Protection Orders, nuisance behaviour associated with the city centre such as nuisance begging selling or busking and street urination. The team also provides a weekend noise patrol service 9pm – 3am each Friday and Saturday.
16. Enforcement action can range from the issuing a Fixed Penalty Notice through to prosecution, depending on the seriousness of the offence. Since 2014 and the advent of the Anti-social Behaviour, Crime and Policing Act, the team have been able to issue Community Protection Notices (CPNs), following a written warning, to those committing any form of persistent anti-social behaviour impacting on the quality of life of those around them.

National Trading Standards teams

17. The purpose of the Regional Investigations teams and the National eCrime enforcement team is to tackle wide-scale scams and complex cases of fraud perpetrated on consumers and/or businesses on a regional and national basis. The national e-crime team – as the name suggests – focuses on trading standards crimes on the internet. These teams investigate individual cases and practices referred to them by local authority trading standards services and other organisations via the National Trading Standards Tasking Group, they do not take on cases directly from members of the public.

Consultation

18. A survey of Talkabout panellists was undertaken between 21/11/16 and 18/12/16 and they were asked to rank the importance of different aspects of the service carried out by Public Protection, Housing Services and Community Safety. Under the new enforcement policy, formal enforcement action is an option in all the areas they identified as important.
19. In a business survey of local retailers, food businesses and other enterprises in the city centre funded by the Department of Business, Enterprise, Innovation and Skills, some 81% of 127 respondents said

that the Council 'should take formal enforcement action against those who flout the law or ignore advice'.

Options

20. Option 1 – note the action taken with comments as necessary
21. Option 2 – note the action taken with comments as necessary and make any changes to the policy as seen fit.

Analysis

22. Option one will ensure that formal enforcement action (and surveillance activity) taken in 2018-19 has been reviewed as required.
23. Option two is likely to be of similar effect to option one, with changes to the policy that Members consider necessary.

Council Priorities

24. The legal actions support the Council's priorities in respect of the following:
 - A prosperous city for all – enabling legitimate businesses to thrive by tackling competition based on unfair and unsafe practices and ensuring residents having good quality housing.
 - A focus on frontline services – many of the actions are taken in response to complaints from members of the public some of whom are the most disadvantaged in the City.
 - This action is taken as part of our statutory duties.

Implications

25. **Financial:** There are no financial implications associated with this report.
26. **Human Resources:** There are no Human Resources implications associated with this report.
27. **Equalities:** There are no equalities implications associated with this report
28. **Legal:** Under the City of York Council's delegation scheme, legal proceedings may only be approved if they are in accordance with an approved enforcement policy.
29. **Crime and Disorder:** Formal enforcement action contributes to reducing anti-social behaviour and dishonest trading.
30. **Information Technology (IT):** There are no IT implications associated with this report.

31. **Other:** There are no other implications associated with this report.

Risk Management

32. Applying the Council's risk scoring criteria, operating with outdated enforcement policies poses a 'major risk' (potential action in a national court with the national media coverage) and a likelihood of 'possible' giving a score of **12** (yellow risk). Operating with up to date relevant policies, reduces the likelihood to 'unlikely' giving a score of **8** (green risk).

Contact Details

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Chief Officer Responsible for the report:

Mike Slater,

Assistant Director for Planning and Public

Protection

**Report
Approved**



Specialist Officer Implications: None

Wards Affected:

All

Background Papers:

None

Annexes

Annex A: Summaries of Formal Enforcement Action 1st April 2018 to 31st March 2019

Annex B: Surveillance Activity

Annex C: Existing enforcement policy – Public Protection, Housing Services & Community Safety

Annex D: Enforcement policy - National Trading Standards Regional Investigation and National Trading Standards eCrime teams

Summaries of Formal Enforcement Action 1st April 2018 to 31st March 2019

Public Protection (including Environmental Health, Trading Standards and Licensing)

Defendant	Legislation	Nature of Case	Penalty	Costs
Mr Giovanni Crobeddu	Food Safety and Hygiene (England) Regulations 2013	Failure to comply with a food hygiene improvement notice.	£265.00 Fine £30.00 Court Surcharge	£400.00
Mrs Fong Mee Tang	Food Safety and Hygiene (England) Regulations 2013	Failure to protect food from contamination	£600.00 Fine £30.00 Court Surcharge	£300.00
Milos (York) Ltd	Food Safety and Hygiene (England) Regulations 2013; Food Information Regulations 2014	Failure to keep premises clean, & provide adequate hand wash facilities, protect food from contamination or provide allergenic information.	£800.00 Fine £80.00 Court Surcharge	£700.00
Mr Mohammed Ali Akbar	Food Safety and Hygiene (England) Regulations 2013; Food Information Regulations 2014	Failure to keep premises clean, & provide adequate hand wash facilities, protect food from contamination & provide allergenic information.	£260.00 Fine £30.00 Court Surcharge	£300.00
Mr Abdur Rohim	Food Safety and Hygiene (England) Regulations 2013; Food Information Regulations 2014	Failure to keep premises and equipment clean, implement a food safety system & protect food from contamination.	£5,416.00 Fine £170.00 Court Surcharge	£789.41
Mr Ali Hussain	Food Safety and Hygiene (England) Regulations 2013; Food Information Regulations 2014	Failure to keep premises and equipment clean, implement a food safety system & protect food from contamination.	£5,416.00 Fine £170.00 Court Surcharge	£789.41
Mirchiz Bangladeshi Restaurant Ltd	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises and equipment clean, implement a food safety system & protect food from contamination.	£5,416.00 Fine £170.00 Court Surcharge	£789.41

Defendant	Legislation	Nature of Case	Penalty	Costs
Mirchiz Takeaway Ltd	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises and equipment clean, implement a food safety system & protect food from contamination.	£5,416.00 Fine £170.00 Court Surcharge	£789.41
Lucky Dragon York Ltd	Food Safety and Hygiene (England) Regulations 2013	Failure to protect from food from contamination, keep equipment clean, & implement a food safety system	£591.000 Fine £59.00 Court Surcharge	£0.00
Ms Yan Yun Zhou	Food Safety and Hygiene (England) Regulations 2013	Failure to protect from food from contamination, keep equipment clean, & implement a food safety system	£591.000 Fine £59.00 Court Surcharge	£2,710.07
China Regency Ltd	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean, provide material for cleaning and drying hands, & keep equipment clean.	£8,000.00 Fine £170.00 Court Surcharge	£1,906.63
Ms Xiu Lan Chen	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean, provide material for cleaning and drying hands, & keep equipment clean.	£540.00 Fine £54.00 Court Surcharge	£0.00
Infinity Hardheadedness	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean & comply with Hygiene Improvement Notices.	£7,500.00 Fine	£1,725.46
Mr Di Wu	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean & comply with Hygiene Improvement Notices.	£1,280.00 Fine £100 Court Surcharge	£1,000.00
Mr Thuhel Ahmed	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises & equipment clean.	£660.00 Fine £66 Court Surcharge	£2,000.00
Mr Meng Zhi Lin	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises and equipment clean, protect food from contamination, & keep walls in an easy to clean condition.	£738.00 Fine £73 Court Surcharge	£2,455.00

Defendant	Legislation	Nature of Case	Penalty	Costs
The Garden of India (York) Ltd	Food Safety Act 1990	Sold onion bhaji with pepper to allergy sufferer.	£3,334.00 Fine	£2,798.83
Mr Shahin Miah	Food Safety Act 1990	Sold onion bhaji with pepper to allergy sufferer.	£1,800.00 Fine	£2,798.83
RBC Corporation Ltd	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean & equipment clean.	£4,000.00 Fine £170.00 Court Surcharge	£600.00
Mr Rubel Uddin Choudhury	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises and equipment clean	£253.00 Fine £30 Court Surcharge	£200.00
Naz Spice Heworth Ltd	Food Safety and Hygiene (England) Regulations 2013; Food Information Regulations 2014	Failure to keep premises and equipment clean, keep equipment if good repair, implement a food safety system & provide allergenic information.	£4,000.00 Fine £120.00 Court Surcharge	£1,043.00
Mr Jabedur Rahman	Food Safety and Hygiene (England) Regulations 2013; Food Information Regulations 2014	Failure to keep premises and equipment clean, keep equipment if good repair, implement a food safety system & provide allergenic information.	£1,200.00 Fine £120.00 Court Surcharge	£1,043.083
Haz & Az Food Ltd	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean, ensure food handlers' personal cleanliness, & provide adequate materials for cleaning and drying hands.	£1,500.00 Fine £150.00 Court Surcharge	£1,123.26
Mr Redvan Musa	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean, ensure food handlers' personal cleanliness, or provide adequate materials for cleaning and drying hands.	£500.00 Fine £50.00 Court Surcharge	£0.00

Defendant	Legislation	Nature of Case	Penalty	Costs
Mr Hasan Timur	Food Safety and Hygiene (England) Regulations 2013	Failure to keep premises clean, implement a food safety system, & protect food from contamination.	£1,653.00 Fine £103.00 Court Surcharge	£2,015.49
The York Brewery Company Ltd	Health and Safety at Work etc Act 1974	Failure to conduct an undertaking in a way that does not expose person to risk, failure to make a suitable risk assessment, and failure to implement measures to prevent person falling.	£39,480.00 Fine £170.00 Court Surcharge	£4,972.54
Mr Ryan Griffin	Health and Safety at Work etc Act 1974	Failure to conduct an undertaking in a way that does not expose person to risk, and failure to make a suitable risk assessment.	25 day Rehabilitation Activity Requirement £85.00 Court Surcharge	£1,500.00
Clockhouse Partnership Ltd	Licensing Act 2003 and Environmental Protection Act 1990	Failure to comply with conditions on a premises licence and causing a statutory noise nuisance.	£2,000.00 Fine £170.00 Court Surcharge	£0.00
Mr Paul Harris	Licensing Act 2003 and Environmental Protection Act 1990	Failure to comply with conditions on a premises licence and causing a statutory noise nuisance.	£1,500.00 Fine £150.00 Court Surcharge	£1,069.26
Mr Milan Holan Senior	Animal Health Act 1981 Animals and Related Products Regulations 2011	Importing a puppy without health certificate or rabies vaccinations and other unfair commercial practices	£360.00 fine £417.00 compensation	£1,000.00
Mr Milan Holan Junior	Animal Health Act 1981 Animals and Related Products Regulations 2011	Importing puppy without health certificate or rabies vaccinations and other unfair commercial practices	£200.00 fine £417.00 compensation	£1,000.00
Mr Owen Danter	Consumer Protection from Unfair Trading Regulations 2008	Failure to carry out building works to properties as agreed and operating an unfair commercial practice.	2 year custodial sentence plus POCA confiscation order	£0.00

Defendant	Legislation	Nature of Case	Penalty	Costs
Brooke Lee	Fraud Act 2006	Fraud offences relating to false representations in the sale of a horse, falsifying a horse passport	20 month imprisonment suspended for two years, 200 Hours Community Service £2,362.50 Compensation	£0.00
Mr Frazer Pacy	Consumer Protection from Unfair Trading Regulations 2008	Misleading adverting relating to the sale of kittens.	Six month conditional discharge £400.00 Compensation £20 Court Surcharge	£400.00

6 x simple cautions were issued for breaching food safety requirements

2 x simple cautions for offering to supply unsafe toys

1 x simple caution for causing dark smoke

25 x taxi/private hire drivers licences revoked – no longer considered ‘fit and proper’ persons to hold a licence, of which:-

- 1 x exceeding limit on driving penalty points/failing to declare convictions
- 1 x conviction for assault
- 1 x caution for racially aggravated offence of using threatening, abusive words or behaviour
- 19 x failing to complete a disclosure and barring service check
- 3 x medical grounds

6 x fixed penalty notices for smoking in a public place.

*Please note that a Simple Caution is a Home Office approved procedure which is an alternative to prosecution. It involves a written acceptance that an offence has been committed and may be drawn to the attention of a court if any subsequent offence is committed within two years of issue.

National Trading Standards Regional Investigation and eCrime Team

Defendant	Legislation	Nature of Case	Penalty	Costs
George ORWELL	Misleading actions and aggressive practices contrary to the Consumer protection from Unfair Trading Regulations 2008 / Proceeds of Crime Act 2002	Copycat website for supplying UK passports	12 months imprisonment suspended for 18 months. £150,000 confiscation order	£50,000

Housing Services

Anti-Social Behaviour

Number of Cases	Legislation	Nature of Case	Penalty	Costs
6	Housing Act 1985	Possession Application	Notice of Seeking Possession & Monitor	No court action
0	Housing Act 1985	Possession Application	Instructed to withdraw possession claim	No order for costs
1	Housing Act 1985	Possession Application	Adjourned generally with liberty to restore	No order for costs
2	Housing Act 1985	Possession Application	Suspended Possession Order granted	No order for costs – Legal Aid in place
4	Housing Act 1985	Possession Application	Suspended Possession Order granted	£355.00
3	Housing Act 1985	Possession Application	Possession Forthwith	No order for costs – Legal Aid in place
3	Housing Act 1985	Possession Application	Possession Forthwith	
6	Housing Act 1985	Warrant Application	Application dismissed – evicted	No order for costs – Legal Aid in place
5	Housing Act 1985	Warrant Application	Application granted – not evicted	No order for costs – Legal Aid in place
2	Anti-Social Behaviour, Crime & Policing Act 2014	Injunction Application	Final Order granted with power of arrest	No order for costs
5	Anti-Social Behaviour, Crime & Policing Act 2014	Premises Closure	Final Order granted	No order for costs

Rent *(There has been a decrease in Suspended Possession orders (SPO) and increase in Adjourned generally with liberty to restore (AGLR) because of a change in the*

Pre-action protocol for rent arrears cases. Courts are encouraged to AGLR first before considering SPO unless arrears are very high).

Number of Cases	Legislation	Nature of Case	Penalty	Costs
11	Housing Act 1985	Possession Application	Outright Possession Order	£394.50
0	Housing Act 1985	Possession Application	Outright Possession Order	No order for costs
40	Housing Act 1985	Possession Application	Suspended Possession Order (SPO)	£394.50
1	Housing Act 1985	Possession Application	Suspended Possession Order (SPO)	No order for costs
13	Housing Act 1985	Possession Application	Adjourned generally with liberty to restore	£394.50
17	Housing Act 1985	Possession Application	Adjourned generally with liberty to restore	No order for costs
1	Housing Act 1985	Possession Application	Application dismissed	No order for costs
22	Housing Act 1985	Application to suspend warrant	Warrant suspended	£121.00
0	Housing Act 1985	Application to suspend warrant	Warrant suspended	No order for costs
4	Housing Act 1985	Application to suspend warrant	Application dismissed – evicted	£121.00
5	Housing Act 1985	Application to suspend warrant	Application dismissed – evicted	No order for costs

Other Possessions (CYC)

Number of cases	Legislation	Nature of Case	Penalty	Costs
4	Housing Act 1996	Possession from Temporary Accommodation	Possession Forthwith	£394.50
2	Housing Act 1996	Introductory Tenancy	Possession Forthwith	£394.50
3	Housing Act 1996	Possession for Trespass	Possession Forthwith	£424.50

Community Safety**COMMUNITY PROTECTION WARNING/NOTICES**

131 x warnings

15 x Notices

7 x Fixed Penalty Notices (FPN) (for breach of notice)

COMMERCIAL WASTE INAPPROPRIATELY PRESENTED

3 x Notices

1x FPN

CRIMINAL BEHAVIOUR ORDER (CBO)

1 x CBO

NB issued for 2 years. Key requirements: not to inject drugs in public, nor leave discarded drug paraphernalia and to engage with Changing Lives.

DANGEROUS DOGS

4 x Dog Control Orders obtained

1 x written undertaking

2 x prosecutions - Both ordered to pay £234 compensation to the injured party, ordered that the dog which has been already seized is not returned and banned from owning a dog for 5 years

DOG FOULING

1 x FPN

DOG NOT MICRO-CHIPPED

12 x dog micro chipping notices

2 x prosecutions - offenders also prosecuted for dog being dangerously out of control

DOMESTIC WASTE INAPPROPRIATELY PRESENTED

523 x Notices

1 x Prosecution - fined £50 ordered to pay £50 costs and a £30 victim surcharge

COMMERCIAL WASTE DUTY OF CARE/UNLAWFUL WASTE CARRIAGE

59 x Notices requiring production of waste information/transfer notes

30 x Notices requiring production of waste carrier's licence

13 x FPN's for failure to produce waste information/transfer notes

5 x FPN's for failure to produce waste carrier's licence.

5 x Simple cautions

6 x Prosecutions:

- Fine £1,100, Costs £800.70 Court surcharge £35
- Fine £1,107 Costs £65, Court surcharge £110, Compensation £50
- £750 fine, £50 court surcharge £470 prosecution costs
- £710 fine £46 court surcharge and £470 prosecution costs
- Fine £600, Costs £400, Court surcharge £30
- Community Order 18 months with 20 Rehabilitation days and 250 hours of unpaid work. £1,669.88. – Failed to complete Community Order was sentenced to 8 weeks imprisonment

UNLAWFUL SCRAP METAL DEALERS

2 x Prosecutions:

- Fine £150, £200 costs and £30 Court surcharge
- Offence 1 fine £150, Offence 2 fine £150, Offence 3 fine of £250, Costs £500, Court surcharge £55

FLY-GRAZING

5 x notices requiring horses to be removed.

3 x horses removed by bailiff

FLY-POSTING

40 x notices requiring removal of flyposting

128 x FPNs issued to 12 prolific offenders

FLY-TIPPING

12 x FPN's (small-scale fly-tipping)

5 x Prosecutions:

- £120 fine £30 court surcharge
- Community Order 100 hours unpaid Work Costs £1,366.43. Court surcharge £85
- Fine £1,107 Costs £651, Surcharge £ 110, Comp £50
- Fine £100, Costs £256, Court surcharge £30
- Fines (for 3 counts) £500, £1500, £1500. Surcharge £170. Plus costs £1000

LITTER

6 x Litter FPN's issued

NOISE

293 x Warning Letters sent

12 x noise abatement notices

1 x caution issued for noise

STREET URINATION

29 x prosecutions

UNAUTHORISED ENCAMPMENTS

13 x Directions to leave land

3 x Court orders obtained

2 x Incidents requiring instruction of bailiffs

PUBLIC SPACE PROTECTION ORDER (PSPO)

2 x FPNs for breach of PSPO

VEHICLES FOR SALE ON PUBLIC HIGHWAY

1 x FPN

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Annex B**Surveillance Activity**

	Activity	Reason
Public Protection	Subscriber information	Support of a trading standards investigation – 4 lines
Public Protection	Subscriber information	Support of a trading standards investigation – 11 lines
Public Protection	Subscriber information	Support of a trading standards investigation – 40 lines
Public Protection	Subscriber information	Support of a trading standards investigation – 18 lines
Public Protection	Subscriber information	Support of a trading standards investigation – 10 lines
Public Protection	Subscriber information	Support of a trading standards investigation – 9 lines

A line is an individual telephone number, email address, website host etc.

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Existing enforcement policy – Public Protection, Housing Services & Community Safety



Public Protection (Environmental Health, Trading Standards, Licensing), Housing and Community Safety Services

Enforcement Policy

This document is the enforcement policy for City of York Council's Public Protection (Environmental Health, Trading Standards, Licensing), Housing and Community Safety services. It sets out the key principles under which officers will seek to achieve compliance with the legislation enforced by these services.

In carrying out their duties officers will adhere to the principles of good enforcement set out in the Regulators' Code (2014) and other relevant codes of practice including those concerned with the investigation of offences or the prosecution of offenders.

All enforcement activity undertaken under this policy will have regard to the Human Rights Act 1998 and the European Convention of the Protection of Human Rights and Fundamental Freedoms.

Please note, whilst this policy acknowledges that officers will adhere to principles of good practice in their enforcement activity, it does not prescribe the way investigations will be conducted or the authorisation of surveillance activity. Furthermore, it does not include enforcement action by Planning, and Transport (including Parking services) which operate under their own guidance.

1.0 Introduction

The main purpose of the Public Protection, Housing and Community Safety Services are to maintain a fair and safe trading environment for consumers and businesses, to help reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York and to improve and protect public health and improve the environment. We recognise that effective and well-targeted regulation is essential in achieving this.

We will ensure legal compliance by:

- Helping and encouraging businesses and individuals to understand and comply with the law.
- Responding proportionately to breaches of the law.

We want to achieve the following outcomes:

- Support economic growth, especially in small businesses, by ensuring a fair, responsible and competitive trading environment
- Protect the environment for future generations including tackling the threats and impacts of climate change
- Improve quality of life and wellbeing by ensuring clean and safe neighbourhoods
- Help people to live healthier lives by preventing ill health and harm, and promoting public health
- Ensure a safe, healthy and sustainable food chain for the benefits of consumers and the rural economy.

2.0 Economic Progress

We will carry out our activities in a way that supports those we regulate comply and grow, remembering that it is important to maintain a level playing field for all businesses to thrive.

We will consider the impact that our regulatory activities may have on businesses, including consideration of costs, effectiveness and perceptions of fairness. We will only adopt a particular approach if the

benefits justify the costs and in doing so will endeavour to try to keep any perceived burdens to a minimum.

References to costs and benefits include economic, social and environmental costs and benefits.

3.0 Risk Assessment

We will allocate our resources where they will be most effective by assessing the risks due to non-compliance with the law. The risk factors include:

- the potential impact on residents, consumers, business and the environment in failing to meet legal requirements.
- the likelihood of non-compliance taking into account matters such as:
 - the past history,
 - the systems a business has in place,
 - management competence of the business
 - and willingness to comply.

4.0 Advice and Guidance

We recognise that prevention is better than cure and will actively work with business and residents to advise on and assist with, compliance with the law.

In doing this we will ensure that:

Legal requirements are made available and communicated promptly upon request.

The information we provide will be in clear, concise and accessible language.

Advice will be confirmed in writing where necessary.

We will clearly distinguish between legal requirements and guidance aimed at improvements above minimum standards.

We will signpost towards additional business support services where appropriate.

Please note: there may be a fee payable for our advice. Where this is the case you will be informed and provided with details of the charge or an estimate if the exact fee is not known.

5.0 Inspections and Other Visits

All inspections and other visits to businesses will be undertaken after consideration of the risk the business poses if it fails to comply with the law (see paragraph 3.0 above), where the business has requested advice or where intelligence/information suggests that an inspection or visit is appropriate.

- Where we carry out inspections we will give feedback to the business on what the officer has found; this will include positive feedback to encourage and reinforce good practice.
- Where practicable we will co-ordinate inspections with other regulators to minimise the burden on businesses.
- Random inspection will be undertaken where government guidelines/ policies or a condition of a licence requires us to do so. A small amount of random inspections may also be undertaken to test our risk assessments or the effectiveness of any action we have taken.

6.0 Information Requirements

We will only ask businesses for information that is necessary after considering the cost and benefit to obtaining the information. Where possible we will share this information with our partners (taking account of data protection) to prevent the need for providing the information more than once.

7.0 Compliance and Enforcement Actions

We recognise that most businesses and individuals wish to comply with the law, however firm action will be taken against those who break or flout the law or act irresponsibly.

We will carry out all of our enforcement duties, including taking formal enforcement action (described below), in a fair, equitable and consistent manner. Whilst officers exercise judgement in individual cases, we will

have arrangements in place to promote consistency including liaison with other agencies and authorities.

Formal enforcement action will only be considered and taken in the first instance in cases involving unfair practices against individuals or businesses, illegal sales of age restricted products, supply of counterfeit goods and other intellectual property crime, occupational health and safety, public safety, risk to public health (including food safety), health and safety in the home, statutory nuisances, animal health and welfare, damage to the environment, dog fouling, trading standards offences committed by doorstep sellers, breaches of licence conditions or operating without a licence when one is required and any other case in which a head of service considers formal enforcement action is necessary.

Formal enforcement action will also be considered and may be taken where advice has been ignored.

Where formal enforcement action is necessary, we will consider the most appropriate course of action (from the range of sanctions and penalties available) with the intention of: -

- Aiming to change the behaviour of the offender
- Aiming to eliminate any financial gain or benefit for non-compliance
- Being responsive and considering what is appropriate for the particular offender and issue involved, including punishment and the public stigma that may be associated with criminal convictions
- Being proportionate to the nature of the offence and harm caused
- Aiming to restore the harm caused by non-compliance
- Aiming to deter future non-compliance.

When formal enforcement action is taken:

- We will take all reasonable steps to discuss the circumstances of the case, unless immediate action is required e.g. to prevent the destruction loss of evidence or there is an imminent risk to the environment, public health or health and safety. This discussion

may be in the form of an interview under caution if a prosecution is being considered. We will provide the opportunity for further dialogue about the proportionality or consistency of our action upon request.

- Where immediate formal enforcement action is taken, which will usually be the service of a written notice, reasons for such action will be given at the time (if possible) and confirmed in writing within 10 working days.
- Where there are rights of appeal against formal enforcement action, notification of the appeal mechanism will be clearly set out in writing at the time the action is taken.
- Clear reasons will be given for any formal enforcement action taken, and confirmed in writing.

For the purpose of this policy 'formal enforcement action' includes serving a legal notice e.g. an improvement, suspension, prohibition, fixed penalty or abatement notice and civil penalty notices to letting agents and landlords, the seizure of goods, suspension or revocation of a licence, a formal 'simple' caution, prosecution or other court action.

If the formal enforcement action being considered is a prosecution we will also consider a number of additional factors in line with the Code for Crown Prosecutors and any other nationally recognised guidance such as the Enforcement Management Model published by the Health and Safety Executive. These factors, not an exhaustive list, may include the following:

- The seriousness of the alleged offence
- The history of the party concerned
- The willingness of the business or the individual to prevent a recurrence of the problem and co-operate with officers
- Whether it is in the public interest to prosecute
- The realistic prospect of conviction
- Whether any other action (including other means of formal enforcement action) would be more appropriate or effective

- The views of any complainant and other persons with an interest in prosecution.

These factors are NOT listed in order of significance. The rating of the various factors will vary with each situation under consideration.

When formal enforcement action is being considered for an acquisitive crime i.e. the acquiring of assets (including money) from offences such as fraud or intellectual property crime, we will undertake a financial investigation into the circumstances of the case. In serious cases this may result in the seizure of a suspect's cash and legal proceedings for money laundering and confiscation of assets under the provisions of the Proceeds of Crime Act 2002.

8.0 Accountability

We will be accountable for the efficiency and effectiveness of our activities:

- We shall provide businesses and individuals with effective consultation and opportunities for feedback on our service.
- Officers will be courteous, fair and efficient at all times, and will identify themselves by name and, where appropriate, identity card.
- Any complaints about the way you have been treated will follow the City of York Council's complaints procedure 'Have Your Say'. A copy of the complaints procedure can be obtained from our website at www.york.gov.uk

9.0 Application of our enforcement policy

All officers will have regard to this document when making enforcement decisions.

Any departure from this policy must be exceptional, capable of justification and be fully considered by the head of service before a final decision is taken. This proviso shall not apply where a risk of injury or to health is likely to occur due to a delay in any decision being made. In cases of emergency or where exceptional circumstances prevail, the chief executive may suspend any part of this policy where it is necessary to achieve the effective running of the service and/or where there is a risk of injury or to health of employees or any members of the public.

10.0 Review

There will be an annual review of the action taken under this policy. This document will also be subject to review as and when required. Improvements will be made if there are any changes in legislation or in local needs.

If you have any comments please contact the Head of Public Protection, Head of Housing or Head of Community Safety by calling 01904 551550 or by writing to City of York Council, West Offices, Station Rise, York, YO1 6GA or email to ycc@york.gov.uk

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

Enforcement policy - National Trading Standards Regional Investigation and National Trading Standards eCrime teams



National Trading Standards Yorkshire and the Humber Regional Investigations Team and National Trading Standards eCrime Team Enforcement Policy

This document is the enforcement policy for the National Trading Standards Yorkshire and the Humber Regional Investigations Team and National Trading Standards eCrime Team (NTS RIT and eCrime) hosted by City of York Council on behalf of the National Trading Standards Board (NTSB)

The purpose of NTS RIT and eCrime is to tackle the scams and complex cases of fraud perpetrated on a regional and national basis in an effective way that is not readily achievable by individual local authorities. NTS RIT and eCrime investigate individual cases and practices referred to them by local authority trading standards services and through the tasking arrangements of NTSB.

The purpose of NTS RIT and eCrime is not to provide advice, information or carry out inspections of regulated businesses. NTS RIT and eCrime are charged with taking on major investigations, and in appropriate cases, bringing them to a just conclusion through the courts using both criminal and civil sanctions.

NTS RIT and eCrime will have regard to The Code for Crown Prosecutors issued by the Director of Public Prosecutions, the Regulators' Code and other relevant codes including those concerned with the investigation of offences.

NTS RIT and eCrime will take appropriate formal enforcement action in cases concerning fraud, significant unlawful consumer detriment, unlawful exploitation of vulnerable consumers groups, intellectual property crime and

any other matter that the head of regional investigations considers necessary within the scope of the purpose of NTS RIT and eCrime. For the purposes of this policy formal enforcement action includes prosecution, civil action, confiscation proceedings or the issue of a simple caution.

Formal enforcement action under this policy will be in the public interest and will:

- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from crime/non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by the crime/regulatory non-compliance, where appropriate;
- and
- aim to deter future offending/non-compliance.

All enforcement activity undertaken under this policy will have regard to the Human Rights Act 1998 and Equalities Act 2010.



**Executive Member for the Economy and
Strategic Planning Decision Session**

20 January 2020

Report of the Head Development Services

Planning enforcement cases update and proposals for the future.

Summary

1. The purpose of this report is to provide the Executive Member with an update on planning enforcement cases and a vision for the planning enforcement section into the future.

Recommendation

2. The Executive Member is asked to note the contents of the report.

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. 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

7. The Council's Enforcement Team have a number of 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)

8. 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.

9. Enforcement notices clearly outline what in the LPA 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.

10. 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

11. 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.

12. 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

13. 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.

14. 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

15. 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.

16. Currently the Council has 37 cases awaiting the outcome of a planning application.

17. 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

18. 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.

19. 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.

20. The recently updated Planning Enforcement Register is now published on the Council's website. The register has details of Notices and orders for the last ten years (2009 onwards) in an excel spreadsheet 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.

It should be noted that since the appointment of a Principal Planning Officer for the Enforcement team in November 2019 a significant period of change has commenced in terms of managing workloads and working on backlogs that exist within the team.

Going forward

21. 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.”

22. 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.

23. 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.

24. 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.

25. 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 Councils enforcement work load. The Enforcement Plan will highlight issues of permitted development to users of the Enforcement Service at the earliest opportunity.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

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

33. Consultation

1. This report is for the Executive Member therefore no consultation has taken place regarding the contents of the report.

2. A consultation exercise will be undertaken in relation to the new Enforcement Plan.

34. Council Plan

The following Council priorities are relevant:

- Good health and wellbeing
- A greener and cleaner city
- An open and effective council

35. Implications

- **Financial** There are no financial implications
- **Human Resources (HR)** There are no HR implications
- **Equalities** There are no equalities implications
- **Legal** There are no legal implications
- **Crime and Disorder** There are no crime and disorder implications
- **Information Technology (IT)** There are no IT implications
- **Property** There are no property implications
- **Other** There are no other implications

36. Risk Management

There are no known risks

37. Contact Details

Author:

Author's name

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Principle Development
Management Officer
Tel: 01904 553775

Chief Officer Responsible for the report:

Neil Ferris

Corporate Director of Economy and Place

Report Approved



Becky Eades
Head of Development
Services
Tel: 01904 552814

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A: Summary of Enforcement Notices served in 2015, 2016, 2017, 2018 and 2019 as detailed in the Planning Enforcement Register.

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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				

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
16/00446/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				

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
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

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
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	1. Cease the use of the Car Park for the washing and valeting of vehicles. 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. 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. 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.	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/	(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)); (2) Permanently remove the hardstanding (within the area shaded grey on the plan) from the Land; (3) Permanently remove the building (marked 1 on the plan) from the Land; (4) Remove all machinery, paraphernalia, equipment and vehicles associated with the mixed use identified at 3(a) from the Land; (5) Remove the two portable buildings marked A and B from the Land; and (6) Return the Land to its condition before the breach took place.	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/EXT	Motor Vessel Till Clementhorpe York YO23 1AN	CYC	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	CYC	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	CYC	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	CYC	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	CYC	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	CYC	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	CYC	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) Reinststate 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	(!) 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) Reinststate 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

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
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

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
06/00230/EXT	13 Barkston Close York YO26 5AX	CYC	08/12/2009	10/12/2009	Unauthorised erection of a extension to existing conservatory	(1) Take down the said unauthorised extension that is shown hatched blue on the attached Plan B. (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. (3) Remove from the Land all building materials, waste and rubble arising from the requirements in steps 5 (1) and 5 (2) above.	02/12/2011	02/02/2010				21/12/2009

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**Decision Session – Executive Member of
Economy and Strategic Planning**

20 January 2020

York Business Perceptions Survey – BEIS funded project

Summary

1. This report provides the Executive Member with an update on the findings from City of York Council's York Business Perceptions Survey. Funded by the Office for Product Safety and Standards, part of the Government Department for Business, Energy and Industrial Strategy, a survey was undertaken with city centre retailers, hospitality and tourism businesses to understand their experiences of complying with the Council's regulatory services and issues around general business performance.
2. Complex regulations can be a barrier to productivity and business growth. The aim of the project was to understand if the council needs to intervene in simplifying the way in which regulation is delivered locally. In addition, by focusing on retailers, hospitality and tourism businesses; sectors which are characterised by low wages and low levels of productivity, the business perceptions survey seeks to identify ways in which the council, together with its partners, can support these sectors to be more successful.
3. Delivery of the business perceptions survey resulted in widespread engagement with York's city centre retailers, hospitality and tourism businesses. 127 local businesses were surveyed as part of the project. The vast majority of businesses surveyed were in favour of the council taking formal enforcement action against those who flouted the law or ignored advice. The survey found that city centre businesses in these sectors perceived the council's regulatory services to be approachable and valued their advice, although they could be more proactive in terms of their engagement. Businesses also remarked that there is room to improve the way the council provides 'joined up advice'.

4. Other learnings from the survey include the fact that online is the most used source for information, both for information on business support and for more specific advice on how to comply with regulation. Regulatory support was the most common area in which businesses sought help, and respondents spoke of their desire to receive advice on how to comply through a wide range of sources, including channels to receive information but also ways in which to ask questions.
5. With regards to business performance, the survey found that majority of businesses have a stable or increasing headcount, turnover and overall business performance. However, a significant number of businesses are cautious about the future, with national economic issues such as Brexit the major cause for concern. A smaller number of local issues also exist that are challenging businesses' growth potential. Nevertheless, despite a greater level of uncertainty regarding the business climate looking towards the future, respondents forecasted that business investment across all areas is set to continue at the same or a higher level than the last 12 months.

Recommendations

6. The Executive Member is asked to:
 - 1) Note the findings of the York Business Perceptions survey, as set out in this paper;
 - 2) Note the creation of City of York Council's Business Services e-leaflet as a method of communicating the support offer to local businesses through the council and its strategic partners;
 - 3) Support the creation of a business support providers meeting group made up of intermediaries and business organisations, facilitated by City of York Council and Make it York, to collectively share information on the business landscape in York.

Reason: To further support the business environment in York.

Background

7. The Government's Industrial Strategy (2017) makes reference to the need to support businesses to comply with regulation at a local level and simplify the way regulation is delivered - complex regulations can be a barrier to productivity and business growth. City of York Council provides

a range of regulatory functions delivered through its Public Protection team, including food hygiene, trading standards, licensing and pollution control/air quality, amongst others. Annex A sets out the remit of the Council's Public Protection team and its support offer to local businesses.

8. In December 2018, the council's Economic Growth team made a successful bid to the Office for Product Safety and Standards (OPSS), part of the Government Department for Business, Energy and Industrial Strategy, for £10,000 grant funding to deliver a simplification project in the York area. This was one of two successful bids submitted by the council; the other bid focused on the creation of an Alternative Dispute Resolution scheme for businesses in York and North Yorkshire and was led by the council's Public Protection team. The OPSS's funding programme is designed to support local authorities to consider and pilot ways to simplify regulatory delivery that other services can then learn from or replicate.
9. The simplification project submitted by the council's Economic Growth team centred upon the delivery of a local business perception survey to understand the business experience of complying with regulation in York, identifying where the council needs to intervene in simplifying the way in which regulation is delivered locally. The project focused on retailers, hospitality and tourism businesses, sectors which are characterised by low wages and low levels of productivity but are important for York's economy with over 30% of total employment in these sectors. Given that many of the target businesses in these sectors are located in the city centre, coupled with the fact that the council had a limited amount of funding to deliver the survey, York city centre was chosen as the target geography for the project.

The Project

10. With close to 7 million visitors a year attracted to York contributing £564m to the city's local economy, the continued attractiveness of York's visitor offer is crucial. The council's business perceptions survey with city centre retailers, hospitality and tourism businesses was also an opportunity to understand current levels of business performance amongst these sectors in an effort to identify ways in which the council, together with its partners, can support them to be more successful.
11. Following the award of grant funding, 18 survey questions were developed in close collaboration with the Public Protection team. These

questions sought to understand the business experience of complying with regulation in York and current levels of business performance. The council then advertised a tender in July 2019 seeking organisations to deliver this survey in York city centre, targeting retailers, hospitality and tourism businesses. For the avoidance of doubt, the project specified that target businesses must fall within the following four UK Standard Industry Classifications (SIC):

- G – Wholesale and retail trade, including repair of motor vehicles;
- I – Accommodation and food service activities;
- R – Arts, entertainment and recreation; and,
- S – Other service activities.

Prospective bidders were asked to develop a methodology that identified relevant businesses and ensured the statistical validity of the results. Prospective bidders were also responsible for analysing the survey results and presenting this to the council.

12. Following the completion of the tender process in August 2019, York-based social and market research company QA Research Ltd were awarded the contract to deliver the survey. Using their methodology 480 businesses were identified that met the geographical location and target sectors specified. Of these 480 businesses, 127 phone interviews were undertaken between 9 and 24 September 2019 with a representative spread of businesses by SIC achieved.
13. Following the delivery of the survey, the results were analysed and presented to the council. The results of the York Business Perceptions Survey can be found under Annex B.

Survey Findings – Business Performance

14. The York Business Perceptions Survey focused on two distinct areas. The first half of the survey focused on matters relating to business performance, including business support, investment and growth, with the second half exploring respondents' experiences of accessing the council's regulatory services and how the council can improve them to best meet business need.
15. 127 city centre businesses were interviewed, with a representative spread of business achieved by SIC (as shown by the table below):

SIC	All Businesses in Sample		Businesses Interviewed	
	Number	Percentage	Number	Percentage
G – Wholesale and retail trade; repair of motor vehicles and motorcycles	169	35%	43	34%
I – Accommodation and food service activities	172	36%	50	39%
R – Arts, entertainment and recreation	46	10%	10	8%
S – Other service activities	93	19%	24	19%
Total	480		127	

16. Of the businesses surveyed, the vast majority were either micro or small businesses, with only 16% of businesses surveyed having more than 24 employees. More than half of the businesses surveyed (58%) were micro businesses, employing nine or less people. The businesses surveyed in the Arts, Entertainment and Recreation and Accommodation and Food Services sectors tended to employ more than those who were classified as Other Services or Wholesale/Retail. 84% of the businesses surveyed identified themselves as an independent business.
17. The businesses surveyed were asked at what stage their business was, from start-up (started trading within the last year) or surviving (turning over a profit) to expanding (into new markets, new products, new locations). More than half of the businesses surveyed described themselves as “established”, that is, a thriving business with a place in the market and loyal customers. 18% of businesses identified themselves as surviving - turning over a profit, with another 12% of businesses identifying themselves as “growing”, selling more, increasing customer base and taking on staff. Within these categorisations, businesses in the Arts, Entertainment and Recreation sector were particularly likely to be “established” (75%), with businesses in the Other Services sector most likely to be “growing” (27%). Businesses in the Accommodation and Food sector were most likely to be “surviving” (27%).
18. In terms of business performance, more than half of the businesses surveyed (57%) had seen headcount remain stable over the past 12

months, with another 31% witnessing their headcount increase. Looking towards the next 12 months, 65% of the businesses surveyed expected their headcount to remain the same, with only 7% expecting a decrease. Of the businesses surveyed, bigger businesses (those with 50+ employers) were the most likely to be experiencing and/or expecting a decrease in headcount, although it is important that results here are treated with a degree of caution due to the low base sizes involved.

19. In addition to the above, close to half of all businesses surveyed (46%) were experiencing growth in turnover, with a third (34%) seeing a period of stability. Looking ahead to the next 12 months, half of all businesses surveyed are expecting growth in turnover with fewer businesses forecasting a decrease in turnover (8%, down from 17% relating to the past 12 months). This variation was driven by Accommodation and Food Services businesses with 22% experiencing a decrease in turnover over the past 12 months, but only 8% are expecting a decrease in the next 12 months.
20. Similar to the trend in turnover, close to half (45%) of the businesses surveyed felt that in the past 12 months overall business performance has improved, with another 39% feeling that it remained stable. 15% of the businesses surveyed felt that business performance had got worse in the past 12 months – this was made up of micro (14%) and small businesses (20%). Tellingly, a greater number of businesses (30%) felt that the business climate in which they will operate would worsen in the next 12 months than those who felt it would improve (25%). The timing of this survey shortly before the UK's Brexit deadline of 31 October 2019 was likely to be a contributing factor to this negativity surrounding the future. For completion purposes, 35% of the businesses surveyed felt that the business climate will remain stable within the next 12 months. A similar trend was apparent across all business sizes and sectors. Despite businesses' concerns regarding the current economic climate, respondents indicated that business investment is set to continue at the same or a higher level across all areas of their business.
21. The businesses surveyed were also asked to comment on the three main barriers that might prevent them from growing over the next three years. The biggest challenges to growth identified by respondents were economic; 38% of businesses surveyed highlighted Brexit as a major concern, with 20% mentioning the general state of the economy, and 18% citing increased competition. 13% of businesses mentioned business rates. Other issues such as a lack of footfall (7%), the high cost of parking (6%) and the "death of the high street" (4%) were also cited by

respondents but these did not receive a large number of mentions, contrary to recent media depictions of the economic health of York city centre. While Brexit was viewed as a major challenge to business growth by respondents, this was even more acute amongst businesses in the Wholesale/Retail sector with 59% of respondents citing it as one of their main barriers to growth.

Survey Findings – Business Support

22. Three-quarters (74%) of the businesses surveyed through the York Business Perceptions survey had sought information, support or advice in last 12 months. Regulatory support was identified as the most common area in which help was sought with 44% of respondents seeking support with this area. This increased to 59% for businesses in the Accommodation and Food Services sector. Other areas of support that were commonly cited by businesses were reducing energy, material, water and waste costs (28%), recruitment/job creation (25%), workforce skills and training (25%) and digital services and digital technology (24%). Interestingly, support for accessing finance/grants (14%) and leadership and management advice (6%) was less sought after. 26% of the business surveyed had not sought any information, support or advice in the last 12 months, with Arts, Entertainment and Recreation businesses (42%) and those in the Wholesale/Retail sector (36%) most likely not to have sought support.
23. While these results show that the majority of city centre retailers, hospitality and tourism businesses in York require, and are in receipt of, support in a range of areas, it is important to note that many of these businesses are excluded from the business support offer available through the Growth Hubs, led by the Local Enterprise Partnership (LEP). Whilst York is part of two LEPs – Leeds City Region and York, North Yorkshire and East Riding LEP, businesses in the sectors surveyed are often not able to access this support due to eligibility criteria imposed by the funding source (e.g. a focus on certain sectors and B2B transactions over B2C). Therefore if City of York Council wish to support these sectors to be more successful through its business support offer, the council needs to think holistically about the support it can provide through its range of services, as well as encourage the LEPs to think alternatively about how they can use their business support programmes to more effectively support businesses in York and the wider region.
24. The York Business Perceptions Survey found that online was the most used source for information, support or advice, with 65% of businesses

using online search engines in the last 12 months for information and support. 31% of businesses surveyed used national regulator or Government department websites, and 31% accessed the council's website or fire service website for information, support or advice. The survey found that businesses use a wide range of sources for information, support and advice, with 31% of businesses surveyed using an external environmental health, trading standards or food safety consultant, 28% using an accountant, 24% using a council or fire service officer and 23% using their bank. Only 9% of business surveyed mentioned the LEP as a source for information, support or advice, perhaps reflecting the challenge that business support providers face when seeking to engage with a large number of businesses across a wide geography, as well as their target sectors not being the sectors surveyed through our project in York.

25. 57% of businesses surveyed mentioned City of York Council in one form or another when asked about where they have accessed information, support or advice. This ranges from more than half of business surveyed who are in the Arts, Entertainment and Recreation (58%) and Accommodation and Food Services (53%) sectors, to under a third of business surveyed in Wholesale/Retail, which suggests that the council's business-facing services have room for improvement in engaging with the city's business community, especially with targeted information, support and advice.

Survey Findings – Accessing the Council's Regulatory Services

26. In assessing businesses' experiences of accessing the council's regulatory services, businesses were asked how far they agreed or disagreed with a series of statements. The majority of businesses surveyed (82%) were in favour of the council taking formal enforcement action against those who flouted the law or ignored advice. Businesses also felt that they could approach the council's regulatory services without fear (only 10% disagreed) and that they knew how to get in touch with the council for advice on how to comply should they need it (14% disagreed). Within the latter, there was a little variation by sector and business size. Overall, 64% of businesses surveyed knew how to get in touch with the council for advice on how to comply, Arts, Entertainment and Recreation businesses were more positive (92% agreed) and so too medium and large employers (89% agreed).

27. Interestingly, 52% of businesses surveyed agreed that they trust their local regulators, although only 16% actively disagreed. Businesses also expressed their desire for the council's regulatory services to be more proactive in engaging with them, with a greater proportion of businesses disagreeing when asked whether the council encourages them to seek their regulatory advice, whether they feel that their views are "heard" and acted upon, and whether the council's regulatory services actively seek their views and feedback. The results of the survey suggests that more proactive engagement with York businesses is one way in which the council can improve the delivery of local regulation, although this would have service implications for staff resources.
28. Businesses were asked where they currently go, or would go, for advice on how to comply. Again, online was the most used source for advice, with 69% of businesses surveyed using national regulator or Government department websites, and 63% using council or fire service websites. However, direct contacts were also a popular choice with 59% of business noting that they go, or would go, to their council or fire service officer, and 43% indicating that they use, or would use, external environmental health, trading standards or food safety consultants. 80% of businesses mentioned City of York Council in one way or another, with businesses in the Arts, Entertainment and Recreation (100%) and Other Service Activities (86%) sectors more likely to approach the council for advice on how to comply than Accommodation and Food (76%) and Wholesale/Retail businesses (75%). Finally, 39% of businesses surveyed mentioned that they go, or would go, to a trade or business association for advice on how to comply, which reaffirms that sector and business membership organisations are an important medium through which to share information with businesses on how to comply with regulation.
29. In assessing the quality of advice and support provided by the council's regulatory services, businesses were again asked how far they agreed or disagreed with a series of statements. Businesses were positive about the value, clarity and ease of accessing advice. One area which was identified by the survey as needing improvement was the council's approach to providing advice, with a greater proportion of businesses disagreeing (34% disagreed and 32% agreed) when ask if the council's approach to providing advice is "joined up". The need to better co-ordinate business support across City of York Council had been recognised prior to the delivery of this project, with working ongoing to ensure that the council has a business-friendly approach. An internal working group of officers from the council's business-facing services

meet regularly to share information and better co-ordinate business support activity both internally, but also with partners e.g. Make it York, the Federation of Small Businesses, the Chamber of Commerce, the LEPs etc. This internal working group was instrumental in the creation of City of York Council's Business Services leaflet which communicates the support offer available to local businesses through the council and its strategic partners (this is included under Annex C). This group will consider the results of the survey with a view to improving the way the council joins up advice to businesses.

30. Business surveyed were also asked how they would like to receive information on how to comply from the council. A notification service (87%) was most popular, as well as other proactive methods of seeking advice such as emailing an officer (74%), phoning a regulator directly (67%) and a newsletter (62%). Given the survey's findings that online is the most used source for business support and advice on how to comply, receiving advice from a regulator's website was also a popular method amongst businesses surveyed (73%). What the survey found was that businesses want a variety of options to not only receive information, but to also ask questions – training events (46%), drop-in advice sessions (43%) and a live online chat facility (41%) were just some of the communication methods that received interest from respondents. On average, respondents specified 6.76 different methods of communicating with the council's regulatory services, and there was little variation by sector.
31. Out of the communication methods not currently offered by the council's regulatory services, a newsletter was most popular (62%), followed by training events (including webinars) (46%), drop-in advice session (43%), live online chat facility (41%) and social media such as Facebook or Twitter (34%).

Next Steps

32. The findings of the York Business Perceptions Survey has provided the council with valuable information on how it can improve the delivery of regulation locally, and how it can support retailers, hospitality and tourism businesses in York to be more successful.
33. With regards to improving the delivery of regulation locally, the council will continue to embed its business-friendly approach throughout the organisation so that the support on offer through the council's Public Protection team is better understood by business-facing services and

partners. By encouraging more effective sign posting and cross-referrals, we hope that this will enable the council's business support offer to be better joined up. Furthermore, by sharing information on business-focused events and networking opportunities, it presents further opportunities for the council's regulatory services to engage with local businesses.

34. A sizeable amount of business surveyed (62%) spoke of their interest in receiving a newsletter from the council sharing advice on how to comply with regulation. Taking this idea and expanding it further, the council intends to create a regular e-newsletter for businesses in York to update them on a range of areas including progress with council projects, procurement opportunities, regulatory changes and advice on how to comply, and business support programmes that are available in York, amongst others. This work will be led by the council's Economic Growth team but will require contributions from service areas across the council. The intention is for this content to be approved by the council, and therefore recipient businesses can be assured of the quality of its content. We suggest that the council takes the opportunity through the forthcoming engagement exercise planned for the council's new Economic Strategy to ask local businesses whether they wish to subscribe to such a communication from the council.
35. With regards to specifically supporting retailers, hospitality and tourism businesses to be more successful, it is clear from the results of the survey that businesses in these sectors require support in wide a range of areas, from regulation and resource efficiency, to workforce skills and training and digital services and technology support, amongst others. The business support landscape for these sectors is often confusing, with businesses regularly excluded from the support offer available through the Growth Hubs due to the criteria associated with the funding (target sectors and a focus on businesses trading B2B). One way of addressing this is for the council to centrally collate the range of support that is available to retailers, hospitality and tourism businesses through the council and its partners and share this with relevant businesses. This information can be made available both in physical and electronic form.
36. Finally, the survey emphasised that York businesses use a wide range of sources for information, support and advice, including accountants, banks, solicitors and trade or business associations. Given the myriad of organisations providing business support in the city, there are merits in the creation of a business support providers meeting group, facilitated by the council and Make it York, that meets on a semi-regular basis to share

non-confidential information regarding the business landscape in York with the aim of improving the business environment locally.

Consultation

37. 127 phone interviews took place with York city centre retailers, hospitality and tourism businesses in delivering the York Business Perceptions Survey. The results of the survey have been shared with OPSS, as specified by the grant criteria, and the council's Economic Growth Manager was invited to present the completed project to Better Business For All's Shared Learning Day in London on 26 November, 2019.
38. Since the completion of the business perceptions survey, several local authorities from across the country have been in touch with the council to find out more about the project, its findings and advice on delivering a similar project in their respective area.

Council Plan

39. The City of York Council Plan is structured around eight core outcomes, which reflect the key components of a good quality of life for the council's residents, and York as a successful location where local businesses can thrive. This focus on outcomes enables the council and its partners to work better together. The York Business Perceptions Survey aims to understand city centre retailers, hospitality and tourism businesses' experiences of complying with the council's regulatory services and issues around general business performance in an effort to support these sectors to be more successful. In doing so, the project address the following outcomes:

- Good health and wellbeing;
- Well-paid jobs and an inclusive economy;
- Safe communities and culture for all; and,
- An open and effective council.

Implications

- **Financial** – no financial commitments. Grant funding was received from the OPSS to deliver the project;
- **Human Resources (HR)** – no implications;
- **One Planet Council / Equalities** – no implications;

- **Legal** – no implications;
- **Crime and Disorder** – no implications;
- **Information Technology (IT)** – no implications;
- **Property** – no implications.

Risk Management

There are no specific risks identified in respect of the recommendations.

Contact Details

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Economic Growth
x2080

Chief Officer Responsible for the report:

Chief Officer's name: Neil Ferris
Title: Corporate Director, Economy and Place

Report Approved **Date** 10.01.2020

Wards Affected: List wards or tick box to indicate all

All

- Bishopthorpe;
- Fishergate;
- Guildhall; and,
- Micklegate.

For further information please contact the author of the report

Background Papers:

None

Appendices

Annex A – City of York Council's Public Protection services
Annex B – York Business Perceptions Survey 2019 – Report
Annex C – City of York Council's Business Services leaflet

List of Abbreviations Used in this Report

B2B – Business to business

B2C – Business to the consumer

LEP – Local Enterprise Partnership

OPSS – Office for Product Safety and Standards

SIC – Standard Industry Classification

City of York Council's Public Protection Services

Public Protection

Background

Public Protection currently consists of a wide range of regulatory services, including environmental protection, food safety and standards, health & safety, trading standards, plus licensing and some animal health functions.

We have a statutory duty to undertake some aspects of work i.e. they are 'non-discretionary'. These largely relate to enforcement duties such as duties to investigate noise complaints, undertake food inspections and enforce laws relating to unfair and unsafe trading. Other aspects of our service are 'discretionary' but are undertaken to prevent enforcement action becoming necessary or because they provide an important contribution towards the council's priorities.

The Localism Act 2011 allows Local Authorities to '*do anything that an individual can do*' which includes, subject to some restrictions, charging for discretionary or enhanced services. These restrictions include charging at 'cost recovery' rate where the recipient agrees to the charge. A Local Authority cannot charge for statutory services it has a duty to provide unless there is provision for a charge.

Where Local Authorities wish to 'trade' (and make a profit) this must be done through a trading company. The City of York Council has a trading company, City of York Trading, to facilitate this but Public Protection do not 'trade' its services.

The income is achieved through a combination of the following:

- **Consultancy including**
 - Environmental Protection including noise, contaminated land and air quality advice (formerly under the brand name 'YES Consultancy')
 - Pre- food hygiene rating advice

- **Primary Authority**
- **Approved Garage Scheme**
- **Other miscellaneous activities including**
 - Specialist trading standards officer support to fraud investigations
 - Food hygiene rescore visits

Charging rates

Public Protection's cost recovery rates include officer salary, tax, national insurance and pension contributions. They also include overheads and the cost of support staff.

Most chargeable work is undertaken by Environmental Health Officers and Trading Standards Officers on Grade 10 for which the 'cost recovery' rate is currently £70.69 per hour.

Consultancy

What is Consultancy?

This term is used to define detailed advice by our officers given in response to a request from a business.

Consultancy may include carrying out visits, testing, analysis or training and will usually result in a bespoke written report or other material that the client can rely upon. It will often include specific recommendations on whether or not the business is complying with the law or meeting other standards.

The Environmental Protection 'consultancy' services have been operating under the brand name 'York Environmental Services' or 'YES'. This brand was developed by officers with the intention of being more easily identifiable to customers. However, in the interests of transparency, it has since been decided to discontinue the brand name YES Consultancy and revert to the City of York Council brand.

Examples of consultancy work

Our environmental consultancy is provided to:-

- Other local authorities – particularly in relation to contaminated land, and air quality strategy advice.
- Businesses seeking noise assessments as part of planning applications or to deal with complaints about noise or other causes of nuisance*
- A variety of work for planning and other environmental consultants (as subcontractors) and private developers*
- ‘Pre-food hygiene inspection rating’ advice to help local, York, businesses improve their food hygiene rating score (please note that a different team of officers carry out the official visit on which the score is given).

*Please note that much of this work is for businesses outside of the City of York boundary, and due to local work demands we have scaled back our work in this area.

For the avoidance of doubt, consultancy does not currently include ‘ad hoc’ requests for advice on ‘what the law says’. Basic advice and signposting to more detailed guidance continues to be provided **‘free of charge’**. Where customers require more detailed/tailored advice on compliance (taken to be more than 30 minutes) a charge is made. Furthermore, ‘consultancy’ does not include instructions to comply with the law as part of our enforcement function i.e. where we are requiring a trader to take action to avoid formal enforcement action being taken.

Primary Authority

What is Primary Authority?

Primary Authority is a statutory scheme, established by the Regulatory Enforcement and Sanctions Act 2008 (the Act). It allows an eligible business to form a legally recognised partnership with a single Local Authority in relation to regulatory compliance. This local authority is then known as its ‘Primary Authority’. It is administered nationally by the Office of Product Safety and Standards.

Primary Authorities play a valuable role in leading and shaping the regulation of businesses that partner with them. The areas that are covered by ‘Primary Authority’ agreements are specified in the Act and include most fair trading, environmental health and health & safety matters.

When entering into a ‘Primary Authority’ partnership, the Local Authority co-ordinates the regulation of the business. For example, the Local Authority can

provide other regulators with inspection plans and handle complaints about the business. Any advice given to the business about the law or their processes and procedures is 'assured advice' upon which the business is entitled to rely without challenge from other Regulators (i.e. subject to limited exceptions the Primary Authority can prevent another authority taking enforcement action).

The Act allows Local Authorities to 'cost recover' for Primary Authority work. We have a Primary Authority relationship with several businesses.

Approved Trader Schemes

What are Approved Trader Schemes?

The public are often anxious when purchasing items and requesting services from unknown businesses. In turn, these businesses are keen to maintain their reputation and distinguish themselves from "rogue" traders. An approved trader scheme gives confidence to the public that the businesses they use are reputable, having been checked and approved by trading standards officers. It also gives businesses a competitive advantage in marketing their goods/services as they are able to advertise as "Trading Standards Approved". To become "Trading Standards Approved", a business has to meet certain criteria and maintain those standards (assessed by audit and monitoring complaints).

Motor Traders

We operate an approved trader scheme in the motor trade sector for garages which have processes and procedures to prevent problems arising with the cars they sell or the repairs they undertake. However, these traders have systems in place to put things right in the small number of cases where things don't go as planned. Trading Standards officers periodically audit these businesses to check compliance with the required standards.

Other trade sectors

CYC Trading Standards have operated similar schemes in the past – although not 'approved' the traders as such. We created the 'Home Services Directory' with Age UK York to identify traders such as plumbers, builders and many others who could be trusted to undertake work in the homes of elderly and vulnerable people. This scheme is still operated today and is administered by Age UK. As part of this scheme we 'vet' applicants for any serious complaints about their practices, but they are not 'approved'.

Other miscellaneous income activities

- Food hygiene rescore visits

The Food Standards Agency enable a business which is dissatisfied with its food hygiene rating to either appeal (free of charge) or request a rescore visit (chargeable). We charge where a request for the latter is made.

- Financial investigations

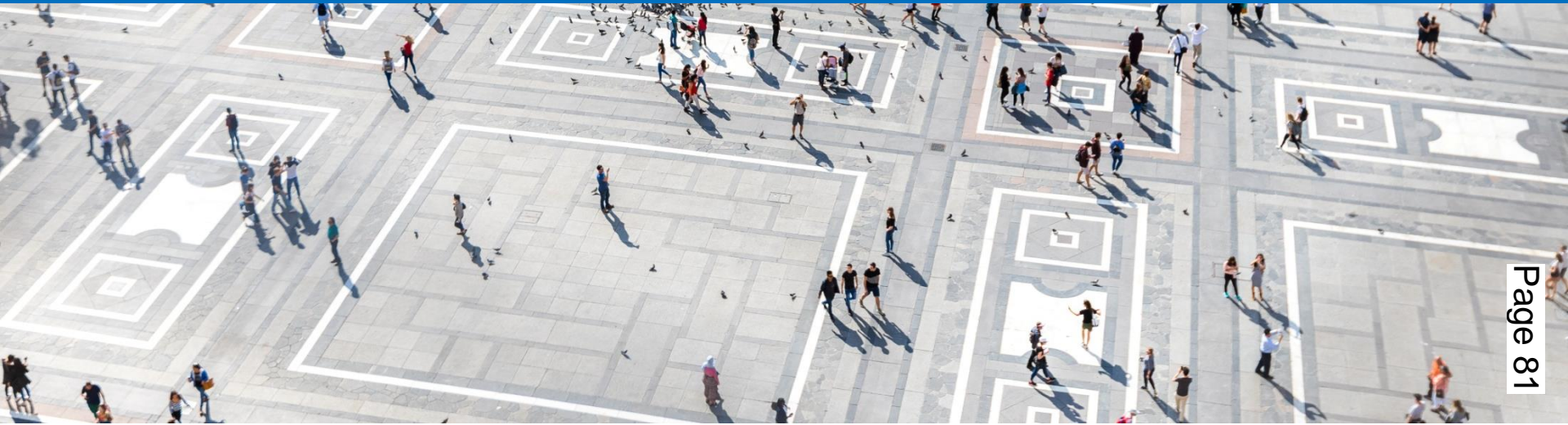
A number of our officers have trained and qualified as financial investigators. We make these officers available to other local authorities to help recover property and other financial gain obtained from criminal activity.

- Alternative Dispute Resolution

Trading Standards officers are often involved in trying to help resolve disputes between traders and their customers. This can be stressful time for both parties. A new area of work we are developing is a 'mediation service' which traders can 'subscribe to' and call upon to help resolve any disputes which arise. A recent consumer green paper, which advocates greater use of alternative dispute resolution, identifies that mediation is less formal and cheaper than the courts. It can also help the parties maintain a future relationship which the combative nature of the court system is not always conducive to and is something that the government is encouraging. A number of trading standards services are providing this for local businesses.

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Business Perceptions Survey 2019 - Report



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21st October 2019

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Background and Methodology

- **Background:**

- Government Industrial Strategy references supporting business to comply with regulation at a local level
- Complex regulations can be a barrier to productivity and business growth
- Given this emphasis, placed focus on sectors characterised by low wages and productivity (but high employment) e.g. retail, food, accommodation and tourism
- With more understanding CYC and partners can support these sectors to be more productive and successful

- **Research aims:**

- Understand more about business performance of in scope businesses
- Identify who businesses are currently going to for business support and advice
- Measure how CYC's regulatory service is currently perceived
- Identify how CYC can improve regulatory services to best meet business need

- **Method:**
 - Telephone interviews conducted with city centre based businesses within SIC:
 - G - Wholesale and Retail Trade; Repair of Motor Vehicles and Motorcycles
 - I - Accommodation and Food Service Activities
 - R - Arts, Entertainment and Recreation
 - S - Other Service Activities (hairdressers, beauticians, printers, repair shops etc)
 - Sample provided by D&B (YO1 postcodes plus others manually added as deemed to be in scope e.g. Gillygate, Bishy Road, Blossom Street) and desk research to add an additional 150 businesses.
 - Total sample = 480 businesses
 - No firm quotas were set due to limited sample database – monitored to ensure broad representation
 - Senior interviewees sought and if referred to a head office it was made clear that the individual should be able to speak about the York city centre site and engagement with CYC

Who did we interview?

- 127 interviews undertaken between 9th and 24th September 2019
- Representative spread of businesses by SIC

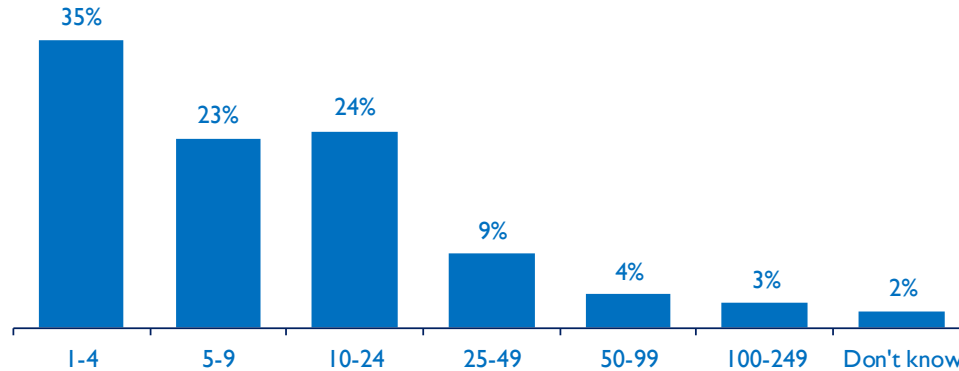
SIC	All Businesses in Sample		Achieved Sample	
G - Wholesale and retail trade; repair of motor vehicles and motorcycles	169	35%	43	34%
I - Accommodation and food service activities	172	36%	50	39%
R - Arts, entertainment and recreation	46	10%	10	8%
S - Other service activities	93	19%	24	19%
Base	480		127	

- No weighting applied to data

Profile of City Centre Businesses

Many businesses are SMEs

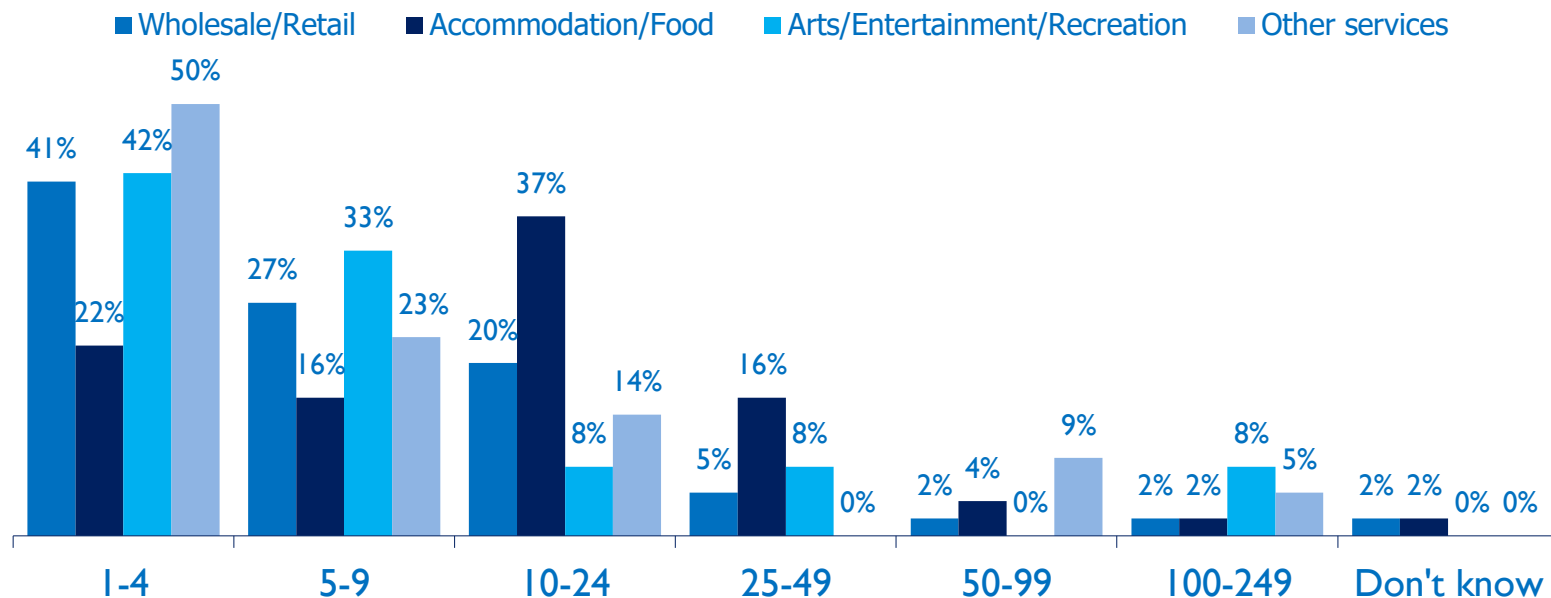
- Primarily micro (1-9) and small (10-49) companies. A third (35%) have 1-4 employees, with just 7% having 50 or more.



S7. Including yourself, how many people does the organisation employ in York? Base 127

- 5% of branches have 1-4 employees (in fact just one of the businesses with 1-4 employees was a branch), compared to 41% of businesses that are not a branch (independently owned).

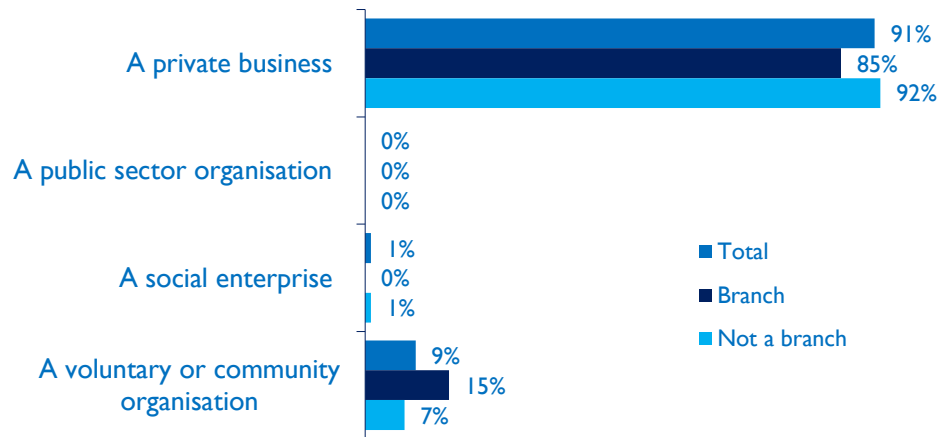
Fewer micro businesses in the Accommodation/Food sector; biggest employers primarily Arts/Entertainment/Recreation and Other services



- Also variation in mean business size, with the Arts, Entertainment and Recreation (21.08) and Accommodation/Food (20.73) sectors tending to be larger than the Other services (15.95) and Wholesale/Retail (13.37) sectors.

Most city centre businesses are privately owned and independently run

- Virtually all businesses interviewed are private businesses (91%).
 - A further 9% were voluntary/community organisations and 1% social enterprises.
- In total 16% of all businesses are branches, with the remaining 84% therefore not being branches and hence independent businesses. Some of the branches were still private businesses.



Most city centre businesses are well established

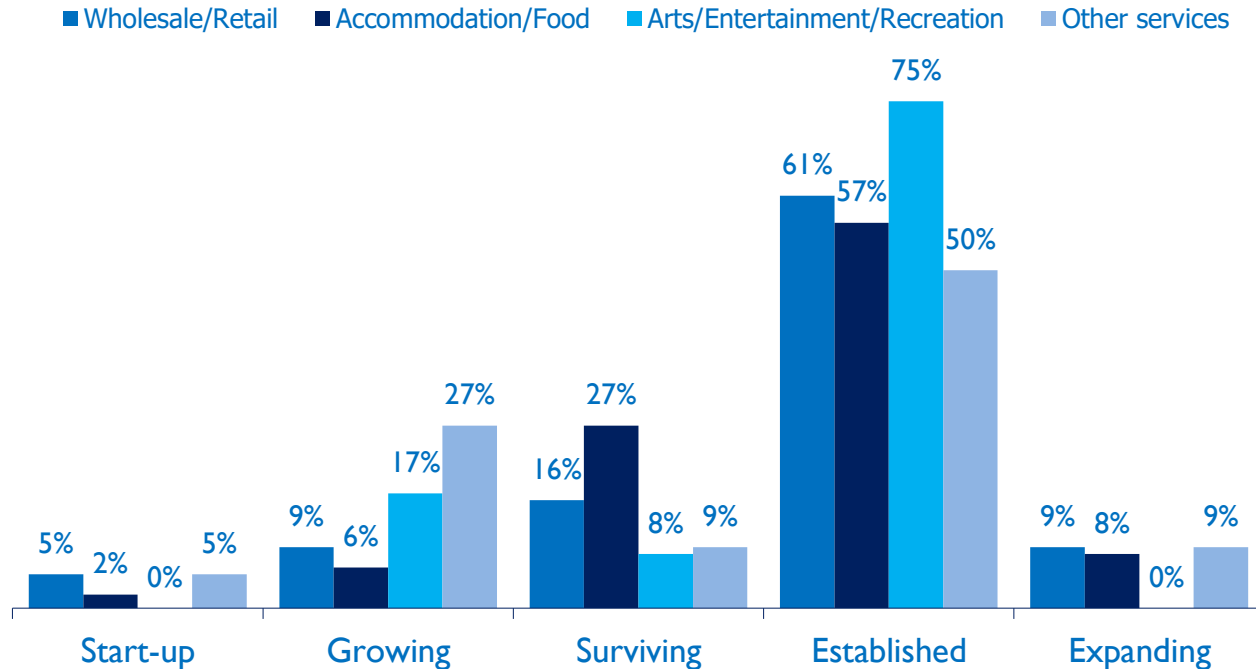
- Six in ten (59%) are established businesses, with around one in five (18%) 'surviving'. A minority are start-ups (3%).
 - Branches (75%) are more likely than independent businesses (56%) to be established



S8. Which of the following best describes the stage your business is at. Base 127

Arts, Entertainment and Recreation businesses most likely to be established

- Arts, Entertainment and Recreation businesses particularly likely to be established (75%).
- Businesses in the Other Services sector (27%) most likely to be 'growing'; and those in the Accommodation/Food sector (27%) most likely to be 'surviving'

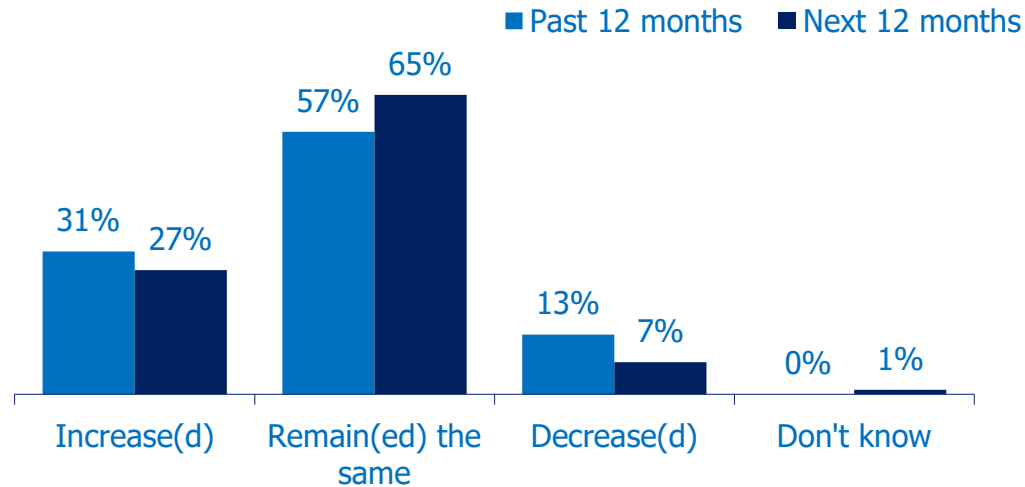


S8 Which of the following best describes the stage your business is at. Wholesale/Retail (44); Accommodation/Food (49); Arts, Entertainment and Recreation (12); Other Services (22)

Business Performance, Investment and Growth

Majority not experiencing headcount change; more growing than shrinking.

- A majority of businesses are experiencing stability in headcount, with three in ten having experienced or expecting an increase. Just one in ten have seen a decrease in the past 12 months (13%) or expect a decrease in the next 12 months (7%).
- This is a more positive picture than that provided in the Leeds City Region Business Survey 2019 (NB this survey covered all business sectors so comparisons should be made with caution), in which 18% of businesses had increased their headcount in the past 12 months and 21% expected to in the next 12 months.



Q10. Over the past 12 months has the number of people employed in your business...? Base 127

Q11. Over the next 12 months do you expect the number of people employed in your business to...? Base 127

Bigger businesses are more likely to be experiencing a decrease in headcount, and all have sought support, advice or guidance

- The biggest businesses interviewed (with 50+ employees) are the most likely to be experiencing and/or expecting a decrease in headcount (although numbers should be treated with caution due to the low base sizes involved).

Past 12 months	Size of business		
	1-9	10-49	50+
Increased	23%	45%	22%
Remained the same	68%	39%	56%
Decreased	9%	16%	22%
Don't know	-	-	-
Base	74	44	9

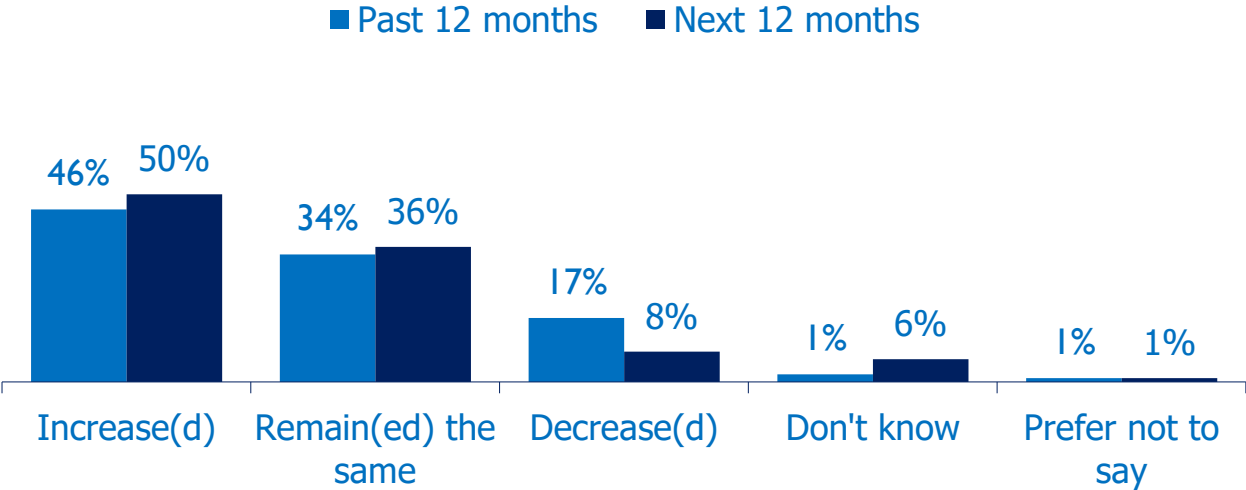
Next 12 months	Size of business		
	1-9	10-49	50+
Increase	28%	25%	22%
Remain the same	66%	66%	56%
Decrease	4%	9%	22%
Don't know	1%	-	-
Base	74	44	9

- Businesses describing themselves as 'growing' or 'expanding' are both more likely than average to be experiencing and/or expecting an increase in headcount (although numbers should be treated with caution due to the low base sizes involved).
- All businesses expecting a decrease in headcount in the next 12 months have sought information, support or advice in the last 12 months (although we do not know whether this specifically links to any difficulties faced).

Q10. Over the past 12 months has the number of people employed in your business...?
 Q11. Over the next 12 months do you expect the number of people employed in your business to...?

Half experiencing an increased turnover, with a minority seeing a decrease

- Half of all businesses are experiencing growth in turnover, with a further third seeing a period of stability. It is possible that some of the businesses experiencing and/or expecting a decrease in turnover may not actually view this as a negative outcome e.g. through the closure of an outlet to increase productivity overall.
- Fewer businesses are expecting a decrease in the next 12 months (8%) compared to the past 12 months (17%). This is largely driven by Accommodation/Food businesses (of whom 22% have seen a decrease, and 8% are expecting one)



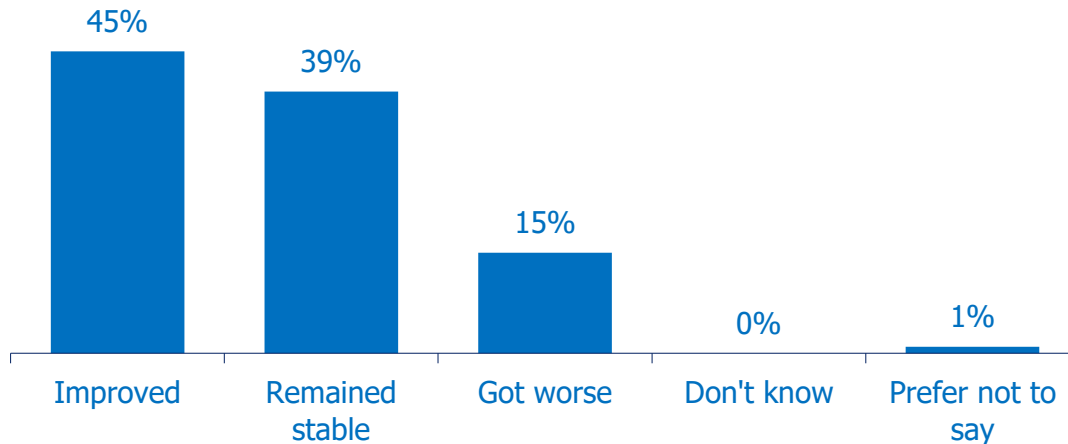
Q12. Over the past 12 months has the turnover of your business...? Base 127
Q13. Over the next 12 months do you expect your business turnover to...? Base 127

York based businesses relatively optimistic about turnover; with 'growing' and 'expanding' businesses virtually all experiencing increased turnover

- The overall picture in terms of turnover is just slightly more positive than that provided in the Leeds City Region Business Survey 2019 (NB this survey covered all business sectors so comparisons should be made with caution), in which 40% of businesses had seen an increase in turnover in the past 12 months and 41% expected an increase in the next 12 months (compared to 46% and 50% respectively in this survey).
- There were little or no differences by business size or sector.
- Virtually all businesses describing themselves as 'growing' or 'expanding' are experiencing and/or expecting an increase in turnover (although numbers should be treated with caution due to the low base sizes involved).
- All businesses expecting a decrease in turnover in the next 12 months have sought information, support or advice in the last 12 months (although we do not know whether this specifically links to any difficulties faced).

Minority, especially medium businesses, feel business performance has got worse

- This closely mirrors the trend in turnover over past 12 months (46% of businesses said that their turnover had increased in this period).
- 15% of businesses felt that business performance has got worse, however those in the Other Services sector (5%) were less likely to feel this way.
- This is a more positive picture than that provided in the Leeds City Region Business Survey 2019 (NB this survey covered all business sectors so comparisons should be made with caution), in which 37% of businesses felt that business performance had increased; 46% that it had remained stable; and 17% that it had got worse.



Q14. Would you say that overall, your business performance in the past 12 months has...? Base 127

Only micro and small businesses feel that business performance has got worse

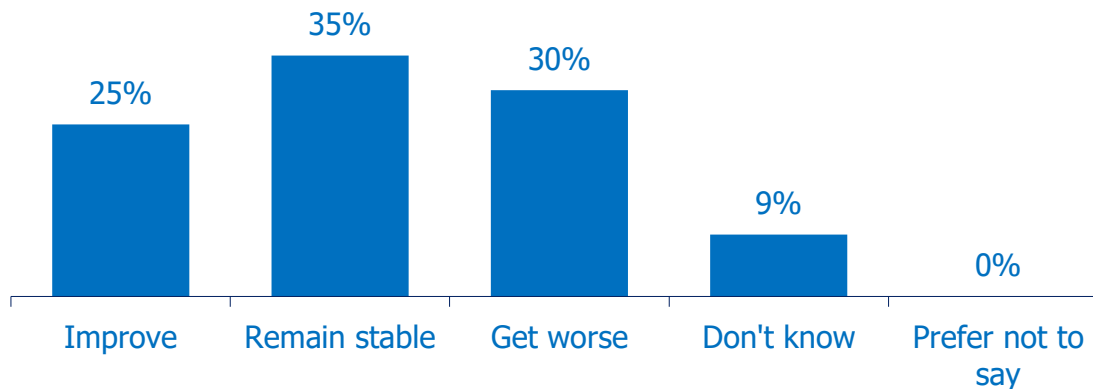
- Only micro (14%) and small businesses with between 10 and 49 employees (20%) feel that business performance has got worse in the past 12 months. If the bands shown in the below table are collapsed further it is evident that those with between 5 and 24 employees are the most likely to have faced difficulties (26%).

Size of business			
	1-9	10-49	50+
Increased	46%	43%	44%
Remained the same	39%	36%	56%
Decreased	14%	20%	-
Prefer not to say	1%	-	-
Base	74	44	9

- 15% of businesses that had sought information, guidance or advice in the past 12 months stated that their business performance had got worse during this period, this is the same proportion (15%) as amongst those who had *not* sought information, guidance or advice in the past 12 months.

Greater level of uncertainty regarding business climate in the next 12 months

- 30% of businesses feel that the business climate in which they operate will get worse in the next 12 months, which represents the highest level of negativity surrounding the future when compared to other measures. The timing of the survey shortly before Brexit is likely to be a contributing factor.
- This is a more negative picture than that provided in the Leeds City Region Business Survey 2019 (NB this survey covered all business sectors so comparisons should be made with caution), in which 29% of businesses felt that the business climate would improve; 50% that it would remain stable; and 21% that it would get worse. The proximity of this survey to Brexit is likely to be a factor in this difference.

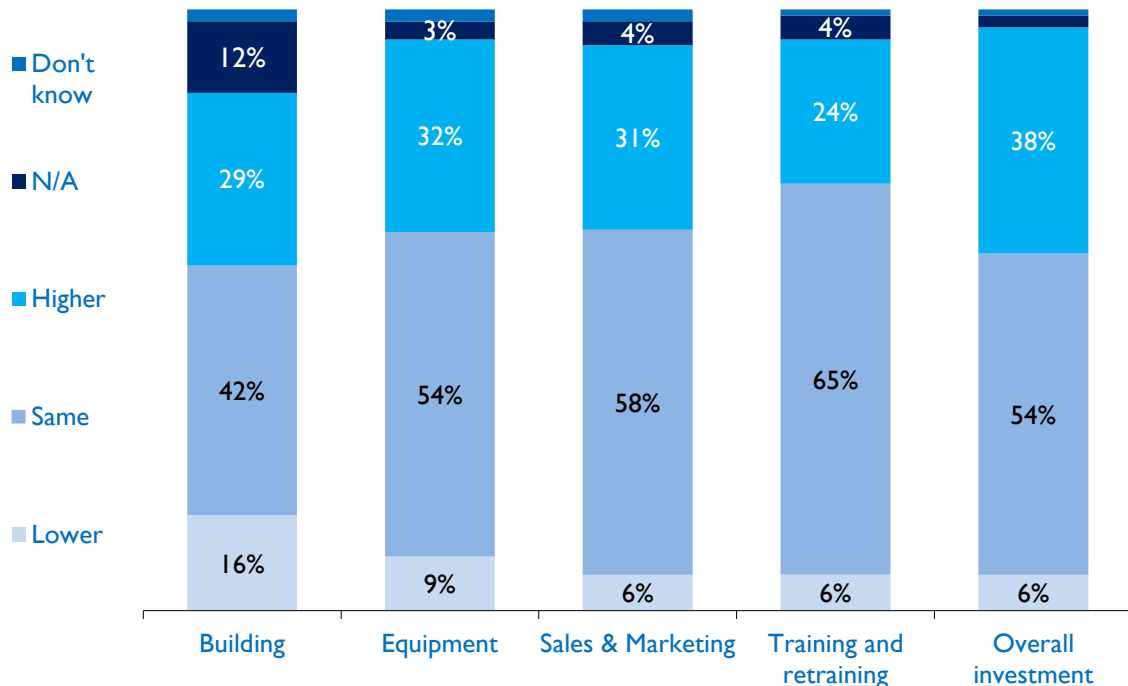


Q15. Over the next 12 months do you expect the climate in which your business operates to...? Base 127

Only micro and small businesses feel that business performance has got worse

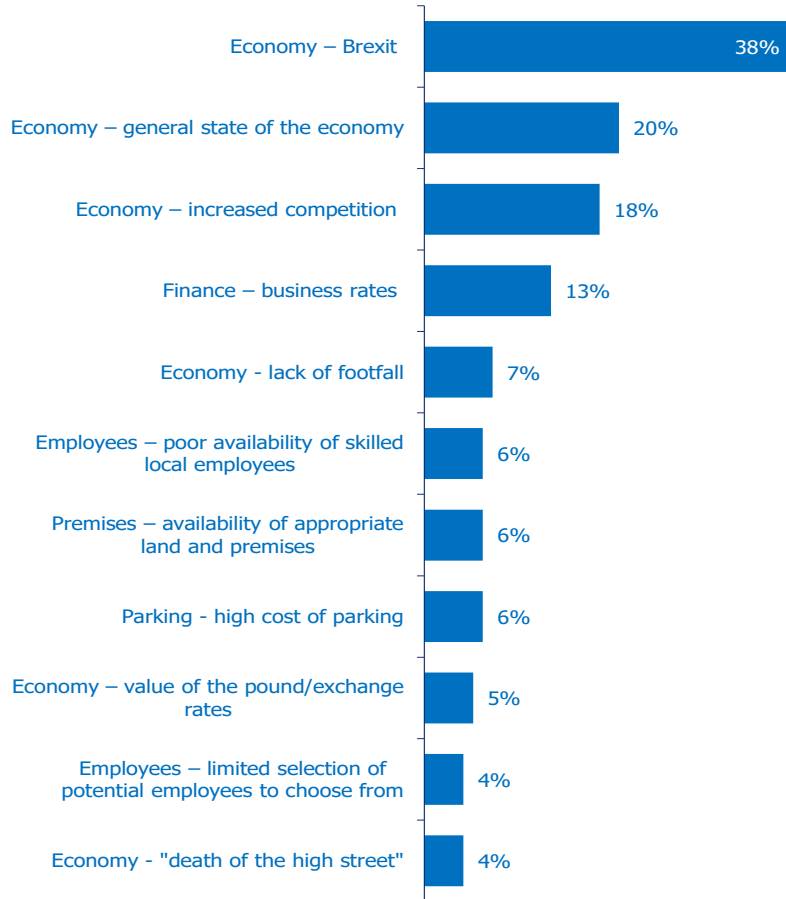
- A very similar trend was apparent across all business sizes and sectors, although the Arts, Entertainment and Recreation sector (42%) was the most likely to say that the business climate would get worse in the next 12 months.
- Those who feel their business performance has got worse in last 12 months most likely to fear for the future (53% saying 'get worse')
- 15% of businesses that had sought information, guidance or advice in the past 12 months stated that their business performance had got worse during this period, this is the same proportion (15%) as amongst those who had *not* sought information, guidance or advice in the past 12 months.

Regardless of views on business climate change, business investment will continue



- Across all areas business investment is set to continue at the same or a higher level.
- Future investment is proportionate to business size with smaller businesses (32% 1-9) less likely than larger businesses (67% 50+) to expect a higher level of investment overall

Biggest challenges to growth are economic and financial



- The economy is the single biggest barrier to growth, alongside other economic factors
 - NET: Economy 69%
 - NET: Finance 19%
 - NET: Employees 11%
 - NET: Parking 8%
 - NET: Transport 6%
 - NET: Premises 6%
- Brexit a big challenge to 38% of businesses
 - Particularly Wholesale/Retail (59%)
 - Affects businesses of all sizes

Q17. What do you think are the THREE main barriers that might prevent your business from growing over the next 3 years? Base 127

Businesses are passionate about the barriers that are challenging their growth

"The city authority needs to move into the 21st century. They need to recognise we are a tourist city and support businesses allied to this industry. The city needs to move forward and not remain static."

"The council should do more to support businesses in the city in terms of tax breaks, business rates and commercial waste costs. Also speak to local businesses, support them more and give them more help."

"The council have no long term plan for York city centre. They also need to look at lowering business rates and rents in the city."

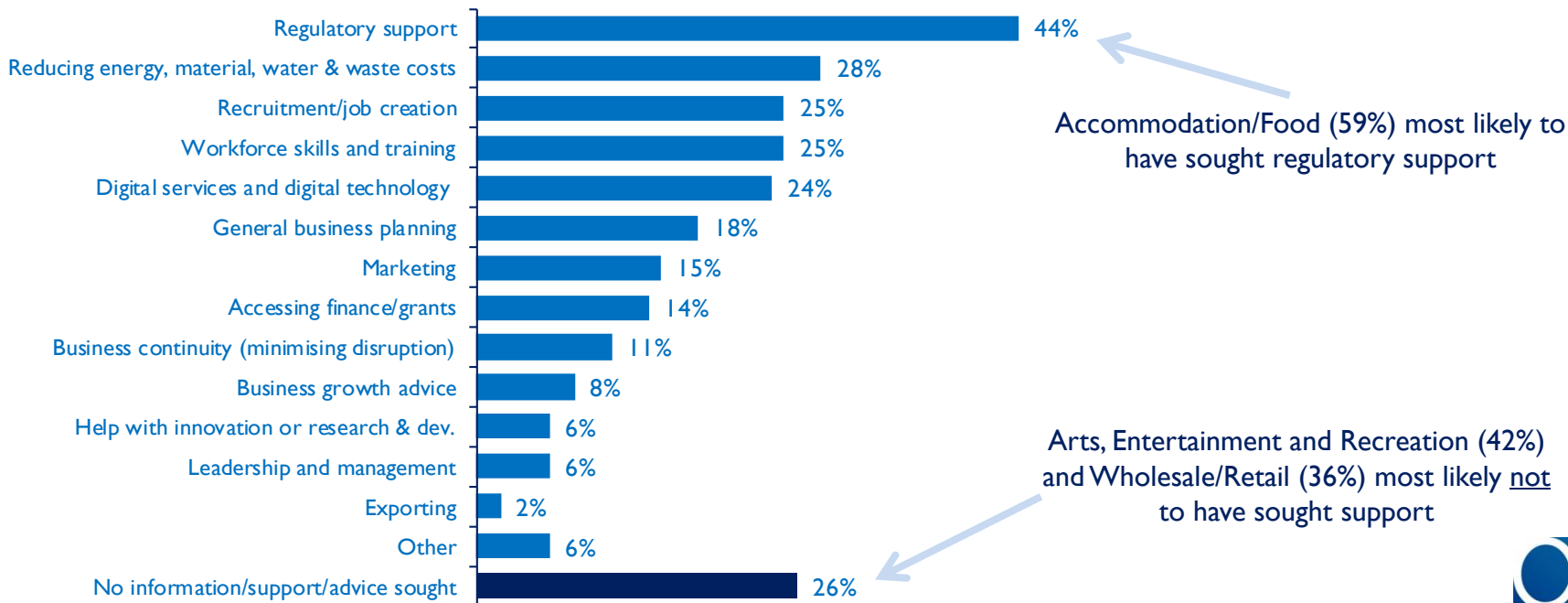
"The city this year has seen a reduction in tourists which has impacted on business, also the issues around Brexit have slowed down business."

"The city centre is dying because of the cost of parking favouring online and out of town retail. More money should be invested in raising footfall by lowering parking costs rather than just sprucing up empty buildings. They should organise a programme of business relief to fill some of the unsightly empty shops."

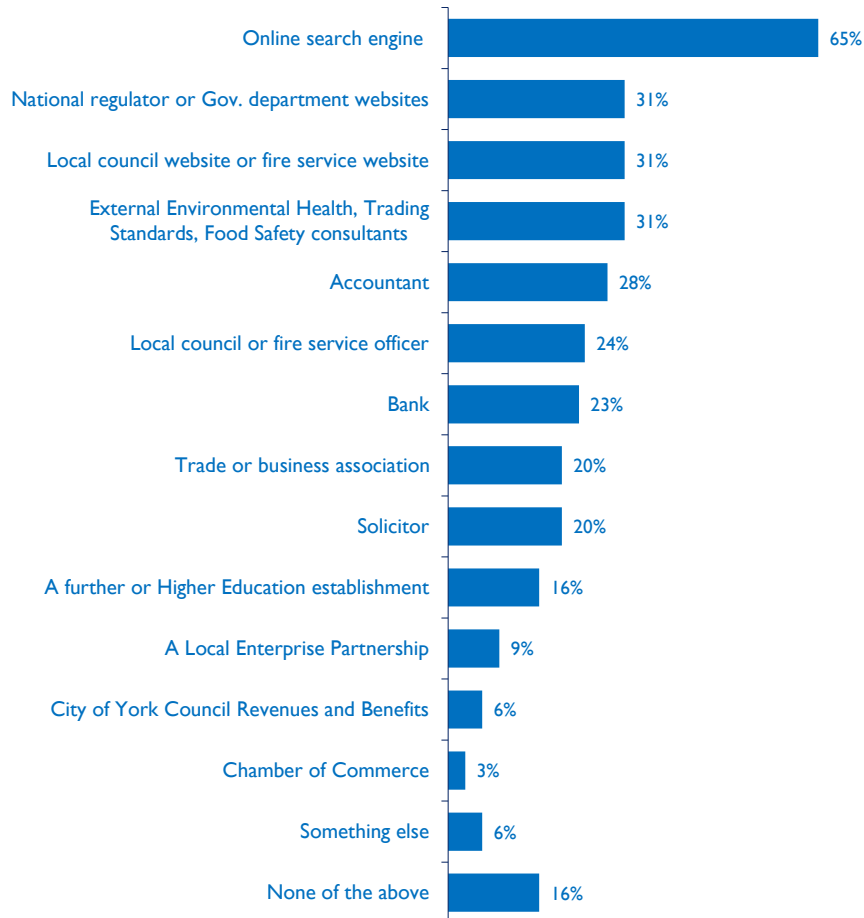
Business Support and Regulation

Businesses have sought support with regulation more than any other area

- Three-quarters (74%) of businesses have sought information, support or advice in last 12 months.
- Regulatory support was the most common area in which help was sought

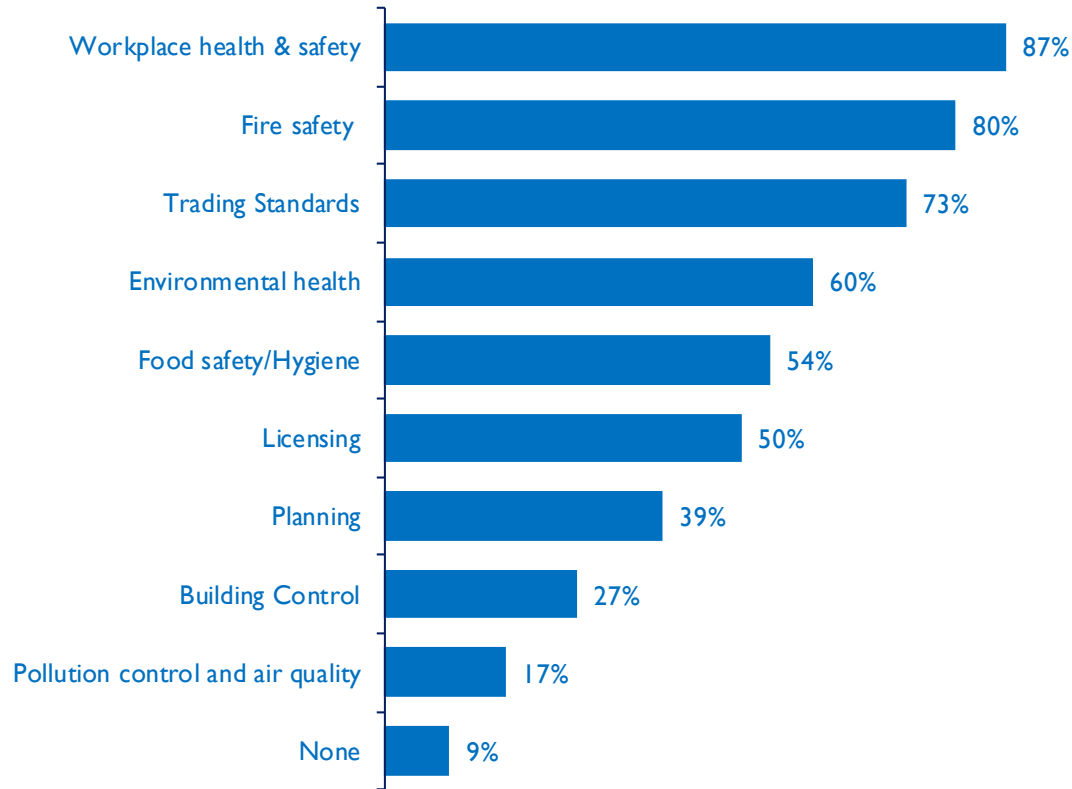


York businesses use a wide range of sources for information, support and advice



- Online (search engines and websites) is the most used source
- Any mention of local government (57%)
 - Arts, Entertainment and Recreation (58%)
 - Accommodation/Food (53%)
 - Other Service Activities (45%)
 - Wholesale/Retail (32%)

Nine in ten (91%) covered by at least one area of regulation

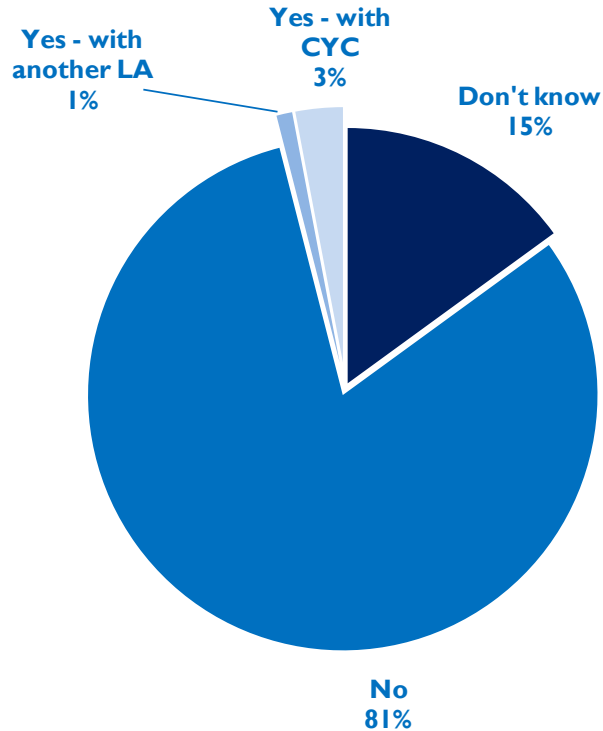


- All Accommodation/Food and Arts, Entertainment and Recreation businesses covered by regulation
- Some businesses in Other Service Activities (23%) and Wholesale/Retail (14%) did not think they were covered by regulation
- Smaller businesses (1-9 employees) the only ones to say that they are not covered by regulation (15%)

Q3. Which of the following areas of regulation apply to your business? Base 127

Local regulators

Only a small minority are members of the Primary Authority Scheme

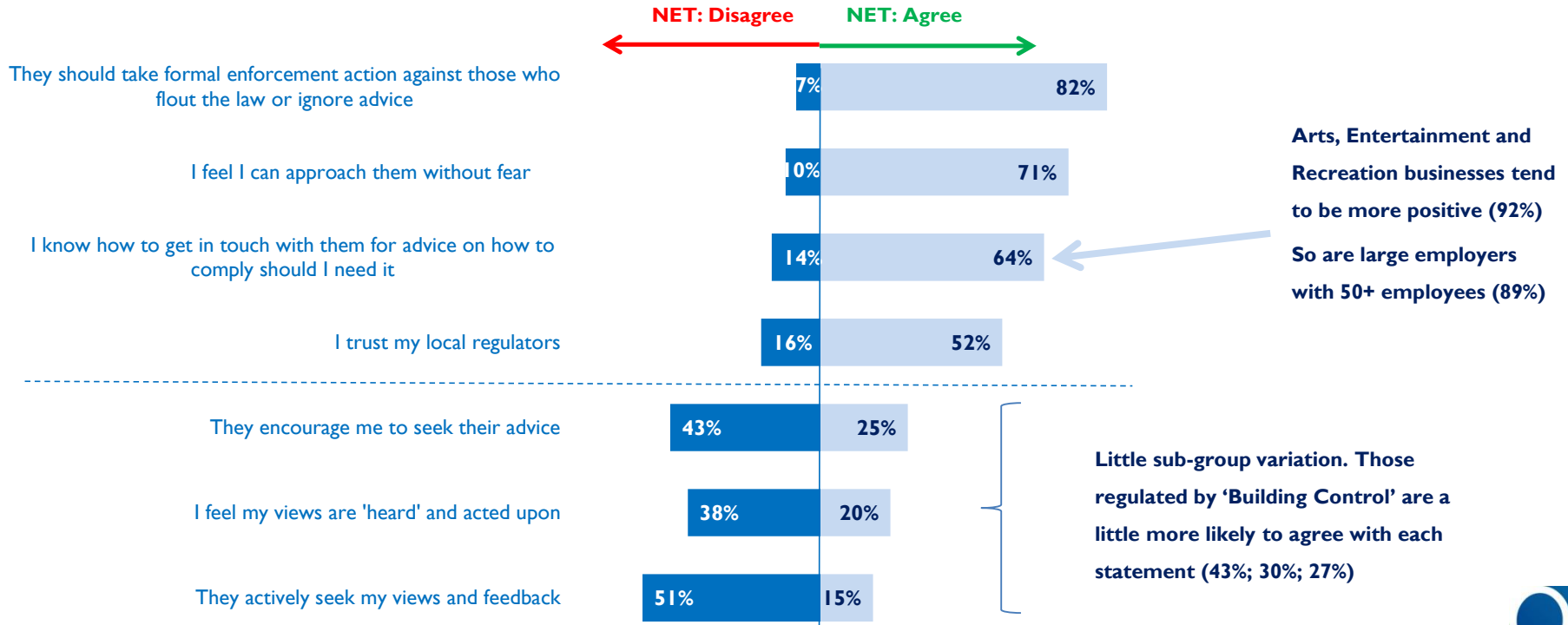


Primary Authority Scheme members all from Accommodation/Food or Other Service Activities sectors

Q3. Is your business a member of the Primary Authority Scheme? Base 127

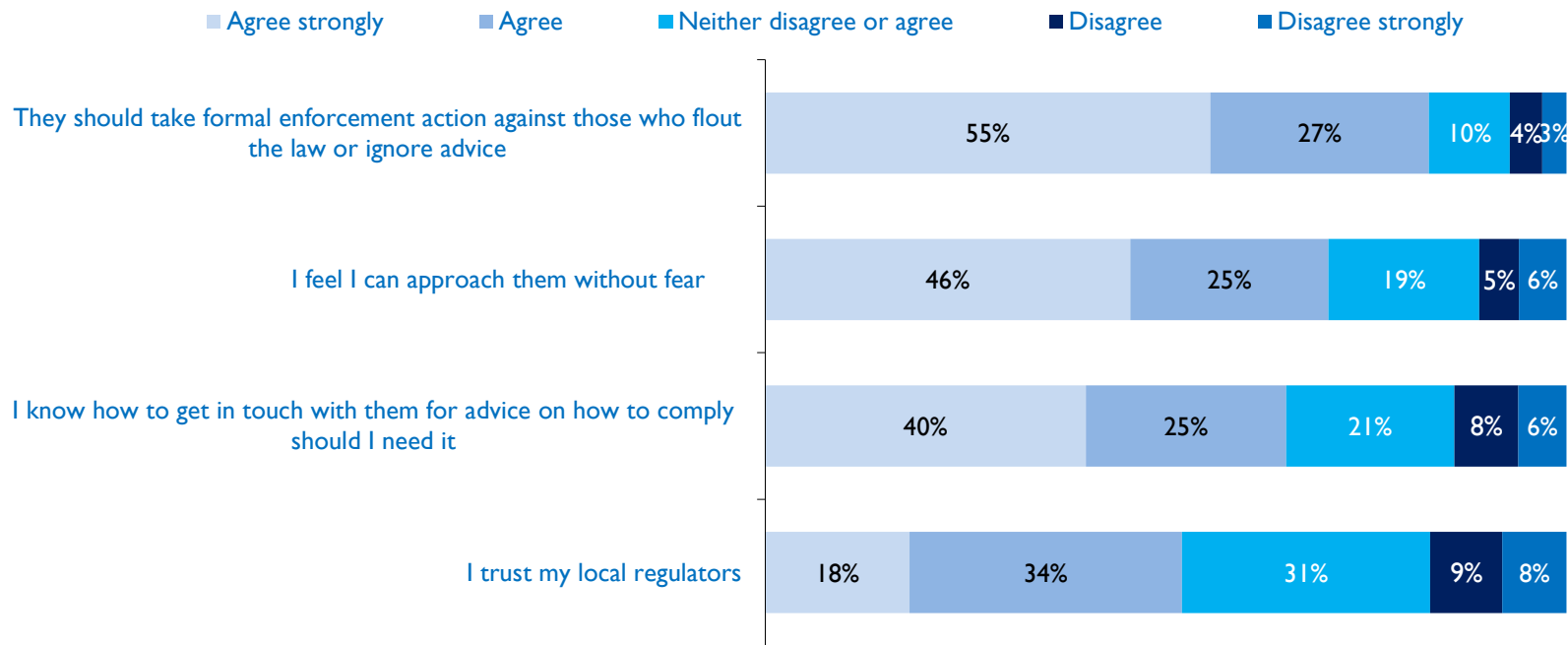
CYC regulatory services are approachable, however, they could be more proactive

- DK and NA responses have been excluded – slightly higher for bottom 3 statements.
- Little difference between those actually using CYC for advice v those not



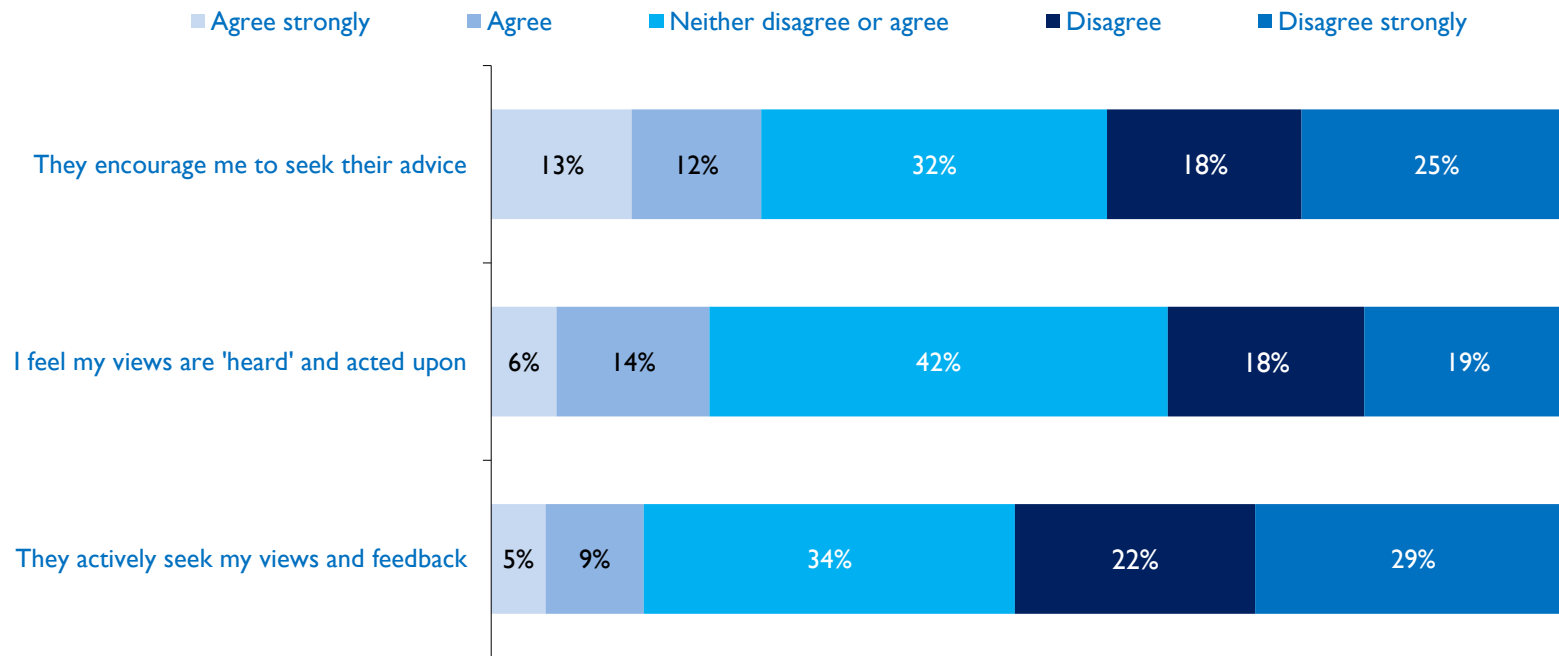
Q5. I am going to read some statements about the City of York Council's regulatory services. For each one, please tell me how far you agree or disagree giving your answer on a scale of 1-5, where 1 means you disagree strongly and 5 means you agree strongly. Base varies from 109 to 118 due to exclusion of DK and NA.

Businesses are aware of the CYC regulatory services role



Q5. I am going to read some statements about the City of York Council's regulatory services. For each one, please tell me how far you agree or disagree giving your answer on a scale of 1-5, where 1 means you disagree strongly and 5 means you agree strongly. Base varies from 109 to 118 due to exclusion of DK and NA.

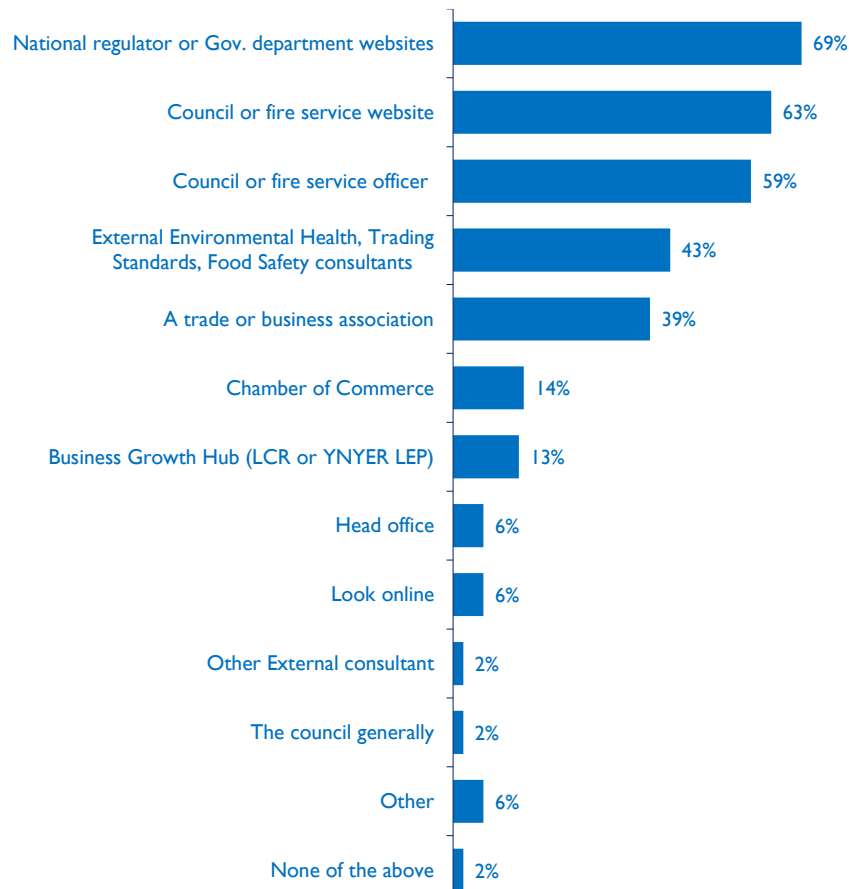
CYC could improve on regulatory services by being more proactive



Q5. I am going to read some statements about the City of York Council's regulatory services. For each one, please tell me how far you agree or disagree giving your answer on a scale of 1-5, where 1 means you disagree strongly and 5 means you agree strongly. Base varies from 109 to 118 due to exclusion of DK and NA.

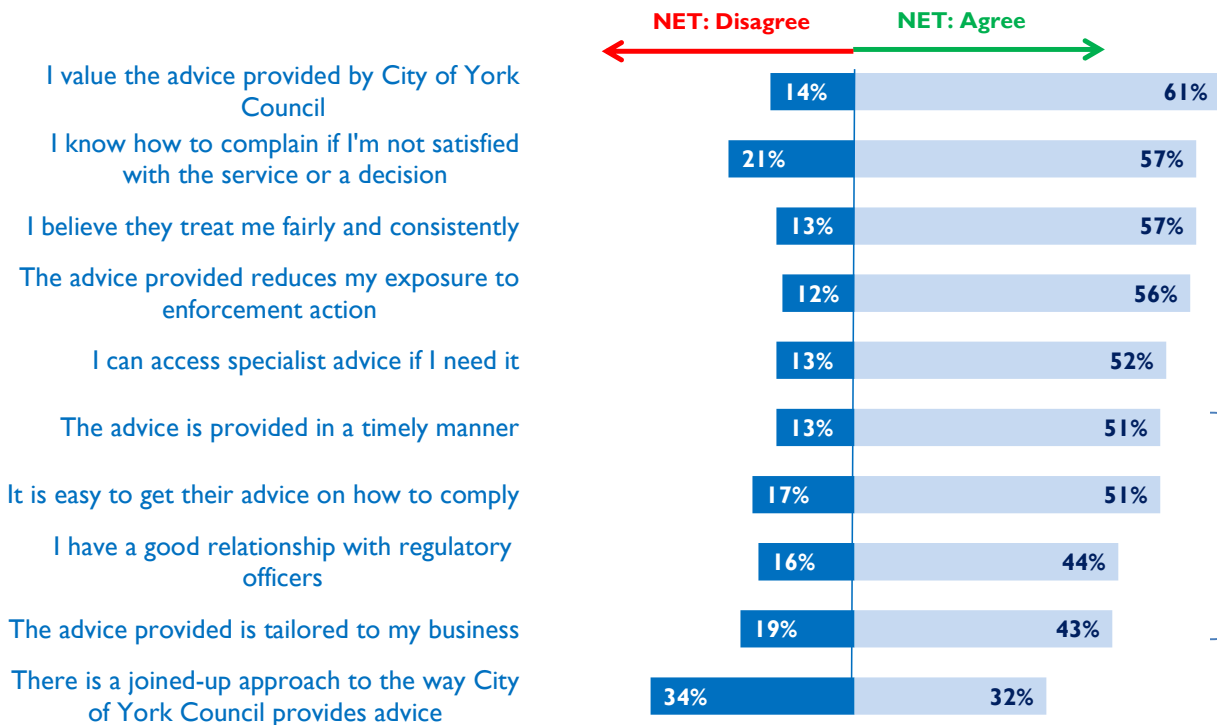
Advice and Support from CYC

York businesses use a wide range of sources for information, support and advice



- Online again the most used source
- Any mention of local government (80%)
 - Arts, Entertainment and Recreation (100%)
 - Other Service Activities (86%)
 - Accommodation/Food (76%)
 - Wholesale/Retail (75%)

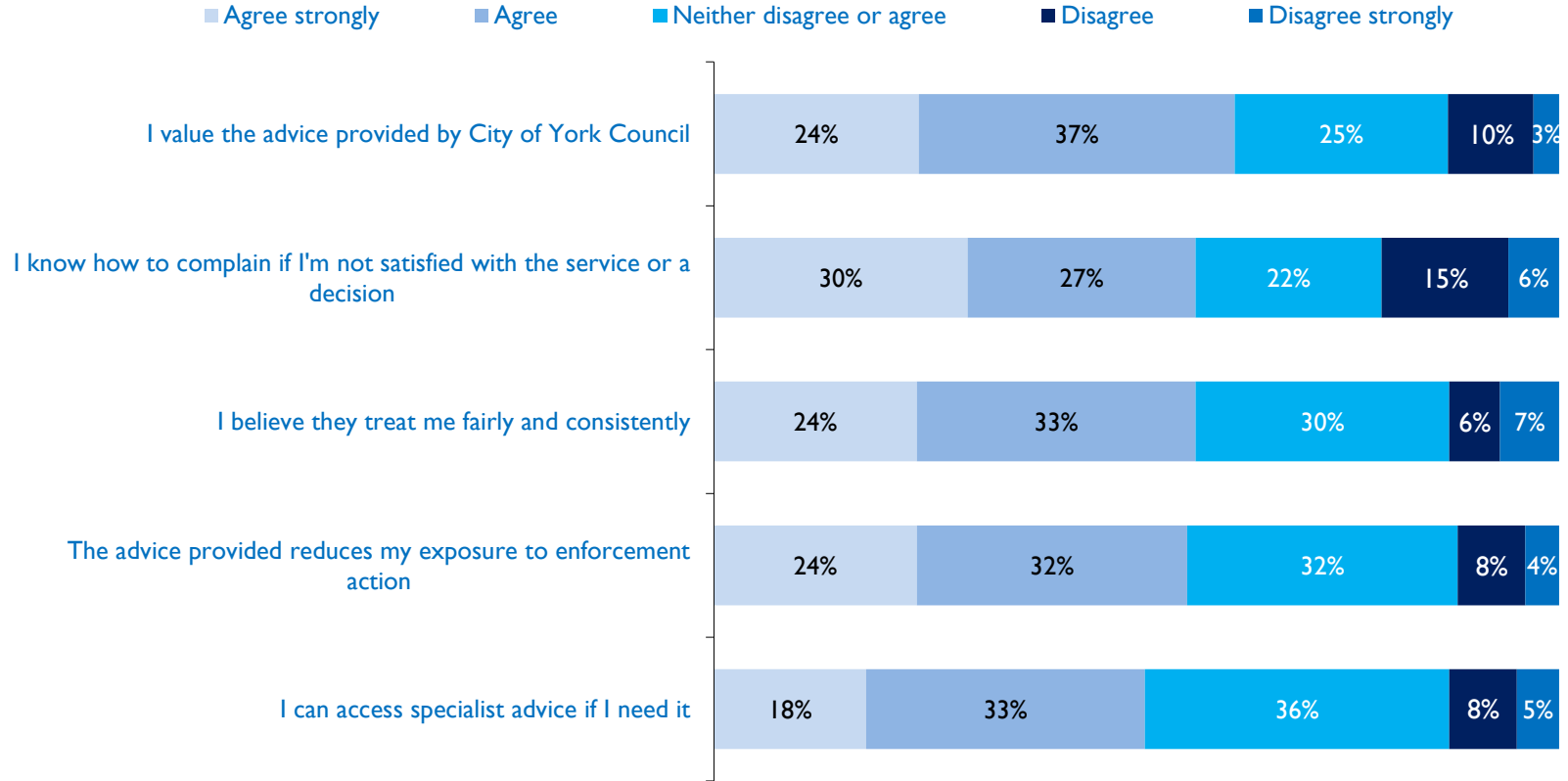
Businesses positive about value, clarity and ease of accessing advice.



Businesses covered by licensing and pollution control/air quality more likely to agree with many statements.

Accommodation/Food businesses more likely to agree with these statements (67% the advice is provided in a timely manner)

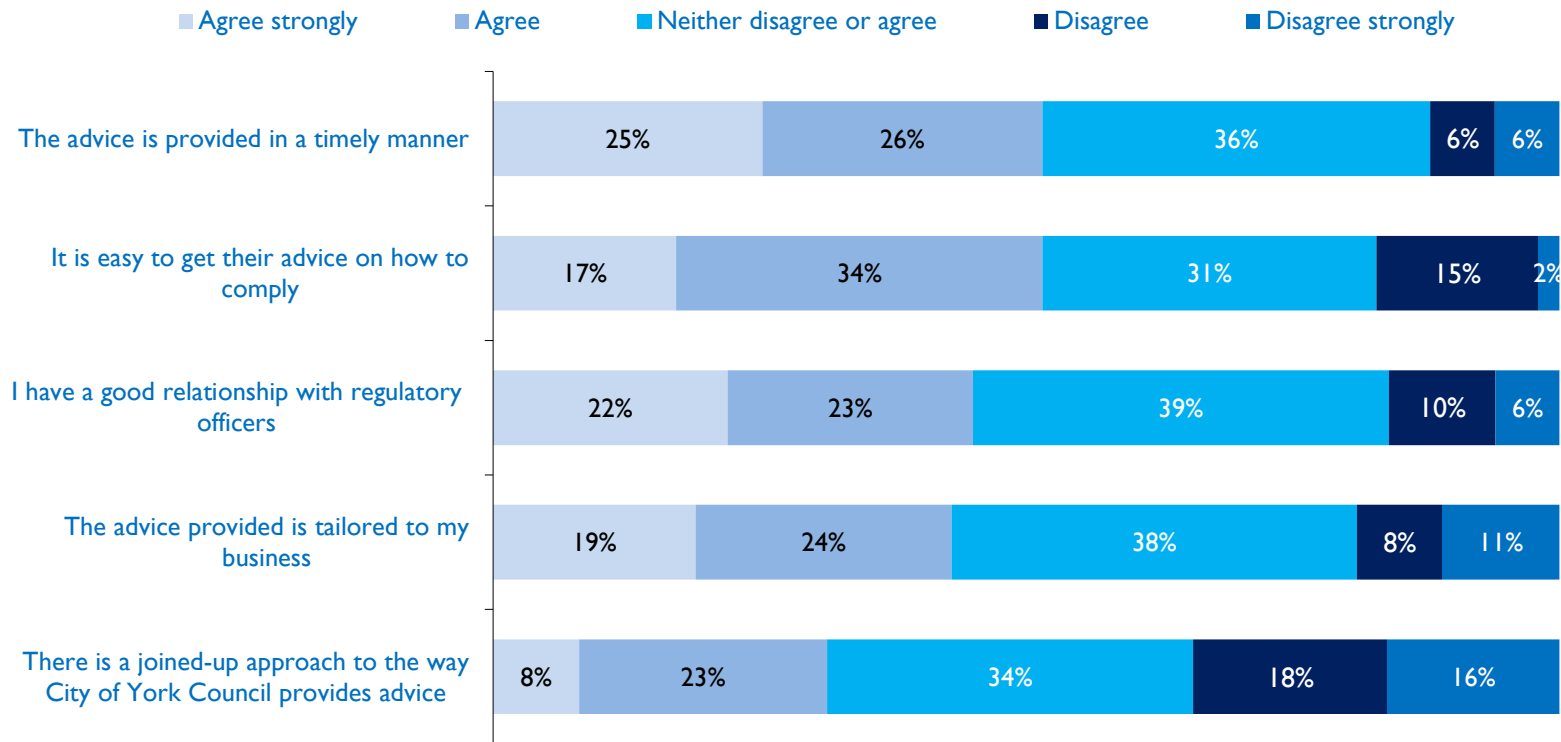
Businesses generally positive about value, clarity and ease of accessing advice



Q7. I am going to read some statements about the advice and support you receive from City of York Council's regulatory services.

Base: All using CYC for advice - varies from 73 to 96 due to exclusion of DK and NA.

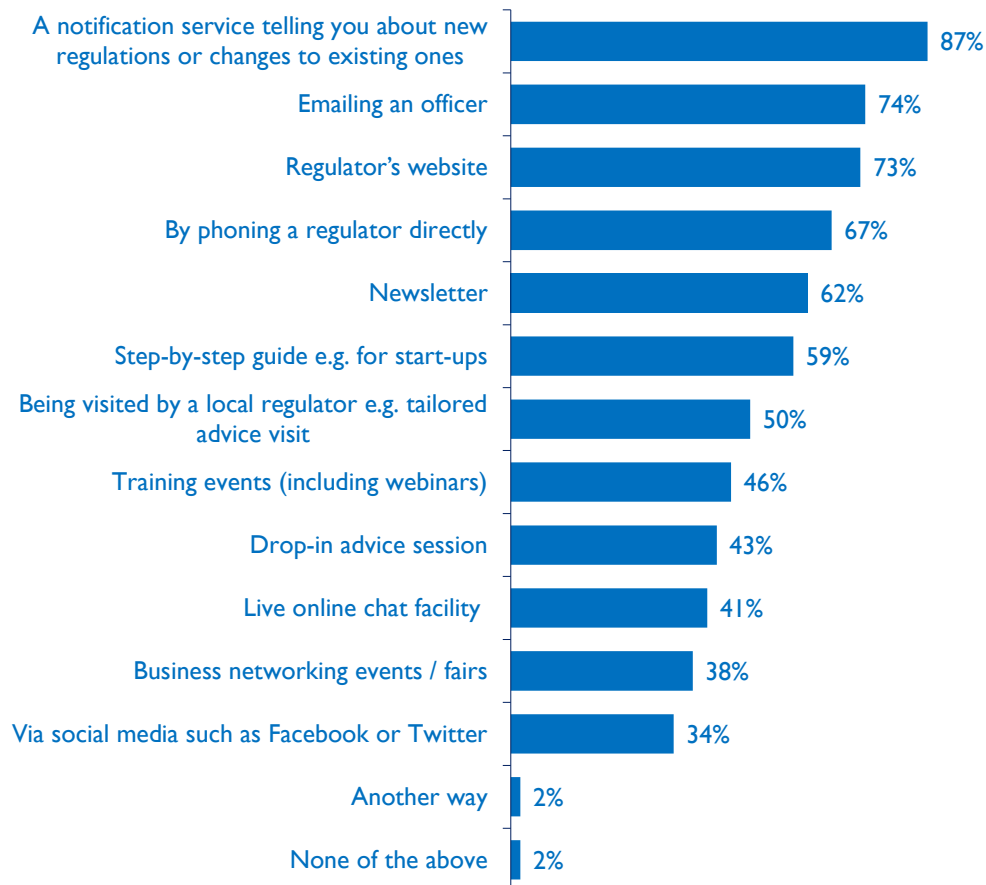
CYC could improve on regulatory services by being more proactive



Q7. I am going to read some statements about the advice and support you receive from City of York Council's regulatory services.

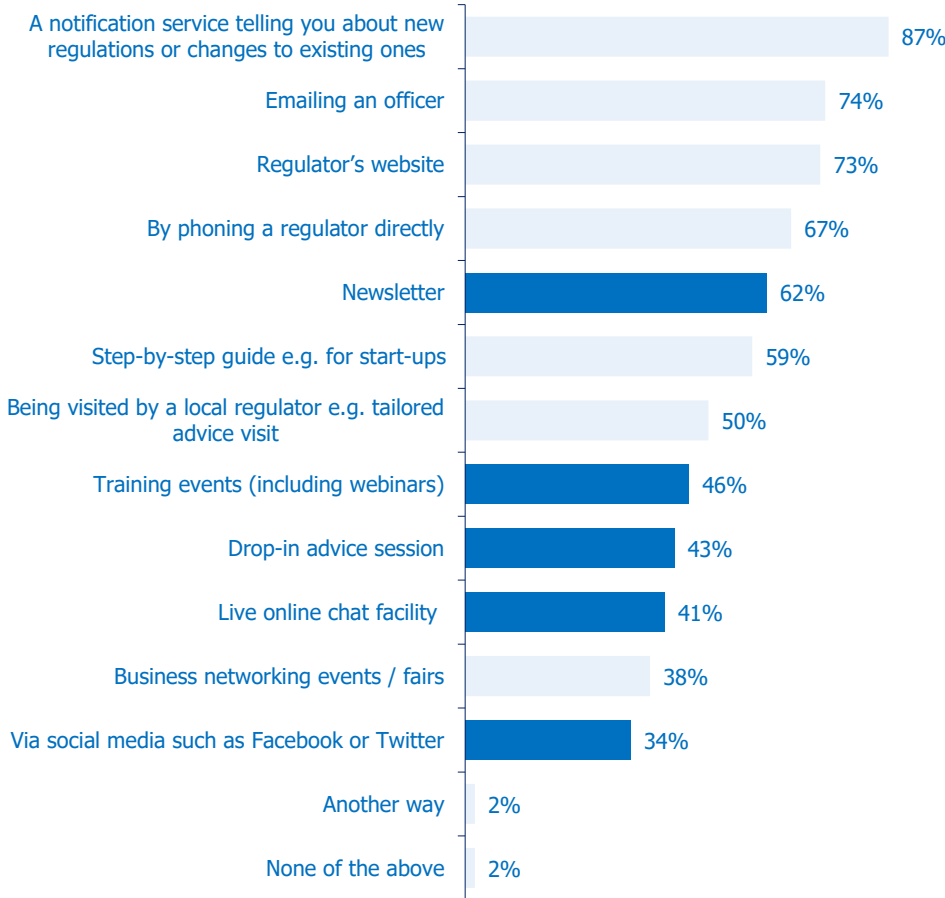
Base: All using CYC for advice - varies from 73 to 96 due to exclusion of DK and NA.

Businesses want to be told, but also want channels to ask too



- Notification service and other 'proactive' methods of seeking advice most popular
- Want a variety of options – average number is 6.76
- High interest (96%) amongst those who do not currently use CYC for advice. Less so the proactive options.
 - 77% notification service
 - 54% newsletter
- Little variation by sector

Of those methods not offered already, more newsletters would be the most popular



- In terms of improving the offer, there is interest amongst businesses for more newsletters (including those not currently using CYC)
- No online chat facility at moment... given variety of sources interested in is 41% enough to build a business case to offer this?

To improve the service businesses would like more proactivity and clarity

- Businesses were asked to provide ideas about improving the regulatory service
- Similar responses from different sectors and type of regulation



Q9. How could City of York Council regulatory services improve the way they work with businesses? Base 127

A variety of ideas show value in listening to businesses

- **Being more proactive and providing information would be beneficial**

“They could make themselves known to businesses in the area. This is the first time I have heard of them.”

“Visiting the business and making themselves known and possibly giving us some insight as to what they can offer. Reach out. Proactive approach.”

- **Importance of profile raising and information via newsletters/events**

“By newsletter and being more accessible even if it's just a chart of important phone numbers for our wall”

“Have a networking event in the morning before shop hours offering a free breakfast. I would go to that.”

“Hold regular events to catch up on regulations would interest us. Perhaps a yearly step by step guide to regulations and updates.”

- **Clearer information on points of contact will ease frustration and improve understanding of a joined up approach**

“They need to improve the way they communicate with each other. Talking to people either on the phone or face to face is the best way to get help “

“Need clearer information about who to speak to about different things so you don't get passed around unnecessarily. People handling enquiries need to take ownership and make sure they get to the right person.”

Conclusions

Conclusions (I)

- York city centre is home to a variety of businesses; many of whom are privately owned and well established
- Majority of businesses have a stable or improving headcount, turnover and overall business performance. Though, understandably in the current economic climate, some uncertainty for the future exists.
- Tend to reference national issues, mainly economic in nature, when identifying potential barriers to growth, though a small number of local issues exist which businesses feel strongly about.
- A range of sources are used to access business support and regulation advice specifically - internet is the most readily used channel

Conclusions (2)

- CYC regulatory services feel approachable, but evidence suggests they could be more proactive
- The majority of businesses (82%) agree that “CYC should take formal enforcement action against those who flout the law or ignore advice”
- Appetite for receiving information via a variety of sources. Businesses want to be given important information but also need clear channels when they need additional advice.
- Businesses want proactivity, clarity and business friendly content from CYC regulatory services



This research will be carried out in compliance with
ISO 20252, (the International Standard for Market and Social research),
The Market Research Society's Code of Conduct & UK Data Protection law.



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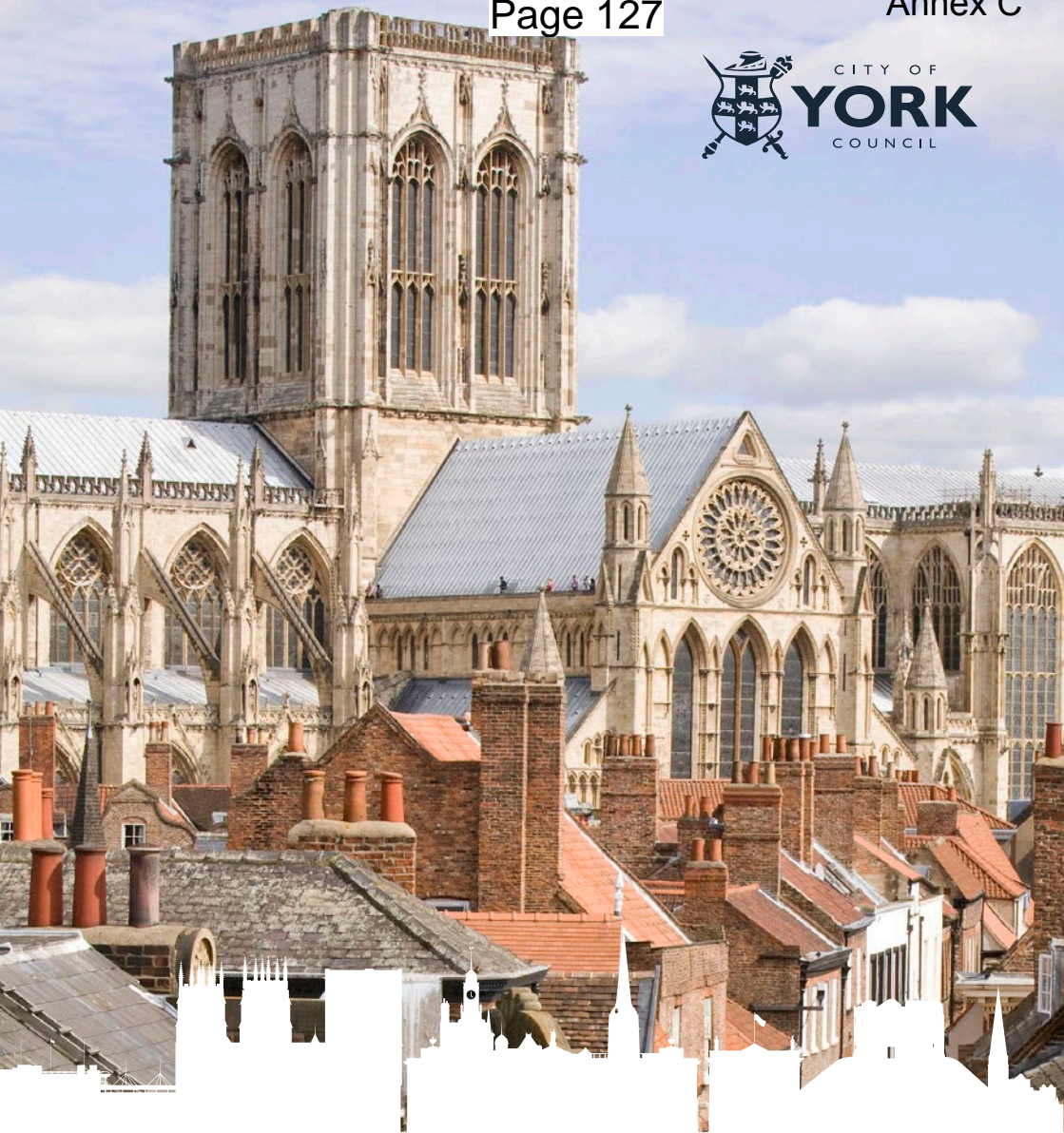
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City of York Council's Business Services



Worth £5.2bn to the UK economy, York is a key driver of regional growth with 9,000 businesses and 110,000 people employed across the city.

City of York Council wants to help and support businesses across the city to grow and be successful.

This booklet outlines the council's wide range of support and services available to its business community and includes key contact details and helpful links. It also highlights the support that is available through partners such as Make It York and York BID.

Our Services

Ask the council's **Public Protection** team about environmental assessments and advice for your business through their environmental consultancy service **YES Consultancy**. They also provide advice through **Trading Standards** allowing your business to understand and meet its legal requirements and preventing mistakes from being made by understanding Trading Standard Law.

For more information contact the team on:

Telephone: 01904 551525

Email: public.protection@york.gov.uk

The **York Skills Plan** focuses on how the council and our partners will work together to ensure we have skilled people in thriving local businesses with good quality, well paid jobs for all. The Skills team works towards this aim by supporting businesses to understand the world of apprenticeships and the benefits of them through its **York Apprenticeship Hub**. Additionally, the team brings businesses and students together with the **York Careers Education Network**, allowing young people to gain an insight into businesses in the city.

For more information contact the team on:

Email: skills@york.gov.uk

Website: www.york.gov.uk/YorkSkillsPlan

Email: york.apprenticeships@york.gov.uk

Website: www.york.gov.uk/yorkapprenticeships



Ensuring your business has a healthy workforce is a key priority. The council's **YorWellbeing** team can provide assistance with this by providing **Free Mini Health Checks** with trained professionals. These include blood pressure and BMI checks as well as advice on how to stop smoking. All information is confidential and no individual results will be recorded.

For further information contact the Workplace Health Officer:

Telephone: 01904 553377

Email: glyn.newberry@york.gov.uk

The council's **Emergency Planning** team can support your business in creating a well-developed, structured and rehearsed **Business Continuity Plan (BCP)** which will assist your business in recovering from an incident as quickly as possible when faced with a risk.

To request advice, please contact the Emergency Planning Officer and Business Continuity Advisor.

Telephone: 01904 551039

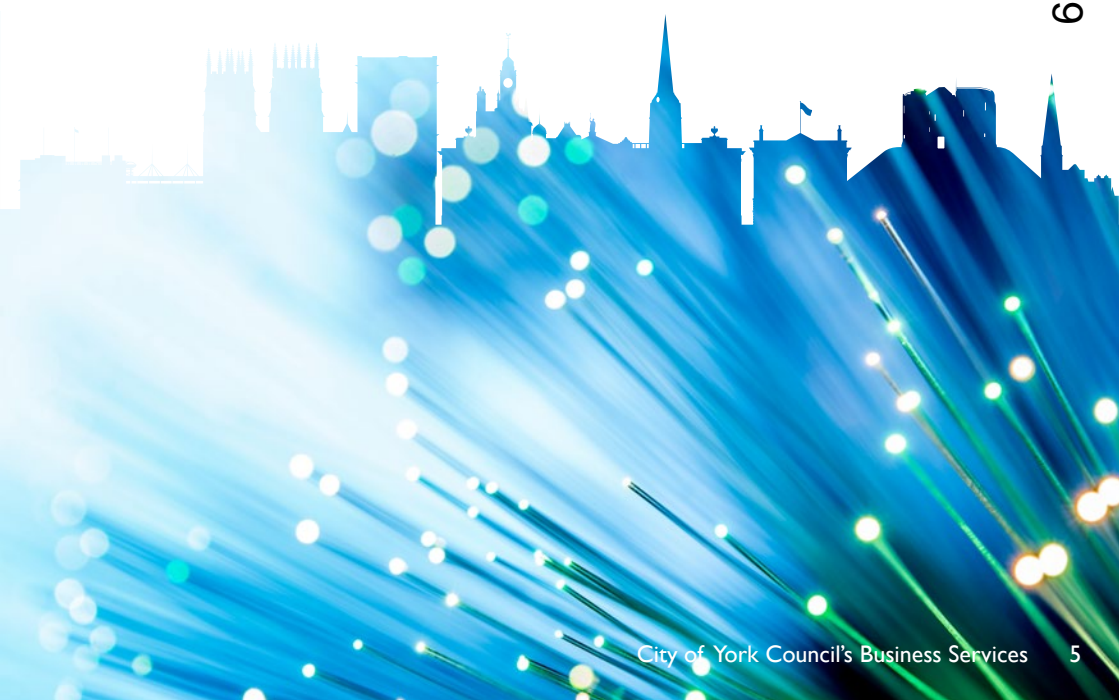
Email: emergency.planning@york.gov.uk

The Digital York team offers **broadband upgrades for businesses**. The service offers vouchers to businesses and group projects which can be claimed against the cost of connection and other digital based services. These upgrades have been used to help businesses and communities to underpin and support growth.

For more information please contact the Digital York team on:

Telephone: 01904 552999

Email: digitalcity@york.gov.uk



The Waste Management team offer a **commercial ‘dry waste’ collection** service to most businesses in York which can be tailored to suit your business’ individual needs. The service offers a six days a week collection (Mondays to Saturdays), evening collections and pre-paid trade waste collections in the city centre.

For more information and costs contact:

Telephone: 01904 553270/553282

Email: commwaste@york.gov.uk

City of York Council’s Procurement team invites companies to **do business with the council**. Each year the council spends approximately £150m buying goods, works and services through the council’s Commercial Procurement team with tenders and quotation opportunities published online: www.yortender.co.uk. **A Forward Plan** is published every 3 months to allow businesses to see upcoming opportunities to work with the council. To see the list of upcoming opportunities visit: https://www.york.gov.uk/downloads/file/14000/CYC_Procurement_Forward_Plan.pdf

Or contact the Procurement Team on:

Email: procurement@york.gov.uk



Make It York

Make It York aims to ensure that businesses can get the help and support they need, when they need it. They offer start-ups, growth, and established businesses access to a wealth of information, advice, and support including: start up and growth; access to finance and funding; skills and training; property search; international trade; and much more. The team is also committed to attracting new businesses to the city and offer a tailored inward investment support service for those looking to locate in York.

For more information:

Visit: <http://www.makeityork.com/>

Telephone: 01904 554400

Email: business@makeityork.com

MakeItYork

AD:VENTURE

- Is your business less than 3 years old?
- Are you trading with other businesses?
- Do you have growth plans?



AD:VENTURE is an ERDF and partner funded business support programme for businesses in or locating to Leeds City Region (which includes York).

A huge range of fully funded support is available to businesses who have ambitions to scale up and grow.

This includes:

- One to One mentoring
- Workshops on Scale Up Topics
- Expert and Academic Advice
- Growth Grant funding (Up to £25,000)
- Support for Younger People into Business
- Access to low rate government loans and other finance.

Think Big... Think AD:VENTURE

Please Note: ERDF Eligibility criteria do apply, and businesses in consumer retail (only selling to the public), primary agriculture, nuclear decommissioning and educational provision will not be eligible.

Website: www.ad-venture.org.uk

Telephone: 0845 5240210

Email: support@ad-venture.org.uk

York Bid

The York BID (Business Improvement District) provides support to businesses in the city, bringing practical improvements in addition to working with procurement specialists to help drive down business costs.

Businesses within the city centre can benefit from reduced trade waste bills and 7-day collections through a partnership with Forge Recycling, with an average annual saving of around 20% for those who join.



For more details, contact the team on:

Telephone: 0345 5050905

Email: yorkbid@forgerecycling.co.uk

York BID also offer a Saving Advisory Service exclusively to its levy paying businesses aimed at saving them money on their business costs.

For more details, call Meercat Associates:

Telephone: 01444 416529

Email: info@meercatassociates.com

For general enquiries please contact the York BID team on:

Telephone: 01904 809970

Email: info@theyorkbid.com



About York

We are well connected

York is at the heart of the UK's rail network with direct connections to London (1hr50) and Edinburgh (2hr30), with further enhancements to come (HS2, NPR, ECML). We are also the UK's first 'Gigabit City' with the fastest digital connections in the UK

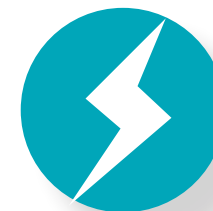


We are ambitious

York's economy is booming with high employment and key specialisms in high-value sectors such as rail technology, agri-tech and bio-science

We are vibrant

Voted one of the best places to live in the UK, York is a vibrant city with a vast history and strong cultural offer



We are talented

York has the highest skills levels of any city in the north of England with top performing schools and two world class universities

We are world class

Our culture and heritage offer attracts over 7 million visitors to York every year. We are the first UK city to be designated UNESCO City of Media Arts and by attracting private sector investment in our digital infrastructure we are pioneering new smart city applications.





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