



Notice of a public meeting of

Housing and Community Safety Policy and Scrutiny Committee

- To:** Councillors Fenton (Chair), Pavlovic (Vice-Chair), Baker, Vassie, Fitzpatrick, Cuthbertson and Wells
- Date:** Wednesday, 21 September 2022
- Time:** 5.30 pm
- Venue:** The Snow Room West Offices

AGENDA

1. Declarations of Interest

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

2. Minutes (Pages 1 - 6)

To approve and sign the minutes of the Housing and Community Safety Scrutiny Committee meeting held on 19 April 2022.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering is 5.00pm on Friday 16 September 2022 Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda. Webcasting of Public Meetings Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers who have given their permission.

The public meeting can be viewed on demand at www.york.gov.uk/webcasts. During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

Written representations in respect of items on this agenda should be submitted to Democratic Services by 5.00pm on 16 September 2022.

4. 2022/23 Finance and Performance Monitor 1 (Pages 7 - 16)

This report provides details of the Q1 2022-23 monitoring position for both finance and performance across Housing & Community Safety. The paper incorporates data to June 2022, which was reported to Executive on 18th August 2022.

5. Central Government Consultation on Developing a tourist accommodation registration scheme in England (Pages 17 - 32)

The government has issued a call for evidence on the benefits and challenges presented by the rise in short-term and holiday lettings seen in England over the last 10 to 15 years. This will inform the development of policy options, which the government will subsequently consult on later in the year.

6. Housing and Community Safety Policy and Scrutiny Committee Work Plan (Pages 33 - 34)

To receive a plan of reports currently expected to be presented to future meetings of the Committee up to March 2023.

7. Urgent Business

Any other business which the Chair considers urgent.

Democracy Officer

Robert Flintoft

Contact details:

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

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

Contact details are set out above.

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我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Housing and Community Safety Policy and Scrutiny Committee
Date	19 July 2022
Present	Councillors Fenton (Chair), Pavlovic (Vice-Chair), Vassie, Fitzpatrick and Cuthbertson Councillor Craghill Officers Tracey Carter Director of Housing, Economy and Regeneration Patrick Looker Head of Service Finance Michael Jones Head of Housing Delivery and Asset Management Dennis Southall Head of Housing Management Andrew Bebbington Housing Policy Officer Fiona Phillips Assistant Director - Consultant in Public Health Leigh Bell Public Health Specialist Practitioner Advanced
Apologies	Councillors Baker and Norman

1. Declarations of Interest (17:31)

At this point in the meeting, Members were asked to declare any disclosable pecuniary interest or other registerable interest they might have had in respect of business on this agenda, if they had not already done so in advance on the Register of Interests. None were declared.

2. Minutes (17:31)

Resolved: That the minutes of the last meeting held on 19 April 2022 be approved and signed as an accurate record.

3. Public Participation (17:32)

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

4. Finance and Performance Outturn 2021-22 (17:32)

The Committee raised questions regarding the current amount of rent arrears, officers confirmed that these were at about £1.6 million and was due to a number of factors. These included decisions such as to limit actions during the pandemic to avoid making individuals homeless and a new computer system across the department which was still being embedded. It was confirmed that the Council had a key performance indicator to collect rents, but with the cost of living crisis officers would aim to review individual situations in the round to avoid making families situations worse. The Committee discussed whether there was any support from central government to support Council's and Council tenants relating to rent. Officers noted that there was no specific support they were aware of.

A range of issues and challenges were discussed relating to Building Services relating to a series of over and underspends due to the volume of work, staffing and material resources, and issues relating to procurement. Officers confirmed that action plans were being developed to address a range of challenges. Members focused on staffing and recruitment challenges and discussed whether sufficient work was being undertaken to encourage the training of skills across the city. Members enquired as to whether closer ties could be established with York College around access to apprentices.

Offices confirmed that the Council faced challenges in relation to its current pay scales not matching private sector pay offers, they agreed with the importance of the Council needing to develop skills and highlighted the Council's drive to recruit apprentices. It was also confirmed that the Council needed develop new offers to staff to improve retention. The new to develop new skills around delivery of more energy efficient homes was noted by officers and they confirmed that funding from the local government association had been achieved to work with York College to develop training programs relating to carbon reducing building techniques.

Data on anti-social behaviour and hate crime was enquired about, members asked if an update could be provided to the Committee expanding on the data provided in the report as to the Councils performance in handling hate crimes due to data suggesting York was performing poorly as opposed to other comparable authorities. It was confirmed that additional detail would be provided to the Committee and a future report could be considered if required.

Resolved:

- i. That the Finance and Performance Outturn 2021-22 be noted.

- ii. That a further update relating to data on hate crimes and anti-social behaviour be shared with the Committee.

Reason: To ensure expenditure is kept within the approved budget and to determine whether the Committee needs to consider further how the Council reduces hate crime and anti-social behaviour in the city.

5. Housing energy efficient retrofit action plan (18:09)

The importance of housing energy efficient retrofit was highlighted to address carbon usage and to reduce energy bills which were a significant contributor to the current cost of living crisis. Officers highlighted that the Council had been successful in applying for a series of grants to fund programmes to improve the energy efficiency of Council homes. It was confirmed that the Council had collated a lot more data on the Councils housing stock which provided useful information about the work that was required and where. The cost of retrofitting every property was identified by officers as being significant and it was suggested that external funding would be required to deliver the developing action plan.

Members discussed what work could be undertaken to encourage residents to support retrofit actions in their homes, be this Council tenants or private homes. An example of the work undertaken by Caritas in Germany was highlighted which employed people who had experienced poverty to speak to residents about the benefits of retrofit work. Officers noted that the work that had been undertaken so far in gathering data was crucial to understand the kinds of interventions which were possible and were required, they confirmed that there was a clear opportunity moving forward, now this data had been gathered, for resident engagement in the action plan.

The negative health issues relating to fuel poverty was discussed. Cold homes were confirmed to exacerbate a great many health conditions and this has a knock on effect on hospital admissions. With retrofitting it was confirmed that the Council was aiming to tackle the least efficient homes first as this should give the biggest impact for the city subject to the work that can be delivered on different house types.

Members enquired as to whether the Council had the relevant skills currently to deliver retrofit and what models such as an energy sprung model could be used. The committee raised the current role of void properties and whether these were ideal homes while no one was living in them to retrofit and build up a skilled workforce. Officers noted that due to

the many different types of homes that this would currently require individual design plans for individual homes and that there was a pressing need due to the housing waiting list for homes to be made ready for tenants as soon as possible. It was noted that the Council would need to develop skills for retrofitting internally and that external contractors would likely be required for some work. Officers did confirm that at a future stage of the program newly void properties could be targeted for retrofit when they return to the Council.

Resolved:

- i. Noted the progress to date on delivering retrofit works within council homes alongside the development of further analysis and options to deliver further improvements this year and beyond.

Reason: To deliver the council's ambitions for minimising tenants' energy bills, building the local green economy and retrofit supply chains, and reducing carbon emissions in the City.

- ii. Noted the ongoing preparation for a Social Housing Decarbonisation Wave 2 bid following the council's successful application for Wave 1 funding and that a business case for this investment will be brought forward later this year.

Reason: Grant funding of up to 50% of total costs can substantially increase the pace of retrofit improvements carried out in HRA stock.

- iii. Noted the intention to submit a bid through the anticipated Social Housing Decarbonisation Fund "digitalisation" programme for building performance monitoring and data analytics technology. This would need to be supported by HRA investment and a business case will be brought forward for approval prior to committing to this programme of works.

Reason: This technology can support better informed forecasting of residents' energy bill savings following retrofit works. This will enable leverage of financial opportunities and facilitate learning opportunities as well as supporting the most effective investment in improvement works.

- iv. Noted the intention to continue work towards HRA stock decarbonisation within the Retrofit Action Plan including commissioning of an evidence base to support this.

Reason: To identify long-term investment priorities and build on the existing stock analysis, and to provide net zero pathway options.

6. Discussion Report for Proposed Scrutiny Review (18:51)

The Committee discussed the proposal for the scope of a scrutiny review into Resilient Communities. The Committee had originally proposed a review in an informal Forum meeting of the committee on 14 December 2021. The Committee noted that the scope for reviewing how to build resilient communities would be wide and could focus on a number of areas such as the material fabric of Council estates like green spaces and community buildings to what support is provided to residents with things such as mental health issues or substance abuse. The Councils resettlement program was highlighted and the importance of effective support to those that had gone through the programme. It was also agreed that the review should consider which areas in the city had lower issues of anti-social behaviour and whether lessons could be learned from these areas.

Resolved:

- i. That the chair and vice chair of the Committee discuss with Committee members to arrange who will lead on the review.

Reason: To allow the Committee to undertake a Scrutiny Review into the topic of creating resilient communities.

7. Work Plan (19:18)

Resolved:

- i. That the Committee work plan be noted.

Reason: To ensure the Committee has a program of work for 2022-23.

Cllr Fenton, Chair

[The meeting started at 5.30 pm and finished at 7.21 pm].

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Housing and Community Safety Policy and Scrutiny Committee

21 September 2022

Report of the Corporate Director of Economy and Place

2022/23 Finance and Performance Monitor 1

Summary

- 1 This report provides details of the Q1 2022-23 monitoring position for both finance and performance across Housing & Community Safety. The paper incorporates data to June 2022, which was reported to Executive on 18th August 2022.

Recommendations

- 2 The Committee is asked to note the financial and performance management position across Housing & Community Safety.
- 3 Reason: to ensure expenditure is kept within the approved budget and performance is effectively scrutinised.

Financial Monitor 1 2022-23

- 4 The table below provides a more detailed breakdown of the forecasts for services within Housing and Community Safety.

Service Area	Expend Budget £'000's	Income Budget £'000	Net Budget £'000	Projected Variance £'000's
Building Maintenance	14,502	-15,021	-519	0
Housing Options and Homelessness	5,004	-3,680	1,324	+90
Private Sector Housing	1,260	-1,071	189	0
Community Safety	755	-81	674	0
Housing and Com. Safety (Gen Fund)	21,521	19,853	1,668	+90

- 5 The Housing and Community Safety service are forecasting a small variance of £90k at quarter 1 on general fund.

- 6 Housing Options and Homelessness includes the front-line services provided to those in need of housing support, the provision of hostels at Peasholme and Howe Hill as well as homelessness initiatives. It is currently assumed the funding will be fully spent with the increasing energy costs at the hostels resulting in a small pressure of c£90k.

Housing Revenue Account

- 7 The Housing Revenue Account is forecasting a nil variance. The table below provides a more detailed breakdown along with commentary below.

Activity area	2022/23 Net Budget	Forecast 2022/23	Variance
	£'000	£'000	£'000
Repairs & Maintenance	8,270	8,270	0
General Management	7,313	7,043	-270
Special Services	3,391	3,391	0
Other Expenditure	17,387	17,107	-280
Dwelling rents	-33,244	-32,874	+370
Non-Dwelling Rents	-456	-456	0
Charges for Services	-1,854	-1,674	+180
Other Income	-460	-460	0
Total	347	347	+0

- 8 The Housing Revenue Account budget for 2022/23 was set as a net surplus of £1,917k. There were carry forwards of £2,264k agreed as part of the outturn report meaning the revised budget stands at £347k deficit. Overall, the account continues to be financially strong and is forecasting a nil variance against this revised budget.
- 9 Repairs are currently reporting a nil variance at quarter 1, however the impact of developing inflationary pressures with regard to materials, fuel, national wage negotiations, and increased usage of sub-contractors resulting from recruitment and retention challenges within the in-house trades teams, are being closely monitored.
- 10 There is a forecast shortfall in dwelling rental income of £370k due to the level of voids. Glen Lodge currently has around 30 empty properties pending the refurbishment works, this also has an impact on the service charges income. These pressures will be offset by the teams carrying vacant posts and the bad debt provision budget remains at a prudent

level. The adjustment to the provision at year end is forecast to be lower than budget by c£80k.

- 11 At the time of writing the Monitor 1 report the impact of utility (gas and electricity) inflation was not quantified. There will be significant costs arising at James House, Independent Living and Sheltered Housing properties. This will be incorporated into the Monitor 2 report but will lead to a cost pressure on the HRA.
- 12 The HRA working balance position as at 31st March 2022 was £29.57m. The HRA projected outturn position means the working balance will reduce to £29.2m at 31st March 2023. This compares to the balance forecast within the latest business plan of £29.15m.
- 13 The working balance has been increasing in order to start repaying the £121.5m debt that the HRA incurred as part of self-financing in 2012. The current business plan assumes that reserves are set aside to enable to the debt to be repaid over the period 2023/24 to 2042/43.

Performance – Service Delivery

- 14 In spite of the many challenges that the organisation and City has faced over the last two years, performance across the wider organisation, not just the Council plan indicators, has continued to remain high and continues to compare favourably when benchmarked against other areas with similar characteristics to York. Whilst Covid and the actions taken to tackle the global pandemic have in places affected performance in the short-term, the general pattern for data and information monitored by the Council is that levels of resident and customer satisfaction, timeliness and responsiveness, as well as various directorate and service based indicators, have remained positive.
- 15 It is likely that due to impacts of COVID, a number of the Council Plan indicators will continue to see a change both in terms of their numbers and their direction of travel in future reporting periods. The majority of the performance measures within the Council Plan have a lag between the data being available, and the current reporting period and therefore impacts will not be immediately seen, and may occur over several years as new data becomes available.
- 16 Over recent months, the cost of living has continued to rise, due in part to the following:
 - The Office for Budget Responsibility (OBR) forecast inflation to be above 7% until at least Q1 2023-24. For 2022-23, the OBR forecast inflation to average 8%, more than double its previous forecast of

3.7%. Inflation reached 9.1% in May 2022, which indicates that inflation for Q2 2022 will almost certainly surpass the forecast. In response to higher inflation, interest rates have been raised from a low of 0.1% to 1.25% in mid June 2022.

- In the year to May 2022, domestic gas prices increased by 95% and domestic electricity prices by 54%, due in part to a return of global gas demand as pandemic restrictions are lifted and lower than normal production of natural gas.
- In a mid-June report, the Institute of Grocery Distribution anticipated annual food price inflation to be around 11% in 2022, peaking at 15% this summer.
- Benefits increased by 3.1% in April 2022, which is less than the current (and expected) level of inflation.

- 17 This crisis will have an impact on residents, particularly those from lower income families, and businesses in the city. A number of performance indicators across all eight council plan themes will be affected in the short term, with both financial and reputational impacts. These indicators will be monitored and reported on through performance management framework processes over the coming months.
- 18 The Executive for the Council Plan (2019-23) agreed a core set of strategic indicators to help monitor the council priorities and these provide the structure for performance updates in this report. The indicators have been grouped around the eight outcome areas included in the Council Plan. Some indicators are not measured on a quarterly basis and the DoT (Direction of Travel) is calculated on the latest three results whether they are annual or quarterly.
- 19 Relevant performance items around the Council plan topics “Creating homes and World-class infrastructure” and “Safe communities and culture for all” are reported below, as historically other topics in the Council plan are reported to the other various scrutiny setups.

Creating homes and World-class infrastructure						
	Previous Data	Latest Data	DoT	Frequency	Benchmarks	Data Next Available
Net Additional Homes Provided - (YTD)	622 (2020/21)	402 (2021/22)	➡	Bi-annual	Not available	2022/23 mid year data available in November 2022
Net Housing Consents - (YTD)	1,133 (2020/21)	327 (2021/22)	➡	Bi-annual	Not available	2022/23 mid year data available in November 2022
Number of homeless households with dependent children in temporary accommodation - (Snapshot)	31 (Q2 2021/22)	27 (Q3 2021/22)	⬆ Bad	Quarterly	Not available	Q4 2021/22 data available in August 2022
Average number of days to re-let empty properties (excluding temporary accommodation) - (YTD)	74.41 (2021/22)	94.67 (Q1 2022/23)	⬆ Bad	Monthly	Not available	Q2 2022/23 data available in October 2022
Energy efficiency - Average SAP rating for all Council Homes	70.60 (2019/20)	70.60 (2020/21)	➡	Annual	Not available	2021/22 data available in November 2022
Number of new affordable homes delivered in York	130 (2020/21)	224 (2021/22)	⬆ Good	Quarterly	Not available	Q1 2022/23 data available in August 2022
Average broadband download speed (Mb/s)	147.1 (2020/21)	159.3 (2021/22)	➡	Annual	National Data 2021/22 82.6	2022/23 data available in September 2022
Superfast broadband availability	94.13% (2020/21)	95.53% (2021/22)	➡	Annual	National Data 2021/22 95.86%	2022/23 data available in September 2022
The DoT (Direction of Travel) is calculated on the latest three data points whether they are annual or quarterly. All historic data is available via the Open Data Platform						

New Additional Homes Provided

20 Between 1st April 2021 and 31st March 2022 there were a total of 402 net housing completions. Some of the main developments have been;

- 403 homes were completed on traditional housing sites;
- 5 homes were lost through changes to other uses;
- Changes of use of existing buildings to residential use and conversions to existing residential properties accounted for 40 (10%) of all completions, and
- Development sites including the York St John University Playing Fields, Windmill Lane (69), Lowfield School site (68 – inclusive of one self-build plot) and the Germany Beck site in Fulford (65), all provided notable completions during the monitoring period, whilst 72 homes were completed on sites providing 5 homes or less.

Net Housing Consents

21 Housing approvals between 1st April 2021 and 31st March 2022 totalled 327 net additional homes. This total represents a fall compared to the high level of approvals achieved over the last four years where more than eleven hundred homes had been consented annually. However, during the full monitoring year a further 247 net new homes had the benefit of a resolution to grant permission subject to the signing of a legal agreement. 970 homes on land allocated for housing in the draft Local Plan are subject to an appeal decision later this summer. In contrast, a number of previously approved developments had overall totals reduced by 128 homes during the monitoring period that impacted on the overall figures.

22 The main features of the consents approved during the full 2021/22 monitoring period were;

- 307 of all net homes consented (93.9%) were granted on traditional (Use Class C3) housing sites;
- Notable housing schemes were approved at the Former York City Football Club, Bootham Crescent (93), Burnholme Community Hub (83) and Former Duncombe Barracks site (34);
- A further 104 student cluster flats at Mecca Bingo, 68 Fishergate, 83 homes at Eastfield Lane, Dunnington and 48 homes at Cherry Tree House, 218 Fifth Avenue had a resolution to grant planning permission subject to legal agreements prior to 31st March 2021. These are in addition to the 327 homes with full approval;
- An application on Land North of Monks Cross that is allocated within the draft Local Plan (ST8) for 970 homes went to appeal in January 2022 due to non-determination and a decision from the SoS is anticipated later this summer. Indications are that CYC Planning Committee would have approved this scheme if the Local Plan had been adopted.

Number of homeless households with dependent children in temporary accommodation

23 The latest available data shows that there are 27 homeless households with dependent children in temporary accommodation at the end of Q3 2021-22. This figure remains higher than normal, although it is a slight reduction from Q2, but it should be noted that these figures are snapshot figures and therefore may fluctuate between the snapshot dates.

Average number of days to re-let empty Council properties (excluding temporary accommodation)

24 The average number of days to re-let empty Council properties (excluding temporary accommodation) was 95 days at the end of Q1 2022-23.

25 The Building Services department continues to experience significant challenges associated with the national issues of significant competition for skilled tradespeople and the shortage of building materials. This is in addition to the service continuing to work through the pent up demand for the service following the full release of lockdown restrictions. At the start of the calendar year, an "Action Plan" was created to support improvement through these challenges and positive impacts are now being seen with the number of empty council homes reducing by 16 in the last four working weeks of the quarter, as well as a further 19 homes have had works completed and have been passed across for re-letting. The total number of void properties at the end of Q1 2022-23 was 94, which although still very high, has reduced from a peak of 152 at the end of Q2 2021-22. The effect of these actions will not be reflected in Q1 figures, but should be seen in an improvement in Q2 figures.

Energy efficiency – Average SAP rating for all Council Homes

- 26 No update since the Q3 2021-22 Monitor as annual data. Data for 2021-22 will be available in November 2022.

Number of new affordable homes delivered in York

- 27 The number of new affordable homes delivered in York remains high, with 224 delivered during 2021-22. This is a large increase on the 130 delivered during 2020-21.

Superfast broadband availability/Average broadband download speed (Mbs)

- 28 In 2021-22, 95.53% of properties in York had access to superfast broadband, which compares to 94.13% in 2020-21. This increase can be attributed to the Council's continued work with service providers to improve infrastructure.
- 29 The average broadband download speed in York in 2021-22 was 159.3 Mb/s, which compares to 147.1 Mb/s in 2020-21 and 56.1 Mb/s in 2019-20. The national benchmark download speed is 82.6 Mb/s in 2021-22. This data is provided by an Ofcom panel of consumers so should be treated as an indication rather than actual figures.

Safe Communities and culture for all						
	Previous Data	Latest Data	DoT	Frequency	Benchmarks	Data Next Available
% of Talkabout panel satisfied with their local area as a place to live	84.38% (2021/22)	84.73% (Q1 2022/23)	→	Bi-annual	Community Life Survey 2020/21 79%	Q3 2022/23 data available in January 2023
All Crime per 1000 population	52.4 (2020/21)	6.7 (May 2022)	→	Monthly	National Data 2021/22 86.3	Q1 2022/23 data available in August 2022
Number of Incidents of ASB within the city centre ARZ	1,276 (2021/22)	78 (May 2022)	↓ Good	Monthly	Not available	Q1 2022/23 data available in August 2022

The DoT (Direction of Travel) is calculated on the latest three data points whether they are annual or quarterly.
All historic data is available via the Open Data Platform

% of Talkabout panel satisfied with their local area as a place to live

- 30 Results from the Q1 2022-23 Talkabout survey showed that 83% of the panel were satisfied **with York** as a place to live, a decrease from 85% in Q3 and 88% in Q1 of 2021-22. 85% were satisfied with **their local area** which is consistent with results from Q1 and Q3 2021-22. A slight decline in satisfaction with the local area can be seen over recent years but York continues to perform well against the latest national figures of 79% (Community Life Survey 2020-21) and 78% (Local Government Association Poll February 2022).

All Crime per 1000 population

- 31 Overall crime levels in York for 2021-22 show that levels have risen slightly since 2020-21 and are back to pre-pandemic levels (67.4 in 2021-22 and 66 in 2019-20). Figures for April and May 2022 suggest that overall crime levels are remaining stable.

Number of Incidents of ASB within the city centre (Alcohol Restriction Zone)

- 32 There were 1,276 incidents of anti-social behaviour during 2021-22, compared to 1,410 in 2020-21, and continues the year-on-year reduction seen since 2018-19. The figures of 82 and 78 for April and May 2022 suggest that this reduction may continue into 2022-23.

Annexes

- 33 All performance data (and approximately 1,000 further datasets) within this document is made available in machine-readable format through the Council's open data platform at www.yorkopendata.org under the "performance scorecards" section.

Consultation

- 34 Not applicable.

Options

- 35 Not applicable.

Council Plan

- 36 The information and issues included in this report demonstrate progress on achieving the priorities set out in the Council Plan.

Implications

- 37 The implications are:
- **Financial** are contained throughout the main body of the report.
 - **Human Resources (HR)** There are no HR implications related to the recommendations
 - **One Planet Council / Equalities** Whilst there are no specific implications within this report, services undertaken by the council make due consideration of these implications as a matter of course.
 - **Legal** There are no legal implications related to the recommendations
 - **Crime and Disorder** There are no crime and disorder implications related to the recommendations
 - **Information Technology (IT)** There are no IT implications related to the recommendations
 - **Property** There are no property implications related to the recommendations
 - **Other** There are no other implications related to the recommendations

Risk Management

- 38 An assessment of risks is completed as part of the annual budget setting exercise. These risks are managed effectively through regular reporting and corrective action being taken where necessary and appropriate.

Contact Details

Authors:	Chief Officer Responsible for the report:		
Patrick Looker Head of Service Finance Ext 1633	Neil Ferris Corporate Director of Place		
Ian Cunningham Head of Business Intelligence Ext 5749	Report Approved	✓	Date 12 th Sep 2022
Wards Affected: All			✓
For further information please contact the authors of the report			

Glossary of Abbreviations used in the report:

ASB	Anti Social Behaviour
CYC	City of York Council
HRA	Housing Revenue Account
OBR	Office for Budget Responsibility
SAP	Standard Assessment Procedure

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Scrutiny Paper

Central Government Consultation on Developing a tourist accommodation registration scheme in England

1. The government has issued a call for evidence on the benefits and challenges presented by the rise in short-term and holiday lettings seen in England over the last 10 to 15 years. This will inform the development of policy options, which the government will subsequently consult on later in the year.
2. The call for evidence is open until 21st September and is framed around a series of questions. These questions seek insight and information in relation to the following areas:
 - changes and growth in the short-term letting market
 - benefits of short-term lets
 - challenges, including compliance with the existing regulatory framework and housing and community impacts
 - the impact of potential policy responses
3. It is an open consultation and views are sought from a range of stakeholders, with particular interest in views from:
 - hosts operating in the short-term and holiday letting market
 - guest accommodation businesses, including digital peer-to-peer platforms that market letting opportunities, short-term and holiday let service companies and those operating other guest accommodation business models
 - enforcement agencies, including the Fire and Rescue Service, the police and local authorities
 - representative bodies, organisations and groups, including destination management organisations
4. In collating this response for discussion by Scrutiny, officers have been consulted in areas of Housing, Economy, Public Protection, and Planning. The draft response to the questions below is a collation of these views, providing a broad evidence to inform the City of York Council's response.

Consultation questions and City of York Council evidence**Question 1**

Are you able to provide us with evidence illustrating the size and nature of the short-term and holiday letting market in England and/or its regions, and how that has changed over time?

City Wide Numbers

5. York is a popular destination, attracting millions of domestic and overseas visitors per year, making a significant positive contribution to the local economy. The city has seen the number of short-term holiday let accommodation available in the city more than double in the last four years, with almost a tripling of numbers when looking at the number of entire homes listed for letting.
6. The table below (source: Airdna ‘Active Rentals’) summarises the number of short-term holiday lets available in the city up to July 2022. For a property to be listed here, it must have had at least one reserved or ‘available to book’ day in the month listed in the table.

Listing types	Jan 18	Jan 19	Jan 20	Jan 21	Jan 22	July 22
Entire home	609	922	1,307	1,054	1,420	1,714
Private room	328	408	378	283	262	341
Total listings	937	1,330	1,685	1,337	1,682	2,055

The data shows:

- 181% increase in entire home rentals from 2018 to July 2022.
- 4% increase in private room rentals from 2018 to July 2022
- 119% overall increase in ‘Active Rentals’ from 2018 to July 2022
- Entire home active rentals comprise 83% of the total (up from 65% in 2018)

7. To add context to the numbers below, in 2018 ‘entire home’ listings comprised 0.68% of the housing stock in York. By 2022 this has increased to 1.87%.

	2018	2019	2020	2021	2022
Entire dwelling stock	89,578	90,027	90,587	91,209	91,753 (est)

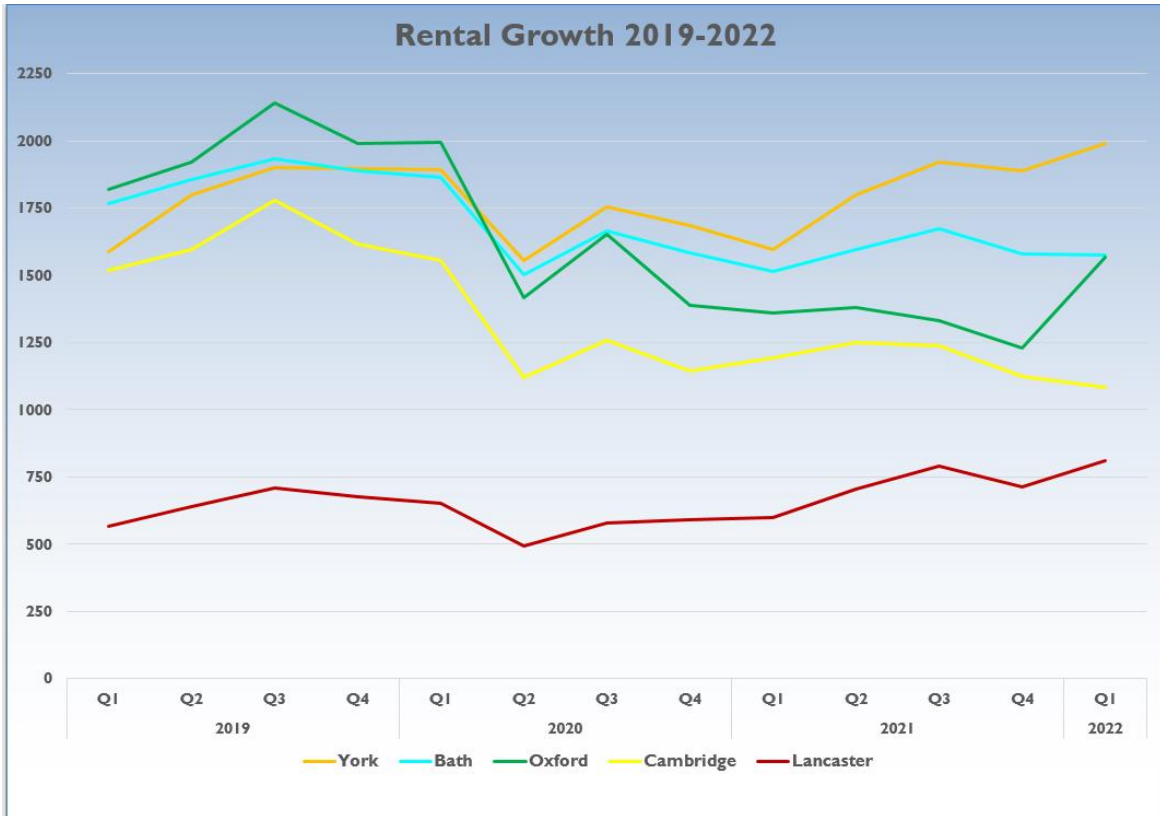
Entire home active listings	609	922	1,307	1,054	1,714
Percentage	0.68%	1.02%	1.44%	1.16%	1.87%

8. Approximately 14% of York's dwelling stock comprises homes owned and/or managed by social landlords. The tenancy and leasehold agreements for these homes will largely prohibit sub-letting and holiday let use. It may, therefore, be a more meaningful measure of the impact on the housing market of short-term lettings/holiday lettings if these are measured only against the private sector housing stock. The table below shows that under this measure entire home lettings comprise 2.18% of the private sector dwelling stock.

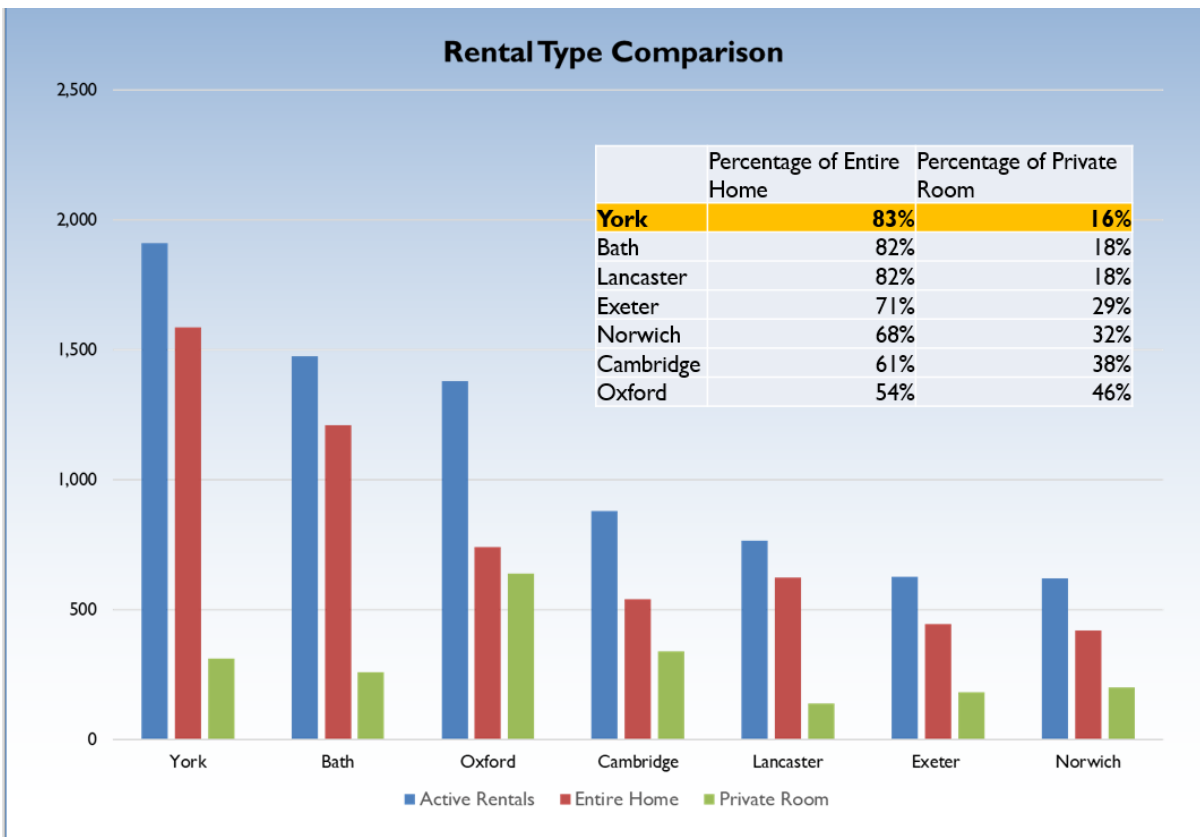
	2018	2019	2020	2021	2022
Private sector dwelling stock	76,666	77,133	77,706	78,308	78,540 (est)*
Entire home active listings	609	922	1,307	1,054	1,714
Percentage	0.79%	1.20%	1.68%	1.35%	2.18%

*Dwelling stock estimate calculated by reference to average annual increase in preceding years.

9. Whilst the number of private homes being used for short term holiday lettings appears low, it is higher than some other cities with some similar characteristics. This is highlighted in the table below and also shows that York's short-term holiday lets market has recovered more quickly following Covid19, showing a strong demand for accommodation in the city.



10. The percentage of 'entire home' listings is also higher for York than some comparator towns and cities as shown in the table below



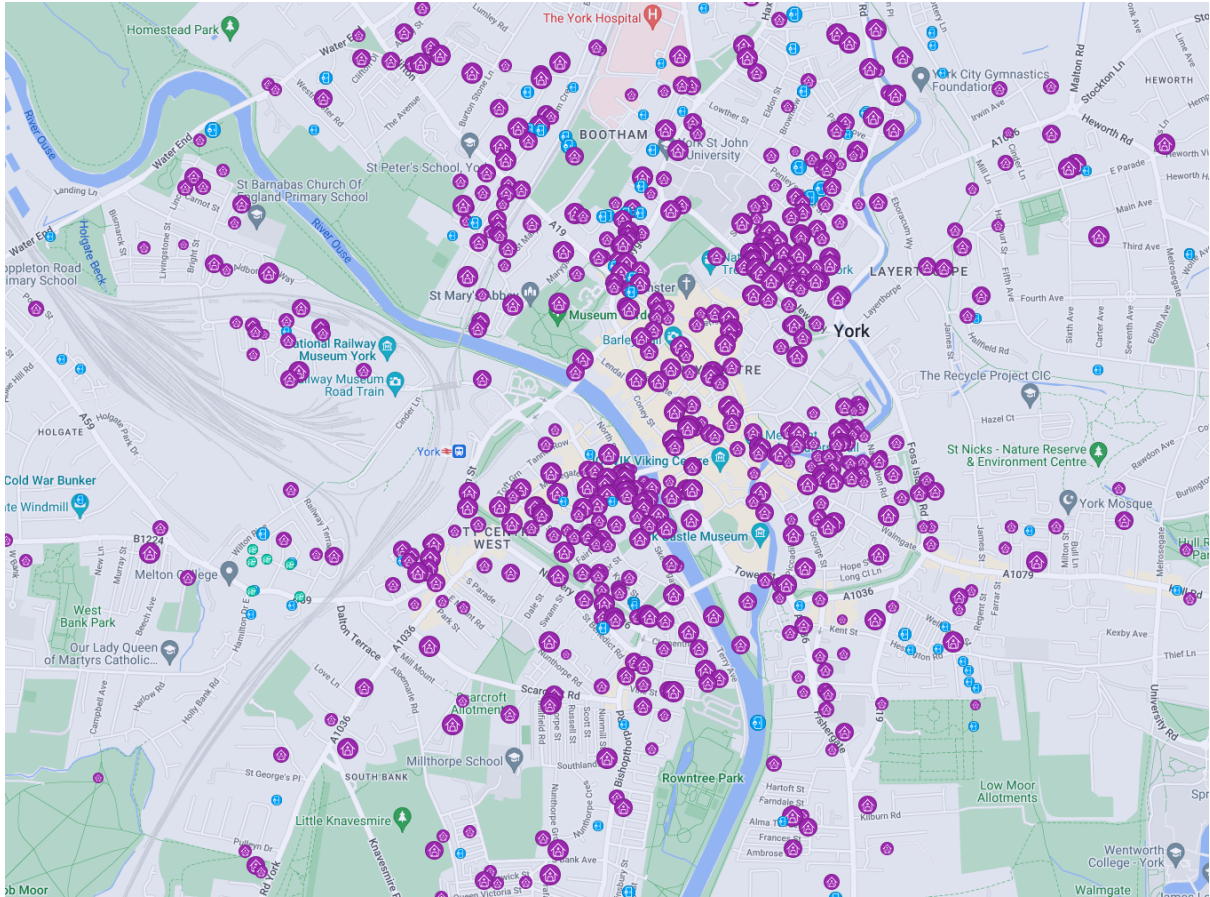
11. The category of 'entire home' lettings falls into three categories:
 1. Homes where the property is let out only occasionally – typically when the homeowner is on holiday or working away from home themselves.
 2. Non-domestic holiday accommodation such as shepherd huts, pods, and holiday cabins, which are designed for short term use only.
 3. Entire homes which are solely used for holidays and short term lets.

12. It should be noted that it is only this third category which results in a reduction in the availability of housing and has the more significant impact on local neighbourhoods. However, due to the way data is currently collected we are not able to understand the number of 'entire homes' lettings which fall into each of the three categories above. This makes it difficult to track trends and more fully understand the market.

13. It should also be understood that some of the recent increase in properties being marketed online for short term holiday lets could have been used for this purpose for many years but may have been advertised in the past in more traditional ways and perhaps not recorded. It is unlikely that every additional property available online for booking is a new rental property.

Distribution

14. Airdna mapping unsurprisingly shows a strong concentration of active listings close to and in the city centre.



This is further supported by Business Rates data on short-term holiday rentals that can be interrogated at a more granular level.

15. The business rates information comprises 433 holiday letting properties only (compared with the Airdna July listing of 1,714 homes). This is because only those short-term rentals that advertise as available for 140 nights or more per annum are eligible to register for business rates rather than council tax.

Ward	Holiday lets properties in ward	% of total	Resi addresses in ward	% of resi addresses
Guildhall	165	38.11%	9531	1.73%
Micklegate	119	27.48%	7429	1.60%
Clifton	29	6.70%	4508	0.64%
Fishergate	27	6.24%	5185	0.52%
Holgate	25	5.77%	6242	0.40%
NB: no match identified	16	3.70%	0	
Dringhouses and Woodthorpe	7	1.62%	5330	0.13%
Heworth	7	1.62%	6177	0.11%
Westfield	7	1.62%	6711	0.10%
Osbalwick and Derwent	6	1.39%	3665	0.16%
Bishophthorpe	4	0.92%	1930	0.21%
Heworth Without	3	0.69%	1920	0.16%
Huntington and New Earswick	3	0.69%	5945	0.05%
Strensall	3	0.69%	3491	0.09%
Fulford and Heslington	2	0.46%	1916	0.10%
Haxby and Wigginton	2	0.46%	5445	0.04%
Hull Road	2	0.46%	4442	0.05%
Rawcliffe and Clifton Without	2	0.46%	5651	0.04%
Rural West York	2	0.46%	3398	0.06%
Copmanthorpe	1	0.23%	1818	0.06%
Wheldrake	1	0.23%	1724	0.06%
Grand Total	433	433	92458	

16. Nevertheless, both sources of data illustrate the concentration of short-term lettings in the city centre. The specific business rates data shows:

- 66% of Business Rates registered holiday lets are in two city centre wards.
- 84% are found across 5 city centre wards.

Effectiveness of enforcement

17. The consultation also asks how effective enforcement has been in relation to short term holiday lets. Information below highlights the number of planning enforcement investigations into properties where there has been an alleged change of use without planning permission being in place.

2018 – 5
2019 – 9
2020 – 6
2021 – 4
2022 – 12

18. However, from a planning enforcement point of view, the enforcement situation is complicated by there being no separate use class for short-term holiday let uses. Case law requires that a case-by-case assessment is undertaken to determine whether a change of use has taken place. This is time consuming for the Local Planning Authority and landowner and leads to delay and

uncertainty for all parties and potential inconsistencies between officers and between Local Planning Authorities.

19. In respect of enforcement against noise complaints, information in respect of specific complaints relating to short term holiday lets is not readily available as the information is not recorded in this way. A detailed review of noise complaints in 2019 highlighted that there were around 10 complaints from short term holiday let accommodation in that year.

Question 2

What do you consider to be the main benefits of short-term and holiday letting for:

- a) Homeowners***
- b) Consumers***
- c) Businesses and the wider economy***

20. a) We do not hold data which allows us to easily quantify benefits to the three sectors listed above. As referenced in response to question 1, we are not able to provide information on the ratio of 'entire home' lettings which are used the entire time, part of the time, are a traditional home or a purpose-built holiday let such as a shepherd's hut. However, it is reasonable to assume that given the high concentration of lets close to the city centre, that the vast majority of these are a traditional home used wholly or partly for holiday lettings.
21. 341 'private rooms' are listed for rent, this is likely to bring a significant additional income to the homeowner. We don't know how many 'entire home' listings are listed to provide additional income when the owner occupier is away or are listed on a permanent basis.
22. b) A choice of accommodation options for tourists and visitors is always going to be attractive, and the increase in supply provides clear evidence of demand. Hotels can be a more expensive option to rented accommodation and short-term holiday lets can provide flexibility and choice for a visitor. However, with this choice comes a potential reduction in the occupancy of hotels

and bed and breakfasts, affecting the viability and therefore employment associated with existing businesses.

23. c) The knock-on effect is greater demand on the local business community to provide services, especially in food and drink, retail, leisure, and culture. This clearly benefits the wider economy. We do not have insight into the relative economic benefits of a consumer choosing a short-term holiday let versus a bed and breakfast or hotel.

Question 3

How do you assess levels of compliance with regulations on:

- a) Fire safety***
- b) Gas safety***
- c) Health and safety***
- d) Food and drink***

within the short-term and holiday letting market in England?

- ***Option 1 – Compliance is very good***
- ***Option 2 – Compliance is good***
- ***Option 3 – Compliance is fair***
- ***Option 4 – Compliance is poor***
- ***Option 5 – Compliance is very poor***

24. York has a significant number of houses in multiple occupation (HMO), providing much needed accommodation for both students and the public. We have seen some landlords who would normally let properties as HMOs, instead choosing to let them as short-term holiday lets, attracted by the income but also the reduced regulation in this area. We have strong evidence that standards are often not met within the HMO sector and therefore are introducing an additional licensing scheme. It is possible that similar poor standards and management could be found in some parts of a sector that is largely unregulated, such as short-term holiday lets.

25. The following is a list of key health and safety considerations we would expect within a HMO, but are not currently required for short term holiday lets:

- electrical safety - duty of care to ensure electrics and appliances within the property are safe
- gas safety - there must be a valid gas safety certificate issued in the last 12 months to ensure all heating and cooking appliances are safe
- carbon monoxide - a carbon monoxide alarm should be provided
- fire - fire safety measures, such as smoke alarms and the completion of a fire risk assessment
- security - locks to doors and windows should provide an appropriate level of security - exit doors and escape windows should allow keyless exit in the event of a fire

26. Providing an answer to Options 1 to 5 is extremely difficult as this is an area with very little regulation at present and therefore little to be compliant with. However, our experience in licensing other forms of lettable properties in the city leads to a view that some of the properties being used as short-term holiday lets are unlikely to meet the health and safety criteria we would expect of social landlords or those who operate HMO's.

Question 4

Do you consider there to be a problem with breach of contractual agreements in the short-term and holiday letting market in England. If so, why?

- ***Option 1 – Yes, this is a major problem***
 - ***Option 2 – Yes, but this is only a minor problem***
 - ***Option 3 – No there is no problem.***
27. This question aims to understand if there is evidence that short term holiday lets are being operated out of properties where the lease or mortgage terms would prevent this.
28. There is no evidence of any significant breaches of social housing tenancy and leasehold agreements.
29. There is anecdotal evidence, raised by concerned residents, that there are a number of private properties in the city being used as holiday lets in spite of prohibition in leases. However, where this becomes known, the lease or mortgage terms include prohibition

terms which does provide an avenue for enforcement by property managers. Overall we conclude that there is a minor problem, Option 2.

Question 5

Do you consider there to be other legal provisions concerning the supply of short-term and holiday letting to paying guests which are not covered elsewhere in this call for evidence but where there are issues with awareness, compliance and/or enforcement?

- ***Option 1 – Yes***
- ***Option 2 – No***

30. Short term holiday lets are largely unregulated, making the collection of data around compliance difficult to establish. It is clear that the level of regulation for landlords of short-term holiday lets is far less significant than other sectors, for example HMO licensing. The number of short-term holiday lets continues to grow in the city, and this combined with the lack of regulation places greater risks on visitors and the permanent population of the city.

Question 6

Do you consider the increase in short-term and holiday letting in England to have had adverse consequences on the housing market?

- ***Option 1 – Yes, this is a major problem***
- ***Option 2 – Yes, but this is only a minor problem***
- ***Option 3 – No, there is no problem***

31. The response to question 1 provides clear evidence of a growth in short term holiday rentals in York, and a particular concentration in and around the city centre. There is also clear evidence of a growth in both house prices and long-term rental costs in the city over recent years. Whilst there may be some correlation between these facts, it is extremely difficult to comment on the significance of the correlation. There are numerous factors at play in market pricing for house purchases and rental prices and it isn't possible to determine the significance of these factors. Numbers of 'entire home' short term holiday lets represents a

relatively small percentage of the total properties available in the city and therefore it is reasonable to assume that at a city level, it is not causing a major problem to the housing market but may be having a greater impact at a more micro level.

32. Market analysis highlights that there are significantly greater returns available (subject to occupancy rate) for landlords in renting out a short-term holiday let compared to a longer-term rental. Therefore, in cities like York which attract millions of visitors per year it is considered likely that an increasing number of landlords, particularly those with homes in and around the city centre, will be attracted to the returns of short-term holiday lets. Without controls, this may have an impact on the housing market in terms of availability and cost, but could also have a negative impact on existing businesses such as bed and breakfasts and hotels. There has been a recent example of a business in the city closing down, stating that the rise in short term holiday lets was a significant factor in the business no longer being viable. We therefore conclude that at present there is a minor problem at present, but this has the potential to increase over the coming years without controls.

Question 7

Do you consider noise, anti-social and other nuisance behaviour in short-term and holiday lets in England to be a problem? If so, why?

- ***Option 1 – Yes, this is a major problem***
 - ***Option 2 – Yes, but this is only a minor problem***
 - ***Option 3 – No, there is no problem***
33. Of the 36 planning enforcement complaints noted in Question 1 above, 16 referred to noise and disturbance from the properties. However, we don't require that complainants specify the particular harm that they experience as part of their complaint, so this is likely to be an under representation.
34. Our experience is that the houses that are predominantly let to large groups for weekend or race-day use are the properties that create the greatest impact on residential amenity in terms of

noise and disturbance and anti-social behaviour. Whilst the number of cases so far reported is relatively low, it is increasing and the negative impact of a large unregulated 'party house' (for example with a group of 24 occupants which we have experienced on a number of occasions) on a local community can be very significant in terms of noise and intimidating behaviour. Residents have reported feeling that this is changing the nature of their communities.

Question 8

Aside from the impacts on housing and incidents of anti-social/nuisance behaviour, do you consider the increase in short-term and holiday letting in England to have had other adverse impacts on local communities and residents?

- ***Option 1 – Yes***
- ***Option 2 – No***

35. There is a perception amongst many residents that short-term holiday lets are significantly reducing the availability of houses in the city which in turn is driving up prices. Houses prices in York are around ten times average income and any factor which is perceived to be contributing to disparity is causing concerns to residents. A lack of regulation and therefore accurate data collection makes it difficult to meaningfully engage in this discussion or present opportunities to respond to concerns raised.

Question 9

Which of the following do you consider to be the most appropriate form of response in the short-term letting market?

- ***1 - Do nothing***
- ***2 – Provide more information to the sector***
- ***3 – Develop a self-certification registration scheme***
- ***4 – Develop a registrations scheme with light-touch checks***
- ***5 – Develop a licencing scheme with physical checks of the premises***
- ***6 – Regulatory alternative to a registration scheme, such as extension of the Deregulation Act 2015***

36. This consultation response identifies some issues around noise and nuisance from large short-term holiday lets and we have assumed, based on our existing licensing programme, that there will be some short-term holiday lets which fall short of standards required in other sectors. Whilst there is no empirical data that the number of short-term holiday lets has affected the housing market in York, it is reasonable to assume that should growth in this area continue that there may be a point at which it affects affordability.
37. These three issues can be summarised as relating to the numbers, distribution, and lack of regulation of this sector.
38. It is considered that a variety of policy responses may need to be considered in order to address these concerns. Providing greater visibility and control over numbers and distribution would in our opinion best be tackled through the planning process with a consideration of where a short-term holiday let sits in the use classes order. This could operate similar to Houses in Multiple Occupation, whereby for certain thresholds a change of use would take place requiring planning permission. This would support a better understanding of numbers and distribution and allow policies to be developed locally to ensure any significant potential growth in short-term holiday lets is managed in such a way as to support mixed and sustainable communities.
39. Any controls of short-term holiday lets would need to take account for and allow those residents who benefit from renting out a room in a main residence for a number of days a year to continue to do so. This can provide much needed financial support and there is no evidence that this form of letting negatively affects the local community.
40. In order to support standards, particularly related to health and safety, experience and evidence suggests that this would be best supported through a licensing regime, in a similar way to HMO's. This would ensure that properties are safe, covering areas of gas and electrical checks, fire risk assessments, and smoke and carbon monoxide alarms.

41. Therefore it is considered that policy responses should be considered around option 5 and additionally through the Planning use classes order.

Question 10

What do you consider to be the costs and associated burdens of these options, who would bear the costs and how might they be mitigated?

42. Both a planning and licensing process would require the costs of administrating the service to be covered by the owner of the property through a fee as part of the application process.

Question 11

Do you have any insight or evidence on the impact of schemes that are already running, or approaches taken elsewhere in the world?

43. As well as the powers in Greater London, we are aware that controls are in place in Scotland [Edinburgh introduces strict rules on Airbnb-style short-term lets | The National](#) and Wales [Second homes and Airbnb lets face new restrictions in Wales in bid to tackle soaring housing costs \(inews.co.uk\)](#)
44. We understand that in France short term holiday lets fall into the same category as hotels and therefore do fall into a specific use class. Other local authorities in the UK are calling for a separate use-class within housing use classes e.g. C5 holiday lets/short term lettings. Brighton and Hove is looking at a targeted principal residence policy.

<https://democracy.brighton-hove.gov.uk/ieDecisionDetails.aspx?Id=5777>

<https://www.bbc.co.uk/news/uk-england-sussex-61863788>

Question 12

What has been the impact of the Deregulation Act 2015, specifically changes made by section 44 to the Greater London Council (General Powers) Act 1973?

45. N/A

Question 13

Is there any other information related to short-term lettings and/or the issues already raised in this call for evidence that you wish to draw to the government's attention?

46. The City of York Council are exploring options of working alongside developers, particularly of sites close to the city centre, to encourage the use of protective covenants. One such example is at York Central which will deliver 2500 new homes over the coming years and sits immediately adjacent to the city centre. Such covenants could help to maintain mixed and sustainable communities in those new developments. There is a possibility that this approach, whilst reducing overall numbers, may have a knock-on effect by further clustering short term holiday lets within existing communities. This would need to be mitigated by other controls supported by government policy.

47. In addition to this consultation response, a letter from the Leader of the Council and its Executive Members for Housing, Planning, Economy and Communities, will be sent to DLUC and the LGA making the case for additional powers to help ensure we maintain mixed and balanced communities and ensure short term holiday lets meet standards.

Scrutiny Area	Meeting Date	Publication Date	Meeting Type	Agenda
HCS	21/09/22		Committee	1) Q1 Monitor 2) Strategic approach to the housing waiting list (to include how we support particular groups such as care leavers) (item postponed) 3) Review of homelessness strategy, to include an update on plans for winter 2022/23. This could be a joint meeting with HASC Scrutiny (item postponed) 4) Response to AirBnB Call for evidence
HCS	07/12/22		Committee	1) Q2 Monitor 2) Update on how the Housing team is supporting tenants with the impact of the cost of living increase, eg rent arrears 3) Biannual Safer York Partnership update
HCS	14/03/23		Committee	Q3 Monitor

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