

**Notice of a public meeting of  
Executive**

**To:** Councillors Aspden (Chair), Ayre, Craghill, D'Agorne, Mason, Runciman, Smalley, Waller and Widdowson

**Date:** Thursday, 28 July 2022

**Time:** 5.30 pm

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

**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 **4:00 pm on Monday, 1 August 2022.**

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

**1. Declarations of Interest**

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

**2. Minutes**

(Pages 1 - 14)

To approve and sign the minutes of the Executive meeting held on 16 June 2022.

**3. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

**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 at this meeting is 5:00pm on Tuesday, 26 July 2022.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

### **Webcasting of Public Meetings**

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://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](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

- 4. Forward Plan** (Pages 15 - 16)  
To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.
- 5. Catchment Flood Management Project** (Pages 17 - 24)  
The Director of Environment, Transport & Planning to present a report which summarises the proposed approach to the 5-year York and North Yorkshire Catchment Flood Management project to manage flood risk, as set out in the business case submitted to DEFRA in April 2022, and seeks approval to implement the project.
- 6. City Centre Access – Action Plan Update** (Pages 25 - 62)  
The Corporate Director of Place to present a report which provides an update on the city centre access action plan, following the decision in November 2021 to restrict vehicle access to the footstreets during pedestrianised hours based on Police Counter Terrorist advice, and seeks approval to begin consultation on the proposed 'City of York Guidance and Conditions for Pavement Cafes'.

- 7. Hackney Carriage Licences** (Pages 63 - 184)  
The Director of Environment, Transport & Planning to present a report which asks Executive to consider the specification of vehicles to which the additional hackney carriage licences recommended by Licensing & Regulatory Committee should be granted, and to recommend to Council that the Taxi Licensing Policy be amended accordingly.
- 8. Additional Licensing in York - Consultation Results and Decision on Designation** (Pages 185 - 400)  
The Director of Housing, Economy and Regeneration to present a report which analyses the results of two consultations on proposed additional licensing for Houses in Multiple Occupation and asks Executive to consider recommendations to implement the proposals within identified designated areas of the city.
- 9. Housing Asset Management - Planned Investment at Glen Lodge and Bell Farm** (Pages 401 - 434)  
The Director of Housing, Economy & Regeneration to present a report which seeks approval to procure major repair and maintenance works at Glen Lodge and Bell farm pods to address significant health and safety issues and bring accommodation up to a decent homes standard.
- 10. Inspection of Local Authority Children's Services (ILACS) and Action Plan** (Pages 435 - 452)  
The Interim Director of Children's Services to present a report which sets out the outcome of the Ofsted inspection of Children's Social Care under the Inspection of Local Authority Children Services (ILACS) framework, which was conducted between 7 and 18 March 2022.
- 11. Developing a 5 Year Dementia Strategy for York** (Pages 453 - 500)  
The Corporate Director of Adult Social Care and Integration to present a report which briefs Executive on work carried out to develop a Dementia Strategy for York and seeks approval for the draft Strategy prior to its publication this summer.
- 12. Urgent Business**  
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 552030
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democratic Services officer responsible for servicing this meeting:

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

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550



City of York Council

Committee Minutes

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Meeting	Executive
Date	16 June 2022
Present	Councillors Aspden (Chair), Ayre, Craghill, D'Agorne, Mason, Runciman, Smalley, Waller and Widdowson
In Attendance	Councillor Douglas
Officers Present	Ian Floyd – Chief Operating Officer Janie Berry – Director of Governance, and Monitoring Officer Debbie Mitchell – Chief Finance Officer Neil Ferris – Corporate Director of Place Jamaila Hussain – Director of Prevention & Commissioning Tracey Carter – Director of Housing, Regeneration & Economy Andy Kerr - Head of Regeneration & Economy Gary Frost – Major Transport Projects Manager John Roberts – Strategic Planning Policy Officer Sara Dilmamode – Local Plan Project Officer

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## **PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**

### **1. Declarations of Interest (5:30 pm)**

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests.

Cllr Runciman declared an interest in Agenda Item 8 (Minster Precinct Neighbourhood Plan), as a member of the Minster Community.

In respect of the same item, and for the sake of transparency, Cllr Craghill stated that as a Ward Member for Guildhall she had

participated in some meetings of the Minster Neighbourhood Forum but had been advised that this was not prejudicial.

**2. Minutes (5:31 pm)**

Resolved: That the minutes of the Executive meeting held on 19 May 2022 be approved and then signed by the Chair as a correct record.

**3. Public Participation (5:32 pm)**

It was reported that there had been 7 registrations to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke on matters within the Executive's remit, namely devolution, stressing the need for a transparent approach and a democratic process so that people could have a say.

Cllr Daubeney spoke on Item 5 (Minute 5 refers) as Ward Member for Westfield, urging Executive to explore the potential to use some of the Shared Prosperity funding to support the regeneration of Acomb Front Street.

Flick Williams spoke on Item 6 (Minute 6 refers), objecting to the shortage of car parking spaces for disabled people close to the city centre and urging that the Castle car park be retained for the use of Blue Badge holders only, as in Chester.

Diane Roworth spoke on Item 6, asking Members to support a proposal that Blue Badge parking in Castle car park be retained at its current level and a new innovative Blue Badge car park be designed into the Castle Gateway plans.

Johnny Hayes spoke on Item 6, asking why the issue of parking had not been reviewed before the Masterplan for Castle Gateway was drawn up and highlighting the risk of abortive costs as mentioned in the report.

Andrew Lawson, of York BID, spoke on Item 6, highlighting the confusion caused by mixed messaging over the car parking and suggesting the council invest in car park occupancy counters and set up a working group to look at parking requirements.

Christopher Copland spoke on Item 6, as a member of the campaign that had presented a petition to Council on the MSCP, suggesting that the 12-month hiatus be used to collect a full range of data and to align the final decision with LTP4, the council's Climate and other strategies, and the views of stakeholders.

**4. Forward Plan (5:55 pm)**

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings at the time the agenda was published.

**5. Levelling Up Round 2 Funding and UK Shared Prosperity Fund (5:55 pm)**

The Director of Housing, Regeneration & Economy and the Head of Regeneration & Economy presented a report which summarised two funding opportunities made available by the Government to support the delivery of its Levelling Up Agenda. It sought approval to prepare and submit the investment plan required to draw down funding from the UK Shared Prosperity Fund (UKSPF), which replaced the European Structural Investment Funds (ESIF), and to prepare and submit bids for the Levelling Up Fund (LUF).

Information on the UKSPF was provided in paragraphs 14-30 of the report. Development of the York UKSPF Investment Plan would take as a starting point existing approved local strategies to ensure that the funding aligned with these, and a partnership group would be brought together to ensure widespread support for actions identified in the Plan. Details of the two proposed Round 2 LUF bids were set out in paragraphs 45-68. They comprised a resubmission, with refinements, of the Round 1 regeneration bid for £19m for projects to revitalise the city centre (including Castle Gateway) which, though unsuccessful, had received positive feedback, and a Transport orientated bid for £5m to augment the proposed Haxby Station.

In response to matters raised under Public Participation, officers confirmed that Acomb Front Street was likely to be one of the projects considered for inclusion in the UKSPF Plan, as its objectives fitted closely to those of the funding streams. In supporting the recommendations, the Executive Member for

Finance & Performance thanked officers for the work they had done within a tight timeframe, and it was

Resolved: (i) That officers be instructed to undertake the necessary work, including partner engagement and the preparation of an investment plan, to secure the drawdown of York's allocation of funding from the UKSPF.

(ii) That authority be delegated to the Corporate Director of Place, in consultation with the Executive Member for Economy and Strategic Planning and the Executive Member for Finance and Performance, to submit the final Investment Plan required to draw down York's allocation of funding from the UKSPF.

Reason: To allow officers, in consultation with the relevant Executive Members, to prepare and submit an Investment Plan by the end of July 2022 to secure the drawdown of funding from the UKSPF.

(iii) That authority be delegated to the Corporate Director of Place, in consultation with the Executive Member for Finance and Performance, to submit the round two funding bids identified in this report to the LUF.

Reason: To allow officers to prepare and submit the strongest possible bids to Government on 6 July.

(iv) That it be noted that a report setting out the final bid submissions will be brought to a future decision session of the Executive Member for Finance and Performance.

Reason: To confirm the final bid compositions submitted to Government.

## **6. Castle Gateway Update (6:08 pm)**

The Director of Housing, Regeneration & Economy and the Head of Regeneration & Economy presented a report which provided a comprehensive update on the regeneration of the Castle Gateway and set out the next delivery stages, including

actions to prepare for procurement should the council's bid to the Levelling Up fund (as set out in the report on the previous item) be successful.

The Castle Mills site, which would create a new riverside park, pedestrian/cycle bridge and new apartments to help fund the wider public benefits of the project masterplan, had been subject to delays. A number of issues had led to the termination of the council's contract with Wates Construction Limited for design and construction proposals, so that proposals to proceed with construction would not now be ready until summer 2023. This delay also meant that the decision on options to replace Castle Car Park could be deferred, providing the opportunity to collect more data and engage further with city centre stakeholders.

In response to matters raised under Public Participation, officers stated that the decision on parking would ultimately be a political choice, based on the available data and current policy.

The Executive Member for Transport highlighted the wider merits of the project and supported the recommendations. The Executive Member for Finance & Performance, in supporting the recommendations, highlighted the complexity and importance of the project and re-iterated his commitment to continuing an evidence-based approach to related decisions.

Resolved: (i) That the inclusion of the new public realm at Castle and Eye of York in the council's round two Levelling Up Fund bid be noted.

Reason: To be aware that additional funding is being sought to deliver the Castle Gateway regeneration.

(ii) That, subject to planning permission being secured, officers be instructed to prepare tender documents to procure a contractor for Castle and Eye of York so that the procurement is ready to proceed should the Levelling Up Fund bid be successful.

Reason: To ensure the ability to deliver the Castle and Eye of York project within the Levelling Up Fund timeframes.

(iii) That the termination of the NEC3 PSSC with Wates to produce a RIBA Stage 4 design and construction price for Castle Mills be noted.

Reason: To be aware that the council has not been able to reach a satisfactory outcome on identified challenges, and is in the process of terminating the NEC3 PSSC.

(iv) That authority be delegated to the Corporate Director of Place, in consultation with the Director of Governance, to take such steps as are necessary to procure a construction contractor to complete the detail design/costing and subsequent construction of the proposed apartments, pedestrian/cycle bridge and riverside park at Castle Mills, and to bring a further report to Executive on the Castle Mills business case before proceeding into the construction contract based upon tendered price.

Reason: To enable the delivery of the Castle Mills project and the Castle Gateway regeneration on a 2 phase re-procurement basis to secure firm prices before commencing construction.

(v) That authority be delegated to the Corporate Director of Place to submit details to secure the necessary statutory consent under s106 of the Highways Act 1980 from the Secretary of State for the new bridge over the Foss navigation and to enter in to a build over agreement with Yorkshire Water in respect of the sewer running across the Castle Mills development.

Reason: To secure the necessary approvals to allow Castle Mills to proceed.

(vi) That the decision on whether to build a multi-storey car park (MSVP) at St George's Field be deferred until Executive has a construction price for Castle Mills.

Reason: Deferring until the inter-related point in time when a construction price is agreed for Castle Mills will allow further evidence to be collected to inform a decision

on whether the MSCP still represents the best alternative replacement parking solution for the closure of Castle Car Park.

(vii) That officers be instructed to collect more data on parking demand, further engage with city centre businesses and stakeholders, and explore alternative options to maximise surface car parking provision at St George's Field to inform the future decision on car parking replacement.

Reason: To provide further information and enable consultation with city centre businesses and scrutiny to inform consideration of replacement parking solutions to allow the closure of Castle Car Park.

**7. York Outer Ring Road (YORR) - Proposed A1237 (Rawcliffe to Little Hopgrove) Dualling - Update on Progress and Proposed Utility Diversions (6:32 pm)**

The Corporate Director of Place and the Major Transport Projects Manager presented a report which provided an update on the proposed YORR A1237 Dualling Scheme (the Scheme) and sought authority to proceed with the procurement and implementation of utility diversions in order to avoid delays to the future construction phase of the scheme.

The Scheme was making steady progress, and a planning application was about to be submitted. While that was under consideration, work would continue on land acquisition, preparing for a possible Compulsory Purchase Order, detailed design, developing a final business case and initial procurement enquiries. A key task for 2022 was to engage with the utility companies (Statutory Undertakers) to ensure the diversion of apparatus affected by the proposals. Failure to do this in a timely manner would result in a high risk of delays and associated costs. Initial discussions had shown that some diversions could be undertaken in advance of the main construction works, and approval was sought to procure and proceed with these from late summer 2022.

The Executive Member for Transport indicated that he and his fellow member of the Green Group would abstain on this item due to their views on the probable effects of the project. The Chair welcomed the report, expressing support for the project as

an opportunity to reduce congestion and journey times and enhance pedestrian and cycle routes.

Resolved: (i) That it be noted that a planning application for the proposed scheme is about to be submitted.

(ii) That the general progress and ongoing work on the scheme be noted.

Reason: To be informed on the progress of the scheme and take this into consideration for future decision-making.

(iii) That Option 1 be approved; that is, for the project team to identify, procure and undertake utility diversionary works within the existing highway in connection with the scheme, and where possible, in advance of the main works programme.

Reason: To comply with the provisions of the NRSWA 1991, and to maximise the opportunity to eliminate or reduce delay risks and resultant prolongation claims on the main construction programme.

(iv) That authority be delegated to the Director of Transport, Environment and Planning, in consultation with the Director of Governance or her delegated officers, to procure and take all necessary steps to implement the diversions of the Statutory Undertakers' apparatus, as required on the Scheme.

Reason: So that the Director of Transport, Environment and Planning is authorised to take such steps as are necessary to engage and negotiate with Statutory Undertakers for the efficient and timely delivery of utility diversions on the proposed scheme.

## **8. Minster Precinct Neighbourhood Plan (6:47 pm)**

The Corporate Director of Place and the Strategic Planning Policy Officer presented a report which informed Members of the results of the Minster Precinct Neighbourhood Plan referendum and asked them to formally 'make' the Plan and bring it into full legal force as part of the Development Plan for York.



The referendum had been held on 10 May 2022, following approval by Executive on 17 March. Of the 166 votes cast (a 21.47% turnout), 137 (83%) were in favour of accepting the Plan. It was therefore recommended that the Plan now be 'made', in accordance with the Neighbourhood Planning Regulations.

The Local Plan Working Group had considered the report at their meeting on 15 June, and endorsed the recommendations.

Resolved: (i) That the results of the referendum be noted and that the Minster Precinct Neighbourhood Plan be formally 'made'.

(ii) That the Decision Statement at Annex B to the report be published in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Reason: To enable the Neighbourhood Plan to progress in line with the Neighbourhood Planning Regulations.

## **9. Introduction of Community Infrastructure Levy (6:51 pm)**

The Corporate Director of Place and the Local Plan Project Officer presented a report which sought approval to introduce a Community Infrastructure Levy in York to support the implementation of the Local Plan.

A CIL was a fixed, non-negotiable charge per square metre on most developments of 100 square metres or more, or on a new dwelling. CIL rates must be set out in a Charging Schedule and must strike a balance between collecting money to fund the infrastructure needed and the ability of developments to afford it (the viability). 25% of the CIL must be allocated to neighbourhoods where a Neighbourhood Plan was in place and 15% where it was not, as explained in paragraphs 10-11 of the report.

The alternative to introducing a CIL, as outlined in paragraphs 17 and 18, was to continue using 'Section 106 Agreements', until the proposed Government replacement of an 'Infrastructure Levy' came into effect. However, a CIL would provide more

flexibility than the current arrangements and the timescale for introducing the new Levy was unclear.

In considering the report at their meeting on 15 June, the Local Plan Working Group had recommended approval of the proposals, adding a recommendation regarding the involvement of scrutiny.

Resolved: (i) That approval be given to move forward with the preparation of a Community Infrastructure Levy (CIL) for York.

Reason: To enable the collection of funding from landowners/developers to help support delivery and mitigate infrastructure impacts of the development envisaged in the emerging Local Plan.

(ii) That it be noted that a Draft CIL Charging Schedule setting out proposed rates will be presented to Executive for agreement prior to formal consultation later in 2022, because before CIL can be published and charged, a Draft Charging Schedule must be formally consulted on in line with the CIL Regulations 2010 (as amended 2019).

(iii) That the recommendation of the Local Plan Working Group to seek input from the Economy and Place Policy & Scrutiny Committee on the approach to be taken to neighbourhood funding, prior to making a decision regarding the policy on this, be accepted.

Reason: In accordance with the scrutiny work programme, and to ensure that this aspect of the CIL is properly considered and consulted upon.

## **10. Finance and Performance Outturn 2021-22 (7:02 pm)**

The Chief Operating Officer presented a report which provided a year end analysis of the council's overall finance and performance position on 2021-22, including progress in delivering the savings programme.

The report highlighted the continuing impact of the Covid-19 pandemic, as well as the financial challenges of underlying

pressures in social care, rising inflation and the cost of living crisis, plus the need to deliver £6.4m ongoing savings. The provisional out-turn position was a net overspend of £2.6m on the net General Fund budget for 2022/22 of £131m. An overview of the outturn was provided in Table 1 at paragraph 11 of the report and key variances within each directorate were summarised in Annex 1. As the Covid grant had funded the overspend, it was proposed to carry the unused contingency of £500k into 2022/23 to help deal with increased energy costs. With regard to loans, York Museums Trust had requested that their letter of guarantee be further extended to 31 March 2024.

Performance in general had remained high despite the challenges of the past year, and compared well against similar local authority areas. It was likely that, due to the impacts of Covid and the lag between the availability of data and the reporting period, indicators would continue to change in future reporting periods. Strategic indicators with an improving direction of travel were summarised in paragraph 27 of the report; those with a worsening direction were summarised in paragraph 28. Detailed information was provided in Annex 2.

Members thanked officers for their work in balancing the budget and highlighted increases in income from car parking and recycling, and successes in areas including the delivery of affordable homes, footfall in Parliament Street and reduced vacancies in city centre shops.

- Resolved: (i) That the year-end position be noted.
- (ii) That the finance and performance information be noted.
- (iii) That the extension to March 2024 for the letter of credit to York Museums Trust, as outlined in paragraphs 15 to 21, be approved.

Reason: To ensure that significant financial issues can be appropriately dealt with.

**11. Capital Programme Outturn 2021/22 and Revisions to the 2022/23 - 2026/27 Programme (7:10 pm)**

[See also under Part B]

The Chief Finance Officer presented a report which set out the outturn position of the council's 2021-22 capital programme, including any under or over spends, and provided an update on the impact on future years of the programme.

An outturn of £78.220m was reported on the approved 2021/22 budget of £127.584m; an overall variation of £49.364m. This comprised requests to re-profile a net -£49.153m of schemes to future years and adjustments to schemes increasing expenditure by a net £211k. The overall programme continued to operate within budget, due to careful management of expenditure.

Key areas of investment and outcomes were highlighted in paragraphs 2 and 3 of the report. Variances and re-profiling requests within each portfolio area were set out in Table 1 at paragraph 12 and detailed in the body of the report. These included additional costs of £4m related to completion of the Guildhall project. The report also highlighted the potential impact on major schemes and rolling programmes of increasing levels of inflation. The re-stated capital programme for 2022/23 to 2026/27 was shown in Table 3 at paragraph 97 and detailed in Annex A.

Resolved: (i) That the 2021/22 capital outturn position of £78.220m be noted and that the requests for re-profiling from the 2021/22 programme to future years, totalling £49.153m, be approved.

(ii) That the adjustments to schemes reducing expenditure in 2021/22 by a net £211k be noted.

(iii) That the use of £4m contingency to fund the additional costs of the Guildhall refurbishment be approved.

Reason: To enable the effective management and monitoring of the council's capital programme.

**12. Treasury Management Annual Report and Review of Prudential Indicators 2021/22 (7:17 pm)**

The Chief Finance Officer presented a report which provided details of the outturn position for treasury activities and highlighted compliance with the council's policies previously approved by Members.

The report included information on the effects on interest rates of rising inflation, as well as the economic damage caused by the coronavirus pandemic over the past 2 years.

Officers confirmed that the report would be considered by the Audit & Governance Committee at its meeting on 29 June 2022.

Resolved: That the 2021/22 performance of treasury management activity and prudential indicators outlined in Annex A be noted.

Reason: To ensure that the continued performance of the treasury management function is monitored, and to comply with statutory requirements.

**PART B - MATTERS REFERRED TO COUNCIL**

**13. Capital Programme Outturn 2021/22 and Revisions to the 2022/23 - 2026/27 Programme**

[See also under Part A]

The Chief Finance Officer presented a report which set out the outturn position of the council's 2021-22 capital programme, including any under or over spends, and provided an update on the impact on future years of the programme.

An outturn of £78.220m was reported on the approved 2021/22 budget of £127.584m; an overall variation of £49.364m. This comprised requests to re-profile a net -£49.153m of schemes to future years and adjustments to schemes increasing expenditure by a net £211k. The overall programme continued to operate within budget, due to careful management of expenditure.

Key areas of investment and outcomes were highlighted in paragraphs 2 and 3 of the report. Variances and re-profiling requests within each portfolio area were set out in Table 1 at paragraph 12 and detailed in the body of the report. These included additional costs of £4m related to completion of the Guildhall project. The report also highlighted the potential impact on major schemes and rolling programmes of increasing levels of inflation. The re-stated capital programme for 2022/23 to 2026/27 was shown in Table 3 at paragraph 97 and detailed in Annex A.

Recommended: That Council approve the re-stated 2022/23 to 2026/27 programme of £525.049m, as summarised in Table 3 at paragraph 97 of the report and detailed in Annex A.

Reason: to enable the effective management and monitoring of the Council's capital programme.

Cllr K Aspden, Chair  
[The meeting started at 5.30 pm and finished at 7.22 pm].

**Forward Plan: Executive Meeting: 28 July 2022**

**Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 18 August 2022**

Title and Description	Author	Portfolio Holder
<p><b>City Centre Access – Security Measures – update including tender return</b></p> <p><b>Purpose of Report</b></p> <p>To provide an update on progress of the proposed security measures (Hostile Vehicle Measures) scheme, including the procurement process.</p> <p>Executive will be asked to: note progress on the scheme and give delegated authority for the Director of Environment, Transport and Planning to accept the winning tender in order for the contractor to commence work in line with the anticipated programme.</p>	<p>Gary Frost &amp; Catherine Higgins</p>	<p>Executive Member for Transport</p>
<p><b>Finance &amp; Performance 2022/23 Monitor 1</b></p> <p><b>Purpose of Report</b></p> <p>To present details of the overall finance and performance position.</p> <p>Executive will be asked to: note the report.</p>	<p>Ian Cunningham &amp; Debbie Mitchell</p>	<p>Executive Member for Finance and Performance</p>
<p><b>Capital Programme 2022/23 Monitor 1</b></p> <p><b>Purpose of Report</b></p> <p>To provide Members with an update on the capital programme.</p> <p>Executive will be asked to: note the issues, and recommend to full Council any changes as appropriate.</p>	<p>Emma Audrain</p>	<p>Executive Member for Finance and Performance</p>

**Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 15 September 2022**

None currently listed

**Table 3: Items Slipped on the Forward Plan**

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason
<p><b>City Centre Access – Security Measures – update including tender return</b></p> <p>See Table 1 for details.</p>	<p>Gary Frost &amp; Catherine Higgins</p>	<p>Executive Member for Transport</p>	<p>28/7/22</p>	<p>18/8/22</p>	<p>The contractors tendering for the work have requested more time to enable them to submit prices, therefore the report has been delayed to accommodate this request.</p>





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**Executive**

**28 July 2022**

Report of the Director of Environment, Transport & Planning  
Portfolio of the Executive Member for Environment and Climate Change

## **Catchment Flood Management Project**

### **Summary**

1. The City of York Council (the “Council”) has developed an exciting strategic approach to manage flood risk across a river catchment scale. This innovative programme of work will contribute to the solution of long term, sustainable, flood risk management in our city.
2. We are leading the co-development of natural flood risk management opportunities with a wide variety of partners that will increase flood resilience across North Yorkshire and York and support a wide range of wider climate, environmental, social and economic benefits. This initiative will expand our flood risk management activities beyond our administrative boundaries and represents the biggest, and most ambitious, change to our flood risk management strategies ever seen.
3. The Council’s Executive approved (24<sup>th</sup> June 2021) the development of a business case to deliver approved funding from the Government’s Flood and Coastal Resilience Innovation Programme.
4. The business case was developed in line with guidance from the Department for Environment, Food and Rural Affairs (“DEFRA”) and the Environment Agency and was submitted on 29<sup>th</sup> April 2022. This report summarises the proposed approach to the 5 year project (until 31<sup>st</sup> March 2027) as set out in the business case.
5. Members are recommended to approve the implementation of this project as requested in Paragraph 6 of this report.

## Recommendations

6. The Executive is asked to approve the implementation of this project using the approach summarised in this report.

Reason: To enable the delivery of the York and North Yorkshire Catchment Flood Management project.

## Background

7. The Council developed a proposal for the Government's Flood and Coastal Resilience Innovation Programme, which was approved for funding by Defra on 26<sup>th</sup> March 2021. Since that time, the Council has received development funding to further develop the business case and facilitate the recruitment of a project manager. An approved business case is needed to draw down further project funding.
8. The business case has been prepared following guidance provided by the Environment Agency, and sets out the strategic, economic, commercial, financial and management case for the project in line with the aims of the Flood and Coastal Resilience Innovation Programme.
9. The project aims to offset the impacts of climate change in York and smaller communities across North Yorkshire by initiating long-term change across the river catchment. The project will work with partners to deliver a programme of investment in natural flood management ("NFM") measures which will increase the resilience of small communities across North Yorkshire. Innovative catchment-scale modelling will show how this work and wider delivery of such measures has the potential to cumulatively benefit downstream communities, including the city of York. The project will engage with catchment partners and communities to build capacity to implement NFM and raise awareness of how water connects their communities. Financing models will be investigated with the aim of developing a self-sustaining forward pipeline of NFM investment opportunities that enables a long-term legacy.
10. The total project value in the business case is £5.9m, including contingency of £1.3m.
11. The business case has been developed with involvement from a number of key partners including North Yorkshire County Council, University of York, Yorkshire Dales Rivers Trust, Yorkshire Dales National Park,

Environment Agency and JBA Consulting. These partners are committed to the project and are instrumental to its successful delivery.

## **Consultation**

12. The initial project proposal was developed in collaboration with partners and further consultation has been carried out as the business case has been developed.
13. The business case has drawn on lessons learned from previous similar projects and programmes across the country. It identifies risks around communication and engagement and the project is designed to mitigate these. Engagement with upstream farmers and land managers will be led by partners (charitable organisations and public bodies) which are already active in the area and have existing relationships. Throughout this project, we will continue to work closely with partners and consult with affected communities, with the University of York providing a rigorous methodology for this.
14. Ongoing project governance and oversight will be provided by the North Yorkshire Flood Risk Partnership (and further linkages to the Yorkshire Regional Flood and Coastal Committee), which includes Executive Members of the respective councils, plus other partners and Council officers.

## **Options**

15. The project has been accepted for funding based on proposals provided in an initial expression of interest. There is therefore limited scope to change the proposed approach and the following options are available to Members.
  - i. Approve the implementation of this project using the approach summarised in this report.
  - ii. Approve the implementation of the project but require changes to the approach (but remaining within the scope of the project as approved for funding).

- iii. Reject the project altogether and draw down no further funding from the Government's Flood and Coastal Resilience Innovation Programme.

## Analysis

16. This project is considered necessary to improve the resilience of the City of York to flood risk over the long term. Flood defences throughout the city have recently been raised but there is a limit to the height of defences before their physical and visual impact has a serious negative effect on the city.
17. The defences in central York have been designed with climate change in mind and are constructed at a level to manage the projected impacts of climate change up to 2039. To ensure the defences continue to provide an effective level of protection after this time the Environment Agency and all key partners have identified that upstream measures are needed to support the direct flood protection in the city.
18. The River Ouse drains the 3,500km<sup>2</sup> catchment of the rivers Swale, Ure and Nidd, which merge upstream of York. The catchment includes a wide range of land use types including the protected uplands in the Yorkshire Dales National Park and Nidderdale Area of Outstanding Natural Beauty (including peat bogs, moor and grazing land) and the lower-lying Vale of York (where arable farming predominates).
19. Government policy<sup>1</sup> promotes the use of catchment-scale and natural measures to manage flood risk. In practice, such approaches are difficult to implement because of the large numbers of stakeholders and large geographical areas involved, and limitations of Government flood risk management grant in aid funding.
20. This project offers an opportunity to demonstrate catchment scale, nature-based approaches to managing flood risk, as part of the Government's Flood and Coastal Resilience Innovation Programme<sup>2</sup>.
21. The project comprises four main packages of work:

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1 <https://www.gov.uk/government/publications/flood-and-coastal-erosion-risk-management-policy-statement>

2 <https://www.gov.uk/guidance/flood-and-coastal-resilience-innovation-programme>

- i. Detailed computer modelling to better understand how land management changes in the catchment could affect flood risk downstream.
  - ii. A programme of natural flood management projects to directly benefit communities in North Yorkshire and cumulatively benefit areas downstream including York.
  - iii. Engagement with communities throughout the catchment to communicate the benefits of natural flood management, including farm advisor posts.
  - iv. Building local capacity and a future legacy, including options for funding and managing natural flood management into the future.
22. The project will benefit York and North Yorkshire by investing in local initiatives and reducing the damaging and disruptive effects of flooding. It will also help inform developing Government policy about grants and subsidies to farmers and land managers, which is changing following the UK's leaving the EU. The new Environmental Land Management Schemes will offer payment for 'public goods' including measures which help reduce flood risk (such as soil and land management practices).
23. Catchment-scale approaches to managing flood risk involve working with a large number of stakeholders. Project partners are leading existing work in the catchment which can help manage water runoff, including peat bog restoration, tree planting and farming and land management changes. The project will work with these partners to better understand and maximise flood risk management benefits.
24. Project funding will be used to make grant payments to partners and farmers/land managers for delivering measures that help manage flood risk. Technical work including flood modelling will be procured in accordance with Council procedures. The overall approach of the project builds social value and capacity to implement natural flood management over the long term.
25. The project is designed to create a future legacy of dispersed catchment natural flood management measures. Individually these will only have a small benefit for the city of York and may take many years to provide full benefit (e.g. tree planting) but combined the approaches seek to deliver a much wider and sustainable benefit to the city. Climate change is

expected to increase risk over time, so acting now will help to offset this risk and increase resilience over the long term.

## **Council Plan**

26. Improved flood resilience supports the economy of the city and safer communities for residents, businesses and visitors.

## **Implications**

- **Financial**

The project will be fully funded by external grant from central government (DEFRA) in line with the business case submitted. To date £238k has been received towards developing the business case which has funded a project officer and external consultancy costs.

- **Human Resources (HR)**

There are no HR implications.

- **One Planet Council / Equalities**

The project supports both climate change mitigation (by promoting approaches that sequester carbon) and adaptation (by promoting land use changes that are resilient to climate change).

The Council needs to take into account the Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). A full Equalities Impact Assessment has not been undertaken at this point. If the recommendation in the report is approved and a full Equality Impact Assessment will be developed in due course.

- **Legal**

The approach set out in this report will require further legal consideration and agreements with other organisations as the project develops.

A robust procurement strategy that complies with the Council's Contract Procedure Rules and our legal obligations under the Public Contract

Regulations 2015 (and the subsequent Procurement Bill once this comes into force) will need to be in place in respect of any consultancy services and/or works packages commissioned for this project. Where required under the Contract Procedure Rules, such a strategy will require the input of the Commercial Procurement team, and any contractual terms will require the input of Legal Services.

Funding arrangements with farmers and landowners or land managers will need to be assessed against the Subsidy Control Rules (formerly known as State Aid under EU Law), and any funding terms and conditions between the Council and said parties will require input from Legal Services, and will also need to capture any obligations the Council may have to its own funders that need to be passed on to these grant recipients.

Any arrangements between partner authorities or public bodies will need to be assessed and formalised in line with the Council's existing statutory powers.

- **Crime and Disorder**  
There are no Crime and Disorder implications.
- **Information Technology (IT)**  
There are no IT implications.
- **Property**  
There are no implications directly to Council property although some properties may benefit from increased flood resilience over the longer term.
- **Other**  
There are no other implications.

## **Risk Management**

Project risks and appropriate mitigation have been identified in a risk register and this is included in the business case. The project is funded as part of an innovation programme, and as such Defra and the Environment Agency recognise there is some uncertainty around the outcomes that will be delivered within the agreed budget. The project team will continue to proactively manage risks and work closely with the Environment Agency programme management team to ensure that risks are understood by funders. The project will also be subject to

comprehensive evaluation, to enable lessons (including any risks realised) to be shared and inform future practice in this area.

## Contact Details

### Author:

Phil Delaney  
Project Manager  
Flood Risk Management

### Chief Officer Responsible for the report:

James Gilchrist  
Director of Highways, Environment &  
Planning

Report  
Approved



Date 15<sup>th</sup> July 2022

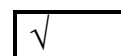
## Specialist Implications Officers

Financial:-  
Jayne Close  
Accountant

Legal:-  
Dan Moynihan  
Senior Solicitor

### Wards Affected:

All



**For further information please contact the author of the report**

### Background Papers:

Executive: Tuesday, 20 July 2021 (Item 20<sup>3</sup>)

### Annexes

None

## List of abbreviations Used in This Report

DEFRA	Department for Environment Food and Rural Affairs
ELMS	Environmental Land Management Schemes
EU	European Union
FCRIP	Flood and Coastal Resilience Innovation Programme
HR	Human Resources
NFM	Natural Flood Management
RFCC	Regional Flood and Coastal Committee





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**Executive**

**28<sup>th</sup> July 2022**

Report of the Corporate Director of Place  
Portfolio of the Executive Member for Transport and Executive Member  
for Economy and Strategic Planning

### **City Centre Access – Action Plan Update**

#### **Summary**

1. In November 2021 the Executive made the decision to remove as many vehicles as possible from accessing the footstreets during pedestrianised hours, following Police Counter Terrorist advice. That advice has not changed and the procurement for the hostile mitigation measures is currently underway. This procurement was due to be considered alongside this report, but due to the contractors requesting more time, the results of the procurement exercise will be considered at a future Executive meeting.
2. In making the transport related decision in November 2021, a suite of accompanying decisions were also made. Amongst these was a report on the “Strategic Review of City Centre Access”, which included an action plan to improve access. This report provides an update on the delivery of the action plan.
3. The current pavement café licences in the City were implemented under emergency legislation in response to COVID, in support of immediate economic support and the context “Eat out to help out” scheme. This emergency legislation removed the requirement for planning permission. This emergency legislation currently expires at the end of September 2022. There is no certainty over whether the Government will extend emergency powers to award licences without planning permission in October 2022.
4. The publication of the “Levelling Up and Regeneration Bill” proposes changes to pavement café licences which removes the requirement for planning permission for pavement cafes in the long

term. However, this is highly unlikely to be made law by the end of September this year.

5. As our City has returned to more normal post COVID operation the impact that emergency pavement cafes has had on specific access issues has become more apparent.
6. Whilst it is likely pavement cafes are here to stay in some form in the future, this is no longer as part of an emergency response. Therefore, a review is necessary of the guidance and conditions on when cafes are acceptable, recognising and limiting the impact they have on access.
7. The current historic infrastructure in the City Centre is not ready to accommodate pavement cafes in every location, especially on the pavement, without some impact on access or additional appropriate mitigations.
8. The Council approved a Long Term 10 Year vision city centre as part of My City Centre. It sets out a number of ambitions for the future of the City Centre, including creating a family friendly mid-week early evening economy, spreading events across the City Centre, and encouraging the outdoor café culture that has emerged during the pandemic in recent years in the footstreet areas.
9. The current temporary traffic regulation order which saw footstreets extended until 7:00 pm as part of the COVID emergency response, cannot be further extended temporarily. Executive have previously approved a statutory traffic regulation order consultation on a permanent change of pedestrianised hours to 7:00 pm.
10. Executive need to consider if now is an appropriate time to consult on a permanent change to 7:00 pm for pedestrianised hours of the footstreets, given;
  - The uncertainty over the pavement café license regulatory framework nationally,
  - The proposed review and implementation of new conditions of when pavement café license may be granted,
  - The progress on the City Centre Access – Action Plan and the recommendations in this report to allocate additional resource and bring further work forward,

**Recommendations:**

11. The Executive is recommended to:

- a) Approve the commencement of consultation on the proposed “City of York Guidance and Conditions for Pavement Cafes”.
- b) Request a report to the November Executive meeting on the outcome of the consultation. The new “City of York Guidance and Conditions for Pavement Cafes” considered by Executive in November would take effect in January 2023.
- c) To note that the Government regulatory framework for Pavement Cafes remains uncertain, as the current emergency legislation expires in September 2022 and the new legislation proposed is unlikely to be implemented by this date.

*Reason: to ensure the decision making on pavement cafes reflects the current situation and the needs of all city centre users.*

- d) Note the update on the “City Centre Access - Action Plan” Annex A.
- e) Note the planned commissioning of an Access Specialist Consultant and approve the prioritised work programme as laid out in the report.
- f) Note the programme of dropped kerbs for autumn this year and spring 2023.
- g) Bring forward the work to develop the feasibility of the City Centre Bus Shuttle in advance of the original funding source being received. This will be coproduced with stakeholders, including the look and feel of vehicles and will require input from an access specialist along with transport input. This will be funded from transport reserves.
- h) Ask officers explore if the reduction in vehicles within the City Centre enforced in the future through Hostile Vehicle Mitigation Measures would enable a kerb free design to be implemented in the footstreet area.

*Reason: to accelerate the delivery of the “City Centre Access – Action Plan” including bringing forward the Feasibility Study of a City Centre Bus Shuttle in the absence of Bus Service Improvement Plan funding being available. If a kerb free design is possible in the footstreets, the Levelling Up bid for the City Centre, if successful, could help deliver elements of this.*

- i) Consider if, taking into account the above decisions, now is an appropriate time to consult on a permanent change to 7:00 pm for pedestrianised hours of the footstreets. Having considered this officers feel that the following need to be taken into account:
  - i. uncertainty over the pavement café licence regulatory framework nationally,
  - ii. proposed review of the conditions of when York may approve a pavement café licence,
  - iii. progress on the City Centre Access – Action Plan and the recommendations in this report to allocate additional resource and bring further work forward,

These could all have a material impact on any consultation on 7:00 pm as an end time to the pedestrianisation of footstreets. Therefore, the recommendation is to postpone any decision to undertake statutory traffic regulation order consultation on a permanent change in footstreet hours to 7:00 pm until the Levelling Up and Regeneration Bill has passed through Parliament, and then consider progress in delivering the City Centre Access – Action Plan.

*Reason: the major benefit of 7:00 pm is the extended hours in which pavement cafes can operate. Given the uncertainty over the national regulatory framework and the need to carry out work to implement local more accessible guidance, a consultation on footstreet hours is not appropriate and cannot be based upon facts.*

- j) Approve extending the current pavement café licences issued under emergency legislation (subject to that

legislation being available post September 2022) free of charge until end of December 2022 but restricted to the footstreet hours. Note that footstreet hours will revert to their normal 5:00 pm in October 2022 but be temporarily extended to 8:00 pm in November for the Christmas Market to end of December 2022. Should emergency legislation not be extended then planning permission will be required for all pavement cafes, until the regulatory framework changes.

*Reason: given the uncertainty over national legislation this recommendation adds a degree of assurance for pavement cafes and allows the Council time to consult on its own new guidance and conditions for pavement cafes.*

## **Background**

12. In November 2021, the Executive considered a number of reports including
  - “City Centre Strategic Vision - Adoption of Vision and Next Steps”,
  - “Strategic Reviews of City Centre Access and Council Car Parking”,
  - “Consideration of Changes to the City Centre Traffic Regulation Order”.

Links to these are provided in the background documents at the end of the report.

13. The last of these reports was to give effect to the Police Counter Terrorist Advice to make the City Centre as car free as possible and install Hostile Vehicle Measures. A subsequent Executive Member for Transport decision removed the majority of exemptions that permitted access, this will come into effect at the end of September this year. The Police advice has not changed and the procurement for the hostile mitigation measures is currently live, the procurement timeline has been extended at the request of contractors and will be brought to a future Executive meeting.
14. The extra time required by bidders was granted as the risk was that no contractors would bid for the work causing significant delay. This, in comparison to the minor delay caused by extending the

procurement process, could be significantly longer if a new procurement process is required. As there is not a guarantee that works will be completed before Christmas 2022, some of temporary measures will be required during the Christmas market.

15. If temporary measures are required, the cost of which is estimated at £80k, this could be met through existing transport budgets.
16. The security guards that currently ensure compliance with the traffic regulation orders should be extended until the permanent Hostile Vehicle Mitigation measures are installed. This cost estimated at £40k, will continue to be met from within existing transport budgets.
17. In making the decision to remove vehicles from the footsreet area, the Executive recognised the access impacts of such a decision, particularly on blue badge holders. In response, Executive adopted actions (“Strategic Review of City Centre Access – Action Plan”) to improve and support access in and around the foostreets, as well as the “My City Centre Vision” as a long term ten year vision that would support an accessible and thriving city centre. Whilst some impacts could not be mitigated, the improvements to access within the action plan would improve access in the city centre.

### **City Centre Access – Action Plan**

18. An update on the current progress of delivering actions in the Action Plan can be found in Annex A.
19. A number of the actions agreed at November Executive had significant dependencies. These are specifically updated as follows:

#### **Access Officer Action**

20. One of the first actions requested by the Executive was the creation of an Access Officer post. A number of subsequent actions were then assigned to the Access Officer.
21. A job description was developed in collaboration with Access Specialists and Disabled Residents.

22. A recruitment process took place but resulted in no suitable candidates being identified for the role.
23. A number of the actions in the plan are dependent on the Access Officer in developing solutions with representatives of the disabled community.
24. Officers have explored the option of commissioning an Access Specialist Consultant to support the delivery of pavement café licence consultation, priority actions in the plan, and support the next Access Officer recruitment process.
25. To ensure the commission of an Access Specialist Consultant succeeds it will be promoted with the National Register of Access Consultants (NRAC) and through local networks, as well as contacting other specialist provider agencies.
26. It is important in terms of priority that the Access Specialist Consultant is provided with a brief which includes a priority plan of the work programmes. The suggested priority order from the Action Plan is as follows:
  - i. Consultation about pavement cafes and access
  - ii. Benches in the City Centre
  - iii. City Centre Bus Shuttle
  - iv. York Standard
  - v. Identifying the two priority car parks for investment in Gold Standard access
27. Following the delivery of these actions, the role of Access Officer will be readvertised. The role will be promoted in the same way as the Access Specialist Consultant commission. In addition, specialist recruitment search activity will support the appointment to increase the likelihood of success.

#### Dropped Kerbs Action

28. The dependency for this action was funding. The programme of dropped kerbs was identified in the Action Plan as to be funded by a Department for Transport funding stream. Unfortunately this element of the funding bid was not successful. Despite this 8 additional dropped kerbs have been installed on Stonegate and the existing ones refurbished on Colliergate and Church Street. This highlighted the challenges of cellars and buried utilities can impose.

29. The Executive Member for Transport in March this year received a report detailing the approach to dropped kerbs. Due to the lack of funding from the Department for Transport, the council re prioritised to deliver a dropped kerbs programme to the same level of funding.
30. Since the funding was approved by in March 2021 the design work has commenced on a programme of dropped kerbs.
31. The indicative programme is that dropped kerbs on Fossgate, Low Petergate, Blake Street and Lendal. The approach that will be used was outlined in a report to the Executive member for Transport in March 2022 and is repeated here in Annex B.

#### City Centre Bus Shuttle Feasibility Action

32. Through the scrutiny process, a trial of a City Centre Bus Shuttle service was identified as a potential mitigation. This was included in the “City Centre Access – Action Plan” by Executive in November 2021. The Action Plan was clear that the first step as part of this action was coproduction with involvement of the access officer and potential services users to ensure their requirements shaped future proposals. This is particularly important given this mitigation emerged through scrutiny discussion rather than through direct engagement with blue badge holders, unlike the other actions in the action plan.
33. The Feasibility Study was dependent on the award of Bus Service Improvement Plan (BSIP) funding.
34. Whilst the Council has been told it will receive this funding and part of the bid has been specified to trial this service, to date the Department for Transport has not released any funding nationally. It is therefore unlikely that funding will be in place before the autumn, which is much later than originally anticipated.
35. By bringing forward coproduction on possible vehicle and service options, which would include the identification of specific user needs, review of the vehicle type and the physical experience of some different vehicles, a trial of the service could be brought forward sooner.
36. This report therefore recommends transport funds be used to accelerate the development and coproduction of a City Centre Bus Shuttle Feasibility Study so that this could commence despite the delay of the BSIP award being issued. The estimated funding



requires is £50k and will be met from transport reserves in advance of the BSIP award.

### **Pavement Cafes Licences**

37. The current pavement cafes licences were issued under emergency legislation, developed by the Government in response to COVID and the restrictions on businesses operating during the pandemic, including the legal requirement for social distancing. The emergency legislation remained through the immediate economic recovery and particularly in the context of “Eat Out to Help Out” scheme. This legislation removed the requirement for planning permission. Without the planning permission process in place, the council needed to develop guidance in a very short amount of time, to set out the conditions which would need to be met before the pavement café licence was issued.
38. The current emergency legislation that licences pavement cafes without planning permission expires at the end of September 2022. There is, as yet, no certainty over whether Government will extend the emergency legislation to continue to award licences without planning permission.
39. The “Levelling Up and Regeneration Bill” proposes changes to pavement café licences which removes the requirement for planning permanently. It is however, unlikely this bill will be passed before the end of September, when the current emergency legislation expires. The bill is now at the Committee Stage in the House of Lords, where it will require a report stage and a third reading, before it progresses through the five stages in the House of Lords before being considered for Royal Assent.
40. As the city has returned to more normal post-covid operation, the impact of the emergency pavement cafes (especially those on pavements) has become more apparent. Given the rationale for pavement cafes is no longer the need for businesses to operate within restricted health guidance and the context of the pandemic, a review of the conditions and guidance is appropriate regardless of the national decision making context.
41. The table below is a proposed new “City of York Guidance and Conditions for Pavement Cafes” and looks at the different types of locations and details the current guidance/conditions, the

consequent impacts on access and the proposed new guidance/condition that could be offered to businesses and disabled residents for consideration, as part of the consultation. This draws on experience from other Councils who are facing the same challenges, such as Westminster.

<b>City of York Guidance and Conditions for Pavement Cafes</b>			
<b>Types</b>	<b>Current guidance / conditions</b>	<b>Impact on access</b>	<b>Proposed new guidance / conditions</b>
Pavement café in the carriageway	<p>Either in a parking bay, or in a footstreet or in a very low traffic street eg Fossgate.</p> <p>3m corridor for emergency access and authorised vehicles needs to be maintained on the carriageway</p>	Minimal access impacts as footway clearance maintained	<p>End to temporary arrangements, Exec Member Decision required to permanently convert the parking bays.</p> <p>Buildouts or protection are required as a matter of course and businesses would need to pay for the protection required for the café (planters, bollards, etc) when in a parking bay outside footstreets.</p>

Pavement café partial blocking of the footway	1.5 metre width must be maintained	Some impacts on busy streets and causes issues with turning some wheel chairs.	In high pedestrian footfall streets 2m with maintained
Pavement café in the footway blocking the whole footway	Only in a footstreet or in a very low traffic street eg Fossgate	Cafes which block the footway have the most impact, especially on streets with kerbs as dropped kerbs may not be present or even possible.	<p>Various options</p> <p>1) Require a maximum distance to the nearest dropped kerb.</p> <p>2) Should business pay for any additional dropped kerbs.</p> <p>3) Condition temporary dropped kerbs as part of the café. See annexe C</p>

42. It is therefore proposed to launch a public consultation to engage on the proposed new guidance/conditions. This will be a public consultation but targeted at disabled advocacy groups. The

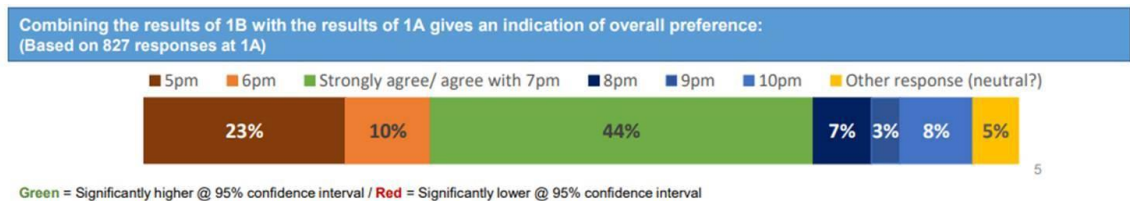
Access Consultant will further facilitate the consultation with these groups and disabled residents.

43. The consultation will also be circulated to all businesses who currently have a café licence and also to business representatives such as York Bid, Make it York, Retail Forum and the Chamber of Commerce.
44. Guidance, which focuses on improving access, will inevitably mean that a considerable number of businesses who currently hold a café licence will either need to change their arrangements or potentially lose their current pavement café licence.

### **My City Centre Vision**

45. Executive approved the 10 year vision of “My City Centre” as a long term strategy. This has 8 key themes
  - Family friendly City Centre
  - Events, experiences & sustainable investment in public spaces
  - An attractive city offer at all times
  - Making tourism work for York
  - Embracing our riversides
  - A safe City Centre community, which is welcoming to all
  - Thriving businesses and no empty buildings
  - Celebrating heritage and making modern history
46. The approved “My City Centre Vision” sets out a number of ambitions for the future of the City Centre, including creating a family friendly mid-week early evening economy, spreading events across the City Centre, and encouraging the outdoor café culture that has emerged during the pandemic in recent years in the footstreet areas.

47. Footstreet operation times were explored as part of the public engagement on the “My City Centre Vision”. Results of this engagement can be seen in the table below:



48. The result was that 23% of respondents stated their preference for the footstreet hours to end at 5:00 pm. 44% supported them ending at 7:00 pm, and 18% supported the hours ending even later. On that basis Executive approved the commencement of the statutory traffic regulation order consultation on changing the Footstreet Hours.
49. In approving the “City Centre Access – Action Plan”, Executive committed to consulting on a permanent change to pedestrianised hours to 7:00 pm in the footstreets. This has not yet happened as officers focused on removing the majority of the exemptions that permitted access to the footstreets and progressing with the delivery of mitigations.
50. Executive are being asked to consider if the progress made against the access improvement action plans is sufficient, also taking into account the current legislative context, to warrant the statutory traffic regulation order consultation on a permanent change of pedestrianised hours to 7:00 pm.

### Current City Centre Operation

51. As detailed above the emergency pavement cafes remain in place. There are currently 115 pavement cafes across the city. This is roughly double the number that existed prior to COVID with the requirement for planning permission.
52. The decisions taken by Executive in November have removed the vast majority of vehicles from the City Centre, in the future this will be physically enforced through Hostile Vehicle Mitigation Measures. The government previously issued guidance <https://assets.publishing.service.gov.uk/government/uploads>

**[/system/uploads/attachment\\_data/file/749116/ministerial-letter-about-shared\\_space.pdf](/system/uploads/attachment_data/file/749116/ministerial-letter-about-shared_space.pdf)** relating to kerbless designs of public realm. This highlights the risks of a kerbless design when vehicles are present. Now that the vehicle numbers are significantly reduced, a review of the appropriateness of a kerbless design for the pedestrianised streets could take place, being mindful that they are only pedestrianised for part of the day.

53. The pedestrianised footstreet hours currently operate until 7:00 pm under a temporary traffic regulation order, this has already been extended with the Secretary of State's permission and cannot be extended.

### **Options**

54. The new "City of York Guidance and Conditions for Pavement Cafes" - could either be:
  - Adopted and approved by Executive,
  - Rejected and leave the rules as they are,
  - The proposals could be consulted upon.
55. Pavement Café Licences – at the moment these expire at the end of September 2022. The options are therefore to:
  - If the legislation permits, extend Pavement Café Licences (except Castlegate parklets on which a decision has already been made), through to end of December 2022,
  - Require new applications in October based upon the rules in place at that point in time.
56. Executive therefore need to consider, in the context of the above, whether the statutory traffic regulation order consultation on footstreet hours being extended to 7:00 pm should:
  - Commence,
  - Postpone,
  - Cancel.

## **Analysis of Options**

57. The Outdoor Eating and Café Culture created by Pavement Café Licences is an integral part of the “My City Centre Vision” adopted by Executive in November 2021. They remain an important part of the City Centre economy, especially in light of the longer term economic impact of COVID and the current cost of living crisis.
58. The “My City Centre Vision” and the emerging national legislation sees pavement cafes as the future. It is therefore likely pavement cafes are here to stay in some form but the national regulatory framework remains very unclear.
59. The lived experience of pavement cafes reported to the council during this period as we emerge from COVID has identified areas where the accessibility of pavement cafes can be improved, or they may be inappropriate due to the access impacts.
60. The proposed “City of York Guidance and Conditions for Pavement Cafes” has been developed in response to this lived experience as per the table above.
61. The impact on access of pavement cafes, particularly on the pavement, was tolerated during COVID and the immediate Economic Recovery.
62. Rather than just adopting the “City of York Guidance and Conditions for Pavement Cafes”, it is recommended that a consultation is carried out on the proposals to ensure they address the lived experienced, identified access issues as well as business needs in the post-covid economic context.
63. Whilst the commitments made by the Executive as part of the “My City Centre Vision” remain relevant and important, the City’s historic infrastructure is not ready to facilitate pavement cafes in some locations. The Council will need to continue to work with business and disabled people to ensure that pavement cafes can support accessible trading.
64. While this consultation takes place it is proposed that, if legislation is brought forward which permits it, then the pavement café licences are extended to the end of December 2022 free of charge

whilst the new “City of York Guidance and Conditions for Pavement Cafes” is consulted upon and formally adopted.

65. Given the uncertainty on the future national regulatory regime and the proposed new local guidance for pavement cafes, it is impossible to say how many pavement cafes there are likely to be in the future.
66. A major benefit of a permanent change to pedestrianised footstreet hours to 7:00 pm is that it allows pavement cafes to operate into the early evening.
67. This report recommends Executive launch a consultation on the proposed “City of York Guidance and Conditions for Pavement Cafes”. Executive would in the future need to consider the consultation responses before adopting as policy the new “City of York Guidance and Conditions for Pavement Cafes”. Only when this future decision is made will it be possible for businesses to understand the impact on their operations and for the public to understand any improvement to their access of the footstreets.
68. In November, Executive approved the commencement of a statutory traffic regulation order consultation on a permanent change to footstreet hours to 10:30 am to 7:00 pm. The reason was to give effect to the “My City Centre Vision”, which has an aspiration for long term footstreet hours that run until 7:00 pm. This was supported in the “My City Centre” consultation. This statutory consultation has not commenced whilst officers focused on the removal of the majority of exemptions and the City Centre Access – Action Plan.
69. It would not be proportionate to commence or cancel the consultation, given the uncertainty over national legislation for pavement cafes, or what the impact and details of the new “City of York Guidance and Conditions for Pavement Cafes” is likely to be.
70. The same uncertainty also makes any consultation on 7:00 pm very difficult. For this reason it is proposed that the consultation is postponed until national legislation for pavement cafes as proposed in the “Levelling Up and Regeneration Bill” is passed.
71. A combination of the Government legislation and improvements to the “City of York Guidance and Conditions for Pavement Cafes” (for access improvements) will then determine the number of pavement cafes. Only with this information can the relative merits of a 7:00



pm end to the pedestrianised footstreet hours be considered with all the facts.

72. This means that footstreet hours will revert to their normal 5:00 pm in October but be temporarily extended, as usual, in November for the Christmas Market to end of December to 8:00 pm.
73. It is recognised that reverting to normal footstreet hours will impact upon businesses within the city Centre, particularly those with pavement cafes. It also means that elements of the My City Centre Vision will not be delivered until a change is made to 7:00 pm.
74. It is proposed new “City of York Guidance and Conditions for Pavement Cafes” will be considered by Executive in November and would likely take effect in January 2023.
75. The new guidance will need to be considered alongside the Government Legislation that is in place in January 2023, at the moment it is not possible to confirm if planning permission will or will not be required in the future.

## **Council Plan**

76. The proposals are well aligned with the aims of the Council’s Plan 2019-2023.
  - Well-paid jobs and an inclusive economy
  - Getting around sustainably
  - Safe communities and culture for all
  - Creating homes and world-class infrastructure

## **Implications**

### **Financial**

77. The £80k cost of the hostile vehicle mitigation temporary measures for Christmas 2022 and the £40k ongoing security for TRO

compliance until permanent measures are completed will be funded from within existing transport budgets. The one-off £50k funding required for the city centre bus shuttle feasibility can be met from transport reserves.

78. There is an income budget of £24k relating to pavement café licences. Central government funding has previously been received to support the shortfall in this budget due to the free licences. Once there is more certainty, the ongoing position of this income budget will need to be considered as part of the future report to Executive.

### **Equalities**

79. The Council recognises its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). There are no equalities implications identified in respect of the matters discussed in this report. The process of co production detailed in this report will identify any equalities implications and these will be addressed in future reports.
80. The Action Plan captured the mitigations for the decision to remove the exemption for blue badge holders from the City Centre Footstreets that was considered under a detailed equality impact assessment.
81. The decision on whether to consult on 7:00 pm changes to footstreet hours was also considered under the previous equalities impact assessment.
82. However, as detailed proposals come forward, such as the results of the consultation on pavement cafes and the City Centre Shuttle Bus Study Feasibility, they would need a specific equality impact assessment of its own.

### **Legal**

#### *Pavement Café Licences*

83. Pavement café licences are usually granted primarily under Part 7A of the Highways Act 1980. The fee for the Highways Act process varies between local authorities and there is a minimum 28 calendar day consultation period.
84. The Business and Planning Act 2020 (BPA) implemented a cheaper, easier and quicker process for businesses to obtain pavement café licences to aid Covid economic recovery. The fee for applying for a licence under the BPA process is capped at £100 and the public consultation period is 5 working days (excluding public holidays), starting the day after the application is sent electronically to the authority. If the local authority does not determine the application before the end of the determination period (which is 5 working days beginning with the first day after the end of the public consultation period, excluding public holidays), the licence is deemed to have been granted.
85. The licences are granted by the Local Planning Authority for not less than three months and, originally, no later than 30 September 2021. Where no date was specified in the licence the licence expired on 30 September 2021.
86. The 30 September 2021 automatic expiry date was extended by Regulation 4 of the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 to 30 September 2022, but only for pavement café licences applied for on or before the date these Regulations came into force (20 July 2021). The auto expiry date of 30th September 2021 remained applicable to any / all pavement licences not applied for prior to 20 July 2021.
87. As noted in this report, the government have plans for a permanent system, which is set out in the Levelling Up and Regeneration Bill, but this is unlikely to come into force before 30 September 2022. There is a general consensus among licensing practitioners that there will be a further amendment to the BPA to adjust the 30 September 2022 auto expiry date to allow the Levelling Up and Regeneration Bill to go through its stages. It is likely this would allow the current system of pavement café licences to continue until the Levelling Up and Regeneration Bill comes into force.
88. Pavement café licences, whether granted under the Highways Act 1980 or under the Business and Planning Act 2020, allow businesses to place removable furniture over certain highways and

to use that furniture to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises. Licences can only be granted in respect of highways listed in section 115A(1) of the Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited.

*Traffic Restriction Orders*

89. The Council's power to make a permanent TRO is set out in Section 6 of Part 1 Road Traffic Regulation Act 1984. Before a TRO is made, the Council should ensure that the relevant statutory procedures set out in the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996 (LATOR) are complied with including the requirement for formal consultation and advertisement in the local press. Where objections are received, there is a duty on the Council to ensure that these objections are duly considered.

**Risk Management**

90. Co production ensures the risk that the proposals do not meet the needs of intended users.
91. The delay of BSIP funding nationally delays the development of the City Centre Bus Trial.

**Contact Details**

**Author:**

**James Gilchrist**  
Director of Transport,  
Planning and Environment

**Chief Officer Responsible for the report:**

**Neil Ferris**  
Corporate Director of Place

**Report  
Approved**



**Date** 20/07/2022

**Wards Affected:** *Guildhall, Micklegate, Fishergate*

**All**

**For further information please contact the author of the report**

## **BACKGROUND PAPERS**

### ***Executive - 18 November 2021***

- My City Centre Strategic Vision - Adoption of Vision and Next Steps
- Strategic Reviews of City Centre Access and Council Car Parking
- Consideration of Changes to the City Centre Traffic Regulation Order

### **Officer Decision 19 September 2021**

- Pavement cafes: enforcement and accessibility (under Business and Planning Act 2020)

### **Annex**

Annex A – Strategic Review of City Centre Access – Action Plan update

Annex B – Dropped Kerb Methodology

Annex C – Picture of Temporary Dropped Crossing as part of Pavement café

Annex D - Access in York Leaflet - Information for disabled residents and visitors to York city centre

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# Action Plan

Recommendation	Required to implement	Budget required	Funding Source	Action Owner	Timescales for	Update RAG rating
Create an Access Officer post	To be funded through existing budgets	£24k per annum	To be funded through existing budgets	AD for Lifelong Learning, Communities and Neighbourhoods	Spring 2022	Recruitment taken place but no one suitable applied. Recommendation to bring in an access consultant and readvertise.
Develop a York Standard for the city centre with disabled groups and stakeholders	To be delivered by the Access Officer but would need to cost any proposals and seek appropriate funding for	None	To be delivered by the Access Officer	Access Officer	December 2022	Identified as priority action for the access consultant
Consult on permanently extending the footstreets until 7pm	Undertake Statutory consultation	None	Existing Resource	Head of Transport	Complete by	Not yet commenced due to current legislative context
<b>Disabled Access</b>						
Implement disabled bays as per statutory consultation, and continue to explore additional locations on the edge of the footstreets		None	Existing Transport Budgets	Head of Transport	February 2022	All those approved at Exec Member Decision Session are implemented, except Blake Street which is dependent on HVM placement
Recommendation	Required to implement	Budget required	Funding Source	Action Owner	Timescales for	Update RAG rating
Invest in Shopmobility to increase awareness of the service	CYC promotion support Additional grant	£10k (one off)	Covid Recovery contingency	Head of Transport	March 2022	Funds provided; update on what impact has been has been requested

Access Officer to work with Shopmobility, expand the provision of mobility aids, and meeting the needs of service users	To be delivered by the Access Officer	TBC		Access Officer	Summer 2022	Access Officer action
Investing in the Dial-&- Ride service, to improve awareness	CYC promotion support Additional grant	£10k (one off)	Covid Recovery contingency	Head of Transport	March 2022	Funds provided; update on what impact has been has been requested
Investing in the Dial-&- Ride service, to better meet the needs of service users		£50k (one off)	Covid Recovery Contingency	Head of Transport	Proposals Summer 2022	To be completed in conjunction with the City Centre Shuttle Feasibility
Work with micro mobility operator (Tier) to explore the roll out of mobility aids at key points across the city		No – Commercial Operator	Not Required	Head of Transport	Summer 2022	Ongoing lobbying, considering as part of national roll out
<b>Recommendation</b>	<b>Required to implement</b>	<b>Budget required</b>	<b>Funding Source</b>	<b>Action Owner</b>	<b>Timescales for</b>	
Continue to work with disabled people to assess what constitutes a mobility aid and should be permitted in the footstreet areas.	To be delivered by the Access Officer	No	Not Required	Access Officer	On-going	Dependent on Access Officer propose an Access Consultant is appointed
Improved routes into and around the city centre, included improved paving and dropped kerbs	Dropped kerbs, paving	£250k one off	Active Travel Fund (subject to successful bid) or prioritised Transport Budgets	Head of Transport/Access Officer	Spring 2022	Active travel fund bid was rejected by DfT. Executive approved funding to progress this programme in March date. Through works in Stonegate 8 new dropped kerbs have been added. Further works planned in autumn and in spring as set out in report.



Additional seating to be provided at key points along routes in to and around the city centre	Locations to be co-designed with disabled groups, to be delivered by the	£15,000 one off	Public Realm budgets	Head of Transport/Access Officer	Summer 2022	Identified as priority action for the access consultant
Improve access to disabled toilets in the city centre through multi-partner provision	Work with stakeholders and partners to improve access Support Home Instead and YDRF to progress the "Take a Seat+" initiative	TBC	Subject to Changing Places bid for physical improvements	AD for Lifelong Learning, Communities and Neighbourhoods	Initiative launch planned for Spring 2022	Secured £244,000 changing places fund to deliver toilets improvements over the next three years. Four locations in the city centre have been identified as possible locations including West Offices to bring up to improved standard, Nunnery Lane public toilets (need a project manager), York Castle Museum, York Art Gallery. In addition the Take a Seat+ campaign is up and running allowing private businesses to promote their facilities for allowing someone to rest and use the toilet, 50 plus businesses have signed up.
<b>Recommendation</b>	<b>Required to implement</b>	<b>Budget required</b>	<b>Funding Source</b>	<b>Action Owner</b>	<b>Timescales for delivery</b>	
Carry out a feasibility study for a dedicated shuttle service for disabled people and those with mobility issues	Initial engagement carried out by Access Officer Study already carried out, further work required to understand service user needs and requirements to inform any future proposals	£50k one off	Bus Service Improvement Plan funding (subject to successful bid)	Head of Transport	Subject to successful funding bid	Successful BISP bid, but no funds released yet by DfT. Recommendation to use existing funds to progress with coproduction.

Improve awareness of Blue Badge parking and services which are available to improve access to the city centre including toilets, accessible routes	Identify the improvements as listed in this action plan and compile in to single point of reference	No	Existing Transport budgets	Head of Transport/Access Officer	December 2022	Website updated, hard copy leaflet also produced and distributed, see Annex D
Recommendation	Required to implement	Budget required	Funding Source	Action Owner	Timescales for	
Work with the Quality Bus Partnership, and local disability representative groups to review how drivers prioritise wheelchair users' access and make Class 3 access training		No		Access Officer	Commence Spring 2022	Links to BSIP and Enhanced Partnership and representation of disability groups in the partnership
Cycling, e-scooters and e-bikes						
Improving existing city centre cycle routes	Improved route and signing along High Petergate, Minster Yard, Deangate, Goodramgate, Aldwark, Hungate, Navigation Road and Walmgate	£250k one off	LTP 4 (part of wider package of improvements totalling £600,000) Active Travel Fund (subject to successful bid)	Head of Transport		Active Travel Funding was not received and will be considered as part of LTP4 action plans.

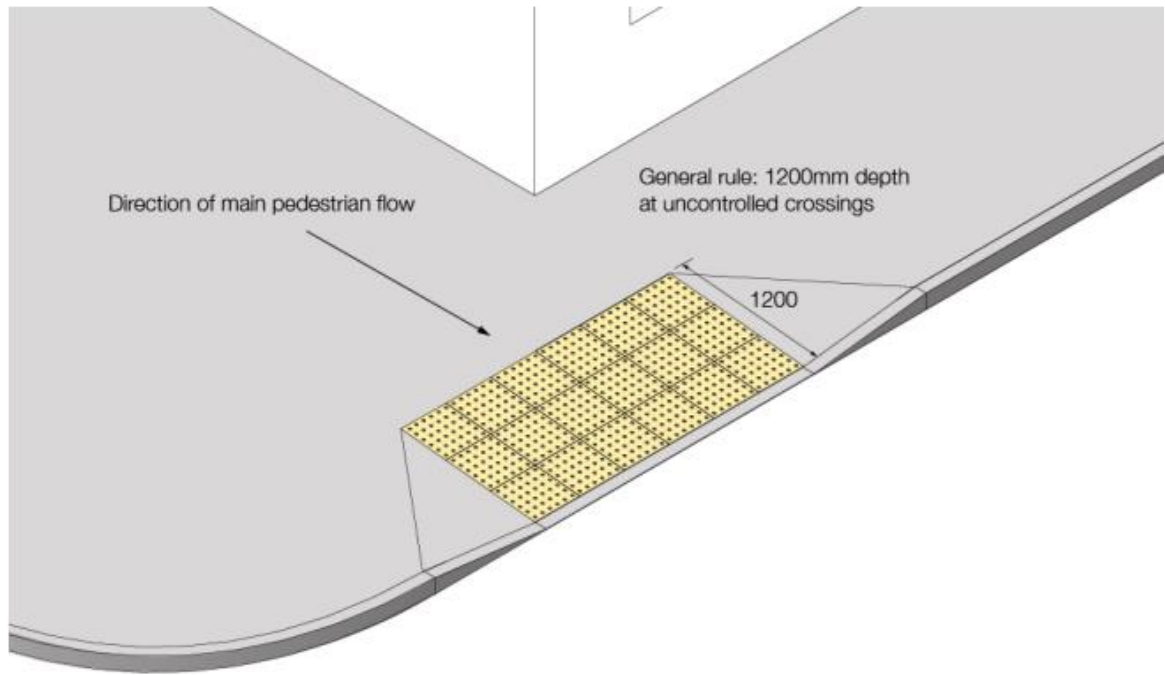
Improve city centre cycle parking	Upgrade existing cycle parking facilities, introduce provision for adapted cycles and look at city centre lockers/secure storage	£150k one off	Active Travel Fund (subject to successful bid)	Head of Transport		Active Travel funding was received, the existing cycle parking facilities in the city centre will be upgraded to bring them into line with the latest best practice in terms of spacing, type and the ability to accommodate larger cycles such as load bikes, bikes with panniers, or trailers. Specific parking racks or areas for users of adapted cycles will be designated. Engagement with residents will take place in the development of proposals.
Recommendation	Required to implement	Budget required	Funding Source	Action Owner	Timescales for	
<b>Deliveries</b>						
Undertake a feasibility study for a city centre transshipment hub	Carry out a feasibility study and pilot scheme looking in to low emission deliveries	£300k one off	Defra	Head of Transport		Lease for premises approved in June 22 for trail
Work with the BID to continue to understand the evolving nature of food delivery businesses in the city centre		Not required	Existing resource	Head of Regeneration and Economy	Ongoing	Work ongoing; update to be provided.
<b>Taxis</b>						
Clearer signage indicating location of taxi ranks (Clifford Street)	Unmet Demand Survey	No	To be carried out by licencing team	Head of Public Protection	Spring 2022	Signage ordered and to be installed shortly

Potential new evening rank on Piccadilly	Unmet Demand Survey	No	To be carried out by licencing team	Head of Public Protection	Spring 2022	The city's ranks have been reviewed as part of unmet demand survey (at the Licensing Committee Members request), including rank abuse. At meeting on 7 June, members agreed to defer the location of new ranks etc (and potentially taking unused ranks away) to when we review the taxi licencing policy later in the year.
Recommendation	Required to implement	Budget required	Funding Source	Action Owner	Timescales for	
Forum to be facilitated between Taxi operators/drivers and representation from disabled groups to discuss how the taxis could better meet the needs of service users	Representation to be invited to the Taxi Association Forum	No	To be carried out by licencing team	Head of Public Protection	Nov/Dec 2021	A representative from the York Disability Rights Forum attended the Taxi Association Meeting on 22 March 2022 and discussed the needs of disabled users. It was well received, and we've agreed to invite them back from time to time (or they can request to come at any time).
<b>Total</b>		<b>£1.1m</b>				

## Annex B: Dropped crossing methodology

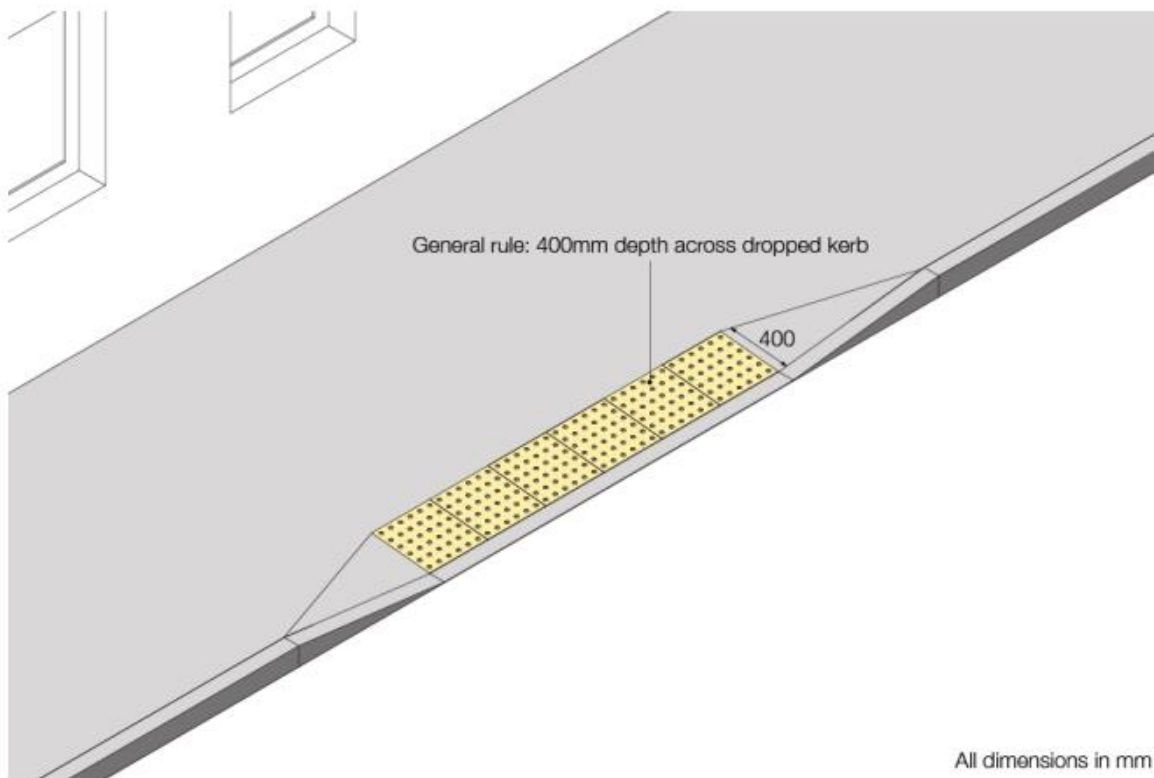
- Approach to design options (See glossary below for definitions):
  - Option 1 – Can an uncontrolled crossing point (pair of dropped kerbs with tactiles, with gradient not exceeding 1:12 as specified in [national guidance](#) and shown in **Figure 5B** below and standard detail at the end of this document) be delivered? If not;
  - Option 2 – Can a reduced depth uncontrolled crossing point be delivered (pair of dropped kerbs with tactiles, with gradient not exceeding 1:12 as specified in [national guidance](#) and shown in **Figure 5A** below and standard detail at the end of this document)? If not;
  - Option 3 – Can an uncontrolled raised crossing point with tactiles be delivered (key considerations include height and gradient, drainage, road marking, signage and lighting – the introduction of a 20 mph zone for the City Centre may be required to enable the delivery of raised crossings)? If not;
  - Option 4 – Can an uncontrolled crossing point with tactiles be provided using build outs (key considerations include height and gradient, carriageway widths, potential parking issues, drainage, required signage and lighting)? If not;
  - Option 5 – Can an uncontrolled crossing point with tactiles be provided by dropping the full width of the footway on both sides (key considerations include height and gradient, potential parking issues, drainage)? If not;
  - Option 6 - Can another location nearby accommodate any of the options listed above? If not;
  - Option 7 – Can a dropped kerb without tactiles be delivered (not compliant with guidance due to gradient and/or lack of matching dropped kerb opposite for example)?

Figure 5B: Layout of the blister surface at an in-line uncontrolled crossing point



All dimensions in mm

Figure 5A: Layout of the blister surface at an inset uncontrolled crossing point



All dimensions in mm

Source: [Guidance on the Use of Tactile Paving Surfaces](#)

## CROSSING POINTS GLOSSARY (at grade crossings)

**Controlled crossings:** A facility provided to help people cross a carriageway but where they have priority over motorised traffic.

Types of controlled crossings include:

- Zebra crossings; and
- Signalled controlled crossings.

**Uncontrolled crossings:** Uncontrolled crossings do not afford pedestrians any particular priority over motorised traffic, although some layouts may result in some drivers deciding to give way. Some pedestrians may decide to assert priority over drivers, but this cannot be relied on.

Types of uncontrolled crossings include:

- Dropped kerb crossings;
- Flat-topped road hump;
- Refuge/central reservation (allowing crossing in two stages on wider roads, generally not applicable to city centre streets);
- Build-out;
- Side road entry treatment;
- Blended junction or continuous footway (level walking surface where drivers cross the footway, which continues across the junction – applicable to side roads).



Dropped kerb with tactile paving



Kerb build-out



Pedestrian refuge





Side road entry treatment and speed table



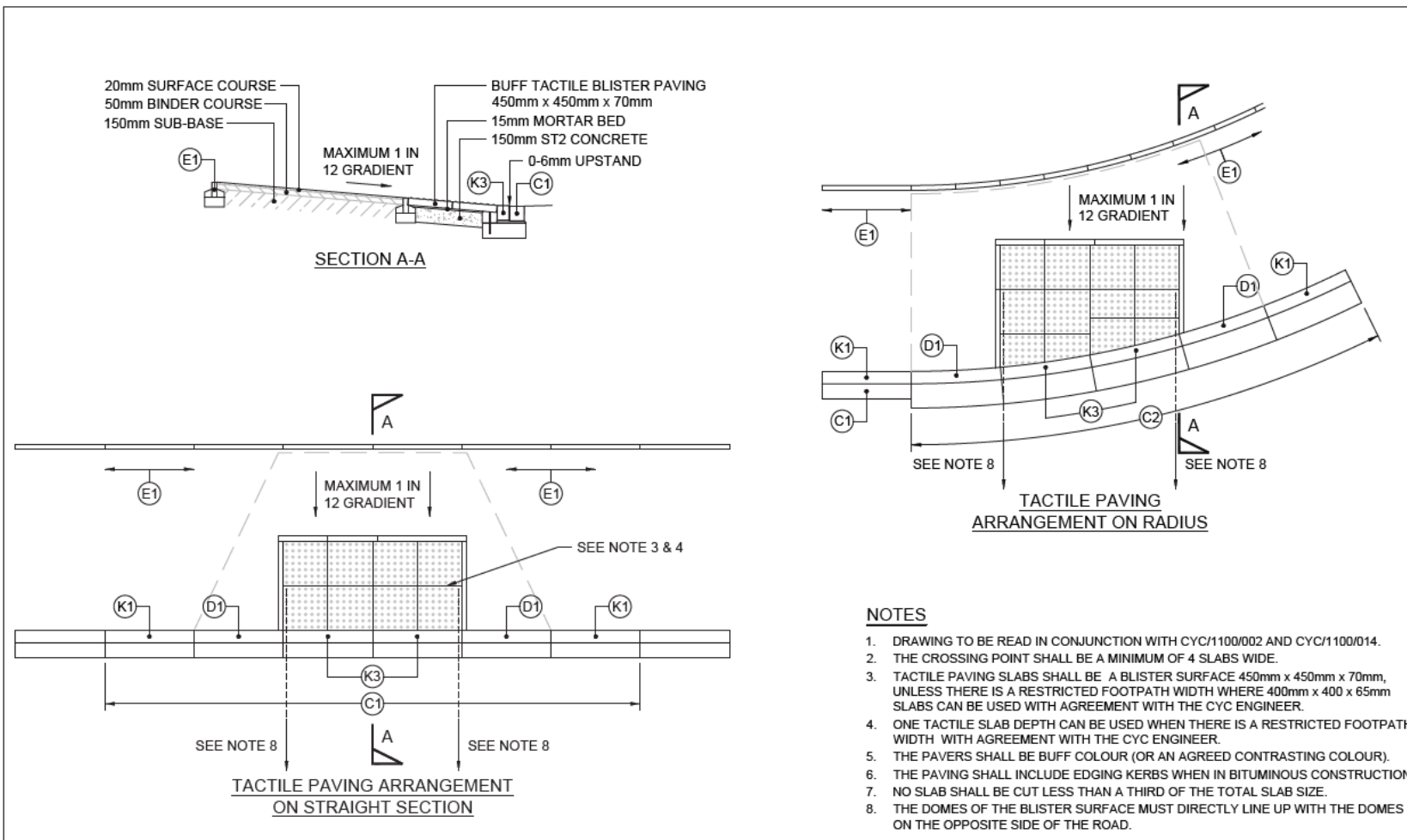
Flat top road hump / raised crossing



Blended junction/continuous footway (footway continues across side road junction)

Source: [CIHT Designing for walking](#)





**NOTES**

1. DRAWING TO BE READ IN CONJUNCTION WITH CYC/1100/002 AND CYC/1100/014.
2. THE CROSSING POINT SHALL BE A MINIMUM OF 4 SLABS WIDE.
3. TACTILE PAVING SLABS SHALL BE A BLISTER SURFACE 450mm x 450mm x 70mm, UNLESS THERE IS A RESTRICTED FOOTPATH WIDTH WHERE 400mm x 400 x 65mm SLABS CAN BE USED WITH AGREEMENT WITH THE CYC ENGINEER.
4. ONE TACTILE SLAB DEPTH CAN BE USED WHEN THERE IS A RESTRICTED FOOTPATH WIDTH WITH AGREEMENT WITH THE CYC ENGINEER.
5. THE PAVERS SHALL BE BUFF COLOUR (OR AN AGREED CONTRASTING COLOUR).
6. THE PAVING SHALL INCLUDE EDGING KERBS WHEN IN BITUMINOUS CONSTRUCTION.
7. NO SLAB SHALL BE CUT LESS THAN A THIRD OF THE TOTAL SLAB SIZE.
8. THE DOMES OF THE BLISTER SURFACE MUST DIRECTLY LINE UP WITH THE DOMES ON THE OPPOSITE SIDE OF THE ROAD.



PLACE DIRECTORATE  
West Offices, Station Rise, York  
YO1 6GA - T: 01904 551550

DRAWING TITLE <b>TACTILE PAVING - UNCONTROLLED CROSSINGS</b>		Sheet Size A4	Revision
ORIGINATING GROUP <b>HIGHWAYS</b>		Scale NTS	-
PROJECT TITLE <b>STANDARD DETAILS</b>		Date 06/20	
		Drawn by JIN	
		DRAWING No.	<b>CYC/1100/013</b>



**Annex C**

**Temporary Dropped Kerb as part of Pavement Cafes**



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## Shopmobility

**(based at Coppergate Centre multistorey Car Park, with a lift to get to Shopmobility)**

Shopmobility is a registered charity that provides electric scooters, wheelchairs and manual wheelchairs for hire to enable people to enjoy the shops and attractions in the city of York.

Tel: 01904 679222

Email: [info@shopmobilityyork.org.uk](mailto:info@shopmobilityyork.org.uk)

[www.shopmobilityyork.org.uk](http://www.shopmobilityyork.org.uk)



## Dial & Ride

Dial & Ride is a flexible door-to-door bus service for residents who find it difficult to use standard buses due to age or mobility problems. It serves popular destinations such as major supermarkets, shopping centres and York city centre.

All buses are specially adapted for wheelchair users and for those that have difficulty walking and will collect you from your doorstep and drop you back at home.

Tel: 01904 551441

Email: [dial&ride@york.gov.uk](mailto:dial&ride@york.gov.uk)

[www.itravelyork.info/dial-ride](http://www.itravelyork.info/dial-ride)



'The information enclosed in this leaflet is correct at the time of print (April 2022)



# Access in York

## Information for disabled residents and visitors to York city centre, including:

- parking
- using pedestrian areas
- shopping and tourist attractions
- public toilets

This map and guide will help you plan a safe and accessible visit to the city centre. For more detailed information visit: [www.york.gov.uk/DisabledAccess](http://www.york.gov.uk/DisabledAccess)

## Car Parking

- Car parking for Blue Badge holders in all council car parks any bay (including disabled bays) is free of charge, with no time limit for blue badge holders
- Using on-street 'pay and display' bays, is free of charge with no time limit (the 3 hour limit applies if parking restrictions apply during the day)
- Any residents' priority parking scheme zones, are free of charge with no time limit
- Parking on double and single yellow lines where loading restrictions aren't in place, where it is safe to do so and not causing an obstruction, is free of charge, for up to 3 hours
- Access to St Sampson's Square for Dial & Ride services is available
- Spaces on Piccadilly, outside Lloyds Bank and opposite are Blue Badge holder spaces between 11am to 6am.
- The use of Piccadilly taxi rank for blue badge parking during the day, from 10am to 6pm is allowed
- Access and parking for Blue Badge holders will be permitted again on Castlegate from November 2022

- Where time restrictions apply, Blue Badge holders need to display a time card
- Blue Badge parking bays on Duncombe Place allow for parking for up to 3 hours. They are shared with loading for up to 30 minutes

## Loading in the footstreets:

- Delivery vehicles must have left the footstreets area before 10.30am
- Delivery vehicles must not arrive until after 7pm.

## Public seating

Take a Seat+ in York works with local businesses, offering access to a seat or toilet without needing to be a customer.

[www.homeinstead.co.uk/york/take-a-seat-initiative/](http://www.homeinstead.co.uk/york/take-a-seat-initiative/)



## Accessible toilet provision

Public toilets in York are cleaned and maintained by Healthmatic and you can report any issues on telephone: 01249 823143. Toilet locations are shown on the map.



# Access in York

## Foot streets

- Pedestrian foot streets 10.30am to 7pm, 7 days a week.
- No vehicles, 10.30am to 7pm, except cycles one way
- Closed to vehicles at all times - cycles only.
- No motorised vehicles, except for access 10.30am to 7pm

## Key:

- Council car parks/number of exclusively marked Blue Badge parking bays
- On street parking/number of exclusively marked Blue Badge parking bays
- Accessible toilets – accessible with RADAR key
- Accessible toilets plus Changing Places – accessible with RADAR key
- Indicates where 'age-friendly' seating is located (other seating available)
- Coppergate: access restrictions apply
- Piccadilly taxi rank: Blue Badge parking allowed from 10am to 6pm



**SHOPMOBILITY YORK**  
Coppergate Centre Car Park



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**Executive****28 July 2022**

Report of the Director of Transport, Environment and Planning  
Portfolio of the Executive Member for Transport

**Hackney Carriage Licences****Summary**

1. At the meeting of the Licensing & Regulatory Committee on 7 June 2022, Committee Members considered a report on the unmet demand for hackney carriages. The Committee made a recommendation, to be determined by Council, to increase the number of hackney carriage licences available from 183 to 190 to meet the identified unmet demand. However, they also made a recommendation in respect of the vehicles that the licences should be granted to. In accordance with paragraph 23.7 of the Council's Taxi Licensing Policy, the Executive are asked to consider the vehicle specification, and make a recommendation to Council to amend the Taxi Licensing Policy and issue the new licences to vehicles of the type specified in this report. Therefore, for the avoidance of doubt, it is the type of vehicle, not the number of new licences, that the Executive are being asked to recommend at this meeting.

**Recommendations**

2. That Members take into consideration the recommendation of the Licensing & Regulatory Committee and make a recommendation to Council to approve a change in the Taxi Licensing Policy in respect of the type of vehicles that new hackney carriage licences will be issued to. Those being wheelchair accessible, 'fully electric' or 'plug in electric hybrid London taxis', and black in colour (as specified in detail in paragraph 25 of this report) in accordance Option 1.
3. Reason:  
  
To help meet unmet demand for hackney carriage vehicles, particularly from users with a disability, as well as providing a more environmentally friendly and easily recognisable hackney carriage fleet in the city in

response to the declared climate emergency and continuing desire to improve air quality.

## **Background**

### Limitation on the number of hackney carriage licences

4. Although members are not being asked to determine the number of hackney carriage licences to issue, the fact that the number of hackney carriage licences is restricted in York is still important context in which this decision should be made. Under Section 16 of the Transport Act 1985, local authorities may set quantity restrictions on the number of hackney carriage licences they issue, but only if it is satisfied that there is no significant 'unmet demand' in its area. The Council, like many others in the surrounding region, currently restricts the number of hackney carriage vehicle licences it issues. At this time the council has provision for 183 licences, with 180 in place i.e. three have not been renewed. Please note that at the Licensing & Regulatory Committee meeting, there were 181 licences in place i.e. two had not been renewed. Some 45 (24%) of the city's hackney carriages have to be wheelchair accessible by condition of licence. The three licences which are potentially available are not wheelchair accessible vehicles by condition of licence.
5. Before new licences are issued, the Taxi Licensing Policy states:  
  
*23.7 'The types of vehicles that new hackney carriage vehicle licences will be issued to will be determined by the Executive, if/when the Council determines to issue new licences.'*
6. Prior to their most recent meeting, the Licensing and Regulatory Committee considered a report on vehicle specifications for taxis on 25 September 2020, and recommended that the Executive determine specifications similar to what is the recommended option in this report for the two hackney carriage licences available at that time. However, the Executive asked for additional consultation to be undertaken before determining the type of vehicle that should be licensed. That additional consultation has been undertaken as part of the unmet demand survey which is the subject of this report.
7. Please note, there is currently no provision in law to restrict the number of private hire vehicle licences issued or the ability to specify that they



are wheelchair accessible. There are currently 472 licensed private hire vehicle, 49 (10%) of which are wheelchair accessible.

### **Unmet demand surveys**

8. To justify regulating the number of hackney carriage vehicle licences, the Council follows Department for Transport (DfT) Best Practice Guidance (issued in March 2010) on unmet demand surveys which are carried out by an independent third party. This is reflected in Section 8 of the current Taxi Licensing Policy as follows:

#### ***'Limitations on Numbers***

- 8.1 *No powers exist for the licensing authority to limit the number of private hire vehicles that they licence.*
- 8.2 *The current legal provision on quantity restrictions for hackney carriages is set out in section 16 of the Transport Act 1985. This provides 'that the grant of a licence may be refused for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant the licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.*
- 8.3 *Any local authority that does restrict the number of licences for hackney carriages is required to justify their policy every three years.*
- 8.4 *The Council does restrict the number of hackney carriage licences issued. Unmet demand surveys are carried out every three years with new licences released when required. New licences are not currently being released.'*

9. In respect of these provisions, as stated above, a report was last brought to the Licensing & Regulatory Committee in July 2018. The report related to the findings of an unmet demand survey that had been carried out in October 2017. It was determined that there was no significant demand which was unmet. At the Licensing & Regulatory Committee meeting on 25 September 2020 Members also approved to defer the unmet demand survey (which was due in 2020) to 2021 due to the impact the coronavirus pandemic was having on the local economy at the time. Therefore, the unmet demand survey on which this report is

based took place in October 2021, this was a time when the economy was open in 'step 4' of the Covid Recovery Plan with limited restrictions in place (such as isolating when covid positive or when contacted by NHS Track and Trace). However, as identified in the unmet demand survey, the economy was (and continues to be) influenced by the pandemic, particularly in respect of the number of taxi drivers who have not returned to work. The full results of the 'unmet demand' survey can be found at Appendix 1.

### Benefits of Quantity Restrictions

10. Restricting the number of hackney carriages in the city helps manage congestion around the city centre, preventing over ranking at the designated rank spaces and unofficial ranks being formed. This could have an adverse impact on air quality, particularly if the fleet is not operating using ultra-low and zero emission vehicles. In the long run, it is also aimed at preventing a shortage of taxis if drivers are unable to make a living from a reduced number of fares and therefore leave the market. This may increase the risk of passenger safety if a shortage encourages the use of illegal, unlicensed drivers and vehicles. Taxis are also recognised as an important means of transport for people with a disability as they provide a 'door to door' service.

### Disadvantages of Quantity Restrictions

11. There are also disadvantages when restricting the number of hackney carriage licences. The Competition and Markets Authority report entitled 'Regulation of taxis and private hire vehicles: understanding the impact of competition' (2017) says:

*'Quantity restrictions may cause harm to passengers through reduced availability, increased waiting times, reduced scope for downward competitive pressure on fares and reduced choice. They also may increase the risk of passenger safety if they encourage the use of illegal, unlicensed drivers and vehicles'.*

12. Furthermore, in most places, where quantity restrictions are imposed, vehicle licences command a premium, often in tens of thousands of pounds; this is the case in York. This indicates that there are people who want to enter the hackney carriage market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This is also demonstrated by the fact that in York we have a waiting list of people wanting a hackney carriage vehicle licence (see

below). However, it has also been found, when the Council has granted additional hackney carriage vehicle licences on previous occasions that, within days, the licence holder has transferred the licence to another person. This suggests that they did not want to provide a service to the public at all, rather they simply wanted to sell the licence on and 'make a quick profit' (known in the trade as 'selling the licence plate'). There is no provision within the legislation to prevent the transfer of licences in this way. We are told that licences have transferred in this way for £50k. The council/tax payer does not receive any of this money other than the 'cost recovery' fee to administer the transfer.

13. Removing the limit on the number of licences we issue would remove the inflated 'market value', but it would also have significant consequences for anyone who has 'invested' in a licence. They would almost certainly lose the value of their investment immediately. That said, loss of investment is not a reason for withholding more licences. The only legal reason to refuse a hackney carriage vehicle licence is because there is no significant demand which is unmet.

### **Waiting list**

14. The council operates a 'waiting list' for people who have shown an interest in holding a hackney vehicle licence. The person named at number one on the list will be offered the next available licence and so on. As of 25 April 2022, there were 157 persons on the list. This is an increase of 6 from the figures reported in the 20<sup>th</sup> September 2020 report.

### **Types of vehicle we licence**

#### Wheel-chair accessible vehicles.

15. As noted above, only 45 of the hackney carriages have to be wheelchair accessible by condition of licence although that does not prevent other vehicles from being so. If private hire vehicles are included, approximately 14% of the entire taxi fleet are wheelchair accessible vehicles.

#### Emission Standards

16. We currently only licence vehicles that meet certain emission standards, and we do not currently have age restrictions. The current taxi licensing policy states as follows:

*'Only the following European Standards will be accepted for new private hire vehicle applications, and any subsequent replacement of these vehicles, and all replacement vehicles for both taxi and private hire:*

- *Petrol vehicles – Euro V petrol vehicles class*
- *Diesel vehicles – Euro VI diesel vehicles class*
- *Diesel wheelchair accessible vehicles – Euro V diesel vehicles class\**
- *Ultra-low emission vehicles - defined as 75g CO<sub>2</sub>/km and under*

*\*this only applies to replacement vehicles and if the following criteria is met:*

- *The vehicle licence was granted prior to the 1 May 2016 to a wheelchair accessible vehicle;*
  - *The replacement vehicle is wheelchair accessible;*
  - *The vehicle licence is renewed annually;*
  - *Ownership of the vehicle remains in the name of the vehicle licence proprietor whose name was on the licence on the 1 May 2016;*
- If the above criteria is met a vehicle licence proprietor may replace the licensed wheelchair accessible vehicle as many times as necessary until this policy is amended.'*

17. When this policy was introduced, it was intended to improve the emission standards of vehicles within the fleet (more details on air quality in the city are provided in the paragraphs below). Appendix 2 shows the Euro standards of the hackney fleet (and private hire fleet) as of 27 April 2022. There are now two electric plug-in hybrid wheelchair accessible vehicles (London taxi type, namely LEVC TXE) in the hackney carriage fleet which indicates they are a viable option.
18. Otherwise, whilst there has been some take up of hybrid cars and Euro 6 vehicles, there are still many cars in the taxi fleet in general, and more specifically the hackney carriage fleet, that do not meet the latest Euro standards, and there are still a large number of vehicles operating in the city which are Euro 5 or older and therefore have much higher emissions of particulate matter harmful to health. The existing policy may be encouraging drivers to retain older vehicles rather than invest in newer ones, but it is clear that it is not being as effective as it could be in driving up the environmental standards.

## **Air Quality considerations**

19. The Council currently has an Air Quality Management Area (AQMA) in the city centre (covering the inner ring road), declared on the basis of breaches of the health based annual mean air quality objective for nitrogen dioxide (NO<sub>2</sub>). The Council has a statutory duty to try to reduce NO<sub>2</sub> concentrations within the current AQMA and additional obligations in relation to the protection of public health and reduction of greenhouse gas emissions. The main air pollutants of concern in York are NO<sub>2</sub> and particulate matter (PM). Typically, traffic is responsible for around 50-70% of the total NO<sub>2</sub> at any particular location in the city.
20. During the Covid lockdowns in 2020 nitrogen dioxide concentrations continued the 10+ year trend in improving air quality and all locations throughout York met the health-based air quality objectives, mainly due to working from home, more walking and cycling and less traffic. However, the latest air pollution monitoring data for 2021, shows that that NO<sub>2</sub> concentrations in the AQMA have increased during the pandemic recovery period and some locations are, once again, breaching health-based standards. It should be noted, however, that maximum concentrations of NO<sub>2</sub> monitored in most areas in 2021 were still lower than those recorded between 2011 and 2019.

### **Taxi Incentive Scheme**

21. The Council are promoting the uptake of low emission taxis to help to improve air quality in York as part of a wide-ranging package of measures to reduce emissions from all vehicles. Following a successful Air Quality Grant award from DEFRA, the Council is offering financial support to eligible CYC licensed hackney carriage and private hire vehicle licence proprietors to upgrade their vehicles to low emission variants. Further information on the incentive scheme and eligibility criteria is provided at Appendix 3.

### **Charging points**

22. City of York Council is committed to improving the charging offer for all Electric Vehicle (EV) drivers. The Public EV Charging Strategy (2020 – 2025) sets out a transformational investment in the York EV Network which includes replacing all charging infrastructure, increasing the number of charge points by provisioning 5% of spaces in Council owned long stay car parks with Fast charge points, increasing the number of Rapid chargers, and delivering state of the art next generation HyperHubs which bring 175 kW Ultra Rapid charging to York. In combination the Fast, Rapid and Ultra Rapid chargers provide the full

range of options delivering a step change in convenience, choice, reliability, and availability. The York EV Network is owned by City of York Council enabling lower tariffs and a coordinated rollout. The Council's network is complimented by commercial operators with 11 commercial providers currently active in York providing consumer choice and competition.

### **Vehicle Colour**

23. The Taxi Licensing Policy states that the preferred vehicle colour for hackney carriage vehicles is black. Many authorities specify the colour of hackney carriages on public safety grounds, to help them be more easily identifiable by the public as vehicles they can hail in the street and/or otherwise distinguish them from other vehicles (licensed vehicles also have to display the council crest on the driver and front passenger doors). This may be increasingly important when there are vehicles licensed by other authorities, that may also be hackney carriages, working in York. It also helps licensed hackney vehicles be distinguished from opportunists looking to pick people up with bad intentions.

### **Recent driver recruitment campaign**

24. Taxi Licensing recently received a grant from the Home Office (via the North Yorkshire Police Fire and Crime and Safety Commissioner) to help prevent violence against women and girls, the money was used to help recruit new taxi drivers into the trade amongst other things. A radio and Facebook advertising campaign ran throughout March to encourage new drivers to take the knowledge and safeguarding course which was provided 'free of charge' between March and June. Resits and 'the preparation course' (to help potential drivers study for the test in the first place) were also provided free during these months. Between 1 March and 15 July 2022, 27 drivers from the 54 who have applied have passed the knowledge and safeguarding test and are on their way to becoming a licensed drivers (by way of comparison, 12 out of 28 passed in the previous two months). Our figures show that around 30% pass the knowledge and safeguarding test first time, and 50% go on to pass in due course. However, given that 50% of the most recent cohorts have already passed, it is hoped this figure will increase for them.

### **Proposed new hackney carriage vehicle standard**

25. The proposed specification for newly licensed hackney carriage vehicles is as follows.

*a) New hackney carriage vehicle licences will only be issued to the following type of vehicles:*

- *Black Fully electric wheelchair accessible vehicles*
- *Black Plug in electric petrol hybrid wheelchair accessible vehicles\**

*\*These vehicles are purpose-built taxis and have CO2 emissions of less than 50g/km and can travel at least 112km (70miles) without any emissions at all.*

*For the avoidance of doubt, this includes new grants after existing licences are surrendered or otherwise not renewed.'*

26. It will therefore include the three hackney carriage vehicle licences which are currently available. This will help ensure that those given the privilege of a valuable hackney carriage vehicle licence make a proper investment in a vehicle which truly benefits the community they serve. It will hopefully encourage those who obtain a licence to retain it and recoup the investment in their vehicle rather than simply 'selling the plate'.

27. To assist, Appendix 4 provides details of some of the fully electric wheelchair accessible vehicles (essentially converted vans) and purpose built plug in hybrid vehicles (London taxis) that are available. The Appendix also gives details of typical costs. By way of example, a brand new London taxis cost in the region of £60k, although there are second hand vehicles on the market now for around £40k. Rental options are also available. There are currently no age restrictions on any type of vehicle licensed by the council, but it in the previous report on age restrictions (September 2020) Members recommended that there be no age limitation with regards to this kind of vehicle to help encourage their purchase. This could likewise form part of any future recommendation on age limits.

## **Consultation**

28. As well as detailed surveying of queuing at the ranks, the unmet demand survey included consultation with the public and users with a disability, as well as drivers and local businesses. Details can be found in the report in Appendix 1.

29. Some of the key findings were as follows:

- 54% of passengers who boarded taxis had to wait for hackney carriages to arrive
- The issue is most significant at the railway station rank
- There is significant unmet demand for hackney carriages in York.
- Feedback from the taxi trade indicates that some hackney carriages remain out of operation owing to lack of drivers.
- Issues identified by disabled user groups include availability of suitable vehicles, and suitable knowledge, understanding and empathy from drivers.
- 54.4% of respondents said new hackney carriage vehicle licences should be issued to fully electric, wheelchair accessible vehicles.
- 54.4% of respondents said they agreed all hackney carriage vehicles should be black to conform with a uniform identification.
- 55% of respondents said they would use taxis less frequently if the fares increased 10%.

## **Options**

### **Recommendations to Executive and Council on the type of hackney carriage vehicle**

30. Option 1 – Amend the Taxi Licensing Policy to the vehicle specification in paragraph 25 with regards to the grant of any new hackney carriage vehicles licences. This option is recommended by the Licensing and Regulatory committee.
31. Option 2 – Retain the existing vehicle specification outlined in paragraph 16 with regards to the grant of any new hackney carriage vehicle licences.
32. Option 3 – Specify a different vehicle standard.

## **Analysis**

33. Option one will ensure that any new hackney carriage vehicles will be more readily available to passengers with a disability, although it does not guarantee availability at any time this will still depend on drivers being available. The improved environmental standards will help reduce their environmental impact in support of the declared climate emergency and improve air quality while they are working for the benefit



of the public and the drivers themselves. Furthermore being black in colour will help public safety by ensuring they are more easily recognisable as licensed hackney carriage vehicles available to be hailed in the street.

34. Option two is likely to mean that the vehicles coming on to the fleet are not of the highest standard. It is possible that those on the waiting list will simply 'sell their plate' for a significant profit, as has been done in the past, with no benefit to passengers, other drivers or the wider residents of York.
35. Option three will depend on the type of vehicle specified

### **Council Priorities**

36. Increasing the number of hackney carriage vehicle licences to the type of vehicle specified will support the Council's priorities in respect of the following:
  - A greener and cleaner city
  - Safe communities and culture for all

### **Implications**

37. The direct implications arising from this report are:
  - (a) **Financial** – There are no financial implications for the Council.
  - (b) **Human Resources (HR)** - There are no HR implications.
  - (c) **Equalities** – A full equalities impact assessment, prepared for the Licensing and Regulatory Committee (and which includes an assessment of quantity restrictions) accompanies this report at Appendix 5.
  - Legal** – There are no legal considerations in respect of the vehicle specification that Executive are being asked to decide upon.
  - (d) **Crime and Disorder** – There are no crime and disorder implications.
  - (e) **Information Technology (IT)** - There are no IT implications.

(f) **Property** - There are no property implications.

(g) **Other** - There are no other implications.

### **Risk Management**

38. Applying the Council's risk scoring criteria, restricting numbers of hackney vehicle licences when there is unmet demand poses a 'moderate risk' (potential for successful challenge in a local court and local media coverage), and a likelihood of 'highly probable' giving a score of **16** (orange risk). Taking the recommended action reduces the likelihood to 'unlikely' giving a score of **13** (yellow risk).

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<b>Specialist Implications Officer(s)</b>				
<b>Wards Affected:</b>			<b>All</b>	√
<b>For further information please contact the author of the report</b>				

### **Background papers**

Licensing and Regulatory Committee report on 7 June 2022 – Hackney carriage licences

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=606&MId=13445&Ver=4>

Licensing and Regulatory Committee report 25 September 2020 – Taxi Licensing Consultation – vehicle licences

<https://democracy.york.gov.uk/documents/g12398/Public%20reports%20pack%20Friday%2025-Sep-2020%2017.30%20Licensing%20and%20Regulatory%20Committee.pdf?T=10>

Licensing and Regulatory Committee Report 16 July 2018 - Unmet Demand Survey

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=606&MId=10525&Ver=4>

Taxi Licensing Policy

[https://www.york.gov.uk/downloads/file/9715/taxi\\_licensing\\_policy](https://www.york.gov.uk/downloads/file/9715/taxi_licensing_policy)

**Appendix 1** – Unmet demand survey response

**Appendix 2** – Euro standards of existing hackney fleet

**Appendix 3** – Taxi Incentive Scheme

**Appendix 4** – Examples of vehicles

**Appendix 5** – Equalities impact assessment

## **Abbreviations**

CYC – City of York Council

DfT – Department for Transport

EV – Electric Vehicle

PM – Particulate Matter

NO<sub>2</sub> - Nitrogen Dioxide

Taxi – Hackney carriage and private hire vehicles collectively

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## **Hackney Carriage Unmet Demand Survey**

City of York Council  
February 2022

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## Executive Summary

This Hackney Carriage Unmet Demand Survey has been undertaken on behalf of City of York Council, following the guidance of the April 2010 DfT Best Practice Guidance document, and all relevant case history in regard to unmet demand.

The council maintains a limit regarding the number of hackney carriages which may be licensed. York City has a limit of 183 of Hackney Carriages.

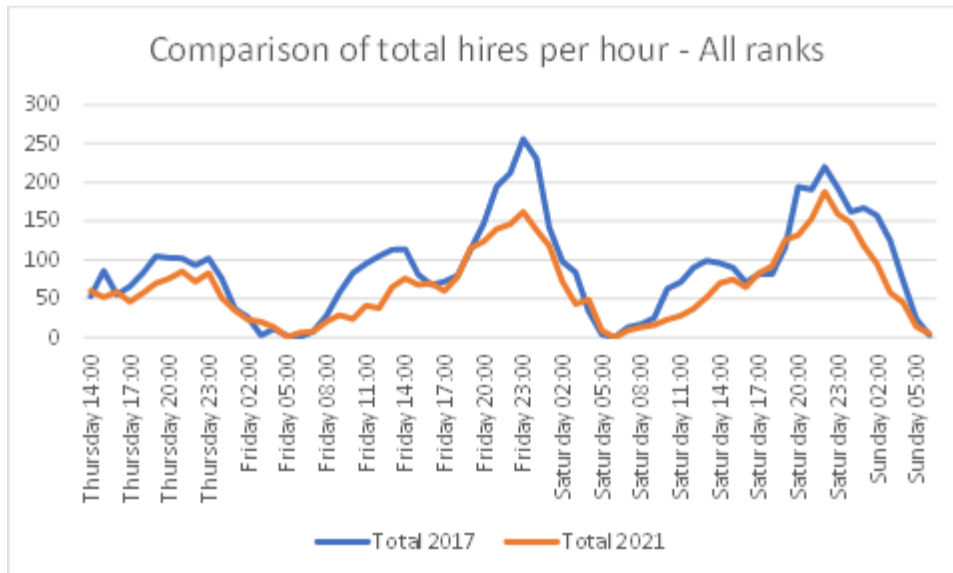
Data has been collected through consultation with key stakeholders, the trade and members of the public. In addition, observations of activity at taxi ranks were undertaken to record volumes of hackney carriages and passengers using each rank and whether any passengers had to wait for hackney carriages to arrive at the ranks.

Covid restrictions since March 2020 have had an impact on demand for licensed vehicles. The downturn in demand had led to drivers leaving the licensed vehicle trades and fewer hackney carriages and private hire vehicles in operation. The rank surveys were undertaken at the end of September / beginning of October 2021. At this time, Covid restrictions had been significantly relaxed and the night time economy had re-opened. Demand for licensed vehicles had increased since the early days of Covid restrictions.

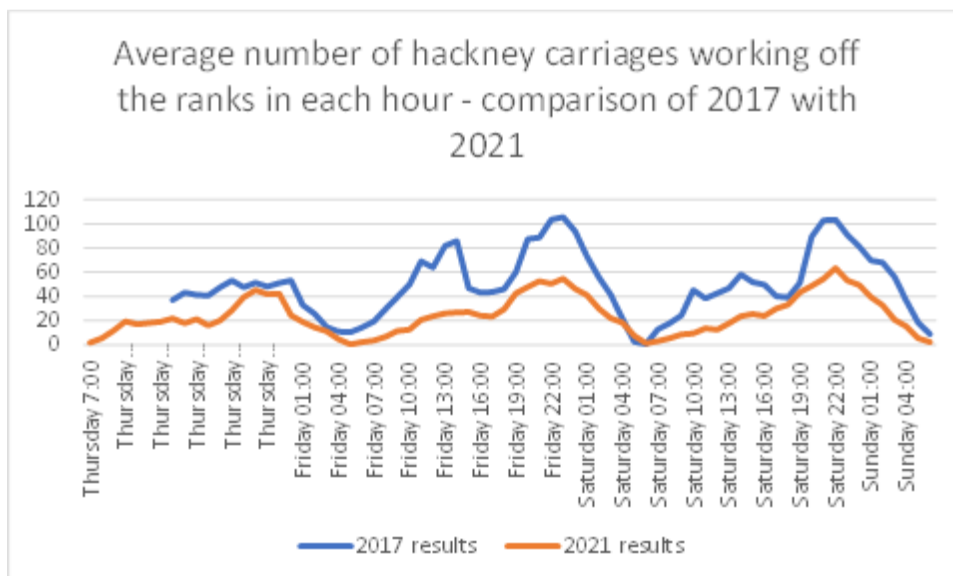
Whilst the demand for hackney carriages at ranks had rebounded from the low levels evident during heavier Covid restrictions, the number of drivers returning to the trade had not fully recovered at the time of the rank surveys.

Information gathered throughout the survey suggests that the lack of hackney carriage drivers had led to shorter operating periods for some hackney carriages and some hackney carriages effectively not in operation at the ranks.

The following figure illustrates a comparison of rank hires observed in 2021, with those observed in 2017. The level of passenger activity in October 2021 remained lower than that observed in 2017.



A comparison of the estimated number of hackney carriages working from the ranks in 2021 with those in 2017, is presented in the following figure. This illustrates that fewer hackney carriages were active during the 2021 survey. The difference was greatest during peak periods on Friday and Saturday nights.



The shortfall in hackney carriage availability has led to more common passenger waiting at the taxi ranks. Around 54% of passengers who boarded taxis, had to wait at taxi ranks for hackney carriages to arrive at the ranks. The hourly proportions of passengers [who boarded hackney carriages] who had to wait for a hackney carriage to arrive at ranks, is presented in the following figure.





In some hours, the proportions exceeded 100%. This indicates periods which include passengers who had waited at a rank, then given up waiting and left the rank on foot. It should be noted that some of the periods when the proportion exceeded 100%, were during periods of low levels of demand. Consequently, the proportions relate to small base numbers and a small number of intending passengers leaving on foot, may represent a large proportion of all passengers during these periods.

Whilst passenger waiting was observed at all active ranks, the issue appeared to be more significant at the Railway Station rank.

The Index of Significance of Unmet Demand (ISUD) was calculated, based on taxi rank activity. It is generally held that if the index value exceeds 80, this indicates that the level of unmet demand for hackney carriage services is significant. It is prudent to consider evidence from public and stakeholder consultation alongside the ISUD index value.

The ISUD value calculated, based on the 2021 observations, was **3,344.7**. This index value is significantly greater than the threshold of 80. The value is corroborated by feedback from the public that waiting at taxi ranks is commonplace.

The Railway Station rank is a private rank. Hackney carriage access to the rank is limited to those who have paid for a permit. The level of passenger waiting at the Railway Station rank was generally greater than for the public ranks. It is prudent to calculate the ISUD value for all ranks excluding the Railway Station, to determine whether the influence of the Railway Station rank skews the results. The ISUD value for all ranks, excluding the Railway Station rank, was **1,421.8**

Whilst this value was lower than for all ranks including the Railway Station rank, the value is still significantly higher than the threshold of 80.

Feedback from the trade suggests that since October 2021, the number of drivers operating hackney carriages has been increasing [to February 2022]. However, feedback also indicated that some hackney carriages remained out of operation owing to lack of drivers. The number of hackney carriages which are 'double driven' remained below pre-Covid levels. These are hackney carriages which are operated on multiple shifts by different drivers, thus increasing effective availability of a single vehicle.

Based on the October 2021 survey data and feedback from the public and trade, there is a clear need for increased hackney carriage availability at the ranks. However, mechanisms to increase availability are limited. There is an argument that increasing the number of hackney carriage licences would not necessarily increase availability, as these vehicles still need drivers and there are existing vehicles which are not in operation, owing to lack of drivers. However, there is a counter argument that introducing new licences would open access to others who are not currently licensed or who are licensed to drive private hire vehicles, to enter the hackney carriage trade.

The number of hackney carriage vehicle licences which would be required to reduce the level of unmet demand to below that which is significant, would be 9 licences. These include two licences which had previously been issued, but have since been surrendered to the Council.

Feedback from disability group representatives highlighted some issues with licensed vehicle services, which some disabled users face. These issues are largely related to availability of suitable vehicles and suitable knowledge, understanding and empathy from drivers and booking offices. These issues can lead to significant anxiety with respect to travel by licensed vehicle and suppress the number of trips made, to only the most essential.

Some of the issues faced by disabled travellers can be addressed by increased availability of wheelchair accessible vehicles. Others would be addressed by measures to increase awareness and understanding of the needs of disabled travellers.

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## 1 General introduction and background

City of York Council is responsible for the licensing of Hackney Carriage and Private Hire Vehicles operating within the Council area and is the licensing authority for this complete area. It retains a limit on the number of Hackney Carriage vehicles licensed. There is no legal means by which either Private Hire Vehicle numbers, private hire or Hackney Carriage driver numbers, or the number of private hire operators can be limited. DfT sources suggest this limit has been in place since 1999. Prior to this survey, previous tests of the validity of the limit and its level were undertaken in 2017, 2014, 2011, 2008, 2005, 2002, 1998 and 1993.

This review of current policy is based on the Best Practice Guidance produced by the Department for Transport in April 2010 (BPG). It seeks to provide information to the licensing authority to meet section 16 of the Transport Act 1985 "that the grant of a Hackney Carriage vehicle licence may be refused if, but only if, the licensing authority is satisfied that there is no significant demand for the services of Hackney Carriages within its local area, which is unmet." This terminology is typically shortened to "no SUD".

Current Hackney Carriage, private hire and operator licensing is undertaken within the legal frameworks set by the Town Polices Clause Act 1847. This has been amended by various following legislation including the Transport Act 1985, Section 16 in regard to Hackney Carriage vehicle limits, and by the Local Government (Miscellaneous Provisions) Act 1976 with reference to Private Hire Vehicles and operations. Many of the aspects of these laws have been tested and refined by other more recent legislation and more importantly through case law. Beyond legislation, the experience of the person in the street tends to see both Hackney Carriage and Private Hire Vehicles both as 'taxis' – a term we will try for the sake of clarity to use only in its generic sense within the report. We will use the term 'licensed vehicles' to refer to both Hackney Carriage and private hire.

The legislation around licensed vehicles and drivers has been the subject of many attempts at review. The limiting of Hackney Carriage vehicle numbers has been a particular concern as it is often considered to be a restrictive practice and against natural economic trends. The three most recent reviews were by the Office of Fair Trading in 2003, through the production of the BPG in 2010, and the Law Commission review which published its results in 2014. None of these resulted in any material change to the legislation involved in licensing.

The upshot of all these reviews in respect of the principal subject of this survey is that local authorities retain the right to restrict the number of Hackney Carriage vehicle licenses. The Law Commission conclusion included retention of the power to limit Hackney Carriage vehicle numbers but utilizing a public interest test determined by the Secretary of State. It also suggested the three- year horizon also be used for rank reviews and accessibility reviews.

After introduction of the 1985 Transport Act, Leeds University Institute for Transport Studies developed a tool by which unmet demand could be evaluated and a determination made if this was significant or not. The tool was taken forward and developed as more studies were undertaken. Over time this 'index of significance of unmet demand' (ISUD) became accepted as an industry standard tool to be used for this purpose. Some revisions have been made following the few but specific court cases where various parties have challenged the policy of retaining a limit. Some of the application has differed between Scottish and English authorities due to some court cases in Scotland taking interpretation of the duty of the licensing authority further than is usual in England and Wales.

The DfT asked in writing in 2004 for all licensing authorities with quantity restrictions to review them, publish their justification by March 2005, and then review at least every three years since then. In due course, this led to a summary of the government guidance which was last updated in England and Wales in 2010 (but more recently in Scotland).

The BPG in 2010 also provided additional suggestions of how these surveys should be undertaken, albeit in general but fairly extensive terms. A key encouragement within the BPG is that "an interval of three years is commonly regarded as the maximum reasonable period between surveys". BPG suggests key points in consideration are passenger waiting times at ranks, for street hailing and telephone bookings, latent and peaked demand, wide consultation and publication of "all the evidence gathered".

The most recent changes in legislation regarding licensed vehicles have been enactment of the parts of the Equality Act related to guidance dogs (sections 168 to 171, enacted in October 2010), the two clauses of the Deregulation Act which were successful in proceeding, relating to length of period each license covers and to allowing operators to transfer work across borders (enacted in October 2015), and most recently enactment of Sections 165 and 167 of the Equality Act, albeit on a permissive basis (see below).

In November 2016, the DfT undertook a consultation regarding enacting Sections 167 and 165 of the Equality Act. These allow for all vehicles capable of carrying a wheel chair to be placed on a list by the local council (section 167). Any driver using a vehicle on this list then has a duty under section 165 to:

- Carry the passenger while in the wheel chair
- Not make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat to carry the wheel chair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

This was enacted from April 2017. There remains no confirmation of any timetable for instigating either the remainder of the Equality Act or the Law Commission recommendations, or for the update of the BPG.

In respect to case law impinging on unmet demand, the two most recent cases were in 1987 and 2002. The first case (R v Great Yarmouth) concluded authorities must consider the view of significant unmet demand as a whole, not condescending to detailed consideration of the position in every limited area, i.e. to consider significance of unmet demand over the area as a whole.

R v Castle Point considered the issue of latent, or preferably termed, suppressed demand consideration. This clarified that this element relates only to the element which is measurable. Measurable suppressed demand includes inappropriately met demand (taken by Private Hire Vehicles in situations legally Hackney Carriage opportunities) or those forced to use less satisfactory methods to get home (principally walking, i.e. those observed to walk away from rank locations).

In general, the determination of conclusions about significance of unmet demand must take into account the practicability of improving the standard of service through the increase of supply of vehicles. It is also important to have consistent treatment of authorities as well as for the same authority over time.

In conclusion, the present legislation in England and Wales sees public fare-paying passenger carrying vehicles firstly split by passenger capacity. All vehicles able to carry nine or more passengers are dealt with under national public service vehicle licensing. Local licensing authorities only have jurisdiction over vehicles carrying eight or less passengers.

These are split between Hackney Carriages which are alone able to wait at ranks or pick up people in the streets without a booking, and private hire who can only be used with a booking made through an operator. If any passenger uses a Private Hire Vehicle without such a properly made booking, they are not insured for their journey.

Since the last Unmet Demand Survey, the Covid-19 pandemic and mitigation measures implemented, have significantly influenced both demand for licensed vehicles and supply of licensed vehicle services.





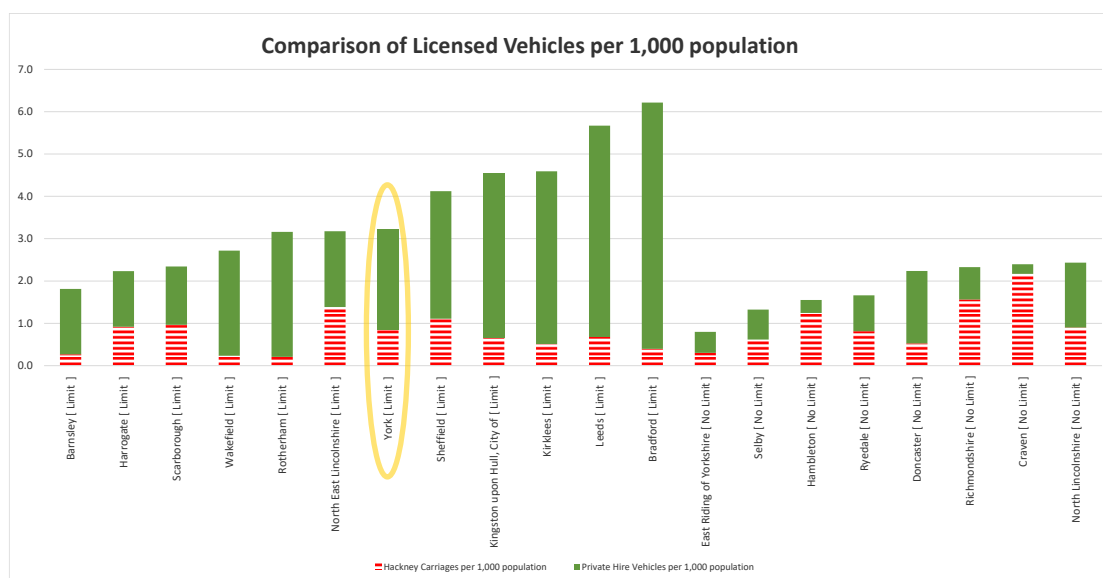
## 2 Local background and context

The authority has a current population of 210,618 using the 2019 estimates currently available from the 2011 census.

All licensing authorities have full powers over licensing the vehicles, drivers and operators serving people within their area. City of York Council has chosen to utilize its power to limit Hackney Carriage vehicle numbers.

City of York Council undertakes regular review of its policy to limit Hackney Carriage vehicle numbers in line with the BPG.

Figure 1 illustrates the fleet composition for the licensing authorities in the Yorkshire and The Humber Region (as defined by the DfT). The authority statistics are grouped by whether the authority limits the number of Hackney Carriages or does not limit. Within these groups, the authorities are arranged in order of increasing licensed vehicles per 1,000 population.



**Figure 1 - Comparison of Licensed Vehicles per 1,000 population**

Private Hire and Taxi Monthly magazine publish monthly league tables of the fares in Licensing Authorities in the UK. The Tariff 1 fares for a two mile journey (distance costs only) are compared and ranked. The higher the ranking, the more expensive the journey, compared with other authorities. The February 2022 table indicated that the fares in York were ranked 22 out of 352 authorities ranked, with a fare of £7.20. This suggests that fares in York are more expensive than average.

The mid ranked fare (rank 176) was £6.00. So fares in York appear to be higher than average.

In terms of national fares, the highest comparable fare (ranked 1) was £11.40 at London Heathrow. The highest ranked local authority licensing area was Epsom & Ewell with a fare of £8.60. The lowest (ranked 352) was £4.40.

A comparison of the fares ranking of neighbouring authorities is presented in Table 1

**Table 1 - Comparison of Hackney Carriage fare ranking in adjacent authorities**

<b>Local Authority</b>	<b>Rank</b>
<b>York</b>	22
Harrogate	31
Selby	167
Ryedale	189
Hambleton	282
East Riding of Yorkshire	319

### 3 Patent demand measurement (rank surveys)

The active ranks in the survey area were surveyed to determine whether there was any evidence of patent unmet demand. The six ranks surveyed during the last unmet demand survey were also covered by this current survey. Whilst other ranks exist within York, feedback from Licensing representatives indicated that no other ranks were in regular use.

#### York ranks

##### Overview of observations

Video cameras were used to record activity at the ranks surveyed. Activity was logged from 7:00 am on Thursday 30<sup>th</sup> September 2021 to 7:00 am on Sunday 3<sup>rd</sup> October 2021.

During the course of our survey, we observed some 4,808 vehicles departing the ranks.

During the course of the surveys, 5 passengers were observed, who used wheelchairs.

The levels of passenger activity at the ranks were analysed and the graph presented below summarises the profile of activity across all of the ranks.

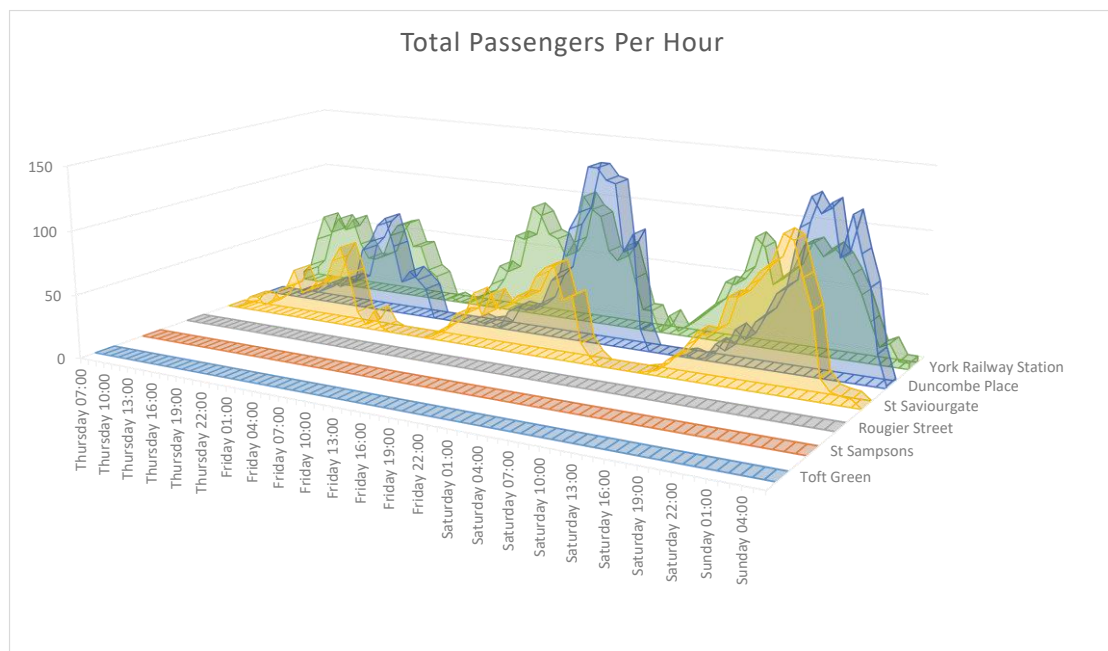
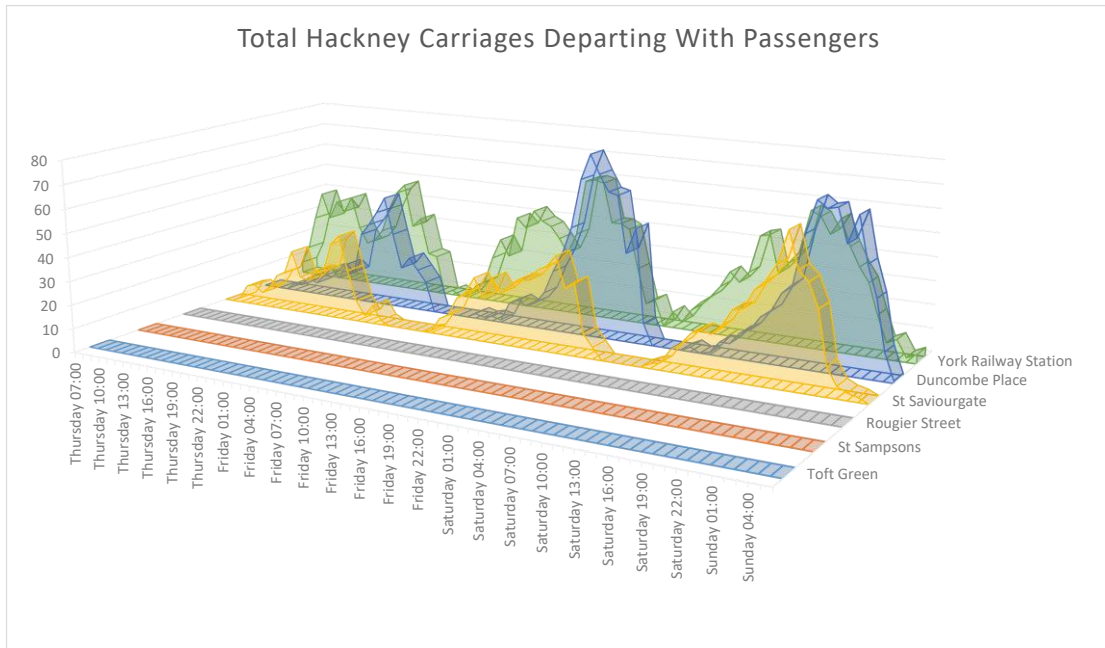
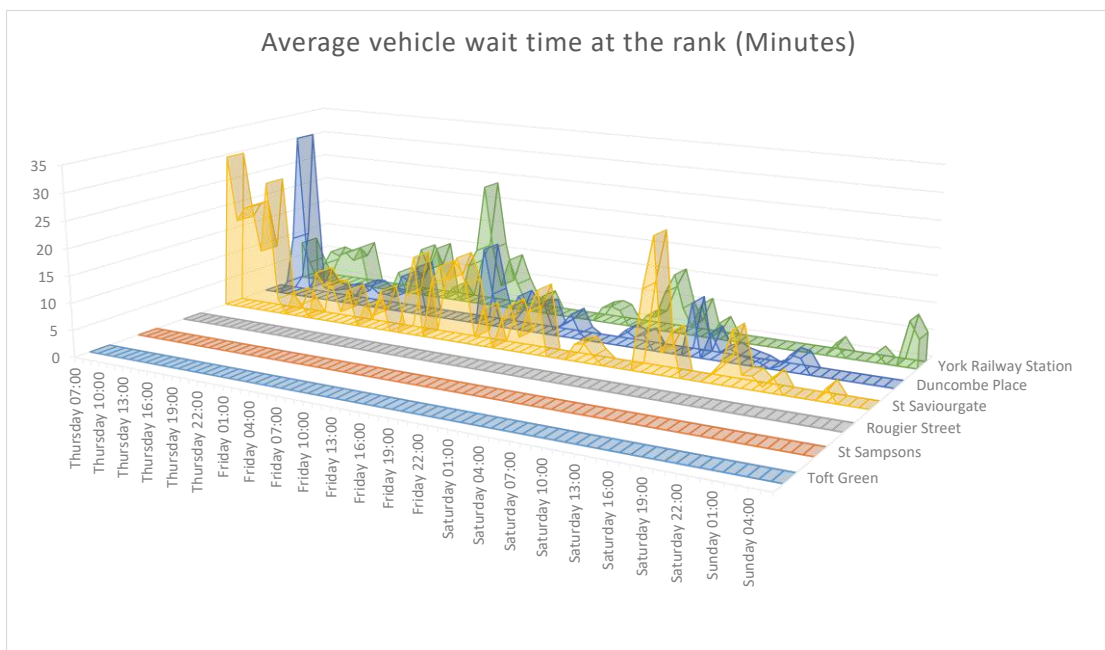


Figure 2 - York passengers through each rank



**Figure 3 - York Hackney Carriages hired at each rank**

The length of time each Hackney Carriage waited at the ranks varied significantly throughout the survey period.



**Figure 4 - York Hackney Carriage vehicle average wait time at each rank**

**Detailed consideration of ranks**

**St Sampson’s Square, Toft Green and Rougier Street**

No activity was observed at the ranks at St Sampson’s Square, Toft Green and Rougier Street.

### ***St Saviourgate***

The rank is located along St Saviourgate, in two parts.

The rank was active each day from mid morning through to the early hours of the following morning. The busiest periods were at night, after 22:00 hours.

Activity levels increased significantly on Friday and Saturday night, compared with afternoon levels. Peak activity on Friday night was 41 and the peak on Saturday night was 63 hires per hour.

Passenger waiting was observed at times throughout each day. At times, passenger waiting was persistent, with queues forming for extended periods.

### ***Duncombe Place***

The rank at Duncombe Place is located close to both retail and licensed premises and close to York Minster. As such, we may expect this rank to service retail and tourism related demand as well as demand from the night time economy.

Daytime activity levels on Thursday and Friday peaked at 13 hires per hour, but were commonly significantly lower for much of the day. On Saturday during the day time, activity peaked at 19 hires per hour.

Night time activity levels were significantly higher than day time levels, on Thursday night, activity peaked at 49 hires per hour. On Friday night, activity peaked at 78 hires per hour and on Saturday night, activity peaked at 69 hires per hour.

Passenger waiting was observed from time to time during the daytime periods. However, extensive and prolonged passenger waiting was observed at night at this rank. Passenger queues formed at times, for extended periods.

### ***York Station***

The rank at York Station is located within station property. The rank comprises two parts. The pickup area of the rank is located at the main station entrance, below the entrance portico. Hackney Carriages which are waiting to approach the pickup area, wait within the adjacent station car park. The rank is not open to all York Hackney Carriages. Permission to operate from this rank is limited to Hackney Carriages with station permits, for which an additional fee is levied.

The station rank was active throughout each day, from morning through to late at night. Peak daytime activity levels were 40 hires per hour on Thursday, 44 on Friday and 46 on Saturday.

The station rank was also active each night that was observed. Activity levels were generally higher than day time levels. Peak activity was 49 hires per hour on Thursday night, 61 on Friday night and 58 hires per hour on Saturday night.

It was noted that not all passengers boarding hackney carriages at the Railway Station came from the station building. Some passengers were observed to approach the rank from outside the station.

**Passenger waiting and number of vehicles operating**

The number of waiting passengers during each hour observed is presented in

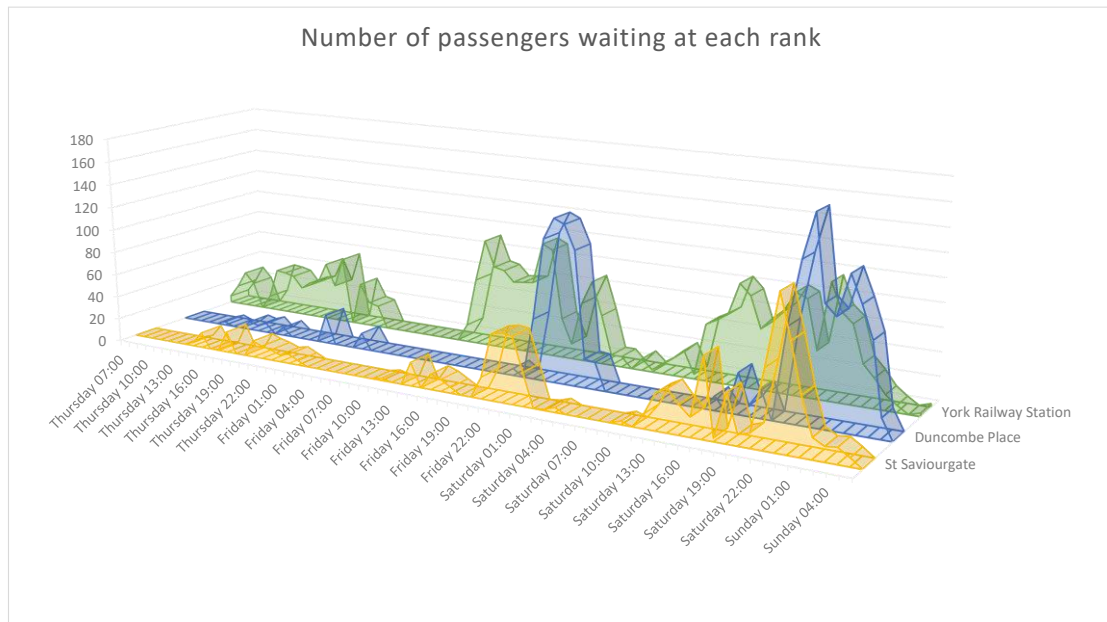
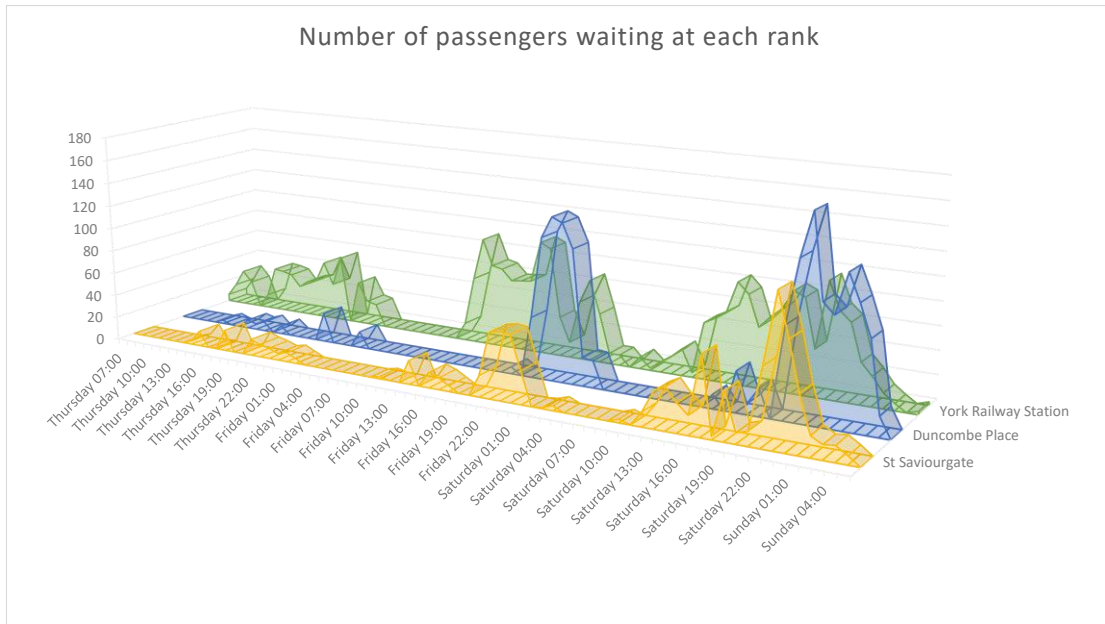
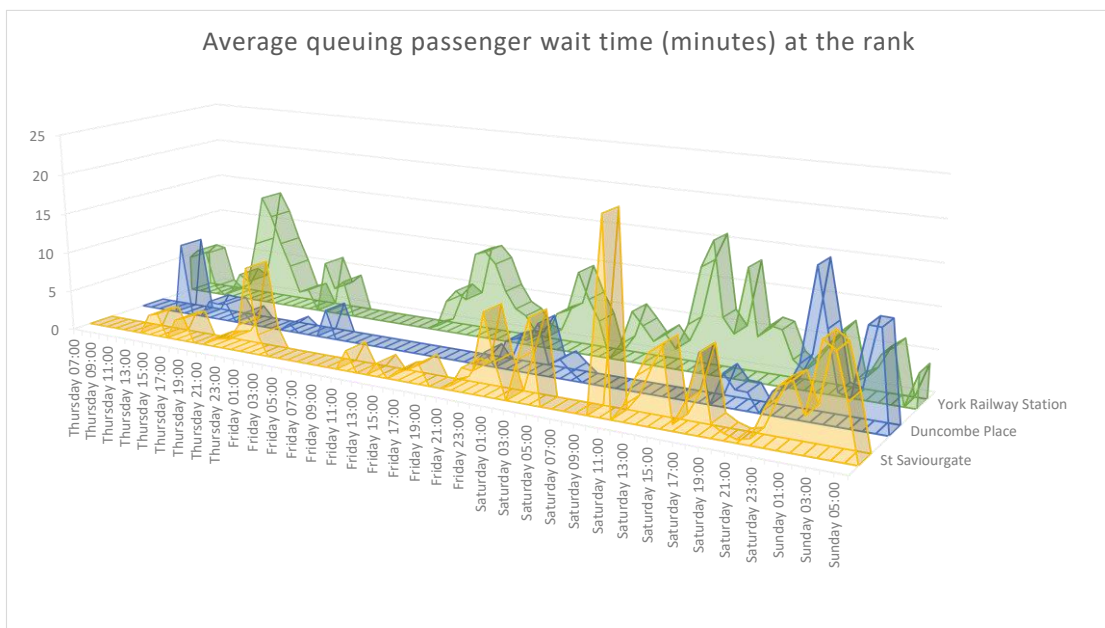


Figure 5



**Figure 5 - Passengers waiting at each rank during each hour**

The average wait times for passengers who had to wait for a hackney carriage to arrive at ranks, is presented in Figure 6.



**Figure 6 - Average wait time for waiting passengers**

The number of waiting passengers, as a proportion of all passengers who boarded a hackney carriage, is presented in Figure 7. It should be noted that the data includes passengers who abandoned waiting at the ranks and left, without boarding a hackney carriage. Hence, the number of waiting passengers exceeded 100% (of boarding passengers) during some hours



**Figure 7 - Proportion of boarding passengers who had to wait for a hackney carriage**

**Further observations and key features from observation of the York ranks**

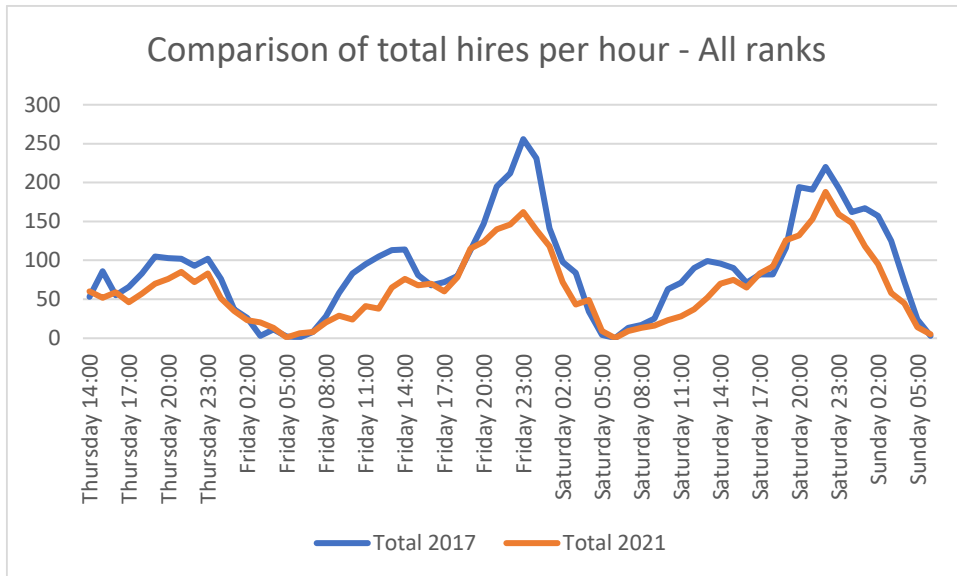
Passenger waiting was observed at each of the active ranks. The most persistent waiting observed was at the Railway Station rank. Passenger queues formed and lasted for extended periods at the Railway Station rank, at various times of day.

**Comparisons with the results from the surveys in 2017**

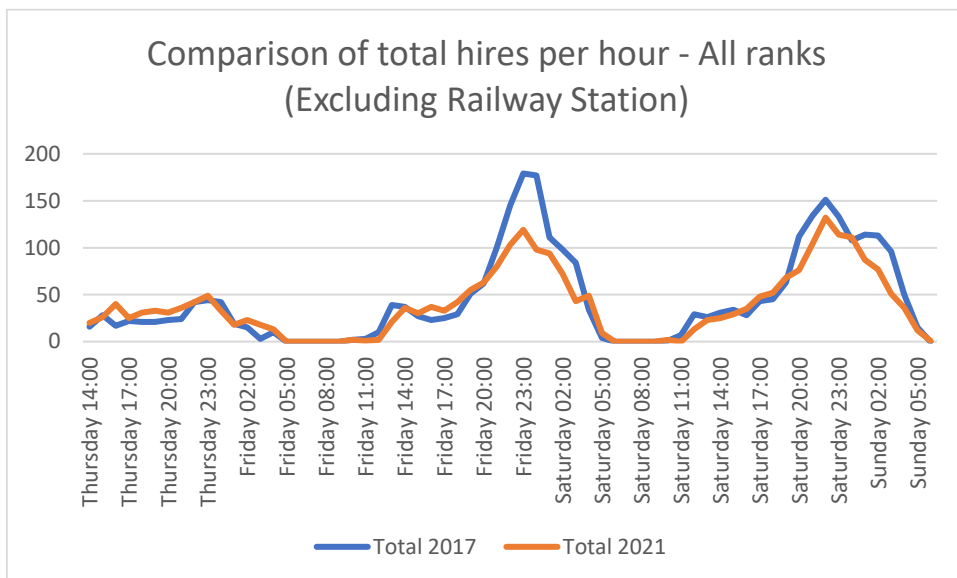
As extensive passenger waiting had been observed during the 2021 surveys, it is prudent to compare results with those obtained during the 2017 surveys.

The following figures compare the number of hires from the ranks observed during each of the surveys. Comparisons have been made for all ranks and for all ranks excluding the Railway Station.





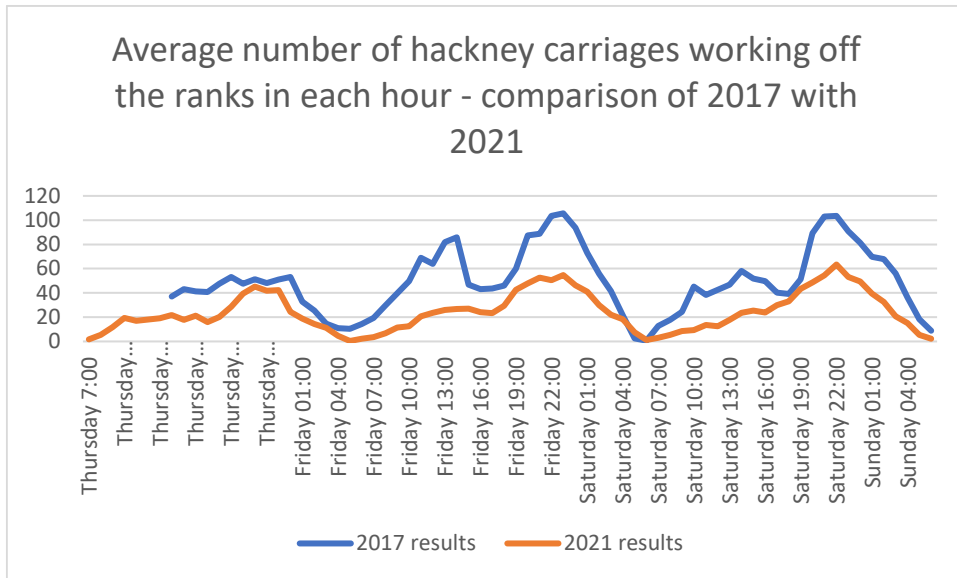
**Figure 8 - Comparison of 2017 with 2021 hires per hour - all ranks**



**Figure 9 - Comparison of 2017 with 2021 hires per hour - excluding station**

The comparisons illustrated in Figure 8 and Figure 9 indicate that when the Railway Station data was excluded, the number of hires was similar in 2021, compared to 2017, with the exception of Friday and Saturday nights, when the number of hires in 2017 was higher.

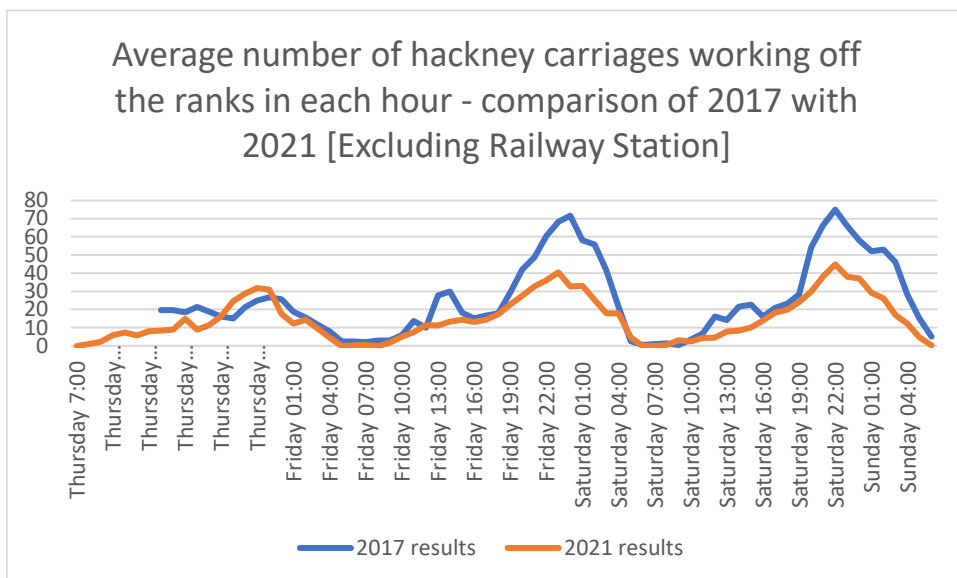
The number of hackney carriages working from the ranks during each hour was estimated based on the rank observation data. A comparable estimate was made for the 2017 survey. A comparison of the number of hackney carriages working from the ranks is presented in Figure 10.



**Figure 10 - Comparison of hackney carriages working from the ranks**

The comparison in Figure 10 illustrates that the number of hackney carriages working from the ranks in October 2021 was significantly lower than those observed during the 2017 survey.

A similar comparison was made with the Railway Station rank excluded. This comparison is presented in Figure 11. The comparison excluding Railway Station activity shows a closer relationship between 2017 and 2021 levels of hackney carriage availability for much of the surveyed periods. However, during the peak periods on Friday and Saturday nights, there were significantly fewer hackney carriages working from the ranks in 2021 than were observed in 2017.

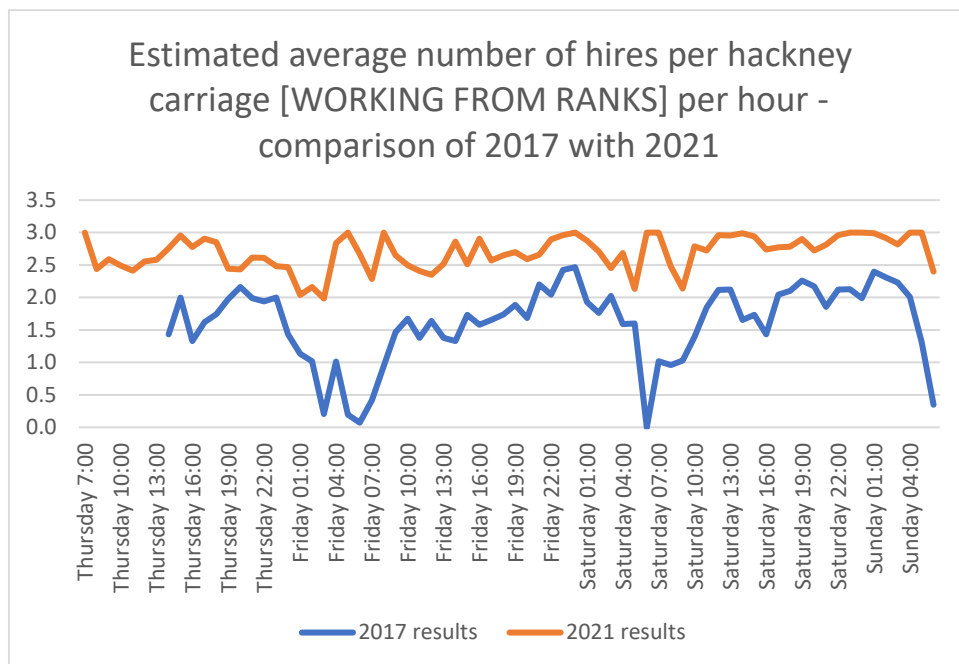


**Figure 11 - Comparison of hackney carriages working from the ranks - Excluding Railway Station rank**

Taking both the profile of demand (number of hires) and the number of hackney carriages working from the ranks, it appears that in 2021, there

were both fewer hires and fewer available hackney carriages, across all of the ranks. The differences were more significant when the Railway Station data was included in the comparisons. This feature suggests that the drop in demand and drop in supply of available hackney carriages was more significant at the Railway Station rank, than at other ranks.

The number of hires from the ranks each hour was observed from the rank surveys. This information may be used, together with the estimates of the number of hackney carriages working from the ranks, to estimate the number of hires per hour per working hackney carriage. The profile of the number of hires per hour per hackney carriage, working from the ranks, is presented in



**Figure 12 - Estimated hires per hour per hackney carriage**

**Rank abuse**

Taxi ranks are generally reserved for the use of hackney carriages waiting for hires (during posted hours of operation for part time ranks). However, it is not uncommon for other vehicles to stop on, wait at or park on taxi ranks, for various durations and purposes. These intruding vehicles may be engaged in various activities, such as, picking up or dropping off passengers, undertaking deliveries, or parked to go shopping.

We term the use of rank space by other vehicles as rank abuse. The level of rank abuse was assessed as part of this study.

If other vehicles were observed stopping on the ranks for more than a few seconds, this was logged. The graphs presented in the following figures present the maximum number of cars, vans, large goods vehicles and other vehicles, observed during each 5 minute period.

No rank abuse was observed at the Railway Station rank. Some occasional rank abuse was observed at the ranks at St Sampsons Square, Toft Green, Rougier Street and St Saviourgate. More significant levels of rank abuse were observed on the Duncombe Place rank.

At Duncombe Place, the section of the rank furthest from the head of the rank, sometimes referred to as the horse and carriage rank, was often used by vehicles to park. The vehicles parked were mostly cars. These cars were occasionally joined by vans and van based minibuses. Some vehicles were logged as 'Other'. These were coaches, which parked on the rank from time to time. Coach parking generally occurred towards the middle of the rank.

Whilst the vehicles parked on the rank, were mostly parked towards the rear of the rank, there were occasionally vehicles parked on other sections of the rank.

At 11:35 am on the Saturday, some traffic wardens arrived at the rank and started inspecting the parked vehicles. One vehicle appeared to receive a ticket, but other vehicles were not ticketed. It may be that some of the parked vehicles had blue badges on display and this enabled the driver to park freely. However, the camera position did not enable any blue badges, if present, to be seen.

The traffic wardens remained at the rank until 13:16. During this time, the presence of the traffic wardens appeared to deter people from parking on the rank.

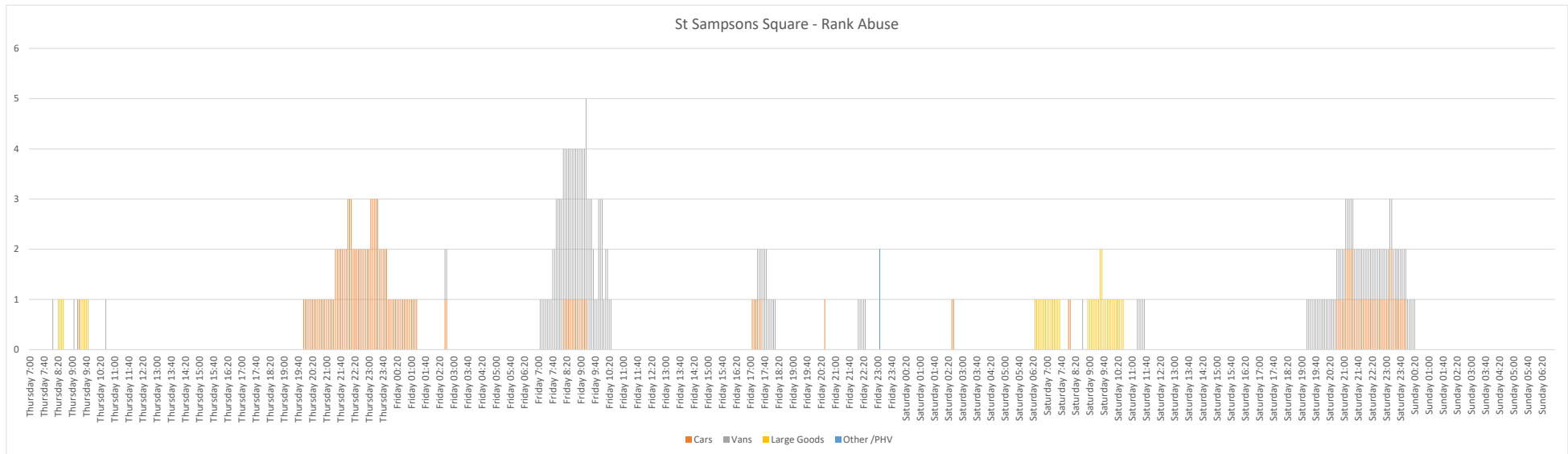


Figure 13 - St Sampsons Square rank abuse

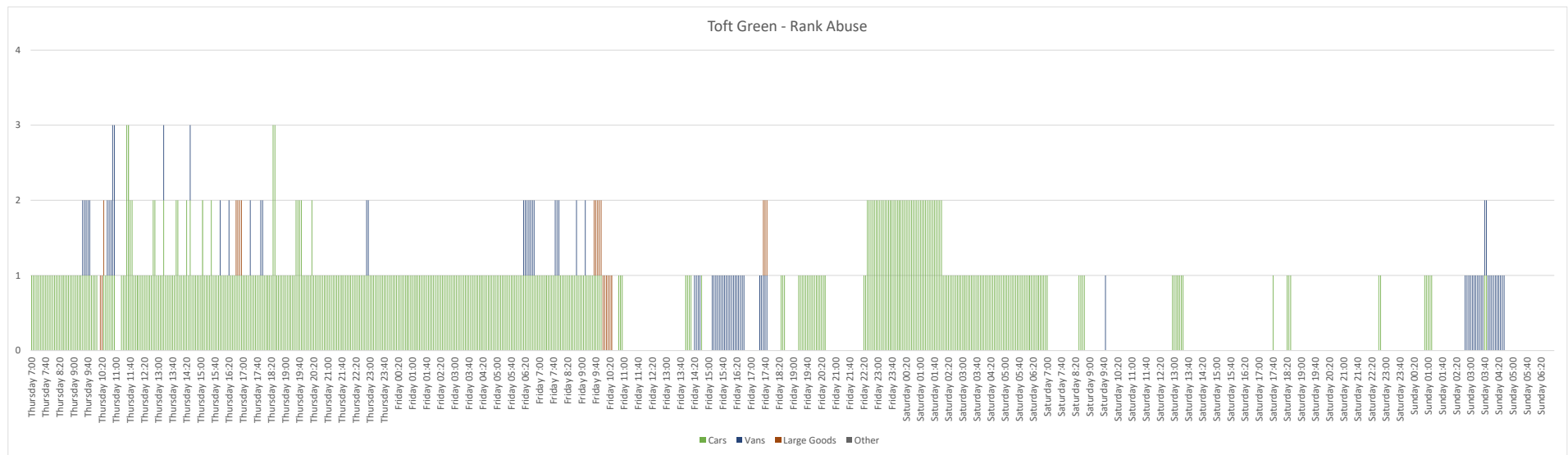


Figure 14 - Toft Green rank abuse

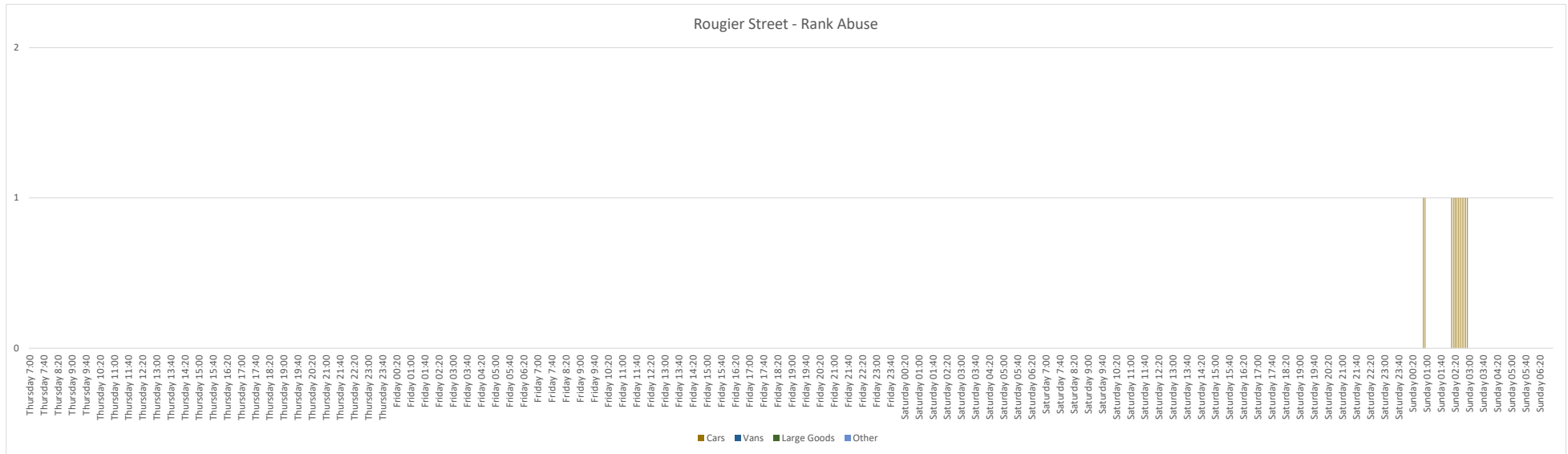


Figure 15 - Rougier Street rank abuse



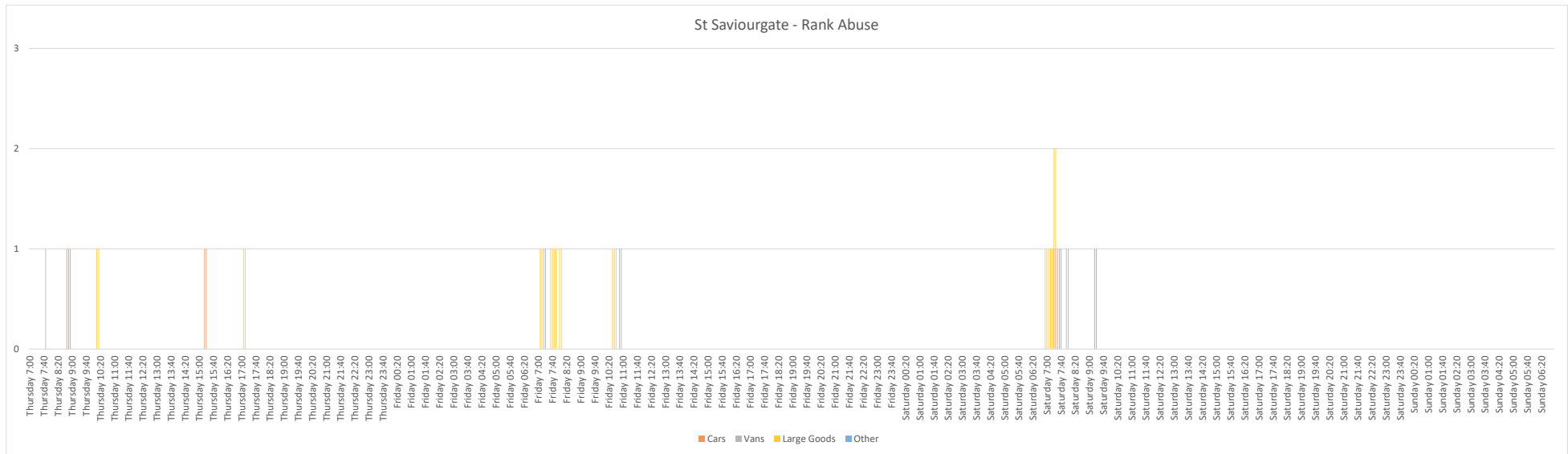


Figure 16 - St Saviourgate rank abuse





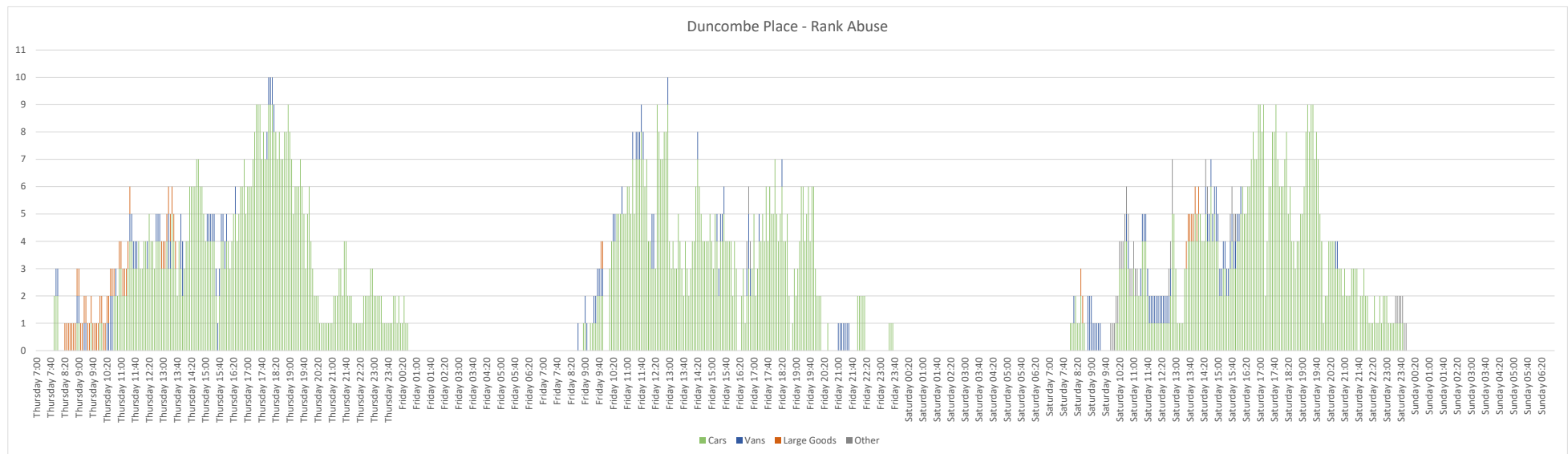


Figure 17 - Duncombe Place rank abuse



## 4 General public views

It is very important that the views of people within the area are obtained about the service provided by Hackney Carriage and private hire. A key element which these surveys seek to discover is whether people have given up waiting for Hackney Carriages at ranks (the most readily available measure of latent demand). However, the opportunity is also taken with these surveys to identify the overall usage and views of Hackney Carriage and Private Hire Vehicles within the study area, and to give chance for people to identify current issues and factors which may encourage them to use licensed vehicles more.

Such surveys can also be key in identifying variation of demand for licensed vehicles across an area, particularly if there are significant areas of potential demand without ranks, albeit in the context that many areas do not have places apart from their central area with sufficient demand to justify Hackney Carriages waiting at ranks.

An online survey was undertaken and 153 valid responses were received.

The results of the surveys were as follows:

### **York public attitude survey results**

Respondents were asked if they had used a licensed vehicle in the 12 months prior to the impact of Covid-19. 89% said they had and 11%, of the interviewees asked said they had not.

The following questions were asked of those respondents who had used a licensed vehicle in the 12 months prior to Covid-19.

*Thinking back to times before the impact of Covid-19, which type of licensed vehicle would you have used most often?*

Hackney Carriage (Taxi)	19.9%
Private Hire	37.5%
Have used both types more or less equally	42.6%

*Typically, (During pre Covid-19 times) How frequently did you travel by Hackney Carriage (Taxi), as opposed to Private Hire Vehicle? (i.e. the ones with signs on the roof, which wait at taxi ranks)*

Three or more times a week	11.1%
Once or twice a week	13.7%
Once or twice a month	17.9%
Less than once a month but more than twice a year	20.5%
Once or twice a year	16.2%
Rarely or Never	20.5%

*What was the most common purpose of any trips by licensed vehicle (Pre Covid-19)?*

Going home after a night out	0.7%
Hospital / Medical	10.4%
Leisure	58.2%
Link to other transport mode	6.7%
Personal business	6.7%
Shopping	3.7%
To get back home	0.7%
To get into the city centre	0.7%
Work or education	11.9%

*Regarding trips by Hackney Carriage (TAXI) (i.e. not a private hire vehicle), how would you normally obtain your Hackney Carriage (TAXI) (Pre Covid-19)?*

At a taxi rank	76.1%
By telephone for immediate use	6.7%
By telephone, to book a time for use in the future	10.4%
Hailed (waved down a passing taxi) in the street	4.5%
Using a mobile app or website	2.2%

*If you used an app or website, could you tell us which one you used?*

Station taxi app	33.3%
Streamline	33.3%
Uber	33.3%

*If you required a taxi immediately, how long did you typically have to wait to get your taxi? (Pre Covid-19)*

Within 10 minutes	41.7%
Between 10 to 30 minutes	50.0%
Over one hour	8.3%

*If booked for use in the future, how close to the booked time did the taxi arrive?*

Late by up to 30 mins	7.1%
More than 10 minutes early or late	7.1%
More than 60 minutes early or late	7.1%
On time	78.6%

Could you tell us what time of day and day of week you typically used a taxi?

Friday or Saturday evening between 6:00 pm and 10:00 pm	12.5%
Friday or Saturday night after 10:00 pm	29.2%
Not sure	15.0%
Saturday before 6:00 pm	2.5%
Sunday any time	3.3%
Weekday (Monday to Friday) between 3:00 and 5:00 pm	5.8%
Weekday (Monday to Friday) between 8:00 and 10:00 am	8.3%
Weekday (Monday to Friday) evening between 6:00 pm and 10:00 pm	7.5%
Weekday (Monday to Friday) night after 10:00 pm	4.2%
Any time NOT listed above	11.7%

Thinking of your most recent trip by taxi or private hire vehicle, in York, can you recall which type of licensed vehicle that you used?

I don't recall	4.4%
Private hire vehicle	53.7%
Taxi (hackney carriage)	41.9%

If your most recent trip in a licensed vehicle, in York was in a private hire vehicle, can you recall if this was a private hire vehicle licensed by City of York Council?

I don't know / I don't recall	9.7%
No, it was licensed by another council	15.3%
Yes, it was licensed by City of York Council	75.0%

If you have experience of using private hire vehicles in York and can compare the standards of those vehicles licensed by City of York Council against those vehicles licensed by other licensing areas, could you provide us with your views regarding the comparative merits?

	Vehicle Cleanliness	Vehicle condition	Driver helpfulness	Driver standard of dress	Driver standard of hygiene	Driver professionalism	Driver communication	Driver knowledge of area
No appreciable difference in standard	54.5%	45.5%	18.2%	54.5%	63.6%	60.0%	30.0%	44.4%
Private hire vehicles licensed by City of York Council appear to be of a higher standard	18.2%	18.2%	27.3%	27.3%	18.2%	10.0%	20.0%	33.3%
Private hire vehicles licensed in other areas appear to be of a higher standard	27.3%	36.4%	54.5%	18.2%	18.2%	30.0%	50.0%	22.2%

*How did you rate your most recent trips by taxi, for value for money, ranging from 1 very poor to 5 very good?*

Average value was 3.95

*How did you rate your most recent trips by private hire vehicle, for value for money, ranging from 1 very poor to 5 very good?*

Average value was 3.57

*With respect to the standard of hackney carriages (TAXIS) and private hire vehicles in the area, how would you rate these aspects with 1 very poor and 5 very good.*

Aspect which is rated	Average rating for hackney carriage	Average rating for private hire vehicle
Vehicle cleanliness	4.0	4.0
Vehicle condition	4.1	4.0
Driver helpfulness	4.0	4.0
Driver standard of dress	3.8	3.8
Driver standard of hygiene	3.9	3.9
Driver professionalism	4.0	4.0
Driver communication	3.9	3.9
Driver knowledge of the area	4.2	4.0

**The following questions were asked of all respondents, including those who had not used a licensed vehicle in the 12 months prior to Covid-19.**

*Have you had any difficulty getting in or out of any type of licensed vehicle in York?*

Yes	10.5%
No	89.5%

*Could you tell us more about the difficulty that you faced?*

The following responses were received:

- Vehicle too high transit van
- High step up
- Large vehicle (sub busses) are generally too tall for me to get into easily.
- Getting in and out.
- It was a minibus and was a high step in
- Opening the door to get out and getting up from the seat
- Seat too low
- I struggled with manoeuvring my legs
- Not enough legroom in back made it hard getting in or out due to my height.

- I've fallen out of a hackney carriage in my wheelchair because the driver didn't put the ramp in correctly. It was the last time I used a hackney carriage in my wheelchair
- My wife struggles to get into and out of minibus-type taxis
- Rear passenger door would not open without the force of a male (drivers words)

*Which kind of licensed vehicle was it (that you had difficulty getting in or out of)?*

Private Hire Vehicle	46.7%
Hackney Carriage (Taxi)	26.7%
Both	13.3%
I don't recall which type	13.3%

*What was the principal factor which limited your use of Hackney Carriages (Taxis) in York (pre Covid-19)? Please choose the most relevant factor for you:*

As a pedestrian I observe so much bad driving by taxis that I would not want to be in one.	0.7%
Cost	18.7%
I didn't live here then	0.7%
I generally use a car	10.0%
I use Private Hire Vehicles	14.0%
No need to use Taxis	6.7%
Nothing	19.3%
Poor understanding of wheelchair access	0.7%
The nearest ranks are too far away	2.7%
Use the bus instead	6.0%
Usually cycle or walk	5.3%
Usually old and dirty	0.7%
Waiting time	14.0%
Would use a bus if one was available	0.7%

*Have you experienced problems obtaining a Hackney Carriage (TAXI) in York prior to Covid-19?*

Yes	28.9%
No	71.1%

*Could you tell us a bit more about the problems which you encountered. For example, what type of problem did you have? Where did this problem occur? Approximately what time of day and day of week did this occur?*

The following responses were received:

- App booking cars don't turn up. Availability issues. Telephone booking staff rarely friendly.

- Availability of Hackneys in the city centre, rank waiting times, evening after 7pm
- Cost and rude driver
- Even during the day you struggle to find a hackney, the ranks are not in the centre of York
- Friday and sat nights, a 1 hour wait at Duncombe place or St saviour Gate is not unusual, Some mid week nights can also have a long wait
- Friday Saturday night waiting a long time at a rank (& several more similar comments)
- I'd always find the taxi drivers at the station extremely rude. Prior to Covid I had a driver shout at me for allowing the person behind me to go ahead of me. As soon as I got in, he accused me of robbing him of his fare because he presumed that the customer I made go ahead of me was going a further distance than me. I've also found over the years of using the taxis at the station that the drivers are very racist
- In the evenings I often won't stay late because it takes too long to get a taxi home, so I catch the last bus instead
- Long waits at station
- Massive queues at the Station, high cost of fares
- No taxis availability at that time rank empty station 16:00
- Not available at the time requested
- Not available for bookings. Typically Saturday evening.
- Not enough ranks in city centre
- Not enough taxis any time over the weekend
- Not enough cars to fill demand.
- Queuing at station for an hour
- Regularly spent substantial time waiting at York station waiting for taxis at various times of day and on multiple days.
- Road closures and caused the Delays
- Rude aggressive drivers
- Stood at the minster rank for 40 minutes
- Take a long time/none available/too long a line for taxi rank (more than 10 punters in a queue)
- Taxis and private hire vehicles are expensive, poor quality and almost impossible to book/get. Uber are the polar opposite - fast, convenient, quick, reasonably priced and clean. We need Uber back rather than the sub-standard Hackney carriages and private hire vehicles from the dark ages. They can't compete and rather than improve they instead work to get Uber banned. The Council should be ashamed for allowing this to happen.
- There isn't a just one occasion.... this has been a problem for years in York I have used taxis at different times of day whether it be 6 p.m. on a Friday or Saturday evening or it be past midnight on a weekend even the other week Sunday evening 7:30pm it was a 3-hour wait! Friday or Saturday evenings it's always 3 hours and it is usually 2 to 3 hours after midnight it's absolutely ridiculous I go all



over the country and never wait more than 20 minutes anywhere else for a taxi at any time or day I think it's about time the Monopoly in York stopped and we let uber do their work as they do another cities! York taxi companies have had it all their own way for years charging ridiculous prices very poor service it's about time we broke this Monopoly! With the way things are right now they have no argument now!

- Too few that you can hail in the street
- Usually at peak times on an evening. After a night out. There can be a wait for up to an hour. Don't bother trying on New Years eve.
- Waiting at station after a London train
- Wheelchair user during school hours

*How would you assess the availability of Hackney Carriages (Taxis) in York? (with 1 very poor and 5 very good).*

Average rating was 3.95

*In order to ensure that licensed vehicles become more environmentally friendly and contemporary, the council is considering introducing higher environmental standards (Euro 6 or better e.g. electric hybrid/fully electric) and age limits for licensed vehicles. Do you support the introduction of these higher standards?*

Yes	53.6%
No	46.4%

*Do you support the introduction of emission standards?*

Yes	92.8%
No	7.2%

*If yes, do you agree that Euro 6 i.e. the latest standard for petrol and diesel engines and or electric hybrid/fully electric is appropriate?*

Yes	93.3%
No	6.7%

*Do you support the introduction of age limits for licensed vehicles?*

Yes	51.0%
No	49.0%

*If yes, which is the most appropriate limit (please choose one)*

7 Years	42.9%
9 Years	11.7%
10 Years	42.9%
I don't agree with any of these age limits	2.6%

One respondent, who didn't agree with any of these age limits, suggested 13 years.

*Should there be higher age limits for operating wheelchair accessible and fully electric vehicles, as hackney carriages and private hire vehicles, because of the additional costs of purchasing such vehicles?*

Yes	65.1%
No	34.9%

*[For those who answered Yes to the previous question] Would you support an extended age limit of 12 years for wheelchair accessible vehicles?*

Yes	88.7%
No	11.3%

*If no, what should the extended age limit be?*

The following responses were received:

- No more than 10 years old
- As long as they are mechanically sound then any age is fine by me
- 15

*Would you support there being no age limit for fully electric vehicles?*

Yes	63.0%
No	37.0%

*If no, what should the age limit be?*

The following responses were received:

- If the car is maintained why do you need an age limit, some of the best hybrids made are 10 years old
- Same as equivalent hybrid
- No age limit as long as vehicle is in good working order
- If a vehicle can pass mot and the Council's test it shouldn't matter what number is written on the reg .
- Same limit for others (10 & 12)
- None if roadworthy

In addition to the responses listed above several respondents indicated specific ages. The most popular age limit was 10 years.

*Should existing hackney carriage licensed proprietors also be required to use fully electric, wheelchair accessible vehicles when changing their existing vehicles?*

Yes	32.2%
No	67.8%

*To improve the hackney carriage fleet, should any new hackney carriage vehicle licences be issued to fully electric, wheelchair accessible vehicles (see picture below for example). For the avoidance of doubt, this question is about new not existing hackney carriage vehicle licences.*

Yes	54.4%
No	45.6%

*If no, what type of vehicles should new hackney carriage vehicle licences be issued to?*

The following responses were received. Where multiple similar responses have been received, a single response is listed and indicated as representative of multiple responses.

- Euro 6 or better (& 11 similar)
- Saloon or estate as I cannot get into the high cabs because of mobility issues, a low car is easier
- Personal choice on the driver
- Hybrid (& 6 similar)
- To national car standard
- Max 10 years old diesel is fine I think

- The same as now (& 15 similar)
- Any vehicle suitable for use as a wheelchair accessible taxi
- Standard saloon (& 3 similar)
- shouldn't be limited to 1 type of vehicle
- Any vehicle (& 3 similar)
- ULEZ/LEZ
- Up to 10 year old
- minimum 4 seats
- Standard vehicle. shouldn't need to have every car available for a wheelchairs. It just adds to everyone's costs. I have a friend in a wheelchair, they can always get an adapted car when calling for one.
- An old Mercedes is better then a new mg5 for customers and drivers (this is from my own experience as I own both and customers prefer the Mercedes, even though it's not electric and 12 years old). As long as the taxi licensing office check the cars properly, old cars will be changed by drivers without being forced. The only substandard cars on the road at the moment are some of the rented vehicles that seem to go through taxi test for show as they are falling apart visibly. Again, it is unbelievable that they pass the taxi test but what do I know.
- Just a well maintained vehicle.
- Euro5
- Affordable to driver and roadworthy for passengers (& 3 similar)
- Perhaps a higher fee for non-electric vehicles? I don't think it would be fair to say they can no longer renew their licence in a couple of months with their current vehicle.
- By introducing these standards, the drivers/owners of the vehicles will have to pay more for their vehicles & this will have to be passed on to customers
- To put in any car that they like (within a ten year limit) (& 3 similar)
- Electric will be the answer eventually but I am not sure if charging speed and range are sufficient yet
- Exploring the obvious we need taxis on the streets let's not make it any harder than it probably already is at the minute

*Some changes in licensing conditions for hackney carriages and private hire vehicles are being considered. Could you please provide your opinion of the following proposed licensing condition changes.*

	All hackney carriage vehicles should be black, to conform with a uniform identification standard	Window tint regulations should be relaxed to allow all window tints supplied as standard by vehicle manufacturers, including those which are darker than the current licensing standard	Some elements of the vehicle inspection test for licensed vehicles, such as remaining tyre tread depth and brake shoe or lining thickness will be made more stringent than for MOT tests
Strongly agree	26.2%	36.9%	30.2%
Agree	28.2%	19.5%	24.2%
No opinion	16.1%	25.5%	16.1%
Disagree	14.1%	10.1%	13.4%
Strongly disagree	15.4%	8.1%	16.1%

*If you disagree with any of the potential changes in licensing conditions, could you provide further information on why the changes would not be beneficial?*

- If a car is deemed roadworthy by an MOT testing station, then who are you to say it isn't
- [darker windows] Increases risk of abduction
- [darker windows] Limits to drivers view when reversing etc
- Taxis get tested twice a year think that is more than Enough (& 22 similar)
- Colour makes certain makes and models unavailable, also many now come tinted as standard for fuel reasons not to use air con
- Window tinting should not be on any taxi
- It should not be made easier to conceal the identity of both driver and users by allowing darker tints. (& 3 similar)
- I don't agree with uniform.
- Not sure why standards need to be higher than MOT. surely this will only result in the additional costs being passed onto passengers view higher fares.
- Uniform is drivers choice
- If its fit enough for a MOT it's fit enough for the road. Colour shouldn't matter

- Why do they have to be black as long as they are clean tidy cars
- Most modern cars come with factory fitted tinted windows and it is very expensive to get these changed
- Why on Earth would you insist on standards higher than MOT? Making taxis throw away tyres before they need to is environmentally bad and NOT green at all exactly the same as getting them to change their cars too soon! Age limits are not important. The state that the driver keeps the car in is important. If the car is euro 6 or hybrid it should not have an age restriction. Scrapping a car costs the planet greatly
- This will make price hike in those cars, and what impact is for those changes
- Due to the amount of miles taxis drive they change brakes and tyres more regularly than domestic road users. This is a large expense for the drivers and to then ask them to incur even more cost by not getting the full life out of the brakes and tyres is not appropriate.
- Uniforms show who's official and easier to identify
- "Making hackney cars compulsory black limits the drivers choice when buying a car and at least adds cost to changing the car colour to black. Regarding uniform, as long as drivers are self employed they should be allowed to wear what they want. The moment drivers are given rules that don't impact on them doing there job (a to b trips) is when they should be considered employed end be paid accordingly.
- Regarding the taxi test, the car should pass an MOT standard test plus the normal checks regarding displaying the taxi/private hire stickers etc. This should not be a test of what the ""mechanic"" at the taxi licensing depo thinks it should be the standard. This would mean the car is good enough to transport my family around but not good enough to transport passengers. If the current MOT standard is not good enough then that should be changed. Also this would allow taxi licensing mechanic to fail cars just because he wants to so how would a driver be able to appeal and prove he is right. "
- Why would the current standards not be high enough. Are you saying that the current standards allow unsafe taxis on the road in York
- York full of black taxis will look like never ending funeral procession. As to stricter inspection tests, this is not aimed at improving passenger's safety but for council to make more money. There should be no double standards - if MOT standards are questionable, they should be raised for all vehicles and not only taxis
- "So long as marked there is no need for it to be black, indeed white cars would be more visible at night. There is no need for higher standards re MOT than other vehicles they
- Visibility
- Window tinting should not be tampered with as it benefits some passengers from glare which causes headaches and blurred vision

- Changes ARE beneficial But will cost owners lots of money which will put fares up
- It's clear from this survey that the council is attempting to limit the availability of private hire vehicles thus creating a monopoly for council run taxi services. There needs to be choice.
- Safety concerns over tinted windows (I'm often a lone female traveller and would like people to see me for my own safety)
- Window tints should be standard or lighter to assist the visibility of passengers who may be in trouble.

*Are there any other changes to licensing conditions that you feel should be considered?*

- Some drivers need to have a better knowledge of the area and have encountered a couple of drivers with whom I was unable to converse, due to their grasp of the English language
- Stop Uber operating in York
- Drivers of Hackney vehicles should have a minimum dress code of shirt and trousers not jeans and t shirt
- Why are you letting out of town cabs working York not licensed in York ?
- Limit out of town cars working in other cities
- If out of town vehicles are allowed in York they should have to be of a similar standard
- Be able haul taxis in York on street.
- Open Coppergate to bus and taxi, then I can save money on the transport
- MOT to be the same as national fee.
- Only City of York drivers should be allowed to work in the city. Standards are there for a reason. No non licenced companies to operate"
- At the moment any change wouldn't be effective as long as the taxi trade is being taken over by drivers licensed with other councils. York city council should direct their efforts towards making sure that only York licensed drivers can operate in York before making any changes.
- Stop Uber and all taxis in York coming from other districts and towns and let York's drivers earn what they pay council to do for a living
- Make the knowledge test harder to stop people who can't speak English passing the test
- Lower the costs for drivers , make it not a feasible option for drivers to licence with other authorities. York should know and control all the drivers that operate in the City
- 1 Hackney plate per person. Gives the drivers more opportunity to have their own vehicle licence and stops these ridiculously high fees drivers are paying to rent a vehicle license
- Get non York licensed vehicles out make public feel safer

- You should tell us how to complain about a driver. I've been in a York cars car and it was not a York one and he went the long way round and the company did nothing. All taxis should have directions in the cars telling customers how and who to complain to, so it gets sorted rather than nothing happening
- Stop outside taxis locally working in our area, (not mentioning a drop off or pick up ). Instead of wasting time for colour change concentrate on safety of the passengers. We cannot recognise an outstation taxi locally working here, what background (licenced taxi or concerned council suspended their licence or licenced driver driving all time and awareness of area and routes, I have seen so many times outstation taxis driving opposite one ways.
- For Private Hire, replace the front plate with a window disc. Modern cars especially electric have few places to attach a plate at the front of the car.
- If you let one company get its licences from Wolverhampton why can't all companies do that and just not pay York Council? These cars should not get a licence in this city if they are not paying a licence fee in this city. It stinks.
- One set of rules and regs nationwide ! All Taxis should be subject to the same regulations throughout the nation and only be allowed to work or accept work from within the area that they are licensed thereby allowing local councils to police and monitor licensed vehicles working in their jurisdiction ! Public health and safety should paramount in all areas !
- That York Council enforce more against out of town drivers , illegal cars , pick ups etc and more stringent enforcement of parking by public and delivery drivers on taxi ranks and double yellow lines within the city
- Why are some York taxis at firms licensed by other councils, I saw one licensed by Wolverhampton the other day, surely this person cannot know his way around York.
- Drivers knowledge of York has to be better, they never know where you are going, most of them have to use a sat nav.
- As I understand it, I as a driver, pay a fee (tax) to taxi licensing each year to be allowed to run my a to b transport business in York. I have to follow a set of rules that keep everyone safe in order to qualify for the licence. However, I don't work for Taxi Licensing and they should be able to impose more rules then necessary just because it might make York more attractive to visitors (all hackneys should be black, uniforms...) I believe that better communication between taxi licensing and drivers that are actually on the road (not plate holders that have never held a licence) would improve the service quality. If they check, the drivers that rent car and plate have old cars and the ones that own their plates have good new cars. Just by having a rule that if you ae not a hackney driver you are not allowed to hold a hackney plate would solve the old cars problem and the driver



shortage problem. Surely taxi licensing knows this. They just need to act.

- All vehicles should have cameras inside. The footage should be directly available to the council in case of any incidents. This would help single travellers and drivers feel safer.
- Driver's should be subject to conduct rules in line with Council employees.
- Driver should have a grasp of the English language
- More comprehensive testing of address location in Greater York Areas. I've lived at my current address in Huntington and every time I use a Station Hackney Cab-the same question arises 'Can you give us a clue' my address and that of my 13 neighbours have been here on the map since 1996!
- Drivers should know the local area not ask the passenger for directions as this defeats part of the object of using a taxi in some situations. A better complaints procedure to stop over charging because the driver ' got lost on the way to pick up a fare and on another occasion took the 'scenic route because he thought I was a tourist who didn't know the area. When I complained to the office that the journey cost £5 more than it should have done I was told it was only£5. Inappropriate driver behaviour but no way to prove it so drivers should be on cameras
- Only cars licenced by York should be allowed to operate within the City limits - stop those from the West riding etc.
- All vehicles should have cctv
- Please don't introduce too many new conditions - it is already hard enough to get taxis
- Uber and other out off area drivers should be banned
- Bring back uber for local drivers!!
- Background checks on drivers would be useful
- Yes they should be allowed to operate in the footstreet areas at ALL TIMES
- Dress code for drivers
- License Uber in York please.
- My daughter has used uber on many occasions you did not mention them? Give businesses and drivers 6 years notice to start planning for changing their fleet and cars. Introduce an additional taxi rank somewhere in York that is central. Also fares are ridiculous at the moment and whilst I would agree to them charging more for newer cars they overcharge currently in the evenings by the sounds of it.
- We need Uber back.
- Ability to pay by card or contactless
- Hackneys vehicles should not be allowed to profit from the sale of a hackney plate. may be a condition of the sale of plates could be introduced or them surrendered back to the authority.

*If hackney carriage (Taxi) fares increased by 10% would you use Taxis less frequently?*

Yes	55.0%
No	45.0%

*If hackney carriage (Taxi) fares decreased by 10% would you use Taxis more frequently?*

Yes	40.1%
No	59.9%

*Are there any locations in York where you would like to see new taxi ranks? If so, where would they be located and when would they be likely to be used?*

- Piccadilly (near spark).24/7
- Wellington Row/North Street
- York district hospital
- Outside football stadium
- More City centre ranks where appropriate
- You need more signs up to tell people where the ranks are
- A council rank under cover in the new station layout to make using it more cost effective and out of the weather for customers, unlike the proposed one
- Outside York Station
- McDonald’s restaurant Blake Street night time
- The one on Piccadilly should be 24/7 rank.
- Goodram gate and Piccadilly near spark
- Town center. Pedestrian zone for older/infirm customers as disabled parking is not now permitted.
- A council owned rank at the, or next to train station would be beneficial, considering that the one owned by Lner is not used by drivers due to high fees.
- Hospital should have a rank
- Barbican centre monks cross.
- New stadium on match day
- Goodramgate. For people after a night out. More ranks in centre of town
- Saint Helen’s Square on an evening !
- Monks cross / sporting events/ shopping.
- Racecourse, events other than races.
- Around york Station, as there is constantly the problem of unmet demand in that area from Station Taxis , also a rank near Mc Donald's

Blake Street- this would be preferable than it just been used as a constant illegal parking area for food delivery drivers

- I think allowing taxis/phv back into the town centre would be a better use of time and energy for us paying customers
- City centre, I can't understand why during the day Sampson's Square has no taxis. After all that's where the masses of people are.
- There are enough taxi ranks. Most drivers use Minster rank because there are rank marshals and Station rank because they feel safer. All taxi licensing needs to do is have rank marshals at the other ranks on Friday and Saturday and drivers would stop at any of them. Unfortunately drivers don't feel safe because if they refuse a customer for being drunk, they could end up with damage to the car so as a customer, I have to walk to minster and join a long queue.
- There should be one located around the Stobebow/Fossgate area as this side of town doesn't have one.
- Coney street after 11 pm
- York Hospital
- University
- Clifton Moor retail park in shopping hours - I don't drive and it is extremely difficult to bring back large shops. When my Tesco delivery was taken back to the depot there I had no way to bring it back. Please make sure there would actually be taxis there though - for mini cabs there is usually an hour wait!
- Opposite/near Spark. Likely used in the evening
- Acomb high street
- Stadium
- Eye of York. Would likely be used during shopping hours. Or Piccadilly outside of Spark. Would be used by tourists and students up to the late evening.
- Goodrumgate, Castlegate St Helens Square Used throughout the day
- Main library, used during the day and on a night-time
- There need to be more in the city for sure. there could be one by Leeman road memorial garden
- I think for lone females it would be helpful if there was one middle of town centre, Coney street.
- City centre, Davygate area
- Improvement in signage would be useful so they can be easily found when needed - especially for visitors

*Are there existing taxi ranks you would use more if Taxis were more reliably found waiting there? If yes, where are these and when would you be likely to use them?*

Several existing taxi ranks, which are marked, but unused, were identified by respondents. These were at:

- Picadilly
- Clifford Street
- Tower Street
- St Leonard’s Place
- Micklegate
- Rougier Street
- St Sampson Square

Respondents also mentioned each of the currently in use ranks at:

- Duncombe Place
- St Saviourgate
- York Railway Station

*Do you feel safe when using taxi ranks in York?*

Yes, always	27.6%
Yes, most of the time	35.5%
No opinion	11.2%
Not always	22.4%
Rarely	3.3%
Never	0.0%

*Could you tell us more about the circumstances of where and when you have not felt safe using a taxi rank in York?*

The following comments were received.

- Quite often fighting at Duncombe Place rank and St Saviourgate rank (& 3 similar comments)
- When pubs turn out
- Weekend evenings
- Drunken yobs being overly loud and/or aggressive
- On a night time waiting with others who are drunk or possibly under the influence of drugs (& 13 similar comments)
- Late at night (& 15 similar comments)
- Waiting in the dark alone for a cab
- Race day anywhere
- Inappropriate driver behaviour in taxi from Duncombe Place
- Waiting for taxi in St.Saviorgate late afternoon
- Only once at the station when there were racecourse crowds
- Speeding in a 30 mph zone (& 2 similar comments)
- Experienced racist/anti vax/anti mask drivers in the past, and drivers exceeding speed limits

- Saviourgate traffic is unpredictable and crossing to taxi rank needs to be done carefully
- Stood on outskirts at Minster on my own felt vulnerable and exposed
- There's always a bit of an atmosphere at taxi ranks I don't think it helps that you're waiting when over an hour I think for some people it gets their pulses up
- When the driver of a private hire set off before seat belt was clicked in there were issues with the seat belt, he just found it funny.

*Have you ever suffered from any form of assault of abuse when using a taxi rank in York?*

Yes	17.3%
No	82.7%

*If you have suffered from abuse or assault, could you tell us a bit more about your experience, for example, physical or verbal assault or abuse, when this has occurred and any other circumstances that you may recall from the occasion or occasions.*

- Assaulted at St Saviourgate rank by unknown male
- Verbal abuse people trying to jump queue
- People queue jumping
- Drunk people trying to push in and being abusive and threatening (& 11 similar responses)
- Taxi ranks by there nature attract all forms of society. Verbal abuse. Or just general bad languge has stopped us taking our 9 year old out on a weekend evening
- Verbal for telling a driver to go a certain way instaid of his way that cost more money and is longer route
- Snarky comment from a taxi driver after I stopped to read a notice in the window of his vehicle
- Inappropriate behaviour of driver while driving
- Verbal abuse from the taxi driver. The driver shouted at me for apparently costing him a fare because I let the customer behind me go before me.
- I had a taxi driver once come to pick me up (I had prebooked the taxi) I mentioned I was picking up a takeaway (the weather was extremely bad and I couldn't walk). He proceeded to shout at me for booking a taxi for that reason and said he wasn't going to take me and left. When I rang the taxi company to complain they told me that their drivers were risking their lives. It was a 10 minute drive. I booked a service which I would have paid for but was refused by the driver because he didn't agree with my reasons for taking a taxi.

These are just some of the examples of rude behaviour I've had to take from hackney taxi drivers in York over the past 15 years. I'm a black woman immigrant woman and I strongly believe that had I been white I would not be treated this way. Whilst I am aware that I'm in a minority and this survey won't really care about my opinion, the council needs to do something about this. Drivers need to go on some training re customer service. You can't speak to paying customers like this. It's not right.

*When travelling in a licensed vehicle, do you feel safe?*

Yes, always	42.3%
Yes, most of the time	34.6%
No opinion	0.0%
Not always	23.1%
Rarely	0.0%
Never	0.0%

*If there have been occasions when you feel unsafe when travelling in a licensed vehicle, could you tell us more about the circumstances of any such occasions?*

- Got in an Uber vehicle and felt like he wasn't actually a licenced driver as he knew little English and didn't know any streets at all
- No screens up no mask driver expressed his non belief of COVID and told us he wasn't going to be vaccinated I did complain to no avail
- Private hire, my daughter has felt uneasy from drivers we believe not from York. I tell her to only use cabs with TAXI on the top. Drivers have made comments, she though they may have been working from Bradford or Leeds. Shouldn't be allowed to do so. They should have to have 24hr voice recording and produce it on request or lose their license.
- Forced to cab share to avoid being a single fare on a late Friday night journey. Other passenger was very drunk and inappropriate
- Driver couldn't understand basic English and couldn't follow my directions
- One driver threatened me after I pointed out that he had been driving at 50mph on a 30mph road.
- Inappropriate behaviour by driver that has led me to only use a taxi if absolutely essential and I have my phone on video.
- Poor driving

*During the LAST THREE MONTHS, have you given up waiting, or made alternative arrangements when trying to hire a hackney carriage (taxi) at a taxi rank OR by hailing (flagging down a passing taxi), because none were available?*

Yes	29.7%
No	70.3%

Respondents were asked to provide further information about the circumstances under which they had given up waiting. Some of the respondents indicated that they had given up trying to pre-book a licensed vehicle. However, valid responses equated to 27.0%. This figure represents the level of latent unmet demand which is used to determine the index of significant unmet demand.

*During THE LAST THREE MONTHS, have you tried to book a Taxi (not private hire vehicle) by phone and had to make alternative arrangements because the wait stated was too long?*

Yes	35.1%
No	64.9%

*What features of Taxi services in York are particularly good?*

- A lot of nice pleasant drivers
- Ranks are frequent
- Knowledgeable drivers
- Drivers knowledge
- Availability
- Clean polite drivers
- They get me home safely
- Most a local people who you can have a good chat too
- York drivers are polite well mannered and full of local knowledge
- Local cars with local knowledge
- There knowledge of the area
- The ones that I can flag down. Very helpful.
- They know the routes
- Ranks are usually good as you can just walk and get in
- Drivers.
- Local knowledge
- The rank marshalls at the minster. They should also be on at St saviourgate.
- The service from the Station
- Quality of vehicle
- York based drivers

- Good professional drivers
- Safe reliable
- Plenty of taxis
- Mostly driven by local people who have a good knowledge of York , I feel safer as a passenger with a driver who isn't reliant on Google maps
- Reliable. Clean cars
- reliability
- Knowledge of the area
- Drivers are fully aware about local area
- Local knowledge of the York licensed drivers. The out of town drivers are undermining and soiling the good reputation of the York trade.
- Local licenced drivers know how to get you home safely for the cheapest price. Regulation.
- Clean and badges displayed
- Local drivers with excellent local knowledge particularly during road works and diversions, , availability, price,
- "Drivers local knowledge
- Very clean professional
- I really liked the Station app
- Most of them have very clean cars and have a very good knowledge of York
- Card payment
- Local knowledge
- Standard of vehicles and politeness of drivers
- Cars are generally clean and well maintained.
- Reliable
- black taxis
- Licensed and most drivers know the area
- If they are wheelchair accessible
- Cleanlenss.Competent Drivers
- App for York cars works very well. Drivers generally friendly and cars always clean
- York Taxis use an app which is the best way to book for me.
- Identifiable
- York cars on app is good. Not as good as Uber bring it in
- Drivers with good local knowledge. Like the fact that local taxis have a meter so that you know what you are paying unlike Ubers where you sometimes get surge charged & you donâ€™t always realise until you have already been charged.
- Local taxi drivers who know town well (in most cases). Ability to pay by card.
- Availability
- Generally found that they provide a reasonable service at a reasonable price
- Normally available and can be relied on.
- You feel safe in them



- Local drivers with local knowledge
- Punctual
- Friendly drivers
- Local drivers
- Uber services generally offer the safest and most comfortable experiences, especially with mask wearing and driver accountability
- The drivers don't try and bullsh\*t you. They know their routes and get there efficiently.
- Customer service
- Genuine wheelchair access and Genuine understanding about accessibility
- Taxis are usually available at the busiest ranks (Station, Duncombe Place, St Saviourgate)
- Uber
- Local knowledge
- drivers are kind
- I like the fact that private hire vehicles are available
- Local knowledge

*Do you, or anyone who has travelled with you in a hackney carriage (taxi), have a mobility/ visual impairment or travel in a wheel chair?*

Yes	21.8%
No	78.2%

*What kind of impairment or disability?*

- Mobility
- Partially sighted
- Wheelchair user
- No leg
- Wheel chair user.
- Blind
- Walking
- Blind
- Motobility
- Visually impaired
- In a wheelchair
- Mobility issues
- My father is visually impaired
- Walking
- mobility issues
- Wheelchair
- Missing leg

- Mobility
- Walking
- Sight loss, difficulty walking and manoeuvring
- Need sticks due to joint disorder
- Visual
- Mobility, wheelchair user
- Mobility and visual impairment
- Visual impairment.
- Wheelchair user

*Did this cause any difficulties with travelling?*

Yes	48.1%
No	51.9%

Respondents were asked to provide further information on what type of difficulties were encountered. In order of decreasing popularity, the difficulties related to the following circumstances:

- Lack of availability of wheelchair accessible vehicle
- Cannot see if vehicle has arrived (visually impaired)
- Vehicle cannot fit wheeled walker
- Taxis cannot access all destinations, so need to walk further to reach the destination.

*If any difficulties were experienced, how would you suggest these difficulties could be reduced for travel by taxi in York?*

- More wheelchairs accessible needed
- Bigger doors possibly
- Why aren't all Taxis in York Wheelchair capable, my brother waits at the rank for up to 1 hour in his wheelchair, even when a wheelchair taxi does roll up he has an excuse like I haven't got any ramps, he tries to phone a company and they have no availability either, he has given up getting a taxi, he very rarely goes out because of this problem.
- Door opened for me. Taxis going to places, have access to the places I need and want to use. I wouldn't need the Taxis however if I wasn't banned from most areas of the city in my car. Not everyone has someone to push a wheelchair, or has the strength, or can negotiate the uneven footpaths, the cobbles, the high curb stones, slopes and inclines.
- Having a step to help reduce distance legs need lifting to enter vehicle or help with exiting vehicle
- Taxis with more legroom

- By Taxis being allowed to drop people off where they need to get to
- Better understanding from taxi companies about the range of access needs
- Driver calling at the door.

Did you face any difficulties hiring a suitable vehicle? If yes, please specify.

Yes	21.9%
No	78.1%

If you faced difficulties hiring a suitable vehicle, could you tell us more about these difficulties?

- Too long a wait
- No availability
- There are never any wheelchair taxis available.
- Couldn't find one that is allowed to take me to my bank,
- Shortage of availability
- Wheelchair accessible means various
- Availability

Are there any improvements to hackney carriage (Taxi) services in York that you would like to see?

- Better rank signage
- Be able to hail cab on street in York.
- Have direction signs in the city pointing to the ranks
- More hackney vehicles
- More cars in the station
- Card machines in all hackneys
- Signs and stop parking normal car in taxi rank
- All cars to accept card payment
- More Hackneys need to be on road
- All taxis black and drivers not in the Station to smarten up
- Better service at the railway station
- Better English language spoken by taxi drivers
- More private hire less hackneys
- Open the roads up that have been closed to allow traffic to flow better and taxis to be able to take a direct route instead of having to take a long diversion. Coppergate and navigation road examples.
- Bigger sign posts at ranks for visually impaired and better lighting for safety for women and sign posts directing visitors to the ranks

- I think that all Hackney carriages should be a uniform colour so they are all differentiated from private hire vehicles in the city. All drivers should wear trousers and a shirt to make them look more coordinated/professional.
- Cheaper. Not being mean but Hackney's are dearer
- York station open to all Hackney carriage
- It would be great if they could be found easily for tourists and visitors to the city.
- I like the black cabs. But I don't think people should have to buy them. If you do not like the vehicle, simply wait for another. It's about choices for everyone
- Better parking enforcement on taxi ranks to deter the public and food delivery drivers parking on them
- All should be Wheelchair cars, why should a disabled person wait for a long time with people constantly going before him, I know my brother gets very depressed about this.
- More taxis during the day.
- More Taxis on the road at busy times
- Yes, allow UBER to pick up from Station
- More disabled friendly taxis
- cheaper prices, York taxis are a rip off designed at making the most of the tourist trade and making residents pay the price
- More ranks, lower fares.
- I'd definitely like to see improvements to the number of non-electric vehicles.
- Better availability
- Random tests of their driving skills by examiners posing as passengers
- Not at present
- Being allowed to access streets in the centre
- Prices are obscenely high!
- Could stop moaning about Uber all the time
- Reduce charges cyc make to allow local taxis & private hire cars to compete
- More of them! I don't care so much about new vehicles or energy consumption
- More taxis
- More taxi
- Allow uber to operate
- Please bring back Uber.
- Better standardisation of them.
- Taxis are great its the councils attitude that needs overhauling
- Disability training
- More of them at taxi ranks
- Dress code
- allow uber

- Rationale for pricing, video cameras that feed directly back to hub so that females can feel safer going home alone
- Yep, get rid of them for Uber. Cleaner, safe, cheaper and a fantastic app which the taxi firms in York can't compete with.
- Cheaper fares, it is getting VERY expensive and I would use more if cheaper.
- Allow Uber to be registered in York more choice for your residents.
- Reiterate that they should be cheaper. On a par with other places and should adhere to the speed limits
- Fees are a bit pricey
- More taxi's available
- We need more of them
- General attitude of drivers, price, availability, self entitled attitude and undertones of racism towards Asian drivers from out of York

*In the coming 12 months, as Covid-19 lockdown measures ease and post-Covid recovery continues, would you anticipate that your use of licensed vehicles would increase, decrease or be similar to pre Covid-19 levels?*

Decrease	6.0%
Don't know	11.3%
Increase	33.1%
Similar	49.7%

*If your use of licensed vehicles is expected to change, could you tell us the reason for this? [Increase]*

Bus services have been reduced and I need to use licensed vehicles as an alternative to buses	14.3%
Going out more	9.5%
Previously used buses and are less likely to use buses in favour of using taxis or private hire vehicles	21.4%
Taxis and private hire cars are likely to be much cleaner than pre Covid 19, as they are sanitised frequently, so will be safer and more pleasant to use	35.7%
Travel more via station	2.4%
We have fewer cars available in our household, compared with pre-Covid 19	16.7%

*If your use of licensed vehicles is expected to change, could you tell us the reason for this? [Decrease]*

CYC have prevented taxis going where I need to go at a time I need to get there.	3.3%
I will no longer be accompanying my mother to hospital appointments as care home staff do so instead	3.3%
I will not be going out as much, to pubs, clubs or restaurants etc, compared with pre Covid-19	40.0%
I will use a car more often or get lifts from friends or family	13.3%
It is likely to be too difficult to obtain a taxi or private hire car when I need one	36.7%
My car replaces walking, Because I cant access the city centre I wont be able to go out as much if at all to socialise in York centre	3.3%

*Do you have regular access to a car or van for personal transport use?*

Yes - most of the time or always	74.2%
Occasionally	4.0%
Sometimes	5.3%
No	16.6%

*Are you a permanent resident in the City of York Council area?*

Yes	96.7%
No, I am a visitor (on business / personal business)	3.3%
No, I am a visitor for another purpose	0.7%

*Which best describes your gender?*

Female	29.8%
Male	64.9%
Prefer not to say	3.3%

*Which of the following age groups do you fall into?*

16 - 29 years old	6.0%
30 - 64 years old	77.5%
Over 64 years old (65+)	13.9%

*Do you consider yourself to have a disability?*

Yes	12.6%
No	86.8%
Over 64 years old (65+)	0.0%

*How would you describe your ethnic group, using the following standard UK Government groupings?*

White - English, Welsh, Scottish, Northern Irish or	90.1%
White - Gypsy or Irish Traveller	0.7%
White - Any other White background	2.1%
Mixed or Multiple ethnic groups - Any other Mixed	1.4%
Asian or Asian British - Indian	1.4%
Asian or Asian British - Any other Asian background	1.4%
Black, African, Caribbean or Black British - Caribbean	0.7%
Other ethnic group - Arab	0.7%
Other ethnic group - Any other ethnic group	1.4%

*Thank you for your patience and cooperation completing this survey. Are there any further comments that you would like to make?*

- All Hackney carriage vehicles should be able to use York rail station
- From talking to drivers I think the authority should promote and help the trade more. How can a driver afford to spend 70k on a new electric vehicle it's a huge increase on possibly an average spend of 10k-15k. From talking to drivers they say they would just licence with another authority.
- get rid of the illegal taxi company Uber who are operating illegally
- Get rid of Uber sort out the wolves drivers and there won't be no issues with taxis in York
- I believe that by restricting Uber to be registered in York you are disallowing my the freedom to make my own choice of who I wish to travel with.
- I don't understand why the ethnicity of people filling in this survey is in any way relevant? I would be very interested to hear your reasoning and logic behind that question? Taxi drivers do not discriminate so why would you?
- I think that we need to give the drivers a break where money is concerned because they've had a really tough time and I do chat in the car with them and they are worried about money
- I wish more drivers when arriving to pick you up would get out of the car and ring the doorbell rather than just honk the horn

- I wish the council would get to grip with the vehicles that are not licensed in York . I always check and refuse to get in any vehicles not licensed by the local council
- I would like to acknowledge the taxi licensing team I have had to contact them before they are excellent, helpful and professional. Thank you
- If Uber haven't got a licence to operate in the York area why do you still allow it .most of drivers are from out of the York area and take some horrendous risks with road laws and passengers lives and no I have never used one and don't intend to
- If you are going to charge/tax the local drivers more you must first remove the unfair competition you currently allow of letting non York licenced cars steal their trade.
- Improvements to the taxi provision and service need to be part of a massive improvement in public transport facilities serving the central area of the city, which are at present pretty poor.
- It's a disgrace to have out of town ubers in our city. We should be supporting our local taxis.
- PLEASE REINSTATE THE UBER LICENCE SO LOCAL DRIVERS CAN JOIN.
- Please will taxi licensing do everything in their power to remove Uber Cars from York. They are taking business from local registered drivers
- Pre-Covid it was a nightmare on a weekend evening in December managing to book any kind of taxi/private hire vehicle. Seems like half of York wants to travel this way and massive long waiting times (an hour or so) to do so. It was a relief when Uber came to York as at least it meant that you didn't have to book a vehicle at 10a.m on a Saturday morning for that night when you never really know when you want to be picked up. What a refreshing change a couple of years ago to book an Uber actually AT midnight on a Saturday in December and be home 20 minutes later, completely unheard of with any other taxi/private hire company ever. Perhaps that why York taxi/private hires have such dislike of Uber when the service is far far faster. Frankly I don't care whether they've come from the moon, any company that can get me home that quick gets my business!
- Some dreadful driving from apparently professional drivers. Running red lights, speeding and trying to complete jobs as quickly as possible. Really not good. Understand York traffic dreadful but not an excuse.
- St Saviourgate rank requires rank marshal's like at the minster
- Stop allowing people to own more than 1 taxi plate. The reason there may be a shortage of taxis at the moment is because you have people who own 4-5 taxis plates and they are sat on that persons drive way unused because they are charging too much to rent them and so no one wants to pay the money I estimate at least 50 taxis out of the 183 plates in York are currently been unused. That's were the



problem is. Only the council can fix that. Take the plates back and give them to drivers who will use them

- Stop out of area private hire. The need sat navs and one had a working screen playing a video. Shocking.
- Stop Uber and out of town driver coming in York
- Stop Uber drivers from working in York. They are taking business away from local people.
- Taxi availability is shocking currently including private hire
- The cost to pensioner
- The council are continuing to allow out of town private hire drivers to operate in York. I know for a fact that a number of York licensed drivers have left the trade in protest as they have seen their earnings being eroded and the council do nothing to protect them from this. This in turn leaves less drivers in York. Make the job more attractive and more people will drive taxis.
- The questions about vehicle safety are not accompanied by any data so it is virtually impossible to have an informed opinion. Also, you are not asking questions about the behaviour of taxis on the roads. I think this is very relevant especially speeding and going through red lights which I have witnessed both as a cyclist, pedestrian and a passenger.
- The taxi/private hire trade in general across the whole country needs to be better regulated and prevent vehicles from other cities operating in areas where they don't hold a license to operate.
- There are more issues with private hire vehicles than hackney carriages in York. The council should be giving permits to allow other firms to operate in York. There are not enough taxis in York. The council should also be carrying out inspections as some of the drivers at the current taxi companies are rude, swear and make racist comments. We have witnessed this on a number of occasions so thought it was worth mentioning.
- This is a ridiculous and undemocratic survey. It has been sent out late and is only available to people who can connect digitally. You should be ashamed that not everyone has been given the time or Accessible options to fill this form in.
- We only moved here this year but getting a minicab seems to have got worse and worse since summer. I have often had to abandon journeys to places not served by public transport because none were available for hours. It also means I cannot use shops in retail parks if I need to bring back anything that won't fit on the bus
- Why are there questions about private hire in a Hackney carriage unmet demand survey?
- Will York council even consider anything that a disabled person has to say now that we are relegated to 3rd class citizens. York council are dehumanising disabled people with their actions to eliminate them as far as possible from taking part in everyday activities in York. It feels like the council are trying to make York disabled free, to cause

friction by implying that letting blue badge holders access to the banned streets with the huge barriers are the security risk. How long before disabled people are viewed as potential terrorists by the able bodied public because of the council linking blue badge parking/access with potential acts of terrorism. Perhaps you should ban tourists with suitcases, large bags, cyclists with food delivery bags, or why not simply ban everyone from York City centre. I travelled in London and on the tube trains and in Birmingham during the 1970s and was never experienced discrimination in the way I now am in York. I worked in buildings that were evacuated due to bomb threats, you didn't let these people win and make you fearfully of living your life. York Council are doing this all by themselves. Terrorists must love you achieving part of their aims for then, creating fear and suspicion. But hey, York Council and the tourists rule.

- Yes get your priorities rights . You removed Ubers license to operate in York yet they steal the trade of York drivers park where they want give nothing to our city. And you sit back in your ivory towers & do absolutely nothing to stop them.
- Yes, why do you let the company uber operate here when they don't have a operator's licence sec46 1d lgmp act 1976 also sec 75 1a states a vehicle cannot make itself available for hire in another licensed area so why are you letting them get away with what they are doing.
- Yes, we need Uber back as they are superior in every respect.
- York drivers need help after covid. Not more rules /regulations which usually incur costs.

## 5 Key stakeholder consultation

The following key stakeholders were contacted in line with the recommendations of the BPG:

- Supermarkets
- Hotels
- Individual pubs / night clubs
- Other entertainment venues
- Restaurants
- Hospitals
- Police
- Disability representatives
- Rail operators

Comments received have been aggregated below to provide an overall appreciation of the situation at the time of this survey. There were no specific cases or stakeholders with comments. The comments provided in the remainder of this Chapter are the views of those consulted, and not that of the authors of this report.

Our information was obtained by telephone, email or letter as appropriate. The list contacted includes those suggested by the Council, those drawn from previous similar surveys, and from general internet trawls for information. Our target stakeholders are as far as possible drawn from across the entire licensing area to ensure the review covers the full area and not just specific parts or areas.

For the sake of clarity, we cover key stakeholders from the public side separately to those from the licensed vehicle trade element, whose views are summarized separately in the following Chapter.

### **Supermarkets**

Feedback from supermarkets indicated that Freephones in the supermarkets, or mobile phones were generally used to book travel by licensed vehicles. None of the representatives contacted were aware of any notable issues with the availability of licensed vehicles for customers. Some respondents felt that freephones were used less frequently nowadays, as most people used mobile phones to arrange for a pickup.

### **Hotels**

None of the hotels contacted indicated that they had a Freephone facility for any particular private hire company. However, some did say that they worked with or had an account with a Private Hire Operators. No hotels indicated that there were any issues with availability of licensed vehicles, .

### **Public houses & Night Clubs**

A selection of public houses were contacted by telephone to seek their views on the availability of licensed vehicles. None had any direct involvement in

booking services for customers. However, many indicated that they were aware of lengthy wait times at closing time. Discussions were also undertaken with some door staff. They also indicated that there can be lengthy wait times at night.

Respondents also indicated that some of the ranks in York, which were relatively close to night time economy venues were not used. In particular, the ranks on Micklegate and Clifford Street were close to nearby licensed premises, but never used for hackney carriages to rank up.

### ***Other entertainment venues***

No issues identified. Few venues had any awareness of what public transport modes visitors used.

### ***Restaurants***

No issues identified. Customers generally made their own travel arrangements and left before peak demand times for taxis.

### ***Hospitals***

Freephone generally used if required. Licensed vehicles frequently set down and pick up from the hospital. Generally understood that patients pre-book most trips.

### ***Police***

No responses received.

### ***Disability***

Comprehensive responses were received from disability representatives, which are collated in this section, by subject area. Much of the material was provided by the York Disability Rights Forum, who consulted with their members and provided aggregated feedback.

There was one good experience reported: "Streamline were great and often squeezed me in even if really busy." The member got to know a few of the drivers who had WAVs and built up a good rapport with them.

Most people had negative responses and there seem to be some key themes:

- Unreliable: Not being able to rely on the services means having to build in failure
- Book: Having to book further in advance than non disabled people and not being able to book online due to lack of info about kind of vehicle
- Unavailable: Lack of available wheelchair vehicles, especially at certain points when there can be none available on a regular basis
- The vehicles themselves
- Attitudes and assumptions

### *Unreliable: - Some examples*

"I have a powerchair which I use independently, and a manual chair which requires someone to push me as I can't self propel, this means unless my destination includes meeting someone or travelling with someone, I have to travel in my powerchair.

However, it's difficult to book a powerchair accessible taxi and I've had so many cancel on me at the last minute that I can't rely on them to travel. This means I have to build into my plans enough time to panic and get to my destination another way, or only book taxis when I can cancel my plans."

Another person told us about how sometimes they'd get told the wheelchair taxi was no longer available and they'd send a standard car.

Agreeing to bookings without appropriate vehicles being available has led to people being late to appointments or having to cancel them.

### *Unavailable: - Some examples*

Wheelchair accessible taxis seem to be entirely unavailable during the school run. This affects people's ability to use taxi's to get to and from work. One of our members feels this was a key factor in her having to stop working. Further, if she got to work ok, she wasn't always able to get home - a taxi cancelling on her at the end of the day left her stranded a number of times.

Further to the lack of available wheelchair accessible taxis during the school run, there are also not many running at night and they require prebooking. This means you have to decide, before you go out for a drink or whatever, when you want to return home. Non disabled people don't have to do that, they can turn up at a taxi rank and know they will get home. The lack of security about whether the taxi will turn up adds anxiety to a night out and means some people book a return journey home earlier than they'd like, to allow for it not to turn up and then having to frantically ring round and see if any taxi company can get me home.

At peak points such as Saturday nights, our members have been told that they can't book an accessible taxi as the call handler didn't know if any would be available.

### *Attitudes: - Some examples*

Taxi drivers, when making polite conversation, tend to ask inappropriate questions such as what did you do or what's wrong with you.

One member used to travel to London by train in a powerchair and when booking for 5am or 6am, she'd get comments about it being really early and what was she doing up at that time. Her husband does not get those comments when booking for taxis for his own trips to the train station early in the morning. He doesn't use a wheelchair.

It has also been assumed that she wouldn't need an accessible taxi because it was so early. Sending an inappropriate taxi meant she has nearly missed her train, meaning she has to book taxis earlier to allow for errors.

Assumptions about wheelchairs themselves have meant people are refused a trip - eg a folding taxi was assumed to be not folding, or drivers refusing to lift a wheelchair into the boot.

Someone told us about a driver who had claimed to know better than the disabled person themselves and manoeuvred their leg in a way that caused significant pain. The driver then huffed and puffed about how long it took to get them in.

The call handlers have been rude to a number of our members - telling one that it was her fault they couldn't get a vehicle to her as she hadn't told them her needs when she had. Another reported having to ring repeatedly to ask where her taxi was when it was half an hour late and being made to feel like a pain for calling.

#### *The vehicles themselves: - Some examples*

A carer for a child with complex needs told us that he won't sit in the front of a taxi with a stranger (the driver) but as the parent is a wheelchair user and most accessible taxis only have space for the wheelchair user in the rear. This means they have to book very far in advance to get a much larger vehicle. This is also an issue for disabled parents who have very young children who need to be within reach of the parent.

The minibus style taxis have a little plastic step which is reported to be of little help.

It was reported that the electric London cabs are good.

"I have had two ramps fail on me. One was a plastic tray style ramp which wasn't attached properly and slipped when I was half way down the ramp. This left me in my wheelchair half way down the ramp unable to move forward or backwards. The driver had to get the help of a stranger to get me off the ramp. Powerchairs are heavy... The second time was a lift ramp and the driver told me I had reversed far enough back for her to begin lowering it. Reassured me when I checked with her and then she pressed the button and it turned out my front wheels were still on the vehicle floor... Instinct essentially saved me, I powered the chair forward which kept me

perched half on the lift half on the vehicle floor whilst she put the lift back up. Even thinking about it now scares me. It makes me very anxious to use that type of vehicle.”

### *Anxiety*

There is definitely anxiety around using taxis and that has led to some of our [York Disability Rights Forum] members trying to avoid using them entirely. Personally speaking, before I got my WAV, if I had an important appointment that I couldn't be late for, I'd use my manual wheelchair which meant I needed a carer with me as I can't self propel. Even then, I had to leave enough time for a taxi to turn up, not have space in the boot because the message about that hadn't been passed over, and having to book another taxi. I was always anxious and anxiously checking out the window to see if they were coming.

When I was working and using crutches, I was slow and taxis would turn up to take me home, send a text to say they were there and then if I wasn't at the taxi within a tiny amount of time, they'd leave. At the end of a working day I was in agony and having to get to the pick up point only to find they hadn't waited a couple of minutes was devastating.

The negative experiences do mean that disabled people use taxis less often than they might otherwise. It no longer seems like an easy or straightforward option. And having to ring to book is off putting to a lot of our members who can't use a phone, are deaf and need additional accessibility (such as someone who's deaf and a wheelchair user), or don't like using them because of phone related anxiety. I think being able to reliably book through an app like everyone else would help a lot, or by text.

I think more availability of accessible taxis, both to prebook and adhoc use, would help reduce some of those issues that I outlined which in turn could help encourage more use of them. If that was something that was going to happen, I think some publicity around it would help disabled people to realise that things might have changed.

### ***Rail and other transport operators***

No response was received from the railway operator. However, rail station staff indicated that passengers often had to wait at the rank for taxis to arrive. Passenger queues sometimes lasted long after a busy train had arrived. The number of passengers alighting at York Station was lower, compared with pre-Covid times. However, the numbers were increasing.

### ***Businesses***

Feedback was limited. Visitor numbers were reduced for business travel, with more people using video meetings, rather than travelling [compared

with pre-Covid times]. When required, licensed vehicles were generally pre-booked without any issue.



## 6 Trade stakeholder views

The BPG encourages all studies to include 'all those involved in the trade'. There are a number of different ways felt to be valid in meeting this requirement, partly dependent on what the licensing authority feel is reasonable and possible given the specifics of those involved in the trade in their area.

For this survey, an online questionnaire was prepared and circulated to the trade. However, response was very poor, with only two responses received.

Trade representatives were consulted by telephone to discuss features of the trade and current conditions. Information gathered from discussions with trade representatives and the two online responses have been combined and summarised in this chapter.

***The following views were provided by members of the trade and are not the opinion of LVSA.***

The impact of Covid-19 mitigation measures had significantly influenced the level of demand for licensed vehicles and the supply of licensed vehicles to meet demand.

A common response from the trade was that the number of licensed vehicle drivers operating in the trade had dropped significantly. This reduction applied to both hackney carriage and private hire drivers.

It was felt that some drivers had left the trade temporarily, whilst demand had dropped, in order to undertake other work. It was felt by some representatives, that some of those drivers would not return to the trade, once demand increased.

It was thought that those drivers who didn't own the licensed vehicles that they drove, were more likely to be amongst those who had left the trade.

Some owners of licensed vehicles were faced with recurring fixed costs, whilst income had reduced, owing to the effects of Covid on passenger demand. Consequently, some of these licensed vehicle owners felt obliged to continue to trade, despite the reduced level of demand.

By October 2021, when the rank surveys were undertaken, the number of licensed drivers working was still down on pre-Covid levels. It was perceived that passenger demand was also down on pre-Covid levels.

Demand for pre-booked hires, for both private hire vehicles and hackney carriages, exceeded the levels of availability at times. This was a particular issue during traditional peak periods on Friday and Saturday nights.

Demand rebounded after July 2021 and the increase in demand generally outpaced the increase in supply, from drivers returning to the trade. Drivers were generally returning to the trade, in response to rising demand and

increased opportunity to earn income from driving hackney carriages and private hire vehicles. This increase in drivers returning to the trade changed dramatically with the Covid Omicron variant related lock down measures. Demand dropped dramatically overnight and many of the drivers, faced with sudden loss of income again, once again left the trade to seek out other opportunities for earning an income.

Looking back to the time of the taxi rank surveys in October 2021, the number of drivers working in the trade was still increasing slowly.

There were still some limitations to operation, with no passengers allowed in the front seat of vehicles and limitations with respect to mixed household groups. These restrictions had an impact on some contract work, such as medical transport. Whereas during pre-covid times, a licensed vehicle could typically transport up to 4 passengers, from different households, to and from hospitals and other medical facilities. However, in order to avoid mixing passengers from different households, each passenger required a separate vehicle to make the equivalent journey. Consequently, the increased usage of vehicles for contracts, reduced the availability of these vehicles for other hires.

Much of the traditional demand for licensed vehicles is for corporate and contract work. The demand for corporate hires reduced significantly, with directives to work from home where possible and the use of video conferencing rather than travelling for business meetings. The reduction in corporate travel and transfers to and from airport had a significant impact on licensed vehicle businesses which focused on these sectors. Several operators who had focused on these areas of work had ceased operation and put their vehicles up for sale.

Lack of business travel and encouragement to work from home have both influenced use of rail and bus services. Rail passenger numbers reduced significantly during the Covid outbreak. By October 2021, rail passenger numbers had recovered somewhat, but were still below normal pre-Covid levels. Trade feedback suggested that bus usage had reduced, owing to reduced commuting and preference to travel by licensed vehicles. Some trade members suggested that passengers felt that there was less chance of contracting Covid in a licensed vehicle than on a bus. Furthermore, some bus services were running to reduced schedules, forcing some bus passengers to switch to using licensed vehicles as there were no suitable bus services for some journeys.

Some hackney carriages are 'double driven'. This describes hackney carriage vehicles which are driven by more than one driver. For example, one driver may cover daytime hours and another driver covers the night time trade. The number of hackney carriages which are double driven, has dropped. In some instances, this has left the owner as the only driver. In

other instances, this has left some vehicles without any drivers, for example, where multiple hackney carriages are operated by a single owner.

Lack of drivers available and willing to rent hackney carriages, which are not normally driven by their owners, was a recurring issue, identified within the trade. Consequently, the consensus of opinion was that some hackney carriages were either un-used, or were being used for purposes other than public hire, such as for deliveries. This has contributed to a shortage of hackney carriage availability.

The trade questionnaire asked for opinions regarding potential measures to introduce age limits for licensed vehicles and more stringent tests for licensed vehicles. The consensus of opinion was that age did not always necessarily directly relate to the fitness of a vehicle to undertake licensed vehicle hires. It was felt that older well maintained vehicles were often in better condition than newer vehicle which were not so well maintained. It was widely expressed that maintenance standards were more important than age limits.

Whilst the standard of maintenance is recognised as important for licensed vehicles conveying members of the public, there was a widely held belief that the standard MOT test was sufficient for assessing the mechanical condition of vehicles.

There was some approval for relaxing the standards for tinted windows, towards manufacturers standard fittings. However, opinion was not as strongly expressed as opinions over vehicle age and condition tests.

Some respondents recognised the value of an all black fleet of hackney carriages for public recognition. However, there was some disapproval, related to additional costs related to the restricted scope for purchasing new vehicles.

When considering the use of fully electric vehicles as hackney carriages, there is some support, as the running costs of such vehicles can be lower than internal combustion powered vehicles, however, the initial costs are generally higher.

There is some concern about the range available in fully electric vehicles and the time taken to recharge.

When considering the suitability of electric vehicles and the range available to them, it is tempting to focus on those with larger battery capacity and longer range. Many such vehicles can cover more than 300 miles on a single charge. However, the range is dependent on some other factors, such as use of heating or air conditioning. Use of either of these features can significantly reduce the range available.

It is also worth considering the type of work undertaken, when evaluating electric vehicles. For example, some hackney carriage drivers will typically

pick up fares through the day which involve journeys generally less than a 20 mile round trip, from the rank and back. Normally, when undertaking such work, a range of around 300 miles on a single charge, will be sufficient to complete a normal shift, with range to spare. However, if the vehicle is 'double driven', i.e. used by multiple drivers, then there may not be sufficient time to re-charge the vehicle fully between driver shifts. This would reduce the effective range available to the second driver.

In York, the hackney carriages which operate from the Railway Station, often undertake hires on behalf of the rail operating company. These hires often involve transferring passengers over significant distances. Such events are commonplace and generally occur several times per month. Train cancellations, which require such transfers occur more commonly later in the day. As such, if the hackney carriages which are used on such hires, were electric vehicles, they may be low on charge towards the end of a working shift. If electric vehicles have to re-charge en-route, with a passenger on board, this is not likely to find favour with the passenger.

Whilst the rank surveys were undertaken in October 2021, the discussion with trade representatives was undertaken in January and February 2022. Respondents indicated that whilst the number of drivers working in the trade has not recovered to pre-Covid levels, there are more drivers working than were operating during October. Respondents also indicated that there were still not sufficient vehicles in operation to cover all demand at all times, but passenger waiting was at a lower level than observed in October.

## 7 Evaluation of unmet demand and its significance

It is first important to define our specific view about what constitutes unmet demand. Our definition is when a person turns up at a Hackney Carriage rank and finds there is no vehicle there available for immediate hire. This normally leads to a queue of people building up, some of who may walk off, whilst others will wait till a vehicle collects them. Later passengers may well arrive when there are vehicles there, but because of the queue will not obtain a vehicle immediately.

There are other instances where queues of passengers can be observed at Hackney Carriage ranks. This can occur when the level of demand is such that it takes longer for vehicles to move up to waiting passengers than passengers can board and move away. This often occurs at railway stations, but can also occur at other ranks where high levels of passenger arrivals occur. We do not consider this is unmet demand, but geometric delay and although we note this, it is not counted towards unmet demand being significant.

The industry standard index of the significance of unmet demand (ISUD) was initiated at the time of the introduction of section 16 of the 1985 Transport Act as a numeric and consistent way of evaluating unmet demand and its significance. The ISUD methodology was initially developed by a university and subsequently adopted by consultants undertaking the surveys made necessary to enable authorities to retain their limit on Hackney Carriage vehicle numbers. The index has been developed over time to take into account various court challenges. It has now become accepted as the industry standard test of if identified unmet demand is significant.

The index is a statistical guide derived to evaluate if observed unmet demand is in fact significant. However, its basis is that early tests using first principles identified based on a moderate sample suggested that the level of index of 80 was the cut-off above which the index was in fact significant, and that unmet demand therefore was such that action was needed in terms of additional issue of plates to reduce the demand below this level, or a complete change of policy if it was felt appropriate. This level has been accepted as part of the industry standard. However, the index is not a strict determinant and care is needed in providing the input samples as well as interpreting the result provided. However, the index has various components which can also be used to understand what is happening in the rank-based and overall licensed vehicle market.

ISUD draws from several different parts of the study data. Each separate component of the index is designed to capture a part of the operation of the

demand for Hackney Carriages and reflect this numerically. Whilst the principal inputs are from the rank surveys, the measure of latent demand comes from the public on-street surveys, and any final decision about if identified unmet demand is significant, or in fact about the value of continuing the current policy of restricting vehicle numbers, must be taken fully in the context of a careful balance of all the evidence gathered during the survey process.

The present ISUD calculation has two components which both could be zero. In the case that either are zero, the overall index result is zero, which means they clearly demonstrate there is no unmet demand which is significant, even if other values are high.

The first component which can be zero is the proportion of daytime hours where people are observed to have to wait for a Hackney Carriage to arrive. The level of wait used is ANY average wait at all within any hour. The industry definition of these hours varies, the main index user counts from 10:00 to 18:00 (i.e. eight hours ending at 17:59). The present index is clear that unmet demand cannot be significant if there are no such hours. The only rider on this component is that the sample of hours collected must include a fair element of such hours, and that if the value is non-zero, review of the potential effect of a wider sample needs to be considered.

The other component which could be zero is the test identifying the proportion of passengers which are travelling in any hour when the average passenger wait in that hour is greater than one minute.

If both of these components are non-zero, then the remaining components of the index come into play. These are the peakiness factor, the seasonality factor, average passenger delay, and the latent demand factor.

Average passenger delay is the total amount of time waited by all passengers in the sample, divided by the total number of passengers observed who entered Hackney Carriages.

The seasonality factor allows for the undertaking of rank survey work in periods which are not typical, although guidance is that such periods should normally be avoided if possible particularly as the impact of seasons may not just be on the level of passenger demand, but may also impact on the level of supply. This is particularly true in regard to if surveys are undertaken when schools are active or not.

Periods when schools are not active can lead to more Hackney Carriage vehicles being available whilst they are not required for school contract work. Such periods can also reduce Hackney Carriage demand with people away on holiday from the area. Generally, use of Hackney Carriages is higher in December in the run-up to Christmas, but much lower in January, February and the parts of July and August when more people are likely to

be on holiday. The factor tends to range from 0.8 for December to 1.2 for January / February.

There can be special cases where summer demand needs to be covered, although high peaks for tourist traffic use of Hackney Carriages tend not to be so dominant at the current time, apart from in a few key tourist authorities.

The peakiness factor is generally either 1 (level demand generally) or 0.5 (demand has a high peak at one point during the week). This is used to allow for the difficulty of any transport system being able to meet high levels of peaking. It is rarely possible or practicable for example for any public transport system, or any road capacity, to be provided to cover a few hours a week.

The latent demand factor was added following a court case. It comes from asking people in the on-street questionnaires if they have ever given up waiting for a Hackney Carriage at a rank in any part of the area. This factor generally only affects the level of the index as it only ranges from 1.0 (no-one has given up) to 2.0 (everyone says they have). It is also important to check that people are quoting legitimate Hackney Carriage rank waits as some, despite careful questioning, quote giving up waiting at home, which must be for a Private Hire Vehicle (even if in Hackney Carriage guise as there are few private homes with taxi ranks outside).

The ISUD index is the result of multiplying each of the components together and benchmarking this against the cut-off value of 80. Changes in the individual components of the index can also be illustrative. For example, the growth of daytime hour queueing can be an earlier sign of unmet demand developing than might be apparent from the proportion of people experiencing a queue particularly as the former element is based on any wait and not just that averaging over a minute. The change to a peaky demand profile can tend towards reducing the potential for unmet demand to be significant.

Finally, any ISUD value must be interpreted in the light of the sample used to feed it, as well as completely in the context of all other information gathered. Generally, the guide of the index will tend not to be overturned in regard to significant unmet demand being identified, but this cannot be assumed to be the case – the index is a guide and a part of the evidence.

### ***York ISUD value encompassing results from all rank surveys***

For the 2021 survey in, York, average passenger delay was 3.56 minutes (3 minutes 34 seconds).

Passenger waiting was observed in 18.8% of off peak periods.



78.7% of passengers travelled in hours when there was an average wait of over a minute.

The demand profile did exhibit highly peaked demand, resulting in a factor of 0.5 being used.

The seasonal factor is 1.0.

The latent demand factor was 1.27.

**Table 2 ISUD Components**

ISUD component	2021	2017
Average passenger delay	<b>3.56</b>	0.90
Off peak hours with notable queues(3 or more people)	<b>18.8</b>	15.94
% of passengers travelling in hours with average queue over a minute	<b>78.7</b>	32.10
Seasonal factor	<b>1.0</b>	1.0
Peak factor	<b>0.5</b>	0.5
Latent demand factor	<b>1.27</b>	1.185
Overall ISUD index estimate	<b>3,344.7</b>	272.7

The resultant ISUD value of **3,344.7** is greater than the value of 80 that would suggest the observed unmet demand might be significant. Consequently, this suggests that there is **significant unmet demand**.

The railway station rank is limited to those hackney carriage drivers/owners who pay for a permit to pick up from the rank. If such restricted private ranks have an undue influence on the overall assessment of unmet demand, it is prudent to consider the index value, when restricted ranks are excluded. Therefore, the ISUD value, excluding the results from the Railway Station rank have also been calculated.

***York ISUD value excluding results from the Railway Station rank***

**Table 3 - ISUD Components, excluding Railway Station**

ISUD component	2021
Average passenger delay	3.08
Off peak hours with notable queues(3 or more people)	13.9
% of passengers travelling in hours with average queue over a minute	52.3
Seasonal factor	1.0
Peak factor	0.5
Latent demand factor	1.27
Overall ISUD index estimate	1,421.8



The resultant ISUD value of **1,421.8** is higher than the value of 80 that would suggest the observed unmet demand might be significant. Consequently, this suggests that there **is significant unmet demand** across all public ranks.

### ***ISUD conclusions***

There was evidence of extensive passenger waiting at public ranks. The degree to which passengers had to wait has been analysed in the context of all passengers travelling in all time periods. On public ranks the Hackney Carriage fleet was often unable to address demand at peak times, for the majority of passengers. At the Railway Station, observed passenger waiting occurred more frequently than at the public ranks and for longer periods.



## 8 Summary and study conclusions

Public perception of availability of Hackney Carriages identified frequent requirements to wait at ranks for hackney carriages to arrive. This was corroborated by the observed level of passenger waiting. Approximately 54% of all intending passengers had to wait for a hackney carriage to arrive at the rank. The average wait time for those waiting passengers, was around 6 and a half minutes.

Passenger waiting was observed at all of the active taxi ranks. Passenger waiting occurred at various times of day, including peak periods and off peak periods.

The reduced level of hackney carriage availability appeared to have been most obvious during higher periods of demand on Friday and Saturday nights.

There was no indication from trade feedback that active drivers were particularly avoiding working on Friday and Saturday nights. Indeed, during the 2021 rank surveys, the number of hackney carriages working during these periods of higher demand was higher than at other times of day. However, the proportionate increase in availability during peak periods of demand, compared with other periods, was lower than the proportionate increase observed in 2017. This feature suggests a change in operational practices amongst drivers who are still active within the trade.

The average time that hackney carriages spend waiting at the ranks has been reduced, compared with the wait times observed during the 2017 surveys. This, in turn, suggests that working hackney carriages were picking up more fares per hour during the 2021 survey than during the 2017 survey. Some drivers operate to a 'target' level of income each day. Once they have reached their daily target, they may go off duty. Consequently, with fewer and busier hackney carriages operating from the ranks, the time spent working, until the target income is reached, may be shorter than pre-Covid times. These factors are likely to result in the situation where, with fewer hackney carriages working, each of those hackney carriages may obtain hires at a faster rate and need to work fewer hours. With hackney carriages spending less time at the ranks, availability of hackney carriages servicing rank based demand is further reduced.

Working late night shifts, especially Friday and Saturday nights, can be unpopular with drivers. If drivers can earn sufficient income from hires at other times of day, they may be more inclined to avoid working on Friday and Saturday nights. This factor may go some way to explain why the profile of hackney carriages working during each hour, does not rise proportionately as much, during peak periods on Friday and Saturday nights, in the 2021 survey, as it did in the 2017 survey.

The rank survey results tend to corroborate the following feedback obtained from the trade and views expressed by the public and stakeholders:

- There are fewer drivers available to drive hackney carriages, compared with pre-Covid times
- Working patterns and working hours for drivers have changed since pre-Covid times
- Some hackney carriage vehicles are not in regular operation and are not servicing demand at taxi ranks
- Patterns of demand for hackney carriages has changed since pre-Covid times. For example, less business travel, fewer rail passengers and some transfer of demand from buses.
- Passenger waiting at taxi ranks has increased, with the majority of passengers facing a wait to obtain taxis at the ranks.
- The availability of hackney carriages to meet demand, during the rank surveys, was not sufficient.

Responses from the public generally indicated that the quality of hackney carriage vehicles is good. Drivers quality is generally good, with some exceptions. Many respondents felt that the availability of hackney carriages at the ranks was poor at times.

Some respondents indicated that they felt unsafe or threatened at times at the ranks. These concerns related mostly to drunken crowds and poor queue discipline. Such problems are exacerbated by limitations in the availability of hackney carriages at the ranks.

Disabled consultees felt that there were issues with availability of suitable vehicles and suitable levels of service. These issues included:

- Availability of wheelchair accessible vehicles,
- Ability to handle wheelchairs and their passengers safely and in a way that ensured passengers were confident in the driver's skill and experience.
- Lack of understanding and empathy with disabled users' needs, such as understanding that hearing impaired people may not hear a horn sounded on arrival, or mobility impaired people may require time to approach a vehicle, or visually impaired people may not be able to see the door to the vehicle, to embark easily.

In addition to the issues identified above, disabled users feel that the lack of freedom to use licensed vehicles in the same way as able bodied travellers can limit how often they can travel. For example, booking a licensed vehicle to travel to a restaurant and taking a hackney carriage home from a rank, may be more challenging for people with disabilities, than for other members of the public. Limitations in choice, limitations in reliability and the need to pre-plan contingencies can limit travel to only the most essential trips, rather than discretionary and ad-hoc last minute trips. In addition, the limitations and challenges can increase anxiety about

reliance on licensed vehicles for travel and the potential risk of missing appointments and of not being able to get back home.

Lack of availability of wheelchair accessible during school run times was mentioned as a particular problem. Availability of licensed vehicles during school run times is a common issue and generally affects all travellers. However, it is the nature of school contract requirements that in fleets with limited numbers of wheelchair accessible vehicles, school transport contracts tend to utilise a higher proportion of available wheelchair accessible vehicles in the fleet, than of saloon cars. It should also be borne in mind that not all licensed vehicle drivers who are engaged in transporting children to and from schools, are engaged on school contracts. Some of these trips are parents or grandparents, who are licensed vehicle drivers, taking their own children to and from school.



## 9 Recommendations

On the basis of the evidence gathered, our key conclusion is that there **is significant unmet demand**.

The information gathered indicates that there is a shortage of drivers to operate hackney carriages. This has led to some hackney carriages being operated for shorter durations each day, compared with pre-Covid times. Furthermore, some hackney carriages are not operating at all, or are operating on a limited basis.

The licensing authority are free to choose to retain or remove a limit on Hackney Carriage licenses and to set a limit at whatever level they see fit, the conclusion of this report is that there is a need to consider measures which will either strongly encourage increased utilisation of existing hackney carriages licensed in York, or introduce additional hackney carriages to the fleet, in the expectation that the availability of new vehicle licences will encourage more drivers to return to the trade, or join the trade.

If a decision to issue additional licences is made, consideration should be given to potential conditions attached to these licences, such as limiting additional licences to wheelchair accessible vehicles only.

### Quantity of additional licences required

The number of additional hackney carriage vehicle licences required has been calculated. The aim of introducing additional licences would be to reduce the level of unmet demand to a level which would not be considered significant.

The most memorable waiting events, from the perspective of hackney carriage users, occurred during peak periods on Friday and Saturday nights. If an attempt were made to introduce sufficient new hackney carriage vehicle licences to cater for these peaks of demand, this would be likely to have an adverse impact on the quality of service at other times. The more practical solution is to introduce sufficient additional licences to cater for normal weekday daytime demand. The additional capacity would also affect the peak periods at the weekend and reduce passenger waiting at peak times as well.

When introducing additional hackney carriage licences to the fleet, it is not generally possible to mandate the times of operation of these plates. For example, some may be operated by multiple drivers; some may focus on daytime work; some may focus on peak period work; some may favour rank based hires; some may focus exclusively on rank based hires and some may undertake mainly pre-booked hires. Consequently, when determining how many additional licences are required to meet demand, it is assumed that the various ways in which newly licensed vehicles are operated, will be similar to existing licensed hackney carriages.

The calculated increase in the number of plates was determined by applying a proportionate increase to the number of hackney carriages which were observed to be working from the ranks, during the daytime hours on Thursday and Friday.

The Railway Station rank has a significant influence on the overall availability of hackney carriages and level of passenger waiting. However, hackney carriage access to the Railway Station rank is limited by permit and the ability of hackney carriages to meet demand at the Railway Station rank cannot necessarily be addressed by an increase in hackney carriage vehicle licences. Therefore, when assessing the number of additional licences required, the observations obtained at the Railway Station rank were excluded from the calculations.

It is understood that during the rank surveys, there were two hackney carriage licences which had been surrendered to the licensing team and which are to be re-issued in due course. Therefore, the number of additional licences required includes these two un-issued licences.

In order to reduce unmet demand to a level which is not significant, 9 more licences are required. These include the two un-issued licences, plus the addition of 7 more licences.



**Emission Standards**

The dates in the table below are the implementation dates for all new vehicle registrations. A car registered after the date listed is required to meet the relevant standard.

<b>Emission Standard</b>	<b>Implementation date for new vehicle registrations</b>
Euro 1	Jan-1993
Euro 2	Jan-1997
Euro 3	Jan-2001
Euro 4	Jan-2006
Euro 5	Jan-2011
Euro 6	Sep-2015

**York Fleet Breakdown (as of 27.04.2022)**

The tables below show the numbers and percentages of vehicles in the Hackney and Private Hire fleets that meet relevant emission standards. A breakdown of fuel types is also shown for information.

**Hackney**

<b>Hackney Number</b>					
<b>Euro</b>	<b><u>Petrol</u></b>	<b><u>Diesel</u></b>	<b><u>Hybrid</u></b>	<b>Total</b>	
<b>1</b>	0	0	0	0	
<b>2</b>	0	0	0	0	
<b>3</b>	0	2	0	2	
<b>4</b>	3	14	3	20	
<b>5</b>	13	25	39	77	
<b>6</b>	0	65	17	82	
				<b>181</b>	vehicles
<b>Hackney %</b>					
<b>Euro</b>	<b><u>Petrol</u></b>	<b><u>Diesel</u></b>	<b><u>Hybrid</u></b>	<b>Total</b>	
<b>1</b>	0.0	0.0	0.0	0.0	%
<b>2</b>	0.0	0.0	0.0	0.0	%
<b>3</b>	0.0	1.1	0.0	1.1	%
<b>4</b>	1.7	7.7	1.7	11.0	%
<b>5</b>	7.2	13.8	21.5	42.5	%
<b>6</b>	0.0	35.9	9.4	45.3	%
				<b>100.0</b>	%

Private Hire

Private Hire Number					
Euro	Petrol	Diesel	Hybrid	Total	
1	0	0	0	0	
2	0	0	0	0	
3	2	5	0	7	
4	8	38	3	49	
5	37	60	49	146	
6	8	174	88	270	
				<b>472</b>	vehicles
Private Hire %					
Euro	Petrol	Diesel	Hybrid	Total	
1	0.0	0.0	0.0	0.0	%
2	0.0	0.0	0.0	0.0	%
3	0.4	1.1	0.0	1.5	%
4	1.7	8.1	0.6	10.4	%
5	7.8	12.7	10.4	30.9	%
6	1.7	36.9	18.6	57.2	%
				<b>100.0</b>	%

## Summary of CYC Low Emission Taxi Grant Scheme

### CYC Taxi Grant Requirements

- Replacement petrol-hybrid vehicles eligible for the local CYC grant scheme need to be a minimum of Euro 6 standard and have CO<sub>2</sub> emissions of less than 100g/km
- To ensure compliance with state aid rules, vehicles eligible for the government's national plug-in grant, listed here: <https://www.gov.uk/plug-in-car-van-grants>, are not eligible to receive additional financial support through CYC's local grant scheme to assist with the purchase costs of the vehicle. Should drivers wish to purchase a vehicle listed on this website, CYC are able to offer financial support towards running costs (purchased and invoiced from an approved third-party supplier). This will not exceed a total value of £3000.
- The replacement vehicle should be purchased from a local main dealership, where available
- Trade in vehicles must be older than replacement vehicles purchased through the scheme
- To be eligible for CYC grant funding, the applicant must be a taxi driver licensed to work in York by City of York Council. The vehicle they are buying must be used as a taxi in York, with an intention to operate the vehicle in the city for a period greater than 12 months. Grant funded vehicles need to be presented for a minimum of 2 successive annual checks in York unless they are written off or the vehicle licence is surrendered.
- Replacement vehicle should meet all relevant City of York Council Taxi Licensing criteria

Proposed bandings are shown in the table below:

Vehicle type	AQ / Emissions Information	Indication of Government Plug in Grant Available (applicable to <u>new</u> vehicles only)	CYC Grant Available
Any vehicle (car, van, purpose built taxi etc.) eligible for the government's plug-in grant	See <a href="https://www.gov.uk/plug-in-car-van-grants">https://www.gov.uk/plug-in-car-van-grants</a> for eligibility criteria	See <a href="https://www.gov.uk/plug-in-car-van-grants">https://www.gov.uk/plug-in-car-van-grants</a> for eligible vehicles and associated grant levels.	Additional local grant fund of up to £3k to assist with vehicle running costs  (not available as an additional vehicle purchase price discount)
Euro 6 Petrol Hybrid / Plug-in Hybrid (vehicles not eligible for government's plug-in grant)	Must meet Euro 6 emission standard <u>and</u> have CO <sub>2</sub> emissions of less than 100g/km	No government grant available	20% of purchase price capped at £3k
Euro 6 Petrol or Diesel Wheelchair Accessible Vehicle	Must meet Euro 6 emission standard <u>and</u> Must be Air Index 'A' rated for NOx	No government grant available	15% of purchase price capped at £1.5k

Details of vehicles supported through the government grant can be found here:

<https://www.gov.uk/plug-in-car-van-grants>

The Air Index rating for a vehicle can be found at <https://airindex.com/search/>

The CO<sub>2</sub> rating can be found here: <https://carfueldata.vehicle-certification-agency.gov.uk/search-new-or-used-cars.aspx>

## Vehicle Types

These vehicles are purpose-built taxis and have CO2 emissions of less than 50g/km and can travel at least 112km (70 miles) without any emissions at all:

- Dynamo Taxi

The Dynamo taxi is 100% electric and comes with a side wheelchair access <https://www.dynamotaxi.com/why-dynamo/>

- LEVC TX



Photograph of LEVC TX by way of example (source: levc.com)

The LEVC TX is powered by a lithium-ion battery and features a petrol range extender to maintain the battery charge state. The battery always powers the motor and drives the vehicle. The range-extender acts as a backup generators and is only used to trickle-charge the battery to maintain its current state of charge. <https://www.levc.com/tx-electric-taxi/>

It can run in 3 different modes:

- 1) **Pure EV mode** - disables the range extender, using only electric power. This consumes no petrol and produces no emissions – a very effective option for inner-city driving. If the battery becomes depleted, an indicator advises the driver to select a different driving mode. This mode is only available when the battery has sufficient charge.
- 2) **Smart mode** - is the default operating mode which operates TX in the most efficient way by depleting the battery as much as possible before engaging the range extender. In this mode the vehicle intuitively activities the range extender as the battery charge decreases, particularly if driving at higher speeds where pure-electric propulsion is less efficient.

**3) Save mode** - in this mode the vehicle only uses the range extender so as to conserve the battery's charge at its current level. By using 'Save' mode, drivers with a commute to the city could reserve their battery energy for emission-free driving in the city.

There will still be some emission when using the range extender but if used properly the emissions from a TX should be much less than a normal petrol hybrid or a Euro VI diesel taxi. It wouldn't be cost effective for a driver to use the save mode (range extender) for general driving around the city so hopefully that would be enough of a deterrent and ensure they were using it as intended (in pure EV or smart mode).

The following vehicles are also now available to order as they will require a conversion to be wheelchair accessible:

EV wheelchair taxi based on Nissan eNV-200 Combi (100% electric).

<https://www.brotherwood.com/wheelchair-accessible-vehicles/electric-wheelchair-accessible-vehicle-nissan-env-200/>

**EV wheelchair taxi based on Peugeot e-Traveller L3-SF (100% electric)**

<https://www.tripodmobility.com/en/products/wav-wheelchair-accessible-vehicles/peugeot/peugeot-ewav/>

**The Mercedes eVito Tourer**

<https://www.gmmobility.co.uk/mercedes-evito-tourer>

Electric taxi grants are available, these grants will pay for 20% of the purchase price for electric vehicles, up to a maximum of £7,500.

**City of York Council**  
**Equalities Impact Assessment**

**Who is submitting the proposal?**

<b>Directorate:</b>	Place		
<b>Service Area:</b>	Public Protection (Licensing)		
<b>Name of the proposal :</b>	New Hackney Carriage Licences		
<b>Lead officer:</b>	Matt Boxall		
<b>Date assessment completed:</b>	22/05/22		
<b>Names of those who contributed to the assessment :</b>			
<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Iain MacDonald	Proprietor	LVSA (Licensed Vehicle Surveys and Assessment)	Consultation – including taxi users
David Cowley	Taxi Licensing Manager	City of York Council	Taxi Licensing

## Step 1 – Aims and intended outcomes

<b>1.1</b>	<b>What is the purpose of the proposal?</b> Please explain your proposal in Plain English avoiding acronyms and jargon.
	<i>In response to a survey into ‘unmet demand for taxis’ in York undertaken in October/November 2021, officers are recommending the issue of nine new hackney carriage vehicle licences (this includes the two vehicle licences that are currently available) bringing the total number of licensed hackney carriage vehicles in the City to 190. The recommendation is that the new licences be issued to wheelchair accessible vehicles, which are also fully electric or plug in electric hybrid, and black in colour. This is to help meet unmet demand for hackney carriage vehicles, particularly from users with a disability, as well as providing a more readily identifiable and environmentally friendly hackney carriage fleet to benefit those with other protected characteristics.</i>



1.2	<p><b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)</p>
	<p><i>Under Section 16 of the Transport Act 1985, Local Authorities may set quantity restrictions on the number of hackney carriage licences they issue, but only if it is satisfied that there is no significant ‘unmet demand’ in its area. City of York Council, like many others in the surrounding region, currently restricts the number of hackney carriage vehicle licences it issues. At the current time, the council has provision for 183 licences, with 181 in place i.e. two have not been renewed. Some 45 (24%) of the city’s hackney carriages have to be wheelchair accessible by condition of licence. The two licences which are potentially available are not required to be wheelchair accessible vehicles by condition of licence.</i></p> <p><i>Before new licences are issued, the Taxi Licensing Policy states:</i></p> <p style="padding-left: 40px;"><i>23.7 ‘The types of vehicles that new hackney carriage vehicle licences will be issued to will be determined by the Executive, if/when the Council determines to issue new licences.’</i></p> <p><i>The Licensing and Regulatory Committee considered a report on vehicle specifications for taxis on 25 September 2020, and recommended that the Executive determine specifications similar to what is the recommended option in this report for the two available hackney carriage licences. However, the Executive asked for additional consultation to be undertaken before determining the type of vehicle that should be licensed. That additional consultation has been undertaken as part of the unmet demand survey which is the subject of this report.</i></p> <p><i>Please note, there is currently no provision in law to restrict the number of private hire vehicle licences issued or the ability to specify that they are wheelchair accessible. There are currently 472 licensed private hire vehicle, 49 (10%) of which are wheelchair accessible.</i></p>

<b>1.3</b>	<p><b>Who are the stakeholders and what are their interests?</b></p> <p><i>Taxi passengers – residents and visitors to York including passengers with a disability who often rely on the ‘door to door’ service for everyday transportation that taxis provide. Residents and visitors also rely on taxis for leisure purposes, to get to hospital/medical appointments and to take people to/from work and school amongst other things. Passengers with a disability have expressed particular concern in the unmet demand consultation about i) the availability of suitable taxis and ii) the drivers’ understanding of their needs.</i></p> <p><i>Businesses – rely on taxis to transport their staff and customers</i></p> <p><i>Taxi drivers – Hackney carriage and private hire. Some are owners of the vehicles, some rent them from vehicle owners and there are other arrangements. Some drivers have already invested in wheelchair accessible vehicles, and there are two vehicles of the type recommended already in the hackney carriage fleet. They are likely to find more competition for their vehicles. Additionally some hackney carriage drivers have paid significant sums (thought to be as much as £50k) for a licensed hackney carriage and any increase in the availability of licences, particularly in significant numbers, may potentially decrease the value of their investment. There has been a reduction in the number of drivers following the covid pandemic, although a recent recruitment campaign is seeing increasing numbers of people apply for licences. Twenty drivers have passed the Knowledge and Safeguarding test – the pre-cursor to the application – in the two months prior to writing.</i></p> <p><i>People on the waiting list for a hackney carriage licence. These are predominantly, but not all, existing taxi drivers. Increasing the number of hackney carriage drivers may simply switch people from renting a hackney carriage to owning one, or move drivers from private hire into hackney carriages. However, it may also entice new people into the trade (either directly to take up a new hackney carriage or to backfill).</i></p> <p><i>Private Hire operators – those who operate private hire companies and arrange pre-booked journeys for their customers. There is likely to be increased competition if the number of hackney carriage licences is increased particularly if it is to cleaner, greener and more accessible vehicles.</i></p>
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*Other vulnerable members of the public – poor air quality is associated with a number of adverse health conditions which disproportionately affects some of the most vulnerable members of society, particularly those with chronic breathing difficulty. Vehicle emissions are a major source of air pollution (particularly NO<sub>2</sub>). While air quality in the city is generally improving and is within legal targets in most places, there are still three areas in the Air Quality Management Area (around the Inner Ring Road) in breach. The taxi drivers themselves are some of those most exposed to poor air quality.*

## Step 2 – Gathering the information and feedback

<p><b>2.1</b></p>	<p><b>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?</b> Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.</p>
<p><b>Source of data/supporting evidence</b></p>	<p><b>Reason for using</b></p>
<p><i>Unmet demand survey, for City of York Council, February 2022 (LVSA)</i></p>	<p><i>This survey included consultation with taxi users and in particular passengers with a disability. The survey also profiled respondents in terms of gender, age and ethnicity.</i></p>
<p><i>Draft Air Quality Status Report 2021 and monitoring review (Report for Decision Session Executive Member for Environment and Climate Change, 8 June 2022)</i></p>	<p><i>Report on air quality around the City of York, including the air quality management area (around the inner ring road).</i></p>

<p><i>'FS13- Future of Transport – Equalities and Access to opportunity, rapid evidence review' for the Department of Transport by Mott MacDonald Ltd, 28 September 2020</i></p>	<p><i>A 'rapid review' of reports and literature to provide 'insight into the risks and opportunity that future transport technologies and services could prevent for different sections of society... to inform the Future of Transport Regulatory Review'</i></p>
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### Step 3 – Gaps in data and knowledge

3.1	<p><b>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</b></p>		
<b>Gaps in data or knowledge</b>		<b>Action to deal with this</b>	
<p><i>The unmet demand survey was a snapshot of views in time.</i></p>		<p><i>On-line research, including the 'FS13 report,' has been undertaken to help identify any impacts which were not identified in the consultation</i></p>	

### Step 4 – Analysing the impacts or effects.

4.1	<p><b>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.</b></p>		
<p><b>Equality Groups and Human Rights.</b></p>	<p><b>Key Findings/Impacts</b></p>	<p><b>Positive (+) Negative (-) Neutral (0)</b></p>	<p><b>High (H) Medium (M) Low (L)</b></p>

<p><b>Age</b></p>	<p><i>Public transport, including taxis, play a crucial role in helping people to stay connected and maintain independence when they are unable to drive, and are therefore of particular significance to what the FS13 report identifies as ‘older people’ (over 65) and younger people (16-24).</i></p> <p><i>The report also identifies that ‘older people’ are more likely to have a disability or longer term health problem which sees this group facing many of the similar needs of people with a disability – see below. It also highlights that those in rural areas, which often have a higher proportions of older people, are often dependant on car journeys to travel when they want/need to. Furthermore, that aging is linked with a reduction in personal car use (and people being more reliant on taxis and ‘lifts’).</i></p> <p><i>The FS13 report identifies that although there are more younger people learning to drive, vehicle ownership tends to be lower in this group. This group relies on all forms of public transport, including taxis, for access education, training, employment as well as recreation. Children generally lack the ability to travel independently due to their age, and some rely on taxis to get to school/nursery. For them, the availability of public transport is also highlighted in the F13 report as important for extracurricular activities if parents do not have a car. The impact of pollutants from cars may also have a disproportionate impact on children because of their height, and those in pushchairs are even closer to emission sources.</i></p>	<p><i>Positive</i></p>	<p><i>High</i></p>
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	<i>Reducing unmet demand by increasing the number of hackney carriages which are cleaner and low emission may benefit older and younger people in particular.</i>		
<b>Disability</b>	<p><i>As noted, taxis are a particularly important method of transport for people with a disability because of the door to door nature of the service. Just over one fifth of respondents (21.8%) in the unmet demand survey said that they or someone they travelled with had a mobility/visual impairment or travelled in a wheelchair. Furthermore, just under half of these respondents (48.1%) said that that this had caused difficulty when travelling. In order of decreasing popularity, the difficulties related to the following circumstances:</i></p> <ul style="list-style-type: none"> <li><i>• Lack of availability of wheelchair accessible vehicle</i></li> <li><i>• Cannot see if vehicle has arrived (visually impaired)</i></li> <li><i>• Vehicle cannot fit wheeled walker</i></li> <li><i>• Taxis cannot access all destinations, so need to walk further to reach the destination.</i></li> </ul> <p><i>The solutions were identified as a mix of more accessible taxis and improved driver awareness.</i></p> <p><i>The recommendation to increase the number of wheelchair accessible vehicles is intended to help in relation to the former (the latter being addressed through the compulsory driver refresher training).</i></p>	<i>Positive</i>	<i>High</i>

<p><b>Gender</b></p>	<p><i>Taxis provide a safe method of transport for males and females alike. However, the FS13 report identifies that ‘as women are more likely than men to live on low incomes, work part-time and undertake paid work in the home and in the community, such as being carers for dependent relatives, poor quality unreliable and expensive transport has a far bigger impact on the lives of women’. The report also identified that women may not have access to a car during the day as they ‘either cannot afford one or the family car is being used by a partner’.</i></p> <p><i>The F13 report also identifies that women make greater use of taxis than men, increasing with age, where women over 70+ make double the amount of trips than men (14 trips per person per year compared to 7 trips per person per year).</i></p> <p><i>Reducing unmet demand is particularly important for female passengers who may otherwise use less safe methods such as walking alone late at night or using unlicensed vehicles. Increasing the number of easily recognisable (black) hackney carriages is aimed at having a positive impact in this regard.</i></p>	<p><i>Positive</i></p>	<p><i>High</i></p>
<p><b>Gender Reassignment</b></p>	<p><i>The FS13 report highlights how discrimination is part of daily life for trans people and generates ‘behaviours of avoidance’, particularly to using public transport. This can potentially reduce this group’s pool of wider employment, educational, health and recreational opportunities. Reducing unmet demand with more licensed taxis may improve confidence in travelling safely.</i></p>	<p><i>Positive</i></p>	<p><i>High</i></p>

<b>Marriage and civil partnership</b>	<i>There may not be a readily identifiable specific benefit to this protected characteristic, but reducing unmet demand with more licensed taxis should make transportation safer for all.</i>	<i>Neutral</i>	<i>Low</i>
<b>Pregnancy and maternity</b>	<i>Taxis are a common form of transport used to attend appointments relating to childbirth. Furthermore, the FS13 report identifies how public transport plays a vital role in supporting social inclusion for many parents with young children. Taxis can be a preferred choice of travel for parents of children under three because of the ability to use a car seat. Exposure to poor air quality is also reported to have the potential to impact foetal development, and the impact on children in pushchairs has been identified above.</i>  <i>Reducing unmet demand by increasing the number of hackney carriages which are cleaner and low emission may benefit this group.</i>	<i>Positive</i>	<i>High</i>
<b>Race</b>	<i>The FS13 report identifies that ‘people from a BAME background are less likely to have access to a private vehicle, be more reliant on public transport to access employment, and live in densely populated urban areas – increasing their exposure to air pollution’. Furthermore, ‘for many people from a BAME background having regular, affordable, clean and efficient transport is essential’. Fear of safety, from racially motivated attacks, is also reported to be a barrier to using public transport networks. Reducing the unmet demand for taxis by making more hackney carriages available may assist.</i>	<i>Positive</i>	<i>High</i>
<b>Religion and belief</b>	<i>The FS13 report identifies that certain groups of people, particularly Muslims, face an increasing risk of being victims</i>	<i>Positive</i>	<i>High</i>



	<i>of religious hate crime. For people who have a marked religious identity through clothing there is a heightened risk for harassment or discrimination. It is reported that this is particularly true for women who are already more vulnerable regardless of the way they dress. Taxis also transport some children to attend particular schools which accord to their religion or belief. Reducing the unmet demand for taxis by making more hackney carriages available may assist in this regard.</i>		
<b>Sexual orientation</b>	<i>The FS13 report identifies that as with religious and faith protected groups, safety and security (and perceptions of them) are key for lesbian, gay and bisexual people and may influence how they choose/prefer to travel. It also says that a 2018 LGBT survey pointed to public transport as the most common place where respondents avoided being open about their sexual orientation and that it may even be avoided altogether. Reducing the unmet demand for taxis by making more hackney carriages available may assist here.</i>	<i>Positive</i>	<i>High</i>
<b>Other Socio-economic groups including :</b>	<b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>		
<b>Carer</b>	<i>How those caring for others with protected characteristics may be affected by this proposal are dealt with above. Reducing the unmet demand for taxis by making more accessible and recognisable hackney carriages available is likely to assist carers.</i>	<i>Positive</i>	<i>High</i>
<b>Low income groups</b>	<i>The unmet demand survey identified that taxis in York are more expensive than many other places (22nd most expensive) and that a price increase (of 10%) is likely to</i>	<i>Neutral</i>	<i>Medium</i>

	<i>reduce their taxi use. This report does not propose an increase in fares, although this is open to the committee to consider an adjustment in fares in future (as always). The fact that two electric London type taxis are now in use would indicate that these are a viable option at current fare rates.</i>		
<b>Veterans, Armed Forces Community</b>	<i>As noted, reducing unmet demand with more licensed taxis will make transportation safer for all although there may not be a particular benefit to this specific group.</i>	<i>Neutral</i>	<i>Low</i>
<b>Other</b>	<i>The proposal that the new hackney carriage licences be issued to fully electric/plug in electric hybrid vehicles is likely to reduce the local air quality impact of having more vehicles on the road. Whilst the Air Quality Status report identifies that air quality is generally improving (excluding the results of 2020 which was an atypical year) there are still a limited number of areas around the inner ring road where levels breach air quality targets. Poor air quality has a detrimental health impact on vulnerable people including those with chronic breathing difficulties like asthma amongst other conditions.</i>	<i>Positive</i>	<i>High</i>
<b>Impact on human rights:</b>			
List any human rights impacted.	<i>No negative impacts on human rights have been identified.</i>		

**Use the following guidance to inform your responses:**

Indicate:

EIA 02/2021

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p><b>High impact</b> (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p><b>Medium impact</b> (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p><b>Low impact</b> (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

## Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<b>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</b>
<i>As noted above, only positive impacts have been identified in this assessment. In addition to providing safer methods of transport for all, there are opportunities to improve the availability of suitable vehicles to passengers with protected characteristics, it will help improve local air quality (or at least not add to existing pollution levels). This is also consistent with the Council's declaration of a climate emergency.</i>	

## Step 6 – Recommendations and conclusions of the assessment

6.1	<b>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</b>
<b>- No major change to the proposal</b> – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

**Important:** If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

<b>Option selected</b>	<b>Conclusions/justification</b>
No major change to the proposal	<i>As noted throughout, the recommendation to increase the number of hackney carriage licences will have a positive impact on equality with no negative impacts having been identified.</i>

## Step 7 – Summary of agreed actions resulting from the assessment

<b>7.1 What action, by whom, will be undertaken as a result of the impact assessment.</b>			
<b>Impact/issue</b>	<b>Action to be taken</b>	<b>Person responsible</b>	<b>Timescale</b>
<i>N/a</i>			

## Step 8 - Monitor, review and improve

<b>8. 1</b>	<p><b>How will the impact of your proposal be monitored and improved upon going forward?</b> Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?</p>
	<p><i>An unmet demand survey is conducted at least every three years whereupon the impact of the decision taken by Members can be evaluated. Furthermore, Members of the Committee are asked to review various aspects of the taxi licensing policy from time to time, and which always involves consultation with the public on any changes proposed.</i></p>

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28 July 2022

## **Executive**

Report of the Director of Housing, Economy and Regeneration  
Portfolio of the Executive Member of Housing and Safer Neighbourhoods

## **Additional Licensing in York – Consultation results and decision on designation**

### **Summary**

1. In March 2021, Executive considered a report seeking to improve standards in the private rented sector. The options presented included an analysis of the opportunity to utilise additional licensing powers for smaller houses in multiple occupation (HMOs). Approved recommendations from that report supported the undertaking of a consultation with interested stakeholders, including tenants and landlords, to gather views to inform any future decisions. The council already has a licensing regime for HMO's which contain 5 or more residents, the consultation sought views on expanding the licensing programme to also include HMO's with 3 and 4 residents in certain parts of the city.
2. Licensing does not and cannot control the number and distribution of HMOs. This is achieved through Planning and specifically the Article 4 Planning Directive put in place in April 2012. Planning works to ensure a balance of housing tenures in the city. This is in contrast to HMO licensing which is entirely focused on improving the condition and the management of properties. As such, it is considered that a licensing regime can support the delivery of the following benefits:
  - Residents' homes are more likely to be safe and meet the needs of the residents;
  - Form part of a coordinated approach to dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector;
  - Significantly assist the Council to deal with the problems identified in this report associated with poor management of HMO's;

- Support stakeholders such as the Fire and Rescue Service, Police and NHS by improving fire safety, security and reducing the number of unhealthy homes;
  - Support the improvement of the energy performance of our private rented housing stock, ensuring they are more comfortable and affordable to live in;
  - Support our educational institutions and businesses through a greater provision of well managed and sustainable housing; and
  - Create a greater consistency of approach across HMO's in the city, setting clearer expectations for landlords and agents.
3. Part 2 of The Housing Act 2004 provides the council a discretionary power to licence smaller HMOs within a designated area in the district, with the intention of ensuring minimum standards are met. This discretionary power is subject to statutory consultation. Between the 16<sup>th</sup> April and the 27<sup>th</sup> June 2021, the council carried out a statutory consultation on the proposed additional licensing scheme with key stakeholders and residents.
4. Following this feedback, it was determined that the council would undertake a second round of consultation, seeking feedback on more detailed aspects of the proposal. This second consultation took place between 22<sup>nd</sup> October and the 31<sup>st</sup> December 2021. This provided a further opportunity for stakeholders to provide feedback. In total, 1032 consultation responses were received across the two rounds of consultation. This is considered a strong response rate which is sufficient to support analysis and the recommendations in this report.
5. This report provides analysis of the results from both consultations. The overall outcome of the consultation clearly identifies broad support for additional licensing within identified designated areas of the city and therefore recommendations are brought forward for consideration regarding the implementation additional licensing in these identified wards.

**Recommendations:**

6. This report makes the following recommendations for consideration and decision by Executive:
- i. That a designation be made of the following wards in the City of York Council as subject to Additional Licensing under Section 56(1)(a) of the Housing Act 2004 for all Houses in Multiple Occupation (HMOs), subject to the exemptions specified in Appendix 1 and Appendix 3,

irrespective of the number of storeys, that contain three or four occupiers in two or more households within the following wards:

- Hull Road;
  - Guildhall;
  - Fishergate;
  - Clifton;
  - Heworth;
  - Micklegate;
  - Osbaldwick and Derwent; and
  - Fulford and Heslington
- ii. That the designation set out in recommendation (i) above, shall come into force on 1<sup>st</sup> April 2023 for a period of 5 years.
- iii. That delegated authority be given to the Corporate Director of Place to sign the 'Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2022' (as attached at Appendix 3) in accordance with the provisions set out in the Scheme of Delegations in the Council's Constitution.
- iv. Approve the adoption of the proposed amended fees and charges structure (as attached at Appendix 4) and review those fees annually to ensure they remain reasonable and proportionate and address any issues relating to surpluses or deficits in accordance with case law and the EU Services Directive.
- v. Approve the adoption of the amended HMO Licensing Policy 2020 (as attached at Appendix 5) and to delegate to the Corporate Director of Place to authorise amendments to the standards and conditions contained in the policy where necessary to ensure they remain reasonable and proportionate and in accordance with any relevant legislative changes.
- vi. Support the creation of a stakeholders group to work collaboratively on driving up standards in the wider Private Rented Sector. The composition of the group shall include representatives of organisations who have actively taken part in the consultation.

**Reason:** The proposal is consistent with the Council's ambition to improve management standards and housing conditions in private rented accommodation in the city and reflects the broad support for this approach identified through stakeholder consultation.

## Background

7. The York, North Yorkshire, and East Riding Housing Strategy (2021 – 23 Review) sets out a number of strategic priorities for the region. One of the five key priorities is to ‘Ensure that People have a Decent Home to Live in’. The report states that this will be achieved, in part, through supporting selective licensing schemes and enforcing standards in the private rented sector. The City of York Council Plan 2019-23, seeks to ensure ‘the right housing is available, affordable and environmentally sustainable for everyone’. One way in which this will be delivered is to ‘Investigate the case to extend HMO licensing to smaller HMOs and work with partners to maximise energy efficiency in private sector housing’. This report seeks to deliver on these strategic objectives.
8. On the 18<sup>th</sup> March 2021, Executive considered a report titled ‘Consultation on Additional Licensing Scheme for Houses in Multiple Occupation (HMO)’. The approved recommendations authorised the undertaking of a statutory citywide consultation to explore the option of an Additional Licensing Scheme. Between the 16<sup>th</sup> April and the 27<sup>th</sup> June 2021, the Council carried out this city-wide statutory consultation on the proposed additional licensing scheme with key stakeholders and residents. The outcome of that consultation was that there was broad support for the proposals and that the council would progress with a further round of consultation considering the more detailed aspects of the proposals. This included:
  - Which wards are being proposed to be included in the designation, the proposed wards were:
    - Hull Road;
    - Guildhall;
    - Fishergate;
    - Clifton;
    - Heworth;
    - Micklegate;
    - Osbaldwick and Derwent; and
    - Fulford and Heslington
  - The evidence used to determine the proposed designation and how an additional licensing scheme would seek to improve standards and management of HMOs in these wards where other action has proven to be ineffective in doing so.
  - What the proposed scheme looks like including the type of HMO to be included, the draft conditions being proposed, including proposed ideal minimum room sizes and the licensing fee structure.

- Whether the consultation, decision making process, and proposed scheme meets the tests set out in section 56 and 57 and the guidance issued under the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015.

### **Summary of Responses received from the Two Rounds of Consultation**

9. There were a variety of responses received, with residents and private tenants generally being more supportive of additional licensing than landlords. Residents and private tenants also expressed greater concern regarding current standards of accommodation compared to the responses received from landlords. The responses received to all consultation questions identifies a clear difference of opinion between residents and those who own or manage houses in multiple occupation.
10. Overall, just 35% of total respondents believe that landlords maintain their properties to a good standard. When looking at the data by respondent type, there is vast differentiation in the results. Private landlords / letting agent or managers were significantly more likely (78%) than either private tenants (15%) or residents who are not private tenants (18%) to state that private landlords in York maintain their properties to a good standard. Meanwhile, almost three quarters (73%) of private tenants stated that they don't believe private landlords in York maintain their properties to a good standard, significantly fewer (6%) private landlords / letting agents or managers express this view.
11. Respondents in the second round of consultation were more likely to agree (48%) than disagree (31%) that a significant portion of HMOs in the eight named wards are being managed in a way that does or might create problems for people living in them. However, agreement with this statement was significantly lower amongst private landlords / letting agents or managers (9%) than among residents who are not private tenants (78%) and private tenants (75%).
12. Approaching two thirds (65%) of private landlords / letting agents or managers disagree that a significant proportion of HMOs in the named wards are being managed in a way that does or might cause problems for people living in them. Private landlords / letting agents or managers who own or manage 3 or more HMOs are more likely to disagree with this statement (81%) than those who only manage one or two (58%).

13. Respondents to the consultation were then asked to state a reason for their agreement or disagreement with the additional licensing proposal. In summary, the most common theme (36 responses) was that landlords and agents already provide a quality home and service and therefore additional licensing is not required.
14. The second most common response (35 responses) can be themed around property neglect. Views including issues with damp and mould, vermin, rubbish tipping, small room sizes, insufficient bike and car parking for the number of residents, no outside space, and cramped living conditions.
15. When respondents were asked whether they agreed or disagreed that HMOs in the eight named wards are being managed in a way that does or might create problems for members of the public, the responses were balanced, with a slightly higher proportion disagreeing (38%) than agreeing (35%) with this statement. However, almost seven in ten (69%) private landlords / letting agents or managers disagree that a significant proportion of HMOs in the named wards are managed in a way which does or might create problems for members of the public, compared to 14% of residents who aren't private tenants, and 19% of private tenants. It should also be noted among letting agents and landlords who own or manage HMOs, disagreement is higher among those who manage 3 or more HMOs (83%) than those manage one or two (55%).
16. Consultation respondents were in favour of the proposal to introduce a targeted additional licensing scheme for HMOs in York. This was particularly the case in the first round of consultation, when 69% agreed with this statement and 25% disagreed. However, the responses were slightly more balanced in the second round of consultation, with 54% in agreement and 38% disagreeing with the proposal for additional targeted licensing.
17. In both the first and second round of consultation private tenants (91% first consultation, 79% second consultation) and residents who are not private tenants (84% in both consultations) were more likely than private landlords / letting agents or managers (29% first consultation, 20% second consultation) to agree with the proposal to introduce a targeted additional licensing scheme for HMOs in York. The proportion of private landlords / letting agents or managers who agreed with the proposal fell from 29% to 20% from the first to second consultation.
18. The standards and conditions contained in the Implementation Policy for HMOs were generally supported. In the first round of consultation this agreement was stronger, 76% agreed with these standards and

conditions, while 12% disagreed. Agreement dropped in the second round of consultation, but remained at over half (51%), the proportion who disagreed was 28%.

19. In both rounds of consultation, agreement with the standards and conditions contained in the Implementation Policy is significantly higher among private tenants (88% first consultation, 76% second consultation) and residents who are not private tenants (88% first consultation, 79% second consultation) than private landlords / letting agents or managers (51% first consultation, 27% second consultation). All three groups saw a drop in the proportion agreeing with the HMO standards and conditions between the first and second round of consultation, however this drop was most notable among private landlords / letting agents or managers (from 51% to 27%).

## Analysis

20. As can be seen from both rounds of consultation there is overall support, with particularly strong support from residents and tenants of private rented houses, for the introduction of Additional Licensing in the 8 targeted wards. However, it is important that consideration be given to the concerns raised about the implementation of additional licensing as outlined in the consultation process. The most common and significant concerns or comments can be categorised around four themes. These are:

- Whether the 8 wards selected for the **targeted approach** are correct and whether this approach will lead to improved standards
- Whether the required **standards and conditions** of licensing were appropriate
- Whether there are **alternative ways of raising standards** specifically the use of Accreditation Schemes
- Concerns and queries raised regarding **HMO Licensing fees**

## Targeted Approach

21. Eight wards were identified within the consultation documents for potential targeted additional licensing. These wards are:

Hull Road;  
Guildhall;  
Fishergate;  
Clifton;  
Heworth;  
Micklegate;

Osballdwick and Derwent; and  
Fulford and Heslington

These wards were identified for three key reasons. Firstly, because they are the areas with both the highest numbers of HMO's but also the highest proportion of total housing which are HMO's. The other wards in the city have a significantly smaller proportion of their housing stock which are HMO's. Secondly, the 8 identified wards rank highly in terms of the number of homes which are 'older housing stock'. There is a correlation between the general age of housing stock and conditions, where on average an older house is more likely to provide poorer living conditions. This is evidenced in the Building Research Stock Modelling assessment<sup>1</sup>. Thirdly, within these 8 wards we have identified the highest number of category 1 and 2 hazards within the existing licensing programme housing stock. We have been required to issue more specific license conditions in these 8 wards than in any other areas of the city. It is considered for these reasons that it is a rational and reasonable approach to identify these 8 wards for consideration.

22. Appendix 1 provides detailed analysis of these wards and the table in Appendix 6 summarises this information, clearly ranking the wards through these key selection criteria and providing further evidence to explain the identification of the 8 wards.
23. Alongside identifying the most suitable wards for additional licensing, it is also possible to use the data in Appendix 6 to demonstrate the positive impact that HMO licensing has had on the housing stock across the city. For context, existing licensable HMO owners are required to provide information in order to demonstrate that a licence should be issued. The three tests being that the:
  - Property is reasonably suitable for occupation as a HMO **(physical standards)**
  - Management arrangements are satisfactory **(management standards)** including having passed a recognised training qualification or to do so within a 18 month period of issuing the licence
  - Licensee and manager are fit and proper persons **(Fit and Proper test)** The applicant must be the most appropriate person to hold the licence.
24. Having met the tests, a 5-year licence is typically issued with standard licence conditions. However, where there are specific concerns, for

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<sup>1</sup> Building Research Stock Modelling and Health Impact Assessment 2015



example in relation to the level of amenities, fire safety or lack of relevant training qualification, the licence holder is issued with additional specific conditions to address these concerns within a defined period.

25. Since 2018, 883 specific license conditions have been both issued and resolved in the 8 identified wards. This is clear evidence of the positive impact that HMO licensing has had so far. Given the age profile and numbers of unlicensed HMO's in the 8 identified wards, alongside the information provided through the consultation responses, it is reasonably concluded that there will be a significant number of issues which will need to be resolved when additional licensing for smaller HMOs is required. Resolving these issues will improve standards within the private rented sector across the city.
26. Overall, it is considered that there is a clear reason for selecting the 8 identified wards. There is also a demonstrable evidence that the existing licensing programme has tackled a large number of identified issues within these 8 wards. It is also clear from the consultation responses received that residents and tenants have significant concerns about the condition and management of HMOs within these wards.

### **Standards and conditions**

27. Details of the required standards and conditions associated with any potential additional HMO were included in the 'Implementation Policy for HMOs' issued as part of the consultation. Generally, these standards and conditions were supported, in the first round of consultation 76% of respondents agreed, while 12% disagreed. Some respondents stated that further detail was required to help them understand the proposal.
28. In the second round of consultation, further detail was provided. Whilst the level of agreement reduced in this round of consultation, over half of respondents (51%) supported the standards and conditions proposed, with just 28% disagreeing. It is not considered that any comments were received as part of the consultation which would justify a change in the standards and conditions proposal which was consulted on.

### **Alternatives including Accreditation Schemes**

29. The council has previously supported the University's Voluntary Code of Practice for Landlords, this was a voluntary accreditation programme. Latterly, the council adopted and ran this programme when the university stopped their code of practice scheme in 2012. The council then stopped running this programme itself when landlord interest dwindled to

unsustainable levels following the introduction of mandatory licensing for larger HMOs. There is no evidence that the accreditation scheme was successful at improving the general standard of HMOs within the city. As can be seen in Appendix 6, despite an accreditation scheme being in place for a significant period of time pre mandatory licensing, a large number of issues and category 1 and 2 hazards were identified when HMO licensing was introduced.

30. Respondents in the second round of consultation were asked whether they agree that alternatives such as the continuation of existing powers only and/or a voluntary accreditation scheme could present solutions to problems identified within the HMO sector. Overall, 37% stated that alternatives could provide a solution, whilst 44% disagreed. As with other questions, there was a split between landlords (47% agree that alternatives might help), compared to just 29% for private tenants and 24% for residents who are not private tenants. Members may also want to note that very recent discussions with the two main universities have established that both are supportive of the Additional Licensing proposal and are not seeking to introduce a voluntary accreditation scheme at this time.
31. In addition to voluntary accreditation and targeted licensing, other options considered included:

*Informal area action (Proactive inspection programme)*

32. This would be delivered through a non-statutory action area, considering parts of the city where there was a concentration of poorly managed or maintained properties. The driver for the housing improvement would be informal and come from a combination of the provision of information and small-scale council activity to promote standards. This would need to be delivered using the existing team resources and therefore activity would be limited. Actions would be relatively limited and improvements would significantly be voluntary. As such, it is considered that this would bring very limited tangible improvements to conditions and standards.

*Targeted use of Interim Management Orders (IMOs) and Final Management Orders (FMOs)*

33. The Housing Act 2004 gives local authorities powers to use Management Orders for tackling comprehensive and serious management failures. However, these are powers that are currently only available for HMOs that require a license under the mandatory HMO licensing scheme. Therefore, this approach could not be utilised to improve HMO's which are not part of a licensing regime.

*City Wide Additional Licensing scheme*

34. With this approach, all HMO's, regardless of ward would be required to apply for a license. However, it is not considered that there is sufficient evidence of the need for this approach considering standards and the number of HMO's outside of the 8 targeted wards identified in this paper.

#### Summary of alternatives

35. Based on the city's previous unsuccessful attempt to raise standards through voluntary accreditation and the views expressed in the consultation responses, it is not considered that a non-mandatory alternative will deliver the level of improvements which are needed and which our residents deserve. Improvements are more likely to be delivered through a licensing regime. Even if a voluntary accreditation scheme was re-instated, there are concerns that many landlords who own some of the poorer quality housing stock and who have so far not raised standards, would not meaningfully engage in this process. However, should a proposal be brought forward by others that would seek to raise standards beyond those set out in the proposed licensing regime, the council would give consideration to supporting this.

#### **HMO Licensing Fees**

36. The proposed fees and charges included in the second round of consultation (details within Appendix 4) have been developed to provide incentives for compliant landlords whilst providing sufficient resources internally to ensure that the scheme can be effectively delivered with every property inspected at least once during the 5-year licence period. Members may also want to note that should a landlord decide to pass-on the full cost of the licensing fee to the occupants of a 3 or 4 bedroom HMO this would currently equate to an additional cost of £1.15 to £1.53 per occupant per week. This is based on no further work being necessary at the home in order to reach the required health and safety/management standards.
37. During the consultation the York Residential Landlords Association highlighted its view that the previously proposed fee structure proposal in the second round of consultation may be potentially unlawful due to the second stage of the fee being payable once an application is complete but before a "notice of decision to grant a licence is issued". This meant that the council could still refuse an application even after the second stage payment had been made, so that the authorisation process was not complete (as required by law) before the second stage fee payment had to be made. Officers have considered this position and agree that the second stage fee should only be collected when the council is

satisfied that a final licence is to be issued. The fee structure approach has therefore been adapted to reflect this change.

38. In response to a written proposal by Safeagent, the council is also accepting that where a registered 'not for profit' organisation or charity or an individual housing provider, is assisting the council by offering permanent accommodation to meet our homelessness duties, no fee will be payable. However, all standards and conditions would still need to be met by the housing provider.

### **Options**

39. It is considered that there are two key options to consider:

#### Option 1 - Do nothing further

40. Currently the council provides a range of services aimed at driving up standards in the private rented sector and in particular the HMO sector.

These existing services include:

- Licence programme for more than 1000 HMOs with 5 or more occupants forming 2 or more households across the city;
- Dealing with complaints made from private tenants;
- Working with others in the sector e.g. North Yorkshire Fire and Rescue and Police, sharing intelligence and information to target poor housing;
- Providing information on our website to tenants, landlords, letting agents and others to ensure that they are aware of the range of laws pertaining to the Private Rented Sector;
- Working with Universities, student unions and other partners such as the Citizen Union to ensure that those involved are aware of what we can offer to support tenants, landlords and others;
- Provision of training for landlords and letting agents, both online and in-person to ensure that they have the knowledge and skills to ensure that properties are well managed; and
- Making successful funding bids to Government, most recently for the implementation of the Minimum Energy Efficiency Standards, and a further bid to Government regarding the development of an online training package for landlords and letting agents.

41. This approach has driven up standards. However, we know from the evidence presented in this report and the consultation responses that this range of services has been insufficient to take standards to where they need to be in order to protect our residents. Without additional

targeted licensing, the standards of HMO's occupied by 3 or 4 persons are unlikely to improve significantly.

Option 2 – Introduce Additional Licensing in accordance with the recommendations of this report

42. There are over 2000 HMO's in York which are not currently subject to a licensing programme. Nearly 1900 of these unlicensed HMO's are located within the 8 identified wards. Evidence from the existing licensing programme has identified a large number of hazards and concerns within larger HMO housing stock in these parts of the city. Housing stock in these wards is generally older which evidence suggests increases the likelihood of poorer living conditions. In support of this, consultation responses have clearly identified a number of existing issues within these unlicensed homes and overall there is broad support for the introduction of additional targeted licensing and a belief that this will improve standards across these homes. For these reasons, it is recommended that Option 2 is supported.

### **Conclusion**

43. The Council has considered and met the legal requirements under section 56 and 57 of the Housing Act 2004 in considering the case for targeted additional licensing. This has been demonstrated through:
- The presentation of robust evidence that highlights concerns about the ineffective management of many HMOs within the identified targeted wards;
  - The undertaking of two rounds of consultation which attracted significant support, particularly from tenants and residents for the proposed targeted additional licensing scheme in the 8 wards. 84% of residents and an average of 85% of tenants across both rounds of consultation being in support. The consultation has also identified a significant number of HMOs that cause problems for both occupiers and residents; and
  - That the council is not seeking to include any university managed accommodation within the proposals.
44. In addition, section 57 of the Act provides further considerations for the council in that:
- The council is seeking designation of the 8 wards which is consistent with the authority's overall housing strategy;

- The council has considered additional licensing as being part of its coordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector as regards combining licensing with other action taken by others;
- The council has considered other potential interventions carefully and considered whether there are any other courses of action available (of whatever nature) that might provide an effective method of dealing with the problem or problems in question; and
- That making the designation will significantly deal with the problems identified. Licences will include all the mandatory conditions required under the legislation, for example, providing gas and electrical certificates and maintaining health and safety standards, as well as additional (discretionary) licence conditions to address issues such as ASB and environmental / management issues.

45. The Council Plan and Housing Strategy aims to improve living conditions in the private rented sector and officers are confident that this can be achieved with the introduction of a targeted Additional Licensing scheme in the city focussed in the 8 identified wards, namely:

Hull Road;  
Guildhall;  
Fishergate;  
Clifton;  
Heworth;  
Micklegate;  
Osbalwick and Derwent; and  
Fulford and Heslington

46. It will require all owners of HMOs in these wards that are occupied by three or four tenants who form 2 or more households to apply to the council for a HMO licence. Once an application is received and valid the council will determine the licence using the criteria laid down in the HMO Licensing Policy attached at Appendix 5.
47. The amended fees and charge's structure and the conditions attached to licences will ensure that the council complies with case law and the EU Services Directive and supports private landlords helping the council by offering permanent accommodation to meet homelessness duties.
48. Alongside the recommendations to establish an additional licensing programme, recommendation vi) seeks support to create a

stakeholders group to work collaboratively on driving up standards in the wider Private Rented Sector. The composition of the group shall include representatives of organisations involved in the management of HMO's, providing opportunity for further discussion regarding improving standards across the city.

### **Timetable for implementing this decision**

49. Should the recommendations be approved the Council has general approval to designate the scheme under the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 to implement an Additional Licensing scheme.
50. The timescale for implementing this decision is for the designation to commence on the 1st of April 2023. This requirement is to provide the Council with sufficient time to conclude the reporting process, to comply with Section 58 of the Housing Act 2004 which states that a designation cannot come into force until three months after the date when the designation was made, and to ensure that there are sufficient resources in place to implement, administer and enforce the scheme.

### **Council Plan**

51. Investigating the case to extend HMO licensing to smaller HMOs is a key action in the council plan to achieve the outcome of Creating Homes and World class infrastructure. It also contributes to other council plan outcomes:
  - a) Open and Effective Council
  - b) A better start for Children and Young People
  - c) Good health and Wellbeing

### **Implications**

#### **Financial**

52. The costs of managing the Licensing function is covered by the fees that can be charged. It has been assessed that the additional resources needed to manage the policy will be approximately £500k per annum and fees have been set to recover these costs over a five-year period. Total income will ultimately be dependent on the numbers of applications and therefore expenditure will need to be carefully managed so that the costs are covered by income. The set-up fees for the new licensing scheme requires the appointment of staff ahead of the implementation of the new

scheme at an estimated cost of £144k. These costs will be ultimately met from the fees charged from 2023/24 onwards but will need to be funded from reserves in year. No staff will be appointed during the 3-month statutory period, when the Council is open to legal challenge, to ensure no costs are incurred

### **Human Resources**

53. Any changes that may be needed to the current structure and /or recruitment activity to implement the targeted additional licencing scheme would be carried out in accordance with the council's workforce change and resourcing policies.

### **One Planet Council / Equalities**

54. A One Planet Council, including an equalities assessment, has been completed for this report and is attached at Appendix 7. By implementing the Additional Licensing scheme we will be taking a reasonable and proportionate approach in line with the evidence base and the outcome of the statutory consultation.

### **Legal**

55. Part 2 of the Housing Act 2004 sets out the scheme for licensing HMOs in a local housing authority area and the "Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015" gives local housing authorities general approval regarding the implementation of additional and selective licensing designations in England. When considering the introduction of an Additional Licensing Scheme a local housing authority must proceed through a consultation period of not less than ten weeks and the statutory processes as laid out in Sections 56 - 60 Housing Act 2004.
56. Under section 56(1) of the Act a local housing authority can designate the whole or any part or parts of its area to be subject to additional licensing. Where an additional licensing designation is made it applies to all HMOs specified in the designation. Section 56 also places requirements upon the local housing authority when considering a designation for additional licensing of HMOs, in that it must:
  - Consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more problems either for those occupying the HMOs or for members of the public.



- Take reasonable steps to consult with persons who are likely to be affected and consider any representations made in accordance with the consultation and not withdrawn; and
- Have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area (these codes relate to university managed accommodation).

57. Section 57 provides further considerations for the local housing authority in that it should ensure that:

- Exercising the designation is consistent with the authority's overall housing strategy.
- Seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector as regards combining licensing with other action taken by them or others.
- Consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question; and
- That making the designation will significantly assist them to deal with the problem or problems (whether they take any other course of action as well).

58. Section 58 provides that designations for additional licensing schemes need to be confirmed by the Secretary of State unless they are made under a general approval issued by the Secretary of State. Where a designation has been made under a general approval it cannot come into force until at least three months after the designation is made.

Section 59 specifies that as soon as designation is made by the authority, they must publish in a prescribed manner a notice stating:

- that the designation has been made,
- whether or not the designation was required to be confirmed and either that it has been confirmed or that a general approval under Section 58 applied to it (giving details of the approval in question),
- the date on which the designation is to come into force, and
- any other information which may be prescribed.

Responsibility for obtaining a licence lies with the person who has control of or manages the HMO, however, the local housing authority has a duty to maintain a register of licences that are in force (Section 232(1) Housing Act 2004).

59. Each licence relates to one HMO only and is granted for such period specified in the licence which can be up to five years unless revoked. There is an obligation on the local housing authority to review the operation of a designation “from time to time” (Section 60 Housing Act 2004).
60. Licences do not automatically transfer on sale or death of landlord (Section 68 Housing Act 2004).
61. Any / all enforcement action take regards unlicensed HMOs / non-compliance with HMO conditions must be in accordance with the Council’s relevant enforcement policy.
62. Any decision taken by the Council which is not compliant with the correct procedure and / or relevant council policies may be unlawful, and lead to legal challenge and / or reputational and financial risk to the Council.
63. YRLA have raised concerns about the consultation process and the proposals. These concerns have been carefully considered by officers. Issues have been addressed in Appendix 6. Officers are confident that they have complied with legislative requirements and government guidance in reaching the decision to recommend the proposed Additional Licensing scheme and that the proposed designation is open to the Council as a matter of law. For the purposes of Section 58, the designation does not need to be confirmed by the Secretary of State to be effective.

### **Property**

64. None

### **Public Health**

65. We know that there is a strong link between housing and health with poor living conditions having a harmful impact on physical and mental health. It is important that the council uses every means at its disposal to improve the quality of HMO accommodation and so the public health recommendation is to support an Additional Licensing Scheme. We believe that this option will lead to fewer accidents in the home, less incidents requiring the use of health services due to faulty or dangerous appliances and provide a better environment that reduces the spread of infectious diseases.

## Risk Management

66. The statutory consultation to designate an Additional Licensing scheme has been completed to ensure our compliance with legislation and statutory guidance, minimising the risk of legal challenge.

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**Report**

**Approved**



**Date**

**19/07/2022**

Tracey Carter

Director of Housing, Economy and  
Regeneration

**Wards Affected:**

Hull Road;  
Guildhall;  
Fishergate;  
Clifton;  
Heworth;  
Micklegate;  
Osbalwick and Derwent; and  
Fulford and Heslington

**Appendices:**

Appendix 1 – Consultation Report: Considering the case for additional licensing of houses in multiple occupation

Appendix 2 – Additional Licensing Consultation Results

Appendix 3 - Draft Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2022

Appendix 4 – HMO Amended Licensing Fees

Appendix 5 – HMO Amended Licensing Policy 2022

Appendix 6 – Ward Analysis

Appendix 7 – One Planet Assessment



## **Consultation Report: Considering the case for additional licensing of houses in multiple occupation**

Housing standards and adaptations  
Housing Services  
City of York Council

September 2021

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## 1. EXECUTIVE SUMMARY

This document sets out a proposal to designate 8 wards in the City to be subject to additional licensing of Houses in Multiple Occupation (HMOs) under the Housing Act 2004<sup>1</sup>.

It explains the evidence on the basis of which the authority provisionally (subject to consultation) considers the statutory conditions for additional licence to be met, including evidence that the proposal would improve the standards of property management and address problems affecting HMO residents. Alternatives to the proposal are appraised and an explanation provided as to why it is not considered that these would be sufficient to address the issues identified in the evidence base.

Between 16<sup>th</sup> April and 27<sup>th</sup> June 2021, the Council carried out a preliminary statutory consultation on a proposed additional HMO licensing scheme with key stakeholders. It was open to all residents in the city. The outcome of that consultation was that there was broad support for the proposals, in principle, but the authority decided that a second, more detailed, consultation was necessary allowing respondents to consider the more detailed proposals that have now been formulated, and offering those people likely to be affected by the proposals a further opportunity to make comments.

Some of the key responses from the first consultation have been included in this updated report including:

- 1) information provided by the Citizens' Advice York and the University of York Students' Union report called "Students' Experiences of Private Rented Housing in York" and
- 2) the response of York Residential Landlords Association.

Detailed analysis of the results from both consultation exercises will be included in the final report to the Executive prior to any decision being made.

This refreshed evidence base seeks to ensure that those persons who would be likely to be affected are consulted upon are clearly aware:

- 1) Which wards are being proposed to be included in the designation namely Hull Road ward, Guildhall ward, Fishergate ward, Clifton ward, Heworth ward, Micklegate ward, Osbaldwick and Derwent ward and Fulford and Heslington ward.
- 2) The evidence used to determine the proposed designation and how an additional licensing scheme would seek to improve standards and management of HMOs in these wards where other action has been ineffective in doing so
- 3) What the proposed scheme looks like including the type of HMO to be included, the draft conditions being proposed, including proposed ideal minimum room sizes and fee structure.
- 4) That the consultation, decision making process and proposed scheme meets the tests set out in section 56 and 57 and the guidance issued under the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015.

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<sup>1</sup> The statutory basis is section 56 and 57 and the guidance issued under the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015

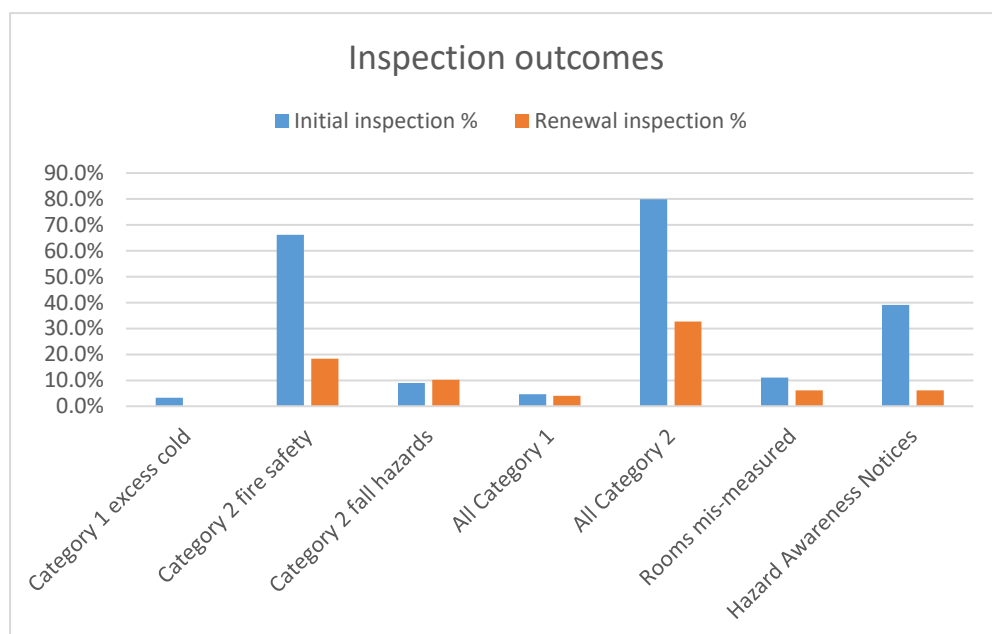


York is well known nationally and internationally as a great place to live, work and visit. However, the city is also well known for its high housing costs. Partly due to the problems associated with a lack of affordable housing supply, many people look to the city’s private rented sector (PRS) to meet their housing needs. While overall standards in the PRS are good, the sector also displays some of the worst conditions.

HMOs are a significant sub-sector of the private rental market. Ongoing pressures within the housing market mean that for many, including a rising proportion of families, the only chance of a decent home is in a properly managed and well regulated HMO.

The provision of good quality housing for York residents is a key priority. The Council Plan 2019-23, York Health and Wellbeing Strategy 2017-22 and the York and North Yorkshire Housing Strategy 2015-2021 all call for more decent, energy efficient and safe homes that have a positive impact on people’s health and wellbeing.

The mandatory licensing of larger HMOs in York has been effective in regulating and improving the standard of accommodation offered to let within this sector. Licensing has encouraged a positive interaction with landlords and allowed for any problems presented by each house to be managed on an individual basis through a bespoke set of licence conditions. Comparison of inspection data of HMOs licensed for the first time in 2018 and those properties licensed again through the renewal programme shows a substantial reduction in hazards and improvement in property standards and management practices.



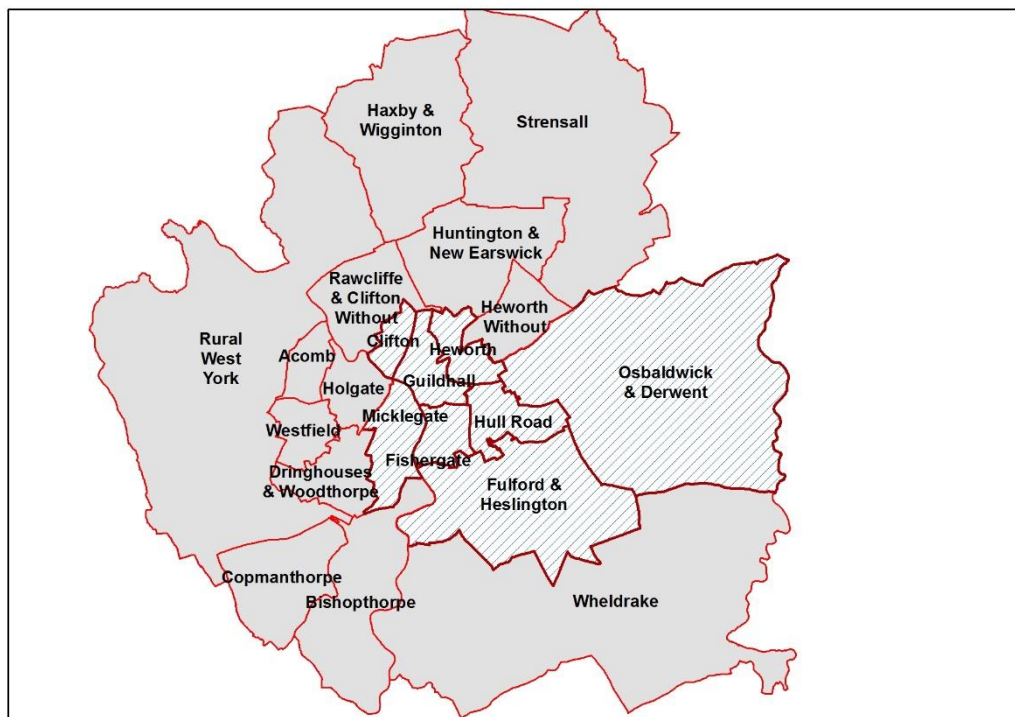
With over 3,000<sup>2</sup> HMOs in the city, only one third of them are currently regulated through mandatory licensing. In existing licensed properties, a substantial reduction in hazards was found from initial to renewal inspections.

<sup>2</sup> Number of private sector HMOs excluding University owned and privately owned halls of residence, which are regulated by Approved Codes of Practices

Data shows that HMOs are more typically found in areas closer to the city centre and the two major university complexes, such as Hull Road ward, Guildhall ward, Fishergate ward, Clifton, Heworth ward, Micklegate ward, Osbaldwick and Derwent ward and Fulford and Heslington ward, where the additional licensing scheme is proposed. Many of these areas have high numbers of older properties where poor conditions are more prevalent. Analysis of energy performance certificate (EPC) data shows a strong correlation between HMO density and lower EPC ratings, with unlicensed HMOs being most likely to fall below expected EPC standards. Likewise, analysis of environmental complaints data shows some correlation between high HMO areas and Anti- Social Behaviour (ASB) , noise and waste complaints.

Although this effect could also be due in part to the fact that these areas are typically more densely populated and towards the urban core, where such complaints are more prevalent, nonetheless the authority considers that these factors cannot be disentangled from each other: for example, a large number of HMOs in an area plainly contributes to the density of population in that area; HMOs tend to also be found in larger numbers near the urban core. The authority believes that the number, and management, of HMOs is relevant to the number of complaints in those areas.

Additional licensing targeted at wards with the highest number and concentrations of HMOs in the city would extend the positive effects of improved property management and standards brought about by mandatory licensing and allow the benefits to be available more widely. Targeted additional licensing is proportionate to the issues identified and operationally manageable. This would address problems evidenced in this sector affecting HMO residents and the wider public.

**Map of Proposed Wards:** cross-hatched and outlined in bold

Alternatives to extending HMO licensing have been considered but in each case the weaknesses are deemed to outweigh the strengths with none of the alternatives giving an effective solution to problems within the HMO sector. The benefits of additional licensing to the council include a consistent approach to HMOs in York, improved links with landlords and pro-active and pre-emptive involvement with the sector that minimises reactive work. A case study from the Midlands area<sup>3</sup> has shown that the costs associated with licensing have little if any direct impact on rents.

The council believes that licensing all HMOs in targeted areas is essential for bringing about improvements particularly in relation to property condition including energy efficiency and management quality of York's HMO rental stock.

<sup>3</sup> Coventry case study outlined in section 5 of this report

## 2. Introduction

Access to decent affordable housing is essential to support good health and wellbeing and a good quality of life. Overall, housing standards in York are high - the physical condition of the city's housing stock is generally good across all sectors and energy efficiency levels are above the national average.

However, this overall positive picture masks disparities both between and within sectors that give rise to some concern. On the whole we find some of the worst conditions within the PRS, which includes a significant proportion of houses in multiple occupation.

Local authorities have an obligation under the Housing Act 2004 to keep housing conditions in their area under review. This includes all tenures of housing, not just stock that may be owned by the local authority.

The council has developed a number of policies and strategies to further its overall approach to property conditions. An assessment of poor housing conditions completed in 2015<sup>4</sup> forms an important contribution to the full evidence base which underpins these policies and strategies towards improving housing standards.

Councils have an obligation to enforce certain statutory minimum standards in housing and have powers that they can use to do this, while further mandatory and non-mandatory powers are available to the Authority under the Housing Act 2004.

In line with our strategic ambitions to improve people's quality of life, we are focussed on utilising what tools and resources we have to tackle poor housing standards in York. To this end, this report puts forward the authority's case for introducing additional licensing of HMOs in the PRS, in those wards where we know some of the worst housing standards can be found.

The York and North Yorkshire Housing Strategy recognises that, amongst other things, there are limited affordable housing options available in the city making it clear that the PRS will need to play a greater role in meeting housing needs going forward.

Landlord licensing is part of a wider set of measures to enable landlords in York to provide good quality housing within their communities and additional licensing can help alleviate the poor housing conditions and management in the HMO sector by setting and maintaining the appropriate standards, in the 8 wards listed above, in the most vulnerable sector of York's private rental market.

Ensuring standards are maintained delivers a wide range of positive outcomes not just for individuals but for society as a whole including:

- Fewer homes that pose a risk to health and wellbeing
- Improved outcomes for families and young people
- More independence for older or vulnerable households

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<sup>4</sup> BRE research – The condition of private Housing in York [BRE Dwelling Level Housing Stock Modelling and Database \(york.gov.uk\)](https://www.york.gov.uk/bre-research)

- Lower carbon emissions, improved energy efficiency and reduced fuel poverty
- Less anti-social behaviour
- Neighbourhoods that are more cohesive, attractive and economically vibrant

Additional licensing, in the targeted wards with the highest number and concentrations of HMOs, would require all private landlords with new HMOs to apply for a licence for each property and meet certain property and management standards before they can be let to tenants. Existing HMOs would be given set periods, outlined in our draft conditions policy set out in Appendix 1 to comply with certain conditions where they are related to structural work.

### 3. Licensing of Houses in Multiple Occupation

The Housing Act 2004 has given councils the power, in certain circumstances, to introduce additional licensing of HMOs which fall outside of the mandatory HMO licensing definition so as to improve conditions for tenants and the local community.

#### 3.1 What is an HMO?

A HMO is defined in Sections 254 and 257 of the Housing Act 2004. A HMO can be a building or part of a building if it is:

- Occupied by persons who form more than one household, and where those persons share (or lack) one or more basic amenities, such as a WC, personal washing and cooking facilities.
- A converted building containing one or more units of accommodation that do not consist entirely of self-contained flats. (There is no requirement that the occupiers share facilities)
- A converted building consisting entirely of self-contained flats, where the building work undertaken in connection with the conversion did not comply with the 1991 Building Regulations and more than one third of the flats are occupied under short tenancies.

The HMO must be occupied by 2 or more households:

- As their only or main residence;
- As a refuge by persons escaping domestic violence; or
- During term time by students.

In all cases:

- Occupation of the living accommodation must be the only use of that accommodation; and
- Rents are payable or other considerations are provided.

Under the Housing Act 2004, a household comprises:

- A single person (though a property will not qualify as an HMO if it is occupied by 2 single people who are separate households);
- Co-habiting couples (whether or not of the opposite sex); or
- A family (including foster children and children being cared for) and current domestic employees.

Bed and breakfast and hostel accommodation occupied by individuals as their main and permanent address are also considered to be an HMO.

Certain types of buildings will not be HMOs for the purpose of the Housing Act. They are:

- Buildings, or parts of buildings, occupied by no more than two households, each of which comprise a single person only (for example, two person house or flat shares);
- Buildings occupied by a resident landlord with up to two tenants;

- Buildings managed or owned by a public sector body, such as the police, local authority, registered social landlords, fire and rescue authority and the NHS;
- Buildings occupied by religious communities;
- Student halls of residence where the education establishment has signed up to an Approved Code of Practice; and
- Buildings occupied entirely by freeholders or long leaseholders.

### **3.2 Mandatory licensing**

Under the Housing Act 2004, certain types of HMO (defined in Regulations by the Secretary of State) are always licensable. For these HMOs there is an obligation on the landlord to apply for a licence to the local authority where the HMO is located. Local authorities, therefore, must be in a position to manage the applications for licences. Originally, licensable HMOs were those comprising three or more storeys with five or more residents living as two or more households that share some facilities. From 1 October 2018, the definition of a mandatory licensable HMO changed and the rule regarding 3 or more storeys was removed. All properties that meet the following criteria therefore require a mandatory HMO licence:

- It is occupied by five or more persons living in two or more separate households; and
- It meets either
  - The standard test under section 254(2) of the Act; or
  - The self-contained flat test under section 254(3) of the Act (but is not a purpose-built flat situated in a block comprising three or more self-contained flats); or
  - the converted building test under section 254(4) of the Act.

The total number of licensable HMOs of this nature within York is estimated to be 1,050. The council currently licences around 1029 under the national mandatory scheme. Operating a HMO without a licence is a criminal offence and the council will investigate and consider taking action in line with our Enforcement Policy. The Council will consider the following action in relation to an unlicensed HMO; the issuing of a serving civil penalty notice up to £30k or a prosecution. In addition we can or advise tenants to, to apply for a Rent Repayment Order (landlords would need to repay up to 12 months rental income) During the period that the property is unlicensed, a Notice of Seeking Possession under Section 21 Housing Act 1988 to evict tenants cannot be used.

The Council estimates that there are still around 2,000 HMOs in York that are not subject to the mandatory licensing provisions.

### **3.3 Additional licensing**

In April 2015 the Secretary of State for Communities and Local Government gave Local Authorities general approval to introduce additional and selective licensing designations in England without requiring the specific confirmation of the Secretary of State, if certain conditions are met: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015.

When considering the introduction of an Additional Licensing Scheme councils must proceed through the statutory process as laid out in Section 56 and 57 of, and the guidance issued under, the Housing Act 2004.

Section 56 of the Act places requirements upon councils when considering a designation for additional licensing of HMOs, in that councils must:

- Consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public;
- Take reasonable steps to consult with persons who are likely to be affected and consider any representations made in accordance with the consultation and not withdrawn; and
- Have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area (these codes relate to University managed accommodation).

Section 57 provides further considerations for councils in that they should ensure that:

- Exercising the designation is consistent with the authority's overall housing strategy;
- Seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the PRS as regards combining licensing with other action taken by them or others; and
- Consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question; and
- That making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well).

The General Approval provides the additional condition for any additional licensing scheme not subject to specific confirmation by the Secretary of State that consultation on the proposed designation should take place for not less than 10 weeks.

The guidance for the general approval provides examples of properties being managed "sufficiently ineffectively" including:

- Those whose external condition and curtilage (including yards and gardens) adversely impact upon the general character and amenity of the area in which they are located;
- Those whose internal condition, such as poor amenities, overcrowding etc. adversely impact upon the health, safety and welfare of the occupiers and the landlords of these properties are failing to take appropriate steps to address the issues;
- Those where there is a significant and persistent problem of anti-social behaviour affecting other residents and/or the local community and the landlords of the HMOs are not taking reasonable and lawful steps to eliminate or reduce the problems; and
- Those where the lack of management or poor management skills or practices are otherwise adversely impacting upon the welfare, health and safety of residents and/or impacting upon the wider community.



The evidence set out in Section 4 below is considered to demonstrate that the condition and management practices of a significant proportion of relevant HMOs are such that the proposals would meet the statutory criteria of the Act and the General Approval.

Under section 60(2) of the 2004 Act a designation cannot last for longer than 5 years.

## 4. Supporting information: the case for licensing

### 4.1 National context

The Office of National Statistics (ONS) projects there will be a population increase in the UK of 11 million people over the next two decades. The English Housing Survey (EHS) 2018/19 reported that the PRS accounts for 4.6 million or 19.9% of all households, representing a doubling in proportion since the 1990s.

A large proportion of the growth has come from families with children, who now make up nearly a third of private renting households nationally. Almost half of renters are aged 35 and over and nearly a third of renters expect to be renting for the rest of their lives. Only 6% of renters say it is their preferred choice of housing.

Generally speaking, property conditions in the private rented sector are worse than any other tenure. A third of privately rented homes do not meet the government's Decent Homes Standard, while around one in 7 contain a hazard posing a serious danger to the health and safety of renters, much higher than rates in the owner occupied and social rented sectors.

Between 1998/99 and 2018/19, the proportion of private renters living in overcrowded accommodation increased from 3% to 6%. This compares to 1% of owner occupiers and 8% of social renters.

In 2018/19, the average (mean) rent (excluding services but including Housing Benefit) for households in the social sector was £102 compared with £200 per week in the PRS, a difference of £98 per week.

### 4.2 Local context - Strategic links

The Council Plan 2019-23 sets out the council's overall strategic approach to services in York. With a clear vision to *"improve peoples' quality of life"*, the council aims to deliver across eight objectives:

- Create a cleaner and greener city
- Well paid jobs and an inclusive economy
- Getting around sustainably
- Good health and wellbeing
- Safe communities and culture for all
- Create homes and world class infrastructure
- A better start for children and young people
- An open and effective council

The York Health and Wellbeing Strategy 2017-22 recognises that creating health, wealth and happiness requires more than simply managing people's health problems. The health and wellbeing of people can be improved if people have jobs, good housing and are connected to

families and communities. There is evidence that providing a healthier home environment for children and young people ensures that they have better outcomes in education<sup>5</sup>.

The York and North Yorkshire Housing Strategy 2015-21 vision is to “*enable more new homes and for all housing to be of a quality, type and size which meets the needs of our communities and supports economic growth.*” Beneath this vision are number of key priorities, the most notable being:

- Increase the supply of good quality housing across all tenures and locations
- Ensure the housing stock reflects local needs
- Ensure new homes are of good design and environmental quality regardless of tenure
- Make best use of our existing stock and ensure it is a decent quality.
- Ensure all homes have a positive impact on health and wellbeing and are affordable to run

York private sector housing strategy 2016-21 sets out five strategic objectives designed to improve the condition and management of owner-occupied and PRS homes: These include:

- Encourage and support owner occupiers to maintain safe homes, free from Cat 1 hazards
- Encourage, support and regulate private landlords and agents to provide safe and well managed properties, free from Cat 1 hazards. Inform and support tenants about what they can expect
- Maximise use of the existing housing stock to increase the supply of decent affordable homes
- Enable more sustainable homes by increasing energy efficiency and reducing fuel poverty

The strategy states that investing in our homes and ensuring standards are maintained delivers a wide range of positive outcomes not just for us personally but for the city as a whole including:

- Fewer homes that pose a risk to health and well being
- Improved outcomes for families and young people
- Lower carbon emissions improved energy efficiency and reduced fuel poverty
- More independence for older or vulnerable households
- Less anti-social behaviour relating to derelict or nuisance properties
- Less poverty and communities that are more cohesive, attractive and economically vibrant

High housing costs have placed additional pressure on social and affordable rented accommodation let by the council and local Registered Providers (RPs). There are currently around 1,500 households on the council’s housing waiting list hoping to secure one of the small number of social and affordable rented homes that become available each year. A shortage of affordable accommodation pushes further demand pressures onto the PRS, including HMOs.

PRS accommodation meets a diverse range of needs. It provides a flexible option for those who do not wish to buy, face barriers to buying or are saving for a deposit. It offers a range of shared accommodation for smaller households and is increasingly used by a growing number

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<sup>5</sup> [Journal of Environmental Health Research - Beyond safety to wellbeing \(core.ac.uk\)](https://www.core.ac.uk/journal/1155422/journal-of-environmental-health-research)

of families. With rising costs and limited social rented homes the sector looks set to remain an important source of housing for the foreseeable future.

In line with national trends, the PRS in York has seen considerable overall growth over the past 20 years. In 2001 the sector was reported to be around 10% of total stock and this has increased to 17.5%.<sup>6</sup>

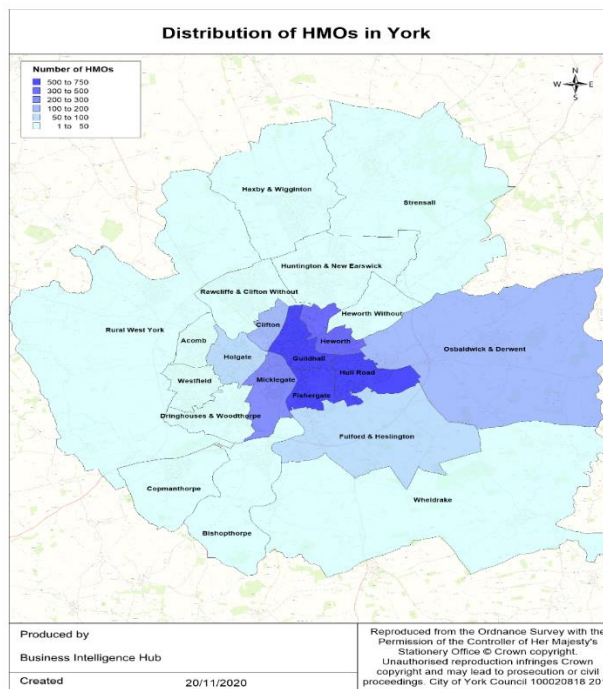
Planning policy in the form of an Article 4 Directive has been developed by the council to create and sustain ‘mixed and balanced communities’, by encouraging the spread of sustainable and viable options for accommodation across the city. Notwithstanding, it is clear from the data presented below that the city does have several areas where HMOs within the PRS are substantial in number and that a significant proportion of them are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public

### 4.3 HMOs in York - Number and distribution

Data shows there are over 3000 (19% of PRS) HMOs in York, not including university halls of residence, of which 1,029 are licensed. The data and hotspot density map below clearly shows a larger concentrations of HMOs in certain wards focussed within close proximity of the city centre and the two major university complexes.

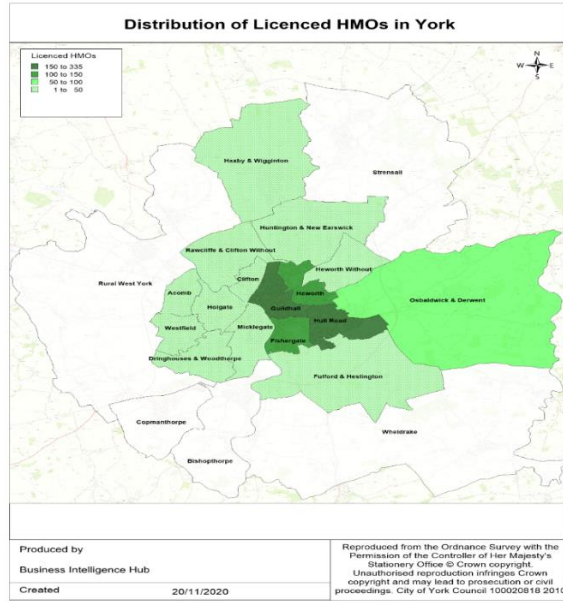
- Wards with the highest **number** of HMOs (i.e. over 100) include Hull Road, Guildhall, Fishergate, Heworth, Micklegate, Clifton, and Osbaldwick and Derwent.
- Wards with the highest **concentrations** of HMOs (i.e. over 10%) include Hull Road, Guildhall, Fishergate and Fulford and Heslington.

Fig 1. Distribution of HMOs - Hotspot Density



<sup>6</sup> ONS estimate 2018

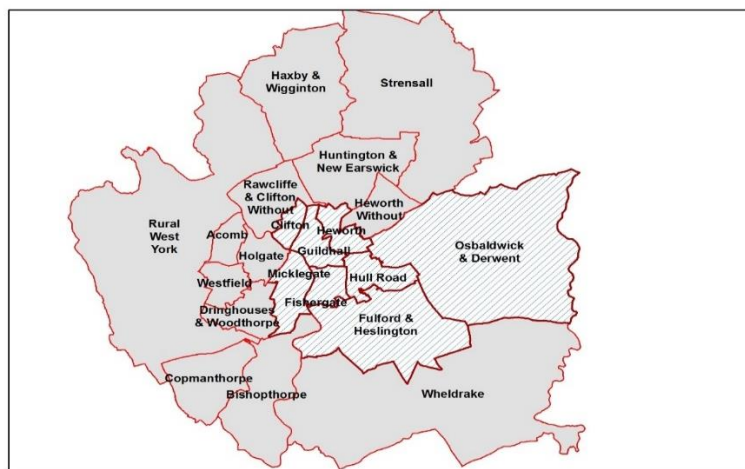
Fig 2. Distribution of licensed HMOs – Hotspot density



Taking this into account alongside property condition and hazard identification data set out below, it is proposed to apply the licensing requirements in the following wards, cross-hatched in the map diagram below:

- Clifton
- Guildhall
- Heworth
- Micklegate
- Fishergate
- Hull Road
- Fulford & Heslington
- Osbaldwick & Derwent

Fig 3. Proposed additional licensing wards



#### 4.4 Enforcement of HMOs

The council must consider if a significant proportion of the HMOs in the proposed targeted area are being managed sufficiently ineffectively as to give rise to, or be likely to give rise to, one or more particular problems either for those occupying the HMOs or for members of the public.

The council takes a positive approach in dealing with concerns about HMOs and concentrates on four main areas of enforcement:

- Unlicensed HMOs
- Non-compliance of licence conditions
- Poor Management of HMOs
- Health and Safety

##### Unlicensed HMOs

Under the Housing Act 2004 the council is responsible for administering the mandatory licensing scheme described earlier in this report. Where the council suspects there is an unlicensed HMO it has powers to inspect without providing any notice to the occupants or the owner. Once a property has been found to be operating without a licence the council will instigate a formal investigation and decide, based on the Council's Enforcement Policy, what course of action is appropriate.

##### Non-compliance of licence conditions

When a HMO is licenced the licence holder is issued a licence with conditions, critically the licence condition ensures that the property and the licence holder meets the three tests within specified periods

The three tests being that the:

- 1) Property is reasonably suitable for occupation as a HMO (**physical standards**)
- 2) Management arrangements are satisfactory (**management standards**) including having passed a recognised training qualification or to do so within an 18 month period of issuing the licence.
- 3) Licensee and manager are fit and proper persons (**Fit and Proper test**). The applicant must be the most appropriate person to hold the licence.

Where the licence holder fails to meet the conditions then the council will instigate a formal investigation and decide based on the Council's Enforcement Policy, what course of action is appropriate.

##### Poor Management of HMOs

In cases of poor management the council has powers under the Management of Houses in Multiple Occupation (England) Regulations 2006. The general principle of the regulations is to protect the health, safety and welfare of occupants by requiring landlords and managers of HMOs to comply with certain duties. These regulations apply irrespective of whether the HMOs are licenced or not. Effective management also relies in part on residents being fully aware of their responsibilities. They should be made aware that they are either required by

regulation or by the terms of the tenancy agreement not to act in a way that obstructs the manager, or causes nuisance or annoyance to neighbours, and also be made aware of the consequences if they do not comply with this. Additional HMO Licensing is a proactive approach, satisfactory management arrangements are required to be in place and the licence holder needs to have a recognised training qualification

### Health and Safety

The Housing Health and Safety Rating System (HHSRS) applies to HMOs as any other housing accommodation and the council is required to keep property conditions ‘under review’. The application of HHSRS in non-licensed HMOs is a reactive approach as the council relies upon residents and tenants to complain so that it is aware of issues. More recently with austerity, resources have resulted in reactive services taking priority. In the case of licensed HMOs the council has a duty to carry out a HHSRS inspection at least once every five years. This is a much more a proactive approach.

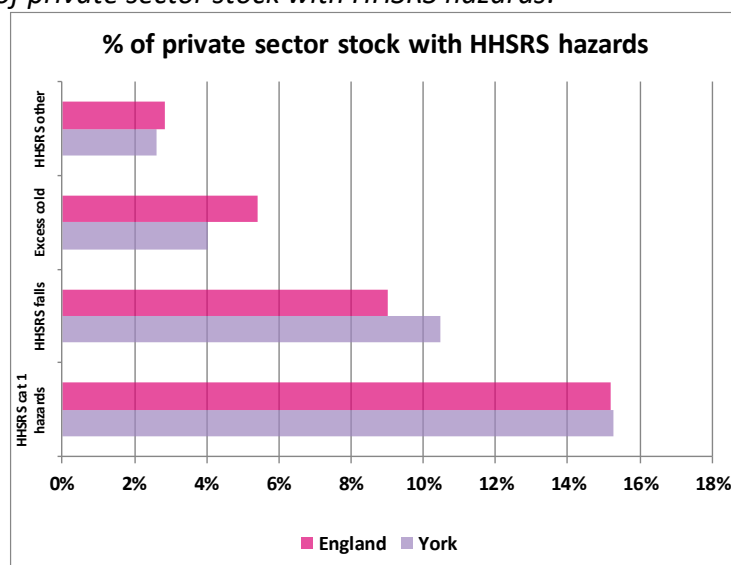
### 4.5 Housing health and safety rating system (HHSRS)

The HHSRS provides the minimum standard for housing, in that a property should be free from a Category 1 hazard. There are 29 criteria for assessing hazards in a property and typically hazards arise from faults or deficiencies in the dwelling which could cause harm.

Figure 4 below shows the number of hazards, grouped into major hazard categories, in York compared to England as a whole, across the private sector housing stock (owner occupied and privately rented)<sup>7</sup>. Compared to England, York has a similar level of dwellings with category 1 hazards, although there are higher rates of falls on stairs. Around 15% of all private dwellings in York have a category 1 hazard.

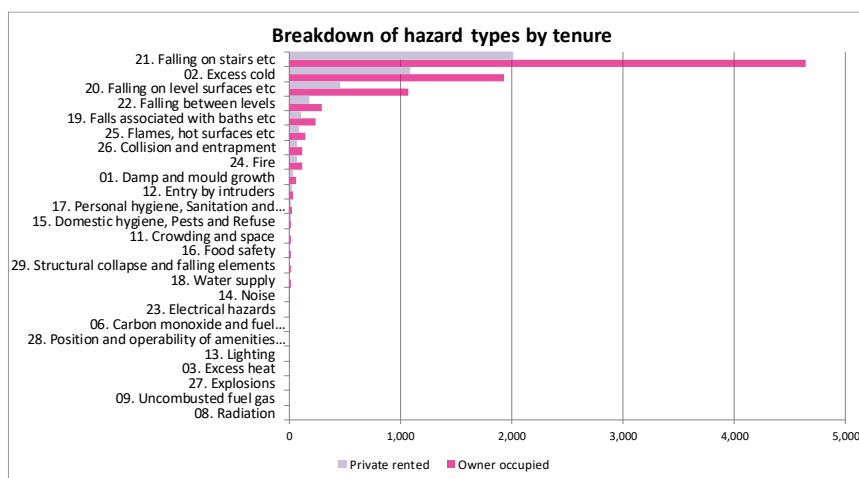
There are an estimated 12,920 category 1 hazards in York’s private sector stock, of which over 4,194 (32%) are within the privately rented sector.

Fig 4. Percentage of private sector stock with HHSRS hazards.



<sup>7</sup> BRE Health Impacts and Costs of Poor Housing in York 2015

Fig 5. Estimated number of category 1 hazards in York by tenure



The two main hazards in the private rented sector are falls on stairs (2,015 hazards) and excess cold (1,088 hazards).

#### 4.6 Complaints

During the period 1 October 2018 to 30 September 2020 the council’s housing standards team received 872 service requests including empty property enquiries. Of these, 698 related to PRS housing conditions and tenancy relations. 156 of these were dealt with by the technical support team relating to HMO general advice including advice on the HMO licensing process. 542 were passed to the HMO enforcement team of which 63 related to tenancy advice matters and 415 related to housing conditions such as damp and mould, overcrowding and lack of gas safety certificates. 64 requests related to investigations into potential unlicensed HMOs.

#### 4.7 HMO inspection data

HMO inspection data demonstrates the significant benefits of licensing, with considerably reduced rates of Category 1 and 2 hazards in post-licence inspections. For example in fig 7 below, HMOs being licenced for the first time were found to be 3.61x higher risk of Fire Safety (Category 2 hazards) at more risk of the most serious Category 1 hazards; and at more than double the risk of Category 2 hazards compared to those properties who were being renewed for the second or third time. This was based on 348 inspections carried out in total, with full details contained in Appendix 3. By introducing the same inspection regime for smaller HMOs through additional licensing scheme it is anticipated that the same reduction in the number of serious category 1 and 2 hazards would be achieved.



Fig 6. Inspection outcomes initial and at renewal

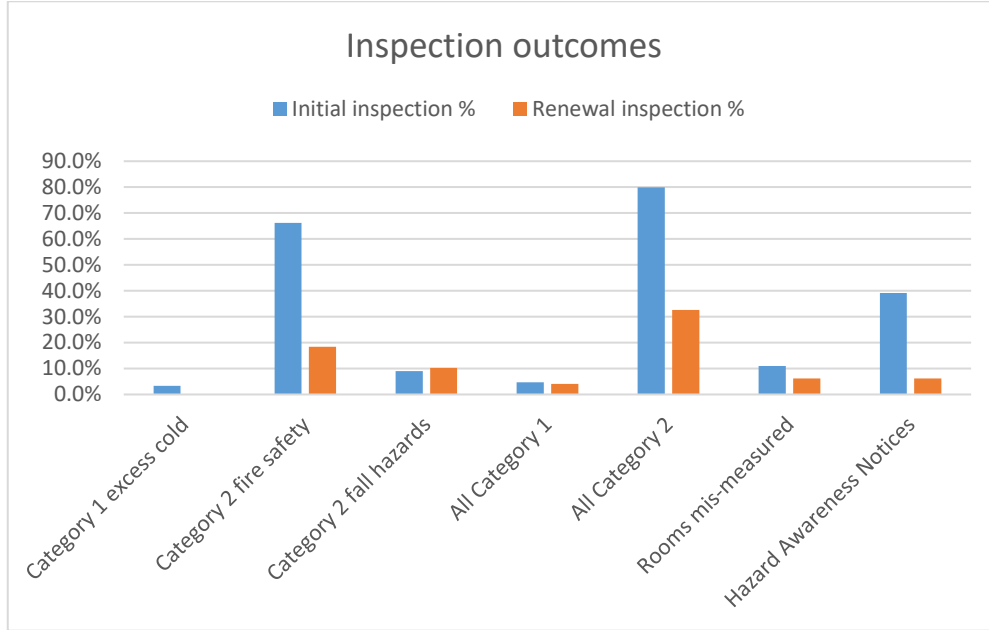
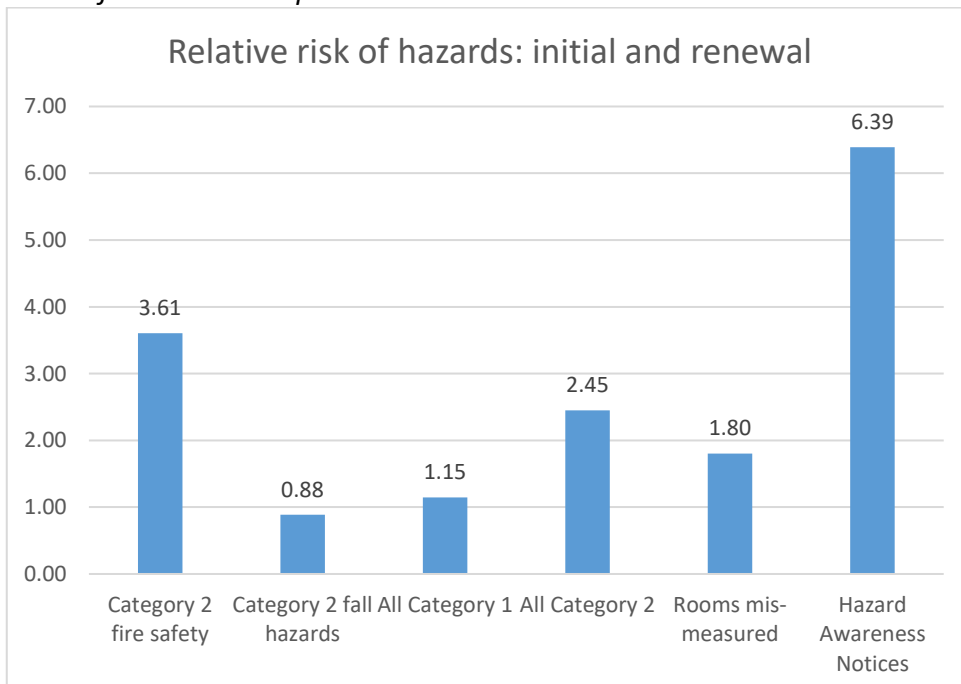


Fig 7. Below shows the relative likelihood of identifying the hazards listed at inspection, comparing those which are being licenced for the first time and subsequent visits when the property is being licenced for the second or third time (renewal). Hazards were disproportionately more likely prior to licensing, with 3.61x the risk of Category 2 Fire Safety hazards being identified, and 6.39x the risk of Hazard Awareness Notices being issued by comparison to licensing renewal inspections. This demonstrates very clear improvements following licensing. By introducing the same inspection regime for smaller HMOs through additional licensing scheme it is anticipated that the same reduction in the number of category 1 hazards would be achieved.

Fig 7. Risk ratio of hazards at inspection



From 299 inspections of HMOs (Table 1) licensed for the first time 33 properties were found to have rooms which had been declared by landlords as meeting the minimum new legal standards, to be below the legal standards. A further 49 inspections of properties (Table 2) being licenced through the renewal programme found 3 landlords to have declared rooms to be meet the legal standards, to be below them. The proposed Additional Licensing Scheme would seek to ensure that any information provided in application form is followed up by an inspection confirming that it is accurate and that licence conditions are being met. Full data is included in Appendix 3.

*Table 1. Initial HMO inspection data*

HMOs licence: HMO inspection data	Rooms mis- measured	Inspections	Suspended Prohibition notice	Hazard Awareness Notice
2018-2020	33	299	2	117

*Table 2: Renewals: HMO inspections data*

	Rooms mis- measured	Inspections	Suspended Prohibition notice	Hazard Awareness Notice
2019-20 Renewals: HMO inspections data	3	49	1	3

By introducing the same inspection regime for smaller HMOs through additional licensing scheme it is anticipated that conditions will be improved. It is also anticipated that the licence condition ensuring that landlords receive a minimum level of training will mean that they understand the reasons for the licence conditions and the minimum standards.

#### **4.8 HMO Licence Conditions**

All HMOs are issued with standard licence conditions but where the licence holder, or property or management fails to meet a required standard then a specific licence condition is imposed. Table 3 shows the number of HMOs that failed to meet the standards in 2018. The licence holders were all issued with conditions to ensure that these matters were resolved. It is expected that should additional HMO licensing be extended to other HMOs then similar levels of issues will be found.

The following table outlines the type and number of conditions imposed on HMOs that were licensed during the first six months of licensing after the 1<sup>st</sup> October 2018.

Table 3. Type and number of conditions imposed on licensed HMOs in first six months of licensing

Standard licence conditions	Conditions imposed on HMOs and existing HMOs that have been renewed
The number of properties failing the <b>room size</b> and a condition imposed. NB this could relate to more than one room in the property	58
The number of properties failing to meet the required level of <b>kitchen</b> facilities for the number of occupants and households	192
The number of properties failing to meet the required level of <b>bathroom</b> facilities for the number of occupants and households	12
The number of properties failing to meet the required level of <b>toilet</b> facilities for the number of occupants and households	82
The number of properties failing to provide the level of <b>controllable heating</b> facilities for the number of occupants and households	25
The number of properties failing to meet the required minimum <b>energy efficiency</b> levels and licence conditions imposed	78
The number of properties failing to meet the required level of <b>carbon monoxide detection</b> in the house	205
The number of licence holders who fail to meet the required level of <b>training</b> by attending and passing a recognised training course	312
<b>Total conditions</b>	<b>964</b>
<b><i>Of which: individual HMOs with at least 1 condition imposed</i></b>	<b>609</b>

Table 4 below is a snap shot on the 12th February 2021 showing the significant improvement in just over 16 months, both in terms of the management and condition of HMOs.

Table 4. Issues identified following licensing

Conditions above the standard conditions	Number of properties
The number of properties failing the <b>minimum room size</b>	2
The number of properties failing to meet the required level of <b>kitchen</b> facilities	16
The number of properties failing <b>bathroom/showering</b> facilities	0
The number of properties failing to meet the required level of <b>toileting</b> facilities	12
The number of properties failing to meet the controllable <b>heating</b> condition	0
The number of properties failing to meet the required level of minimum <b>energy efficiency</b> levels	9
The number of properties failing to meet the required level of <b>carbon monoxide detection</b> in the house	4
The number of licence holders who failed to meet the minimum level of <b>training</b>	5
<b>Total at 12<sup>th</sup> February 2021</b>	<b>48</b>

This illustrates the benefits of licensing in improving property standards and management practices, with a total of 964 conditions imposed on 609 properties (Table 3), representing around 60% of the licensed HMOs. By comparison, following licensing 48 conditions had been imposed on the same number of properties (Table 4) – highlighting the very substantial improvements achieved. Without licensing these properties would likely to continue to fail to meet the standards required. Comparable improvements in standards and management practices would be expected in additional licensed HMOs.

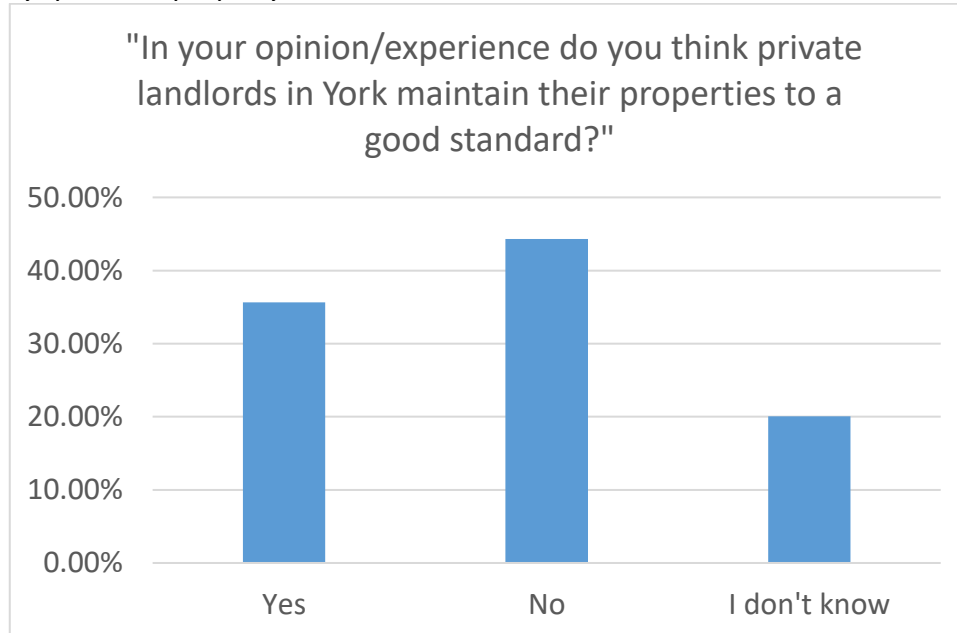
#### 4.9 Responses to the council’s consultation

The first consultation on additional licensing proposals concluded in June 2021. 822 responses were received, including 228 who identified as a private tenant and 238 as a private landlord, letting agent or manager. The percentages shown below exclude non-answering respondents, full details are available in the separate data spreadsheet.

The responses highlighted existing good practice alongside areas for improvement. Around 35% of respondents considered that “private landlords in York maintain their properties to a

good standard”, which provides an excellent base to improve the quality of this sector. Over 40% believed private landlords in York do not maintain their properties to a good standard, which fits the evidence noted above for the potential improvements through additional licensing.

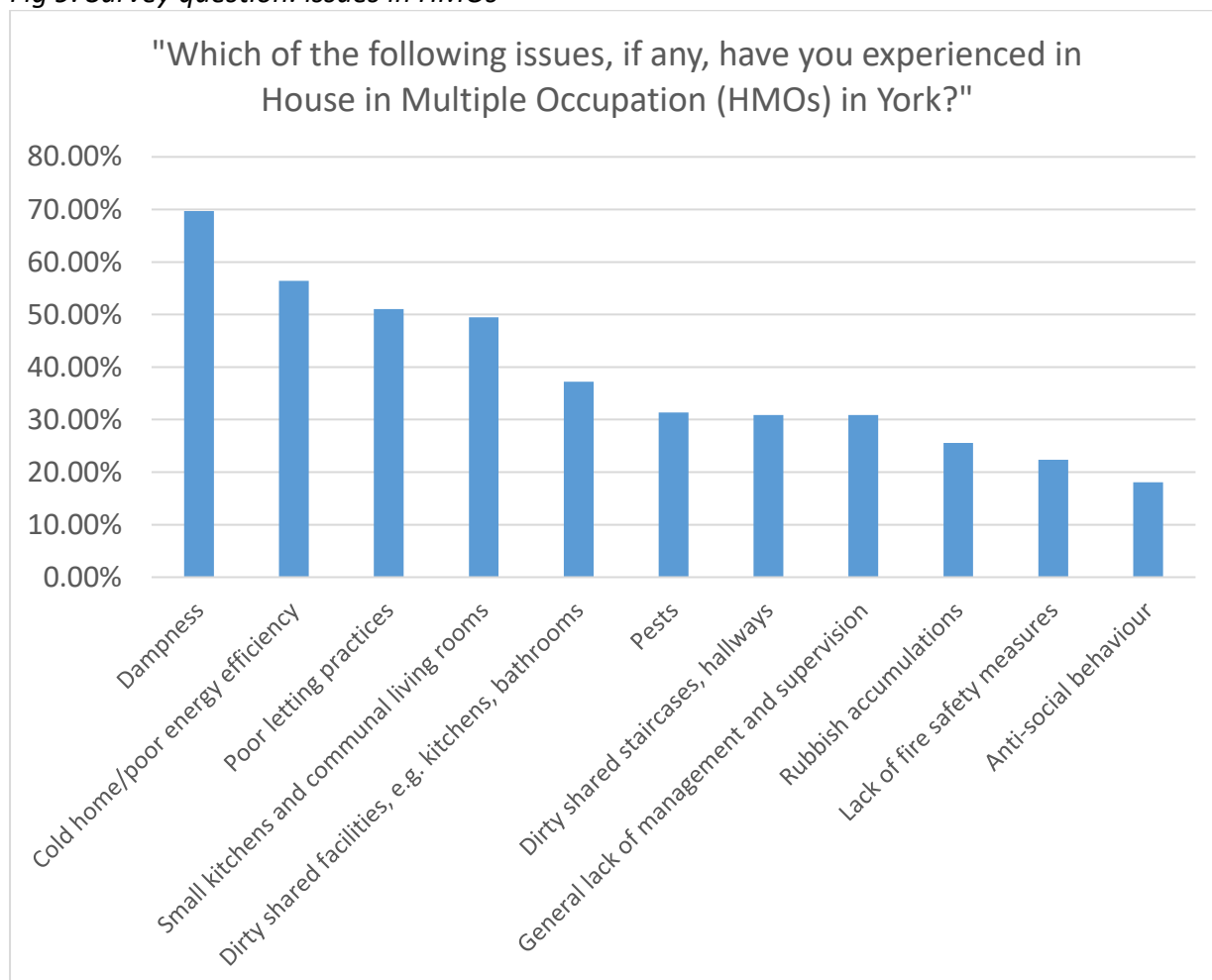
*Fig 8. Survey question: property standards*



70% of respondents’ experience of damp as an issue in HMOs in York is corroborated by results in the student renters’ survey outlined below. This prevalence suggests management and property condition challenges in the more complex households living in HMOs. It is expected that damp issues would be managed by a range of options, for example improving the energy performance of the property increasing ventilation, provision of better clothes drying facilities, or technologies to address specific moisture concentrations in a property.

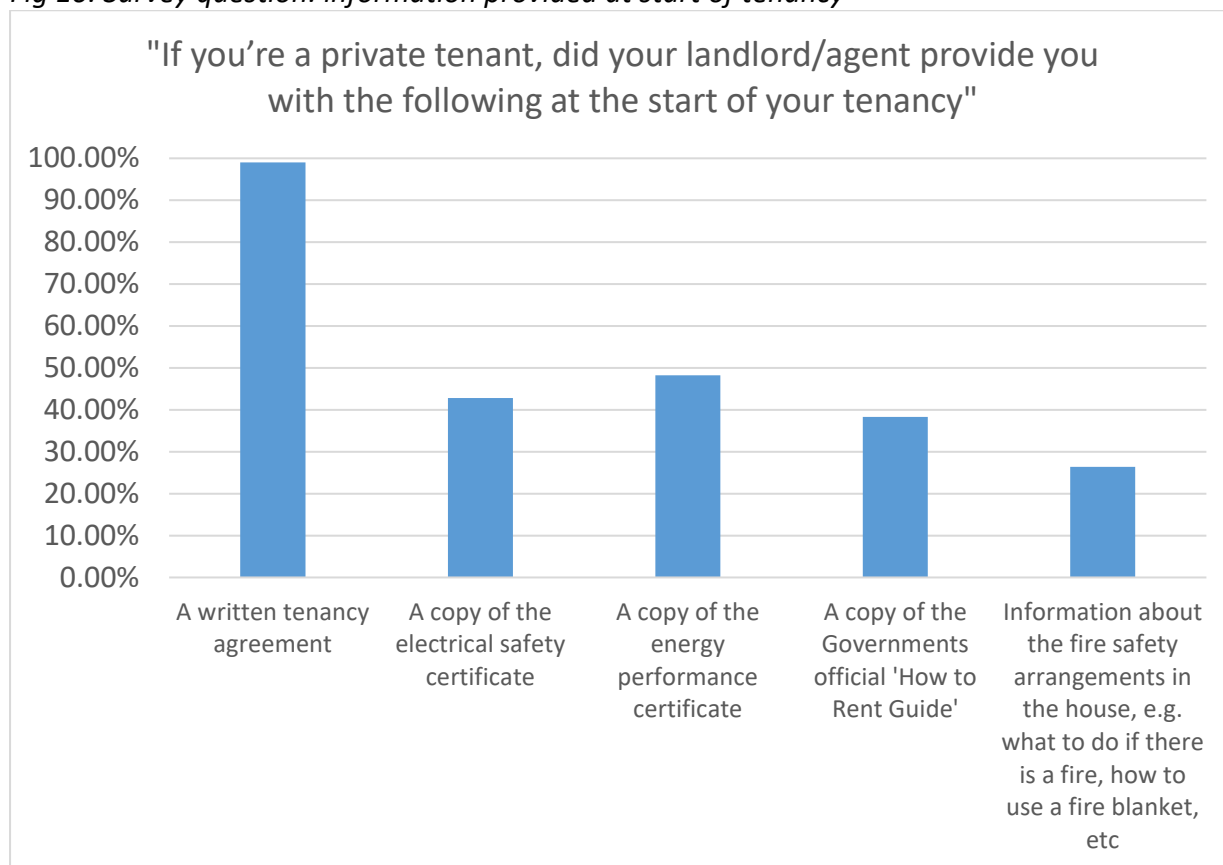
Other property maintenance and management factors highlighted in the responses illustrate the potential benefit of improvement through additional licensing.

Fig 9. Survey question: issues in HMOs



Similarly shortcomings in practice are suggested by a majority of tenant's essential statutory certificates and documentation not having been provided as required in licensing arrangements at tenancy commencement (figure 10). The table also highlights significant poor management practices which are also seen in for example, the lack of an EPC records data. An Additional licensing scheme will seek to ensure that valid EPCs, Electrical safety certificates and where gas is provided to the HMO gas safety certificates are submitted as part of the application. Conditions are imposed about fire safety and information for tenants is provided. Critically it also ensures that landlords and those involved in the management of the properties have the right knowledge and skills through completion of a recognised training qualification

Fig 10. Survey question: information provided at start of tenancy



The York Residential Landlord Association wrote a letter responding to the consultation, included in Appendix 6, and representations were made by landlords and business owners in response to the survey questions. Consideration has been given to the proposals and evidence presented in respect of the statutory requirements of sections 56 and 57 and the guidance issued under the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015.

#### 4.10 "Students' Experiences of Private Rented Housing in York"

Reference: <https://yusu.org/news/article/news-and-blogs-yusu-cay-private-rented-housing#>

In May 2021 a report was released on "Students' Experiences of Private Rented Housing in York", carried out by Citizens' Advice and York University Students Union. With over 600 respondents some valuable information is provided on this sub-sector, with high relevance to HMOs. The data presented supports the need for improvement to property standard and management practices in higher risk sub-sectors of the private rental sector with key concerns including damp, pests/insects, a significant minority of gas/electrical safety concerns, and slow responses to repairs needs.

This provides further corroboration for the datasets above- HMO inspections in section 4.6, HMO conditions 4.7 and Consultation in 4.8 datasets analysed above and highlights factors that would be addressed by the additional licensing proposal.

Fig 11. Student report: issues experienced

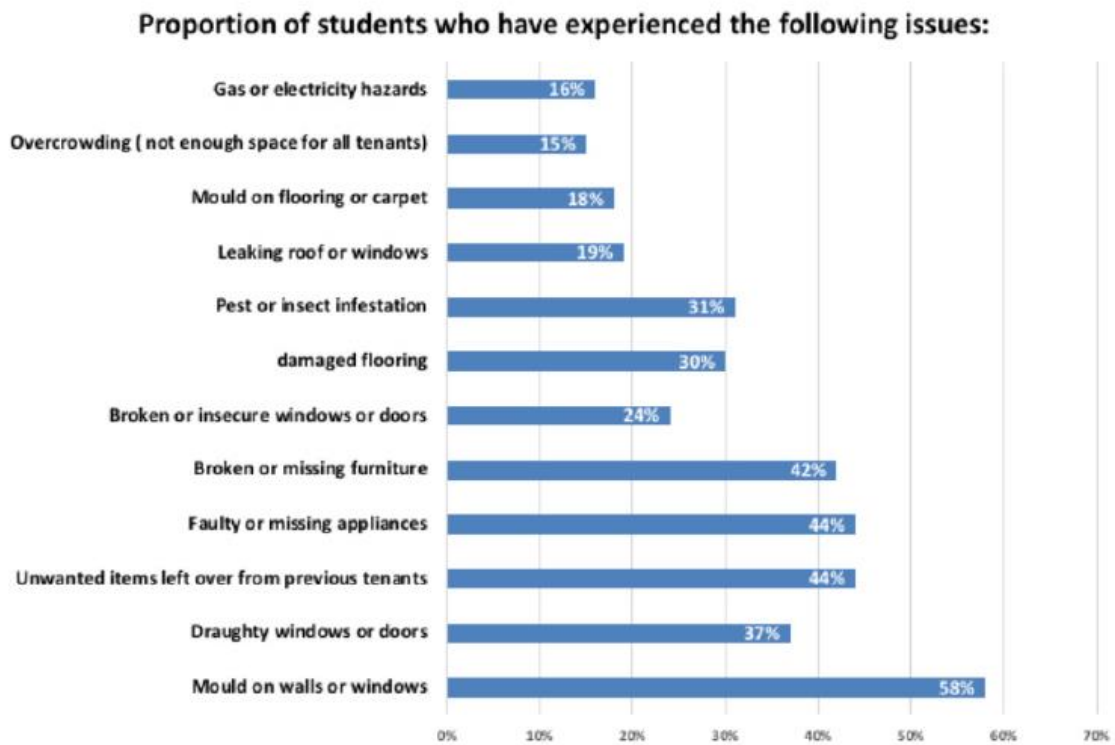
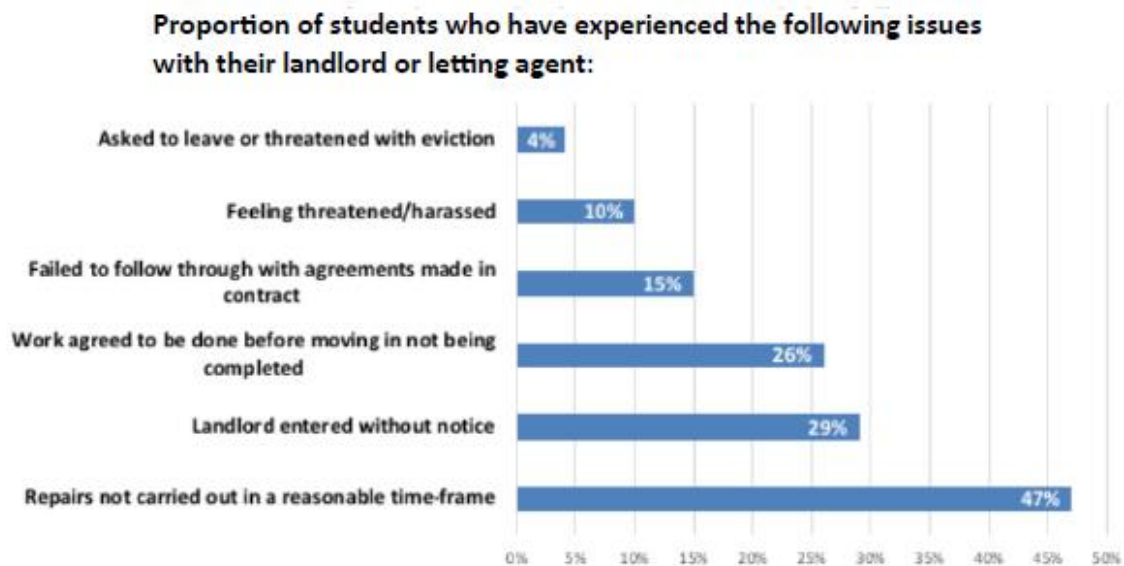


Fig 12. Student report: Landlord/letting agent's issues





#### 4.11 Property conditions

Information concerning the HMO stock in the city has historically been built up from operational records outlined in 4.6 to 4.8, however, some landlords and agents are reticent to provide the council with data unless specifically required to do so. Additional licensing would enable the collection of more detailed and accurate information about the HMO stock. This is one of the less apparent benefits of licensing.

The figures below provide relevant information regarding the stock and conditions in the PRS as reported in the 2015 assessment of housing conditions.

As previously described, MHCLG guidance provides examples of properties being managed “*sufficiently ineffectively*” and includes;

- those where the external condition and curtilage (including yards and gardens) adversely impacts upon the general character and amenity of the area in which they are located; and
- where the internal condition, such as poor amenities, overcrowding etc. adversely impact upon the health, safety and welfare of the occupiers; and
- where landlords of these properties are failing to take appropriate steps to address the issues.

#### Property age and conditions

It is well reported that poor housing conditions, including overcrowding and homelessness, are associated with property age and the effect of such conditions have a direct impact on health including in particular, cardiovascular diseases, respiratory conditions and mental health problems.

The age of dwellings in the PRS is therefore an important consideration as there is a direct correlation between property age and conditions - the worse conditions are generally present in older stock types. Figure 13 from the assessment of poor housing conditions completed in 2015<sup>8</sup> shows the dwelling age profile by ward which provides a means of identifying areas with properties of certain ages; for example, Guildhall, Micklegate, Clifton, Fishergate wards exhibit above average concentrations of pre-1919 and private-rented properties .

The additional licensing proposal is designed to address the issues identified in this evidence base. In the context of older properties at higher risk of being poor quality impacting on the health and wellbeing of tenants, improving the quality of management and property maintenance is especially significant.

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<sup>8</sup> BRE research – The condition of private Housing in York [BRE Dwelling Level Housing Stock Modelling and Database for XXX \(york.gov.uk\)](#)

Fig 13. Dwelling age by ward

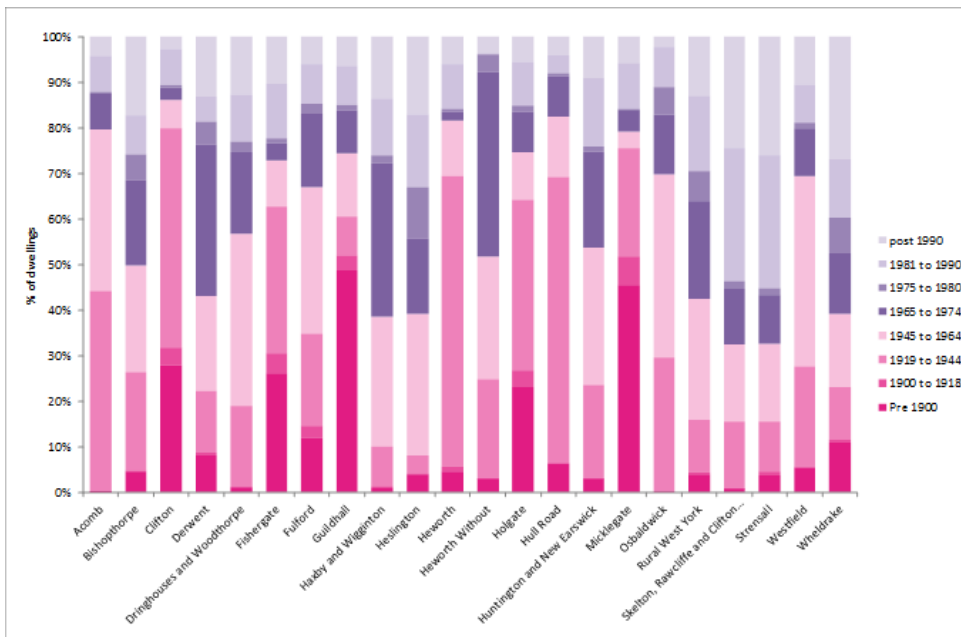
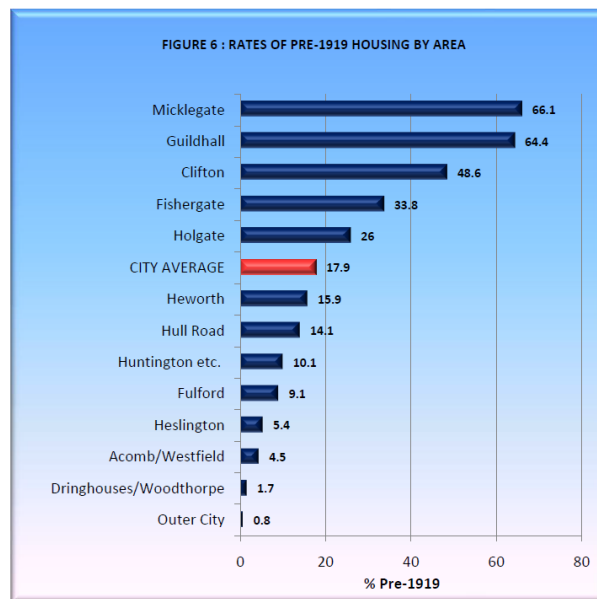


Fig 14. Rates of pre-1919 housing by ward

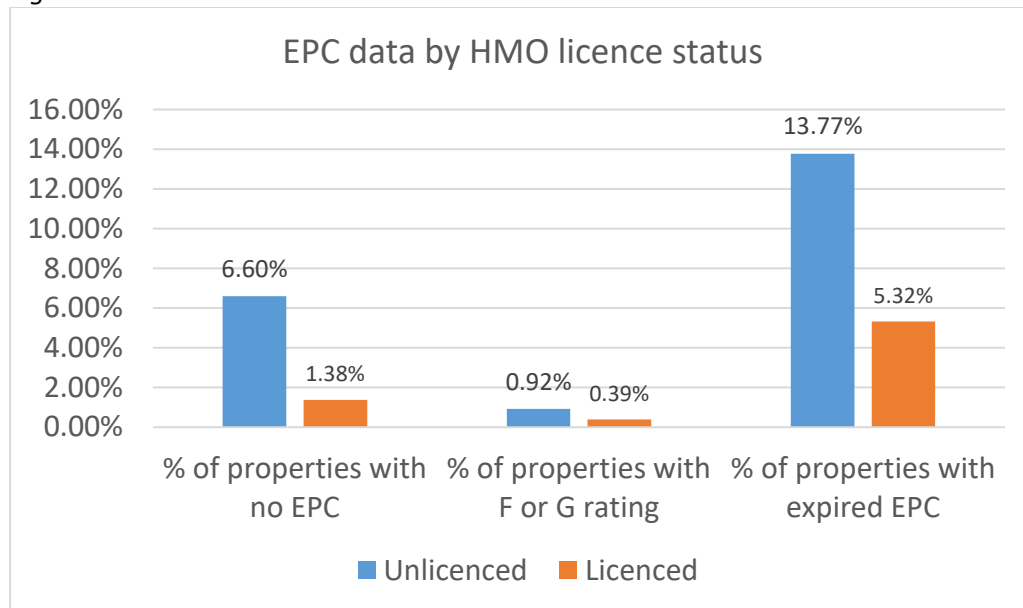


**4.12 Energy Performance of HMOs**

Analysis of Energy Performance Certificate (EPC) data shown below highlights a much greater incidence of HMOs with no, or an expired EPC certificate, and of F and G rated certificates. A requirement of licensing is that a valid EPC should be submitted with the application. A valid EPCs is a legal requirement for most HMOs and should be E or higher unless there is a specific exemption. By having an EPC it provides critical information which a landlord can act on and improve their HMO. Again this demonstrates the benefits of licensing in reducing these impacts on tenants and improving property standards, and management quality.

It is also a requirement that licensed HMOs have all low-cost energy efficiency measures carried out, which would improve some of the worst performing properties.

Fig 15. HMO EPC data



The EPC analysis data is cross-matched from EPC records and planning article 4 HMO records.

Fig 16. HMO EPC risk ratios

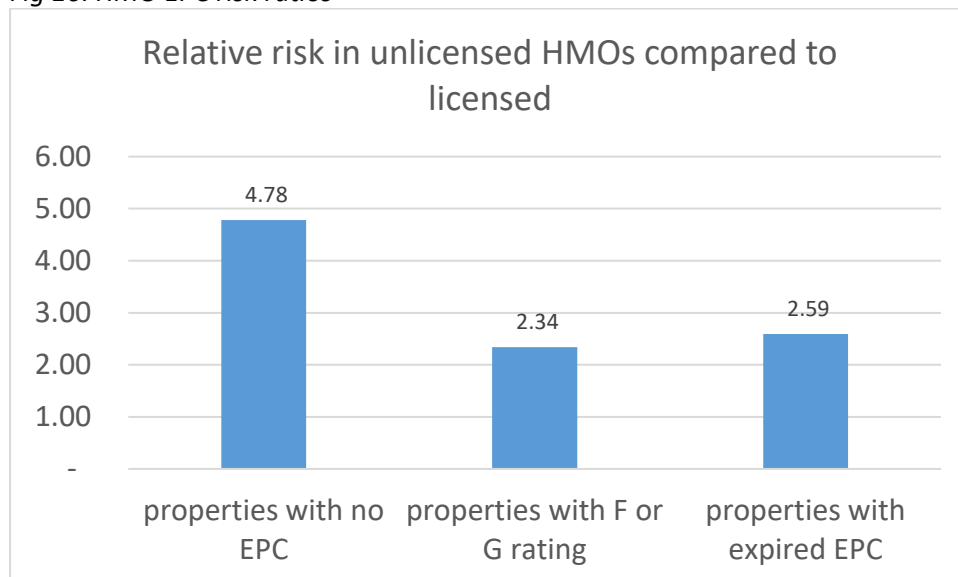


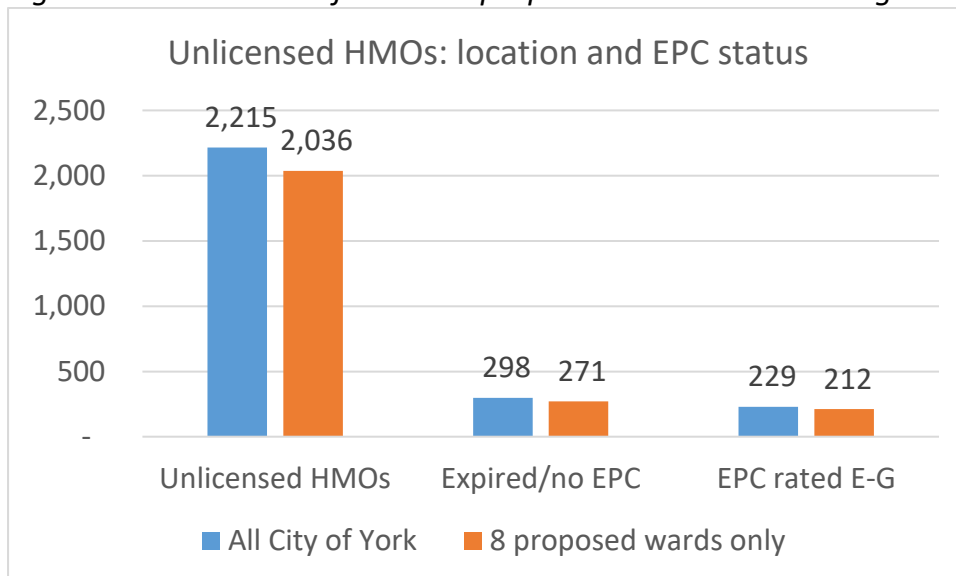
Table 5. EPC data for licensed and unlicensed HMOs in York

EPC Rating (incl. expired EPCs)	Unlicensed	Licensed	Total HMOs
A	3		3
B	108	15	123
C	642	403	1045
D	935	485	1420
E	210	93	303
F	13	3	16
G	6	1	7

No EPC	136	14	150
Ambiguous Address	9	0	9
Exempt	0	1	1
<b>Total</b>	<b>2062</b>	<b>1015</b>	<b>3077</b>

A ward based analysis shows (fig 17.) that the overwhelming majority of unlicensed HMOs with EPC issues that could impact negatively on property standards are concentrated in the 8 wards identified.

*Fig 17. Concentration of HMOs in proposed additional licensing wards*



There is also an apparent correlation between wards with higher numbers of HMOs and prevalence of lower ratings (i.e. below D) both for licensed and un-licensed HMOs. A targeted Additional HMO licensing scheme would seek to ensure that valid EPCs were provided for HMOs and that the Landlords would be actively be asked to act upon them. The data above shows that these HMOs are most likely to be in the older parts of the city and that tenants are likely to be experiencing the dampness and mould as a result of living in such homes which are not being managed effectively.

#### **4.13 Environmental complaints data**

Analysis of complaints data gives insights into potential correlations between anti-social behaviour, noise and waste complaints and areas with higher numbers and concentrations of HMOs.

There appears to be some correlation between anti-social behaviour complaints and areas with higher density of housing and also higher numbers of HMOs. There appears to be no correlation with ASB and HMOs in Osbaldwick and Derwent ward.

Likewise, there appears to be some correlation between HMO prevalent areas and noise complaints, with five of seven areas with the most HMOs appearing towards the top of the list. Again though this may not be evidence of a direct causal link as areas with far fewer

HMOs also feature in the top 10 wards. The concentration of noise complaints is within or adjacent to the urban core where housing is more densely situated.

Waste complaints are also concentrated within or towards the urban core where wards with the greatest number of HMOs are found, though again some of this could be related to littering and commercial operations within or towards the city centre.

Inherently there is a link between high density housing, high concentrations of HMOs with increased levels of anti-social behaviour, noise and waste complaints impacting on residents in those wards.

Fig 18. Antisocial behaviour – Hotspot density

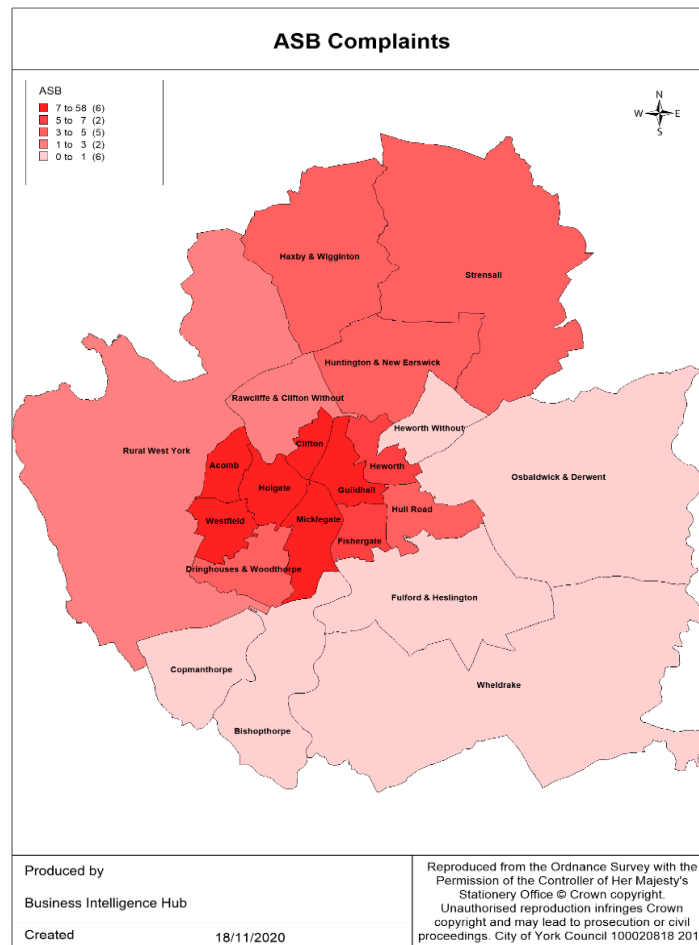
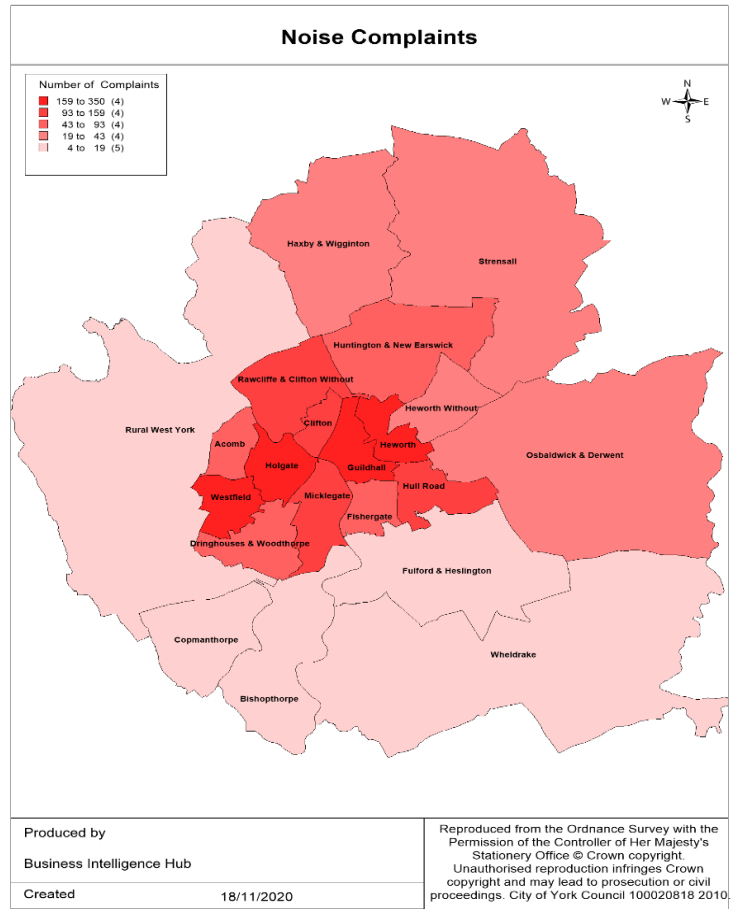
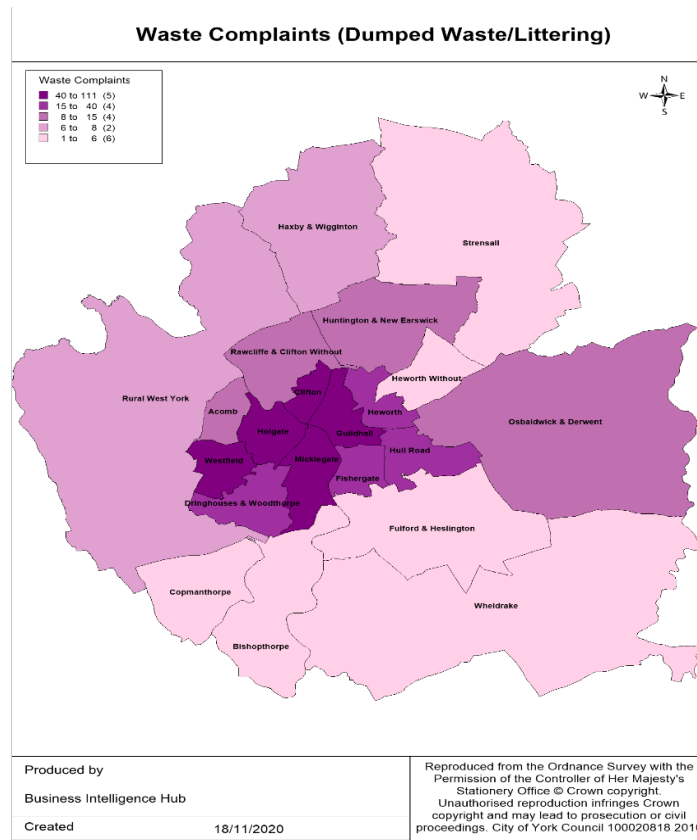


Fig 19. Noise complaints – Hotspot density



\* includes Littering and Dumped Waste

Fig 20. Waste complaints – Hotspot density

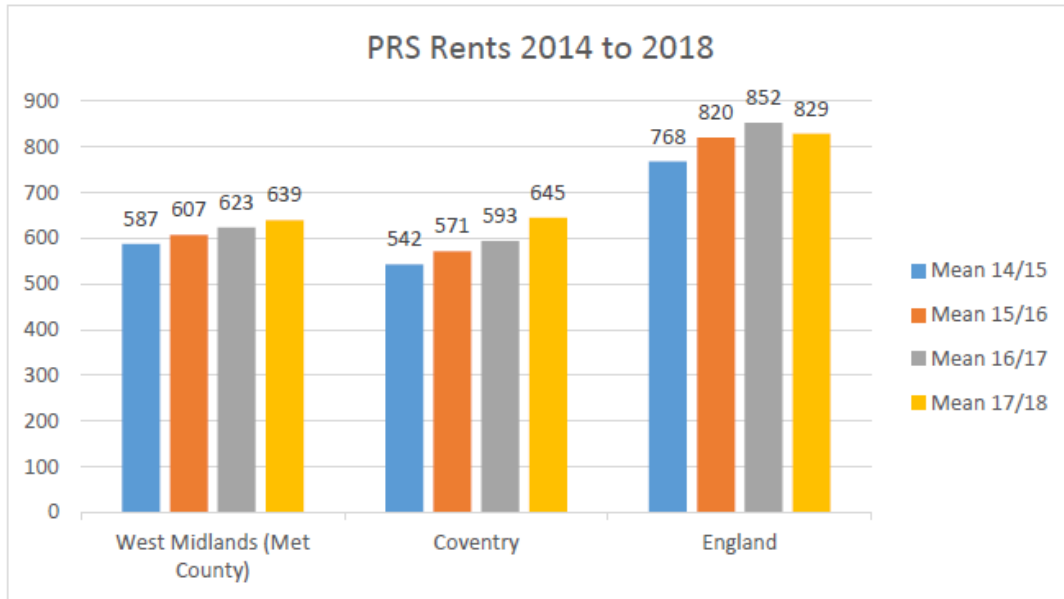


## 5. Impact of licensing

One of the biggest criticisms of licensing schemes is that the cost associated with the licensing fee will be passed onto tenants by an increase in rent. In 2018/19 City of Coventry Council conducted research into this area and made a comparison of rents from 2014- 2018 between areas in England that had discretionary licensing schemes and those that did not, in order to establish if there was any evidence to show that discretionary licensing increases rent.

The research showed that rental values had increased in Coventry, on average by 19% between 2015 and 2018 compared to 11% in the West Midlands and 8% in England over the same period.

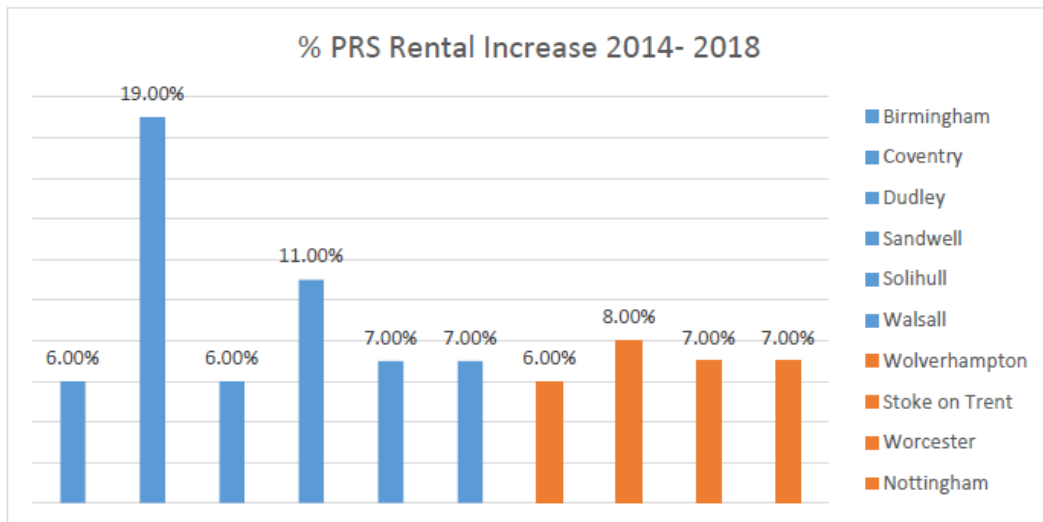
Fig 21. PRS rents between 2014 and 2018



The summary of overall rents was used to conduct the comparison of rents in areas with and without discretionary licensing schemes in other areas across the West Midlands region and England. The comparison can be seen in Figure 22 below.

Fig 22. Comparison of rents in areas with and without licensing.

Councils without discretionary licensing schemes are in blue and Councils with discretionary licensing schemes in orange.



As can be seen from Fig 22 above, rental increases have occurred across all authority areas, with the most significant in Coventry (19%) and Sandwell (11%). Both of these areas do not currently operate discretionary licensing schemes.

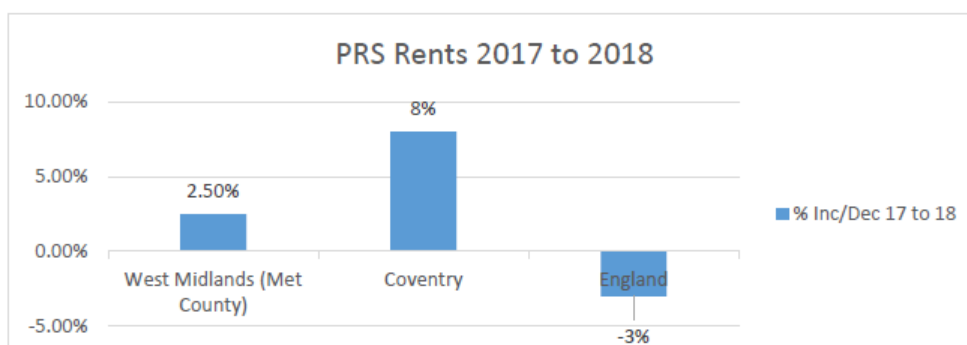


It is also notable that those areas with discretionary licensing schemes (Wolverhampton, Stoke on Trent, Worcester and Nottingham) experienced rent increases below the average levels in the West Midlands and, in a few instances (Wolverhampton, Worcester and Nottingham) below those reported across England during the same period.

The Office for National Statistics (ONS) reported that private rental prices paid by tenants in Great Britain rose by 0.9% in the 12 months to July 2018, down from 1.0% in the 12 months to June 2018.

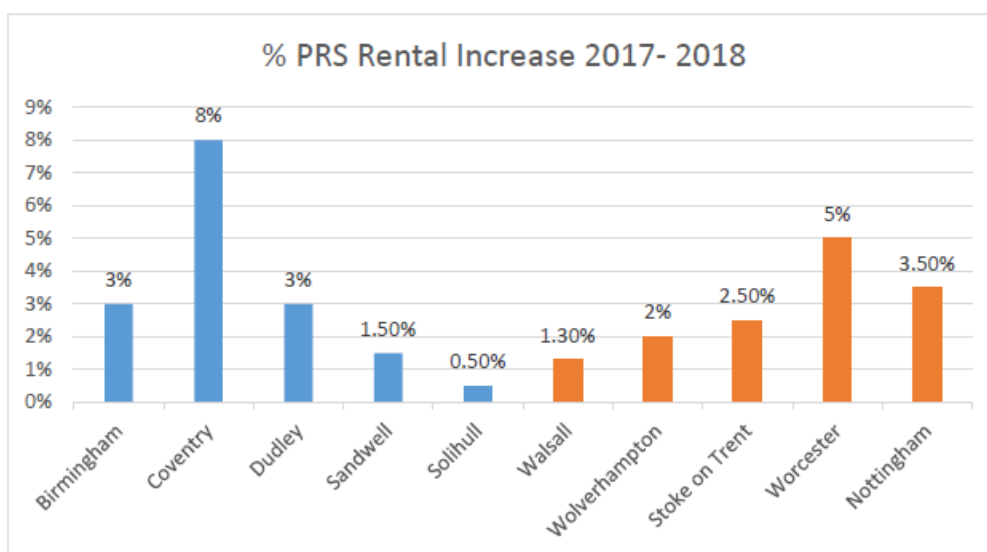
Data available for the period from 1st April 2017 to 31st March 2018 shows that there was an 8% increase in average rents in Coventry compared to 2.5% in the West Midlands and a 3% decrease across England. Figure 24 provides the breakdown for each category reported.

Fig 23. PRS rents during 2017 to 2018



Further analysis of data for this period shows that the average rent increases across the West Midlands were relatively consistent and well above the average for England. Coventry and Worcester experienced the highest increases with 8% and 5% respectively. Overall the greatest increases occurred in areas which do not have discretionary licensing schemes in operation.

Fig 24. Percentage of PRS rent increase during 2017-18



Despite the perception that licensing increases rents it is apparent that there is very little evidence to suggest that discretionary licensing schemes are directly responsible for rental increases. Where there has been an increase in rent it is more likely associated with broader

market factors and not as a direct result of the introduction of discretionary licensing schemes. As noted in section 8.2 below, the proposed licensable HMOs are a distinct sub-market with tenants often limited in ability to pay. Accordingly the evidence identified above is consistent with licensing costs being insignificant in impact on rent increases which are driven by existing supply and demand dynamics.

The CML has reported that activity in the buy-to-let market is set to drop as a result of the recent tax crackdowns on buy-to-let regulations and these are expected to lead to a further 'professionalisation' in the sector, while some 'amateur' landlords could see their properties become less profitable.

It is likely that rents in York will continue to rise as a direct result of these market pressures and by a lack of housing supply generated by fewer buy-to-let properties but not as a direct result of the introduction of discretionary licensing schemes.

## 6. Proposed Licence Conditions

All HMO landlords letting HMOs in the targeted wards will require a licence from the council for each of their HMOs. The proposed licence full conditions are attached at Appendix 1.

They include conditions required as part of the National Mandatory HMO licensing scheme and proposed new conditions required by the Council around room size having regard to government guidance:

*“The mandatory room size conditions will however be the statutory minimum and are not intended to be the optimal room size. Local housing authorities will continue to have discretion to require higher standards within licence conditions, but must not set lower standards”*

Recent tribunal decisions have been really clear that the size of the individual rooms should be sufficient to enable adequate living space for all reasonable functions of daily life to be carried out and that a council is entirely justified in refusing to grant a HMO licence.

The licence will also specify the maximum number of households the Council assess the HMO can accommodate or limit the occupancy of the HMO. This might occur if a HMO size was unable to accommodate the number of households or if there was part of the HMO that would not be such as a bedroom, etc.

Failure to comply with any of the licence conditions may result in prosecution or the imposition of a civil penalty of up to £30,000 per breach and loss of the licence.

When deciding to grant a licence the Council must be satisfied that the proposed licence holder is a 'fit and proper person'.

Where landlords fail to licence a property, the council can take enforcement action against them and following successful prosecution they could face an unlimited fine (plus costs) or the imposition of a civil penalty of up to £30,000. Tenants and the Council can claim back rent and/or local housing allowance for a period of up to a year during the time an HMO has not

been licensed. Landlords cannot use section 21 eviction proceedings to evict their tenants whilst the HMO remains unlicensed.

Reference: <https://www.gov.uk/government/publications/houses-in-multiple-occupation-and-residential-property-licensing-reform-guidance-for-local-housing-authorities/houses-in-multiple-occupation-and-residential-property-licensing-reform-guidance-for-local-housing-authorities>

## 7. Proposed Fees

The City of York Council will charge a fee to cover the scheme running costs. The HMO full fee structure can be found in Appendix 2. New smaller HMOs under the additional licensing scheme will be classed as “Band A” type properties. The licensing process including visits to ensure that the Licence conditions are being met takes the equivalent length of time of those which are currently covered by this fee i.e. HMOs occupied by 5/6 persons.

The City of York Council cannot make a profit or surplus from the scheme, which means it will annually review the cost of running the scheme and the projected revenue stream from licensing. We anticipate that to ensure that the Additional HMO licensing scheme tackles the issues raised in this report effectively, 11 new members of staff are required. Over the 5 year period the scheme will be operated on a basis that a breakeven position is maintained.

If adopted any scheme will conform to the Provision of Services Regulations 2009. This means:

a) The licence fee will be split between the administrative and enforcement costs. The administrative cost of processing the licence will be charged for at the time of application and the enforcement cost will be charged to successful applicants only at the point the licence is issued. Included in the administrative costs all set up costs will have been included. No enforcement charge will be made if the Council refuse to issue the licence.

b) Tacit consent will apply to the scheme. This means that the Council must set a reasonable time frame in which it must process a full and complete licence application. If it fails to meet this time frame then the HMO can be operated as though the Council had issued an unconditional licence. In exceptional circumstances the Council may extend this period once for a maximum of 12 weeks

See Appendix 2 for the full fee structure, however for a “Band A” property a licence issued for the first time for a 5 year period will be

Band	Number of occupants	First stage fee (£)	Second stage fee (£)	Total fee (£)
A	Up to 6 occupants	£717	£478	1195

Subsequent 5 year licences (Renewal) will be

Band	Number of occupants	First stage fee (£)	Second stage fee (£)	Total fee (£)
A	Up to 6 occupants	£522	£348	870

## 8. Option appraisal and the benefits of additional licensing

### 8.1 Option appraisal

As part of the Option Appraisal process the council must consider;

- whether there are other courses of action available to them that might provide an effective method of dealing with the problem or problems in question;
- that making the designation will significantly assist them to achieve the objective; and
- that making the designation will significantly assist them to deal with the problem or problems in question

Alternative approaches to extending HMO licensing have been considered and evaluated against the strengths of additional licensing. Each approach is a valuable tool for dealing with the problems in the HMO stock. However in each case the weaknesses outweigh the strengths.

The options considered include possible interventions for tackling substandard and ‘problematic’ smaller HMOs in the city as set out below:

Do nothing further:

The Council has already intervened by introducing an Article 4 Directive to manage the numbers of HMOs across the city. Doing nothing more would leave the local housing market to be the driver for landlords carrying out improvements to their properties.

The council would be limited to a basic complaint response service with action by other departments and agencies on a largely ad hoc basis. The option is reactive and relies on the housing market as a driver for landlord-initiated housing improvement across the board. All council services would continue to use their existing enforcement powers.

Informal area action (Proactive inspection programme):

This would be delivered through a non-statutory Action Area, considering parts of the city where there were concentrations of poorly managed or maintained properties. The driver for the housing improvement would come from a combination of council activity from different services focussing work in the area and landlord activity (including peer pressure)

Voluntary accreditation:

From around 2000 until 2012, the council supported the Universities in running a Voluntary Code of Practice for landlords to sign up to a set of standards. However there

were serious weaknesses with the scheme in that there was no supporting inspection programme to ensure that the standards that landlords were signed up to were being adhered to.

In 2012 with the Universities supporting this scheme brought it to a close and it was replaced by the council run voluntary accreditation scheme. This was initially successful, with over 100 hundred landlords/ agents signing up to the scheme. The scheme included an element of inspection. The scheme was flawed in that it attracted “good” landlords but the HMO landlords with the worst standards did not come forward and so the council was unable to tackle the worst end of the sector through this approach. With the extension of mandatory HMO licensing to HMOs irrespective of the number of storeys the number of landlords in the scheme dwindled to a level which made it unsustainable and it was brought to a close in 2018.

Given this experience it is not considered that this would be an effective response to address problems identified in a significant proportion of HMO property standard and management.

Targeted use of Interim Management Orders (IMOs) and Final Management Orders (FMOs).

The Housing Act 2004 gives local authorities powers to use Management Orders for tackling comprehensive and serious management failures.

City-wide additional licensing scheme.

Licensing would be extended to all HMOs in the city (in all wards) and would include all smaller multi-occupied properties not currently subjected to Mandatory HMO Licensing irrespective of the evidence relating to housing conditions and the impact that HMOs are having on their residents.

Area-based additional licensing scheme.

Licensing would be introduced in selected wards in the city where there is the highest number and concentration of HMOs and where evidence demonstrates there is the greatest need.

In general, approaches other than additional licensing are judged to have the following limitations:

- Most other schemes are expensive and would require funds being taken from the Council Tax. This seems unfair when many of the problems are due to poor management practices by landlords or agents operating in a buoyant market place. Additional licensing would be self-financing with the fee covering the cost of licensing; the fee will be paid by the applicants and not by the wider community.
- The use of IMOs on individual properties does not appear to give value for money, as the amount of resources being put into one property will mean that other properties cannot be tackled. It is clear from our experience that if this were to be the only sanction available then operating more than a few IMOs at a time would not be

feasible given the lack of funding. This approach can also be seen to be heavy handed and can cause problems for the Council when attempting to work with and engage with landlords.

- None of the other proposals give a long-term solution to the problems within the HMO sector.
- Schemes such as the voluntary code/accreditation schemes tend to be self-selecting attracting better landlords rather than the poorer landlords.
- Focussing on the wards with the highest concentration of HMOs and those with the poorest conditions will ensure that council is using the evidence base to ensure that limited resources are effectively used.

## **8.2 Benefits of additional licensing**

While the general public may not be directly involved in paying or receiving rent, they also experience the impact that HMOs have on the social and political economy of York. The view that HMO Licensing is instrumental in the improvement of facilities, management and safety in the housing rental market is echoed by a broad cross-section of the city. Licensing is seen as one strand in preventing the long-term decline in the amenity of the urban environment. It will ensure that residents of the wards are less likely to suffer from badly managed HMOs due to poorly maintained HMOs, and poorly managed HMOs in terms of noise and rubbish.

They recognise that wider licensing removes the inequalities caused by partial regulation and spreads costs and obligations in a fairer way. They recognise that it creates a common footing and can help agents. Provided that it is properly run, they see it as helping the market function effectively.

It is considered that the proposed scheme would meet the statutory tests of Housing Act 2004 Sections 56 and 57 with the benefits outlined below.

**Benefit: Substantial improvement to standards and management practices in high risk properties**

As demonstrated in the evidence review, licensed properties demonstrate significant improvements at subsequent inspections in key areas such as fire safety, damp, state or repair, statutory management obligations and EPC maintenance requirements. This has the potential to improve wellbeing of tenants who often have limited choice in this sub-sector of the market. It will improve the wellbeing of neighbouring residents by providing improving maintenance and management of HMOs.

**Benefit: Consistent approach to HMOs in York**

Additional licensing will extend and continue the process of upgrading of HMO rental stock already begun by the Mandatory scheme. Additional licensing will add a significant portion of the York HMO market to the list of those houses where the council currently is involved with licensing.

This will mean that such houses will be subject to the same evaluation and improvement regime as the larger houses already covered by the national scheme. York has in the order of 2,000 HMOs occupied by less than five occupants. They deserve to be afforded the same protection as people in licensed HMOs. Without additional licensing there is significant and growing disparity in York's HMO market.

The inclusion of all multi occupied houses as licensable HMOs will enable York to develop a consistent approach to the whole of the HMO rental market. When there is a critical mass of houses subject to the same requirements, other houses (whether licensable or not) will be obliged to comply with that standard by market pressures. A house presented for rent without offering those facilities is unlikely to be attractive to tenants.

#### Benefit: Appreciation of property values

York has a buoyant housing market and this being the case means that there will be a financial benefit to individual landlords in the longer term as accommodation standards are raised across the HMO sector. The benefit will be apparent in the capital appreciation of the property value. The heavy usage that multiple households inflict on the fabric of a building usually causes a far more rapid decline than does that of a single family.

Where there are heavy concentrations of HMOs, as is the case in York, it can lead to a general reduction in the amenity of whole suburbs and the relative loss of value of specific properties. A bespoke agreement between landlord and local housing authority as a result of licensing ensures that standards are maintained and improvements encouraged. In turn, this means that neighbourhoods will not deteriorate and thus property values are enhanced.

#### Benefit: Links with landlords

The formation of a formal but direct and individual link with the council, which the Licence Conditions afford, also allows for a beneficial flow of information between the authority and landlords. Critically the licensing condition which requires a licence holder to hold a recognised training qualification ensures that all licence holders have an understanding of the laws which relate to operating a HMO. This proactive approach will support not only raising physical standards but also improve management of the properties. Landlords and Agents can also sign up to receive news and ideas relevant to the development of the market sector. They can also provide accurate data on which council can make informed decisions on issues which impact on both landlords and tenants.

The creation of a dynamic partnership between the landlord and council is an under-rated benefit of Licensing. There are other, ancillary benefits for landlords through additional licensing.

Benefit: A recognised group of landlords

Landlords, once subject to licensing, become part of a specific group recognised in law and by government policy. This has implications for their ability to organise themselves to influence HMO related decisions. Recognition as a licensed landlord will have several flow-on benefits.

It may have the benefit of providing for simpler justification to lending institutions when it comes to securing finance if the local housing authority requires specific work to be done.

Agents and letting organisations such as student housing departments are more likely to accept landlords if their *bona fides* is supported by being licensed. Licensing brings its own degree of reliability and assurance to the relationship between landlord and agent.

That benefit is reinforced by the fact that licensing requires landlords to keep their letting arrangements (either privately or through an agent) on a more business-like footing. A licensed landlord is obliged to do things formally, like provide written terms of occupancy rather than *ad hoc* verbal arrangements that too often result in disputed interpretations of the agreement.

Benefit: pro-active involvement eliminates reactive work

Licensing also provides a consequential benefit in that it eliminates or mitigates many of the issues that generate tensions between landlords and tenants. Licensing is a means of pre-empting problems (for example, damp or ventilation issues leading to poor living conditions) before they become matters of contention and stress that the landlord would otherwise have to manage. Licensing will go a long way to ensure there are fewer hassles for a landlord from, for example, anxious parents of students who rent a house. It will at least, provide a recognised mechanism for resolving any disputes without the cumbersome mechanisms of prosecution.

The council already deals with much of this work but in different capacities. The work is normally in response to a service request. Reacting to something after damage has been done is usually a negative and inefficient way of resolving an issue. Additional licensing will allow for positive, pro-active and efficient involvement, and should eliminate many problems before they occur.

## 9. Conclusion

Additional licensing is a viable solution for York, particularly to address poor property conditions and energy efficiency in the HMO sector. This report states the reasoning and evidence collated by City of York Council required to proceed with a formal consultation on the proposal to declare York or certain wards of the city as an area for additional licensing.

The scheme would cover all HMOs in York or certain parts of York, irrespective of the number of storeys and which have 3 or more persons who form more than one household unless they



are specifically exempted by the Housing Act 2004. This will also align with the Councils approach to controlling the numbers and distribution of HMOs outlined in the Article 4 Directive.

The buoyant housing market in York continues to do well with the numbers of HMOs rising each year. Landlords who have chosen to evade controls have operated without regulation for many years, which has resulted in HMOs often being let out in an unsafe manner.

The mixture of property types in the PRS in York coupled with the strong student market means that a high number of HMOs fall outside mandatory licensing. Such properties are next door to, or across the street or around the corner from those that are licensable.

The occupants of licensed properties benefit from the controls on the quality and management of licensed properties. Unlicensed properties may come to the council's notice from service requests from tenants or, more often, from worried parents but many unsatisfactory houses are never reported so standards are not enforced and the quality of the rental stock does not improve.

City of York Council has embraced mandatory HMO licensing which has proved to be a valuable tool in improving poor conditions and management practices in HMOs across the city. The extension of the mandatory scheme to cover more HMOs can only add to this improvement.

The preferred stance of the council is that licensing should apply to *all* HMOs in an agreed area in the same way, for example that licensing applies to *all* taxis. The new powers therefore would give the council the opportunity to make this a reality.

With the introduction of additional licensing controls applied to the whole of the HMO sector either across the city or within certain target wards, the council will be able to take a more proactive approach to dealing with the sector.

The council wants to continue to develop its links and working relationship with landlords and agents in the city, which have been greatly enhanced by mandatory licensing and it will continue to investigate other interventions that could complement additional licensing.

This approach is in line with our strategic ambitions outlined in Section 4 to improve people's quality of life, we are focussed on utilising what tools and resources we have to tackle poor housing standards in York. To this end, this report puts forward the authority's case for introducing additional licensing of HMOs in the PRS, in those wards where we know some of the worst housing standards can be found.

Additional licensing will always be considered as part of a wider set of measures to enable landlords in York to provide good quality housing within their communities and additional licensing can help alleviate the poor housing conditions and management in the HMO sector by setting and maintaining the appropriate standards, in the 8 wards of Hull Road, Guildhall ward, Fishergate ward, Clifton, Heworth ward, Micklegate ward, Osbaldwick and Derwent ward and Fulford and Heslington.

## 10. Consultation

There is a statutory requirement to consult for a minimum period of 10 weeks on any proposals to designate an area subject to Additional Licensing. The first consultation showed that there was significant support for Additional HMO licensing but the initial analysis found that there was a lack of understanding in some areas around the evidence base specifically around how additional HMO licensing would raise standards, the proposed draft conditions for the smaller HMOs and also the fee structure.

In summary the first online consultation was shared with/via

- A general press release
- 598 Landlords/agents already known to the council
- Student bodies and the Universities/colleges of further Education
- the York Residential Landlord Association to distribute to their members
- the Residential National Landlord Association (RNLA)
- Business networks
- statutory partners North Yorkshire Fire and Rescue, North Yorkshire Police and health partners through the Better Care Fund partnership
- the third sector partners through Advice York Partnership and Citizen Advice York
- Council Corporate and Housing Face book accounts

Responses

- 822 responses were received in direct response to the HMO online consultation
- 2 focus groups were held one with the student unions and one with the local group of the RNLA
- 10 individual letters/emails received

Subject to Covid restrictions during the consultation period the second consultation will include the following.

- Online questionnaire tailored to gauge cross section of views on the proposals
- Focus groups with key stakeholder groups, Universities and Student bodies
- Residents and other key organisations such as the Police
- Drop in sessions in various parts of the City
- E-communications through social media and the Council's website
- Workshops with Landlords and Agents to present the proposals.

The second consultation will seek to ensure that all those persons who would be likely to be affected are consulted upon and are clearly aware

- Which wards are being proposed to be included in the designation namely Hull Road ward, Guildhall ward, Fishergate ward, Clifton Ward, Heworth ward, Micklegate ward, Osbaldwick and Derwent ward and Fulford and Heslington ward.
- The evidence used to determine the proposed designation and how an additional licensing scheme would seek to improve standards and management of HMOs in these wards where other action has been ineffective in doing so

- What the proposed scheme looks like including the type of HMO to be included, the draft conditions being proposed and fee structure,

The results of this second consultation will be considered alongside the first and will form part of the development of the proposed structure of any additional licensing scheme.

Both consultations will satisfy the legal requirement in section 56 and 57 of the Housing Act 2004 to take reasonable steps to consult with those people who may be affected by the designations. This includes neighbouring areas outside of the identified 8 wards

## Appendix 1: Licensing Conditions for Houses In Multiple Occupation

### General Statement

The council aims to encourage, support and regulate private landlords and agents to provide safe and well managed properties, free from category 1 hazards. Inform and support tenants around what they can expect<sup>9</sup>. Good quality Houses in Multiple Occupation (HMOs) provide a source of affordable and flexible housing for residents in the city.

To support this aim and to ensure that Houses in Multiple Occupation, the changes reflect the:

- Housing Act 2004 and regulations/orders made there under
- The councils wider strategic objectives in particular relating to sustainability
- Best Practise from other councils
- First Tier Property Tribunal judgements,
- Other legislation such as the Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015.

Where it relates to a new HMO then the proposed licence holder will need to ensure that the standards are achieved by complying with the licence conditions prior to a HMO being licensed and let.

The three tests being that the:

- 1) Property is reasonably suitable for occupation as a HMO (**physical standards**)
- 2) Management arrangements are satisfactory (**management standards**) **including having passed a recognised training qualification or to do so within a 18 month period of issuing the licence**
- 3) Licensee and manager are fit and proper persons (**Fit and Proper test**) The applicant must be the most appropriate person to hold the licence.

The council is aware that enforcement action on its own is insufficient. We will continue to work in partnership with landlords/managing agents and letting agents and other partners. By offering a wide range of support/advice for example on our website, landlord training and events.

### HMO Licence – general

A licence will be valid for a maximum of five years and will specify the maximum number of occupants and households for the house and the number and occupancy levels within each room used as sleeping accommodation.

A licence will not relate to more than one HMO.

It cannot be transferred to another person if the licence holder dies, the licence cease to be in force.

During the first 3 months beginning with the date of the licence holder's death the house will be treated as if a temporary exemption notice (TEN) has been served

A licence ends automatically after 5 years or after the period specified in the licence (if that is different).

Unless the HMO ceases to be licensable within that period or the council grants a temporary exemption notice on the expiry of that period the HMO must be re-licensed or an Interim Management Order made in respect of it

<sup>9</sup> Strategic Aim 2 Private Sector Housing Strategy

A licence will be granted:

- Where the house is reasonably suitable for occupation as a HMO (**physical standards**) and
- The management arrangements are satisfactory (**Management Standards**) this includes the licence holder having attended a recognised training course or to do so within a 18 month period of issuing the licence.
- The licensee and manager are fit and proper persons (**Fit and Proper test.**) The applicant must be the most appropriate person to hold the licence

A property which meets the requirements of being the licensing of HMOs order will need to be licenced even if the property does not have the relevant planning permission. This does not mean that the property has the relevant planning permission.

**Transitional Arrangements for HMOs which are due to be licenced for the first time under the Additional HMO Licensing scheme**

All new HMO applications received following the declaration of an Additional HMO Licensing Scheme will be risk assessed to determine when to visit the property during the 5 year period. The risk assessment will have regard to:

- 1) The size of the sleeping rooms/communal rooms and whether they meet the new minimum space standards (see section on space standards )
- 2) Safety issues – in particular relating to fire safety, gas safety and electrical safety
- 3) Level of amenities
- 4) History of compliance with the landlord and any person managing the property.

Where it is determined that the property does not meet the requirements relating to safety and/or room sizes. Then the property will be visited before a licence is issued to ensure that these safety matters are resolved and the appropriate action is taken having regards to our enforcement policy.

Where the minimum room sizes are not met a licence condition will be issued having regard to the room size giving the licence holder up to 18 months to ensure that the room either meets the standard through building work or that it ceases to be used. NOTE the council does not intend to reduce the licensing fee in these circumstances.

Where the property is safe and meets the minimum room size standards but lacks the level of amenities (bathroom and kitchen) in line with Appendix A. The licence holder will be normally be given up to 18 months to comply with these provisions.

**The Three Tests**

**Test 1: That the property is reasonable suitable and meets the physical standards**

Licence Condition	Additional explanatory notes
<p>All rooms used for sleeping accommodation and communal space will meet the legal minimum room sizes and have regard to the “ideal” standard. Each room used for sleeping accommodation room will specify the size of the room and the number of people who can occupy that the room</p> <p>Where gas is supplied to provide copies of the annual gas safety certificates at the</p>	<p>It should be noted if dwellings do not meet all aspects of the guidance below they may not necessarily be hazardous when assessed using the HHSRS ie if overall dwelling sizes are not achieved, bedrooms are marginally smaller and/or narrower than specified or when ceiling heights are marginally lower than specified.</p>

application stage and on demand.

The licence holder must ensure that carbon monoxide detectors are fitted to all high-risk rooms/each level where there is sleeping accommodation to ensure the audibility of the alarm is adequate to wake a sleeping person, in accordance with EN50291. Where this is not being met the licence will be issued with a condition that the matter is required within a maximum of 28 days.

To provide a copy of the current electrical safety certificate for the fixed electrical wiring at the application stage. The electrical safety inspection should be done at intervals not exceeding 5 years. Where matters have been raised by the competent person as needing urgent or remedial the licence holder must have declared that the work must have been completed.

To provide current copies of the Portable Appliance Tests (PAT) that a competent person has carried out those checks within two years of making the licence condition. To ensure throughout the period of the licence that the checks are carried out at least once every two years. The licence holder must supply to the authority on demand a copy of the current PAT certificate.

Where furniture is provide that the licence holder on applications confirms that it meets the Furniture and Furnishings (Fire Safety) Regulations 1988 as amended and that continues to do so throughout the period of the licence.

To provide a copy of the **comprehensive fire** risk assessment for that property and details of the satisfactory means of fire escape and fire detection system.

<p>To provide copies of the Energy Performance Certificate for that property (EPC). The condition will ensure that the property complies with the Minimum Energy Efficiency Standards as per the regulations or that the Licence holder has registered the property on the PRS exemption register and provided the relevant evidence to support the exemption</p> <p>To ensure that adequate heating is provided which is fully controllable by the tenants, and safely and properly installed and maintained. It should be appropriate to the design, layout and construction, such that the whole of the dwelling can be adequately and efficiently heated. The space heating may be centrally controlled but such systems should be operated to ensure that tenants are not exposed to cold indoor temperatures and should be provided with controls to allow the tenants to regulate the temperature within their unit.</p> <p>Conditions can be imposed restricting or prohibiting the use of occupation of particular parts of the house by persons occupying it where there are specific health and safety issues or where the minimum room sizes are not being met.</p> <p>Conditions can be imposed requiring work to ensure facilities or equipment to be made available or to meet any such standards that the works are carried within such period or periods as may specify by in or determined under the licence.</p>	<p>For guidance on risk assessments and standards visit North Yorkshire Fire and Rescue <a href="http://www.northyorksfire.gov.uk/businesssafety/legislation">http://www.northyorksfire.gov.uk/businesssafety/legislation</a></p> <p>To ensure that they comply with the Minimum Energy Efficiency Standards so that properties with F and G ratings are not being let unless the license holder has registered their property on the Government website and has provided the relevant evidence to support the exemption. <a href="https://prsregister.beis.gov.uk/NdsBeisUi/failover-landing">https://prsregister.beis.gov.uk/NdsBeisUi/failover-landing</a></p> <p>This will be linked to the condition relating to minimum room sizes.</p>
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<p>To provide details about facilities and equipment to be made available in the house for the purpose of meeting the kitchen, bathroom and personal washing facilities standards as per prescribed in the national standards as outlined in Appendix B. Should the standards not be met then a licence condition will be issued to provide the necessary standards within a period up to 18 months of issuing the licence.</p> <p>Conditions will be imposed requiring any such facilities and equipment provided to be kept in good repair and proper working order.</p>	<p>Where a property is not visited prior to issuing a licence for any other purpose (room size or fire safety) and the property is deemed to be meet all other requirements apart from the amenity standards in appendix B then a licence condition will be issued giving up to 18 months to meet those standards</p>
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**That the management arrangements are satisfactory**

Conditions	Additional explanatory notes
<p>A system for tenants to report defects, including in emergencies and arrangements to respond to those requests.</p> <p>To provide a written statement of terms of the tenancy to the tenants within 28 days moving in to the HMO.</p> <p>A process for dealing with anti-social behaviour occurring within the HMO by tenants or their visitors.</p> <p>Arrangements in place for periodic inspections to identify where repair or maintenance is needed. Should be met and that the licence will be issued to ensure that they continue to be met.</p> <p>To keep smoke alarms in working order. To supply on demand with a declaration by the licence holder as to condition of the and positioning of such alarms</p>	

<p>The name, address and telephone number for licensee and manager is to be displayed in the common parts of the HMO.</p> <p>Copies of a valid relevant safety certificates (gas/electrical/ PAT testing) and a plan showing the internal layout of the property specifying the rooms to be displayed in the common parts.</p> <p>A copy of the licence and licence condition to be displayed in the common parts.</p> <p>The licence holder must ensure that the exterior of the property is maintained in a reasonable decorative order and state of repair.</p> <p>The licence holder must ensure that the refuse is stored correctly at the property. That information about refuse storage and collection is given to the tenants at the start of the property including a copy of the refuse collection calendar and at the end of the tenancy the tenant is provided with information and guidance on the correct disposal of excess and bulky waste</p> <p>All other matters relating to the management of the HMO will be dealt with under the management regulations.</p>	<p>This will be deemed to be met if kept in a file for public viewing in the communal areas of the licenced property</p> <p>All relevant safety certificates to be displayed and a copy of the layout of the property specifying the rooms used for sleeping accommodation and the maximum number of occupants. This will be deemed to be met if kept in a file for public viewing in the communal areas of the licenced property</p> <p>Amended condition: to include the licence conditions to be provided at the house. This will be deemed to be met if kept in a file for public viewing in the communal areas of the licenced property.</p> <p>To ensure that licence holders are provide adequate storage at the property. That the refuse storage and collection is being properly managed by the licence holder by requiring the licence holder to give information to the tenant about the refuse storage arrangements and collection at the beginning, during and end of the tenancy in line with the council scheme</p>
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**Fit and proper person test for licence holders and managers**

A person will be considered fit and proper if the council is satisfied that:

- They have no unspent convictions relating to offences involving fraud, dishonesty, violence or drugs, or sexual offences
- They have no unspent convictions relating to housing or landlord and tenant law
- They have not been refused a HMO licence, been convicted of breaching the conditions of a licence or have acted otherwise than in accordance with the approved code of practice under S197 of the Act within the last five years
- They have not been in control of a property subject to an HMO Control Order an Interim Management Order (IMO) or Final Management Order (FMO) or work in default carried out by a local authority
- They have not been subject to legal proceedings by a local authority for breaches of planning, compulsory purchase, environmental protection legislation or other relevant legislation.

The council will require all applicants to complete a self-certification form. The council will reserve the right to check the accuracy of the information with its partners.

#### Amenity Standards – Bathroom Facilities

The table below outlines the minimum facilities which should be provided

Number of persons Sharing	1 bathroom with WC	1 bathroom and 1 separate WC	2 bathrooms with WCs	2 bathrooms, a separate WC, or a third bathroom	3 bathrooms with WC
3 or 4	✓	x	x	x	x
5	x	✓	x	x	x
6	x	x	✓	✓	✓
7	x	x	✓	✓	✓
8	x	x	✓	✓	✓
9	x	x	x	✓	✓
10	x	x	x	✓	✓
11 - 15	x	x	x	x	✓

Where a separate toilet is provided the room should contain a wash hand basin with hot and cold running water. The wash hand basin should be correctly connected to waste drainage. The term bathroom means a room containing a bathing facility, which can either be a suitable bath or shower compartment or both.

#### Amenity Standards- Kitchen Facilities

The table below outlines the minimum facilities which should be provided

<b>Up to 5 People</b>	<ul style="list-style-type: none"> <li>• 1 sink</li> <li>• 1 x 4 ring cooker</li> <li>• other amenities as detailed below</li> </ul>
<b>6-7 people</b>	<ul style="list-style-type: none"> <li>• 2 x sink or 1x sink and 1 x dishwasher</li> <li>• 2 x 4 ring cooker or 1x 6 ring cooker and microwave</li> <li>• other amenities as detailed below</li> </ul>
<b>8-10 people</b>	<ul style="list-style-type: none"> <li>• 2 x sink or 1 x sink and 1 x dishwasher</li> <li>• 2 x 4 ring cooker</li> <li>• other amenities as detailed below</li> </ul>
<b>11+ people</b>	<i>Please contact the Housing Standards and Adaptations Service</i>

#### **Other required kitchen amenities in a shared house**

Fridge with freezer space  $-0.075\text{m}^2$  or one 1 shelf per person

Worktops  $1.5\text{m} \times 0.5\text{m}$  for up to 5 sharers, additional  $0.5\text{m}$  work surface for each additional user up to  $3\text{m} \times 0.5\text{m}$

Electrical sockets 4 in addition to those used for major appliances (fridge, microwave, washing machine)

Dry food Storage  $0.08\text{m}^3$  or 1 shelf per person (the space in the unit under the sink is not acceptable)

Where cooker rings/hobs are provided they must suitably and safe located and suitably connected to the fixed electrical system.

#### **Guidance Note for room sizes and measurement**

The purpose of this guidance is to advise those responsible for living conditions in Houses in Multiple Occupation about how to determine an appropriate size for a dwelling. The guidance has also been introduced to reduce the increasing number of Crowding and Space hazards which have been identified within the city over recent years. Having read this guidance if readers are still unable to determine an appropriate size for a dwelling they may wish to consult a suitably qualified professional such as an Architect or Property Surveyor.

The Housing Act 2004 (“the Act”) introduced a new system for assessing housing conditions known as the Housing Health and Safety Rating System (HHSRS). The underlying principle of the HHSRS is that “any residential premises should provide a safe and healthy environment for any potential occupier or visitor”.

Dwellings are assessed using the HHSRS to determine if any defects or deficiencies associated with the dwelling could contribute towards a hazard which has the potential to cause harm. The seriousness of the hazard is then scored and dependent upon that score rated as either a Category 1 or Category 2 hazard. Councils have a legal duty to address the most serious Category 1 hazards and discretionary powers to address Category 2 hazards.

It is envisaged assessing the suitability of a dwelling using this new guidance will serve to increase acceptable minimum room sizes.

It should be noted the provision of sufficient space applies to all occupiers and potential occupiers, irrespective of age. This is because the health and safety of all age groups, as specified in section 11.02 of the HHSRS Operating Guidance, can suffer due to a lack of space.

Any dwelling which cannot safely accommodate the required basic items of furniture and associated activity zones for the expected number of users may well be hazardous when assessed using the HHSRS and therefore potentially subject to enforcement action

This guidance refers to legislation, regulations and national standards which if needed should also be referred to by landlords, property developers and managing agents to assist them in determining a suitable size for a dwelling.

### **The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018**

These regulations only apply to licensable HMO, they legally require HMO licence holders to:

- ensure the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51m<sup>2</sup>
- ensure the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22m<sup>2</sup>
- ensure the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64m<sup>2</sup>
- ensure any room in the HMO with a floor area of less than 4.64m<sup>2</sup> is not used as sleeping accommodation

These floor areas are to be regarded as barely adequate and therefore should not be routinely assumed as optimum bedroom sizes. The lack of space in bedrooms of this size becomes apparent when furnished with the required basic items of bedroom furniture.

It should be noted the Act enables the council to determine a HMO is not reasonably suitable for occupation even if it does meet prescribed standards for a specified number of persons or households. This means even if a dwelling has a sufficient number of bedrooms which meet the minimum size requirements and contains the required number of bathroom/toilet/kitchen facilities etc. the council may for some other reason, such as inadequate communal space, still refuse to grant a licence.

Before determining an appropriate dwelling size, the mode of occupation must first be determined. Mode of occupation is the manner in which people come to live in a property and how they then interact with each other ie in a cohesive or non-cohesive manner. It is

how the dwelling is actually occupied which determines dwelling size and not the way in which the property is presumed or asserted to be occupied by the landlord or agent.

There are broadly two types of HMOs

- 1) Shared houses
- 2) Bedsit Accommodation

### **Shared houses**

These are HMOs which are normally rented to a defined social group who are usually known to each other prior to occupation, commonly students on a joint contract/lease or sometimes work colleagues, who all wish to live in a cohesive manner.

Occupiers each enjoy exclusive use of a bedroom, with or without a lock on the door, but as in a single household dwelling would willingly share a living room, kitchen and dining space with other occupiers. Occupiers of this type of HMO tend to have the same characteristics as a single family household and are usually liable under the terms of their contract/lease to replace housemates who move out during the term of the tenancy.

The anticipated duration of a tenancy in this type of HMO will typically be 12 months and occupiers, such as students, may spend long periods away from the dwelling.

### **Bedsitting accommodation**

These are individual lettings usually found within HMOs in which occupants each have exclusive use of certain lockable rooms but share one or more basic amenity such as a kitchen, bathroom or toilet with other tenants. Occupants in these HMOs tend to live in a non-cohesive manner.

Properties containing bedsitting accommodation sometimes do not have communal living or dining rooms because each occupant typically wishes as far as possible to live independently of other tenants. Occupants will have their own letting agreement which specifies the part of the property they can exclusively occupy. It should be noted even when a communal living, kitchen or dining room are provided, unless there is evidence of regular use of these facilities by all occupants, individual letting rooms will need to be of a sufficient size to cater for the combined activities of living, sleeping, cooking and dining.

If shared kitchens are provided in dwellings containing bedsitting accommodation they must be of a sufficient size for the number of users and no more than one floor distance from any unit of accommodation. Unless an eating area is provided in the kitchen. For health and safety reasons tenants must not have to negotiate more than one staircase carrying hot food and drinks.

Occupants living in bedsitting accommodation are usually signed up on an Assured Shorthold Tenancy (AST). These tenancies normally begin as fixed term tenancies where the duration is defined from the outset, typically 6 months, however tenants can live in bedsits for many

years. Tenants often have no say about who they live with because other tenants are usually selected by the landlord/agent as and when units of accommodation become available.

Proposed **minimum** bedroom sizes and communal room sizes having regard to the useable space

It should be noted if dwellings do not meet all aspects of the guidance below they may not necessarily be hazardous when assessed using the HHSRS ie if overall dwelling sizes are not achieved, bedrooms are marginally smaller and/or narrower than specified or when ceiling heights are marginally lower than specified.

It should be noted bedroom sizes contained in the guidance **do not** supersede bedroom sizes mentioned in the HMO (sorry not sure I understand this bit)of this guidance however bedrooms which comply would more likely be regarded as being “ideal” as defined in the HHSRS.

**Guidance on measuring room**

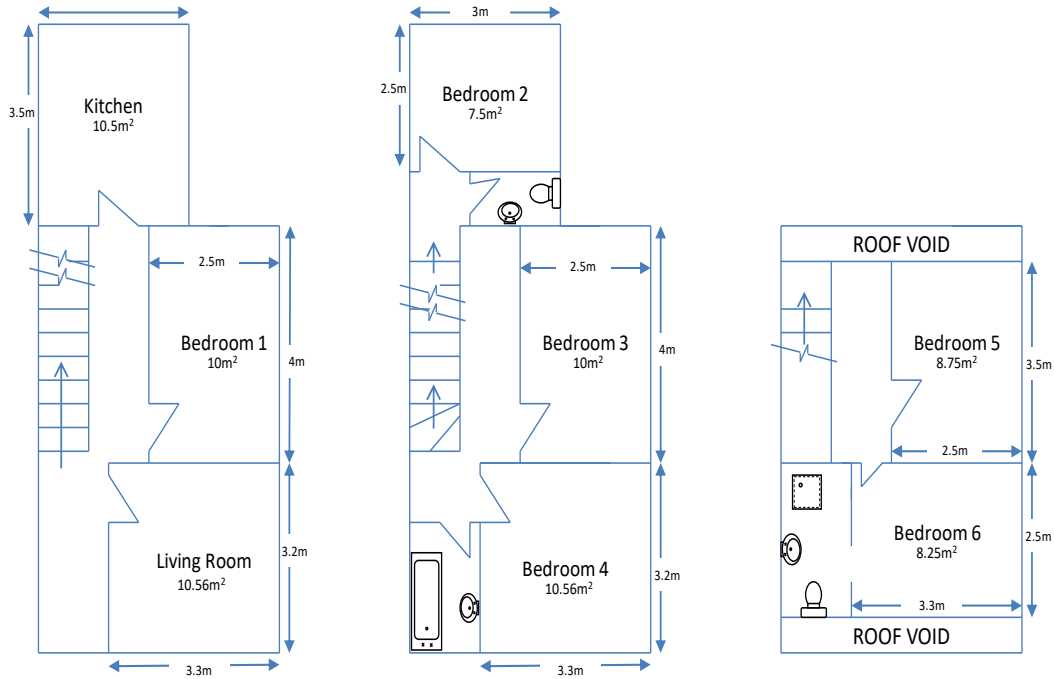
When measuring a room to be used for sleeping accommodation or communal spaces, only practical useable floor space must be measured.

When measuring the room the following space should be excluded:

- Floor areas where the ceiling height is less than 1.5 metres
- Chimney breasts
- Area taken up by bathroom/WC facilities either en-suite or within the room
- Areas which are not floor spaces – e.g. bulkheads and wide window ledges
- Any floor space which for any other reason renders it un-usable by the occupant

We will include:

- Bay windows
- Fixed cupboards – usable by the occupant
- Walk in wardrobes where they are at floor level and have a head height of at least 1.5m
- Projected skirting boards



Proposed Room size Guidance for Shared Houses

Category 1: HMO Occupied by 3 -7 People with communal living space	
Single Bedroom	6.51 square metres (Sqm)*
Double Bedroom	10.22 Sqm*
Kitchen	7 Sqm
Living room	10 Sqm
Combined kitchen/living room	15 Sqm

Category 2: HMO Occupied by 8 – 10 People with communal living space	
Single Bedroom	6.51 Sqm*
Double Bedroom	10.22 Sqm*
Kitchen	10 Sqm
Living room	10 Sqm
Combined kitchen/living room	18 Sqm



## Bedsit Accommodation

Category 3: HMO Occupied by 3 – 7 People with <u>no</u> communal living space but shared kitchen	
Single Bedroom	10 Sqm
Double Bedroom	15 Sqm
Kitchen	7 Sqm

Category 4: HMO Occupied by 8 -10 People with <u>no</u> communal living space but shared kitchen	
Single Bedroom	10 Sqm
Double Bedroom	15 Sqm
Kitchen	10 Sqm

Category 5: HMO – cooking facilities in bedrooms	
Single Bedroom	13 Sqm
Double Bedroom	18 Sqm

Both Shared and Bedsit HMOs with more 11 or more occupants will be individually assessed.

## **Appendix 2: Proposed fees for new HMO licence applications from the start date of the new Additional HMO licensing scheme**

### **What is an HMO?**

A property is a house in multiple occupation (HMO) if both of the following apply:

- at least 3 tenants live there, forming more than 1 household
- there are shared facilities e.g. toilet, bathroom or kitchen facilities

Under the proposed Additional HMO Licensing Scheme the threshold for licensing a HMO in the targeted wards of the city will be 3 tenants or more living there forming more than 1 household. In the remainder of the city Mandatory HMO licensing will be 5 or more tenants forming more than 1 household

### **There are two types of HMO licence applications with two different licensing fee structures**

- A new HMO licence application, which is when a licence holder applies for the first time to have a HMO licence for a specific property
- A Renewal HMO licence application, when a licence holder applies for a subsequent and successive HMO licence when the licence period comes to the end.

### **In both cases a licence normally lasts 5 years**

The licence fee structure reflects the amount of work involved to process the application including the visit(s) to ensure that it is compliant with Part 2 matters of the Housing Act 2004.

In line with recent court decisions – there are 2 stages to fee payment:

- **your first stage fee payment** will need to accompany your licence application so that we can carry out necessary checks to enable the Notice of Intention to Issue the licence
- **your second stage fee payment** will need to be paid when your application is complete, but before the Notice of Decision to grant the licence is issued. There's a reduction of £75 to the second stage fee if you've already attended a recognised training course

Band	Number of occupants	First stage fee (£)	Second stage fee (£)	Total fee (£)
A	Up to 6 occupants	£717	£478	1195
B	7 to 9 occupants	£837	£558	1395
C	10 to 14 occupants	£915	£610	1525
D	15 or more occupants	£1029	£686	1715

### Fees for HMO licence renewals

Licence holders renewing a licence for the same property will be charged a 'renewal fee', which is lower than the full HMO application licence fee (provided we receive your application in time).

If we receive an incomplete or late application, we'll charge the full fee (as for an initial application) as detailed above. However, HMO training discounts will still apply.

**Note:** All quoted fees are **VAT exempt**.

Band	Number of occupants	First stage fee (£)	Second stage fee (£)	Total fee (£)
A	Up to 6 occupants	£522	£348	870
B	7 to 9 occupants	£558	£372	930
C	10 to 14 occupants	£579	£386	965
D	15 or more occupants	£639	£426	1065

### We charge for a property we find to be unlicensed.

If we find an unlicensed rented property, we will charge an additional charge (based on the hourly enforcement rate) if we have to do more administrative work than is normally expected, such as identifying unlicensed HMOs and bringing them into the licensing regime. This applies only where we make a decision and don't take formal enforcement action.

If you fail to licence an address that isn't exempt we may:

- take prosecution proceedings
- impose a financial penalty of up to £30,000

If you're convicted, the Court may impose an unlimited fine.

You could also:

- have control of your unlicensed properties taken away from you
- be ordered to repay up to 12 months' rent to us or your tenants
- be restricted on how you terminate tenancies

## **Appendix 3: Background information**

### **A1 The Housing Standards and Adaptations Team**

The council's Housing Standards and Adaptations team (the team) play a key role in regulating the private housing sector through education, persuasion and enforcement activities. The team are responsible for ensuring properties and landlords in the PRS meet minimum legal requirements.

The service has been working with landlords to improve conditions within the HMO stock of the city through the national mandatory HMO licensing scheme as well as statutory regulatory functions relating to maintaining minimum standards in properties in the rented sector.

A variety of interventions have been used in York to tackle problems in the HMO stock in the city. These range from providing advice and support to landlords and tenants through to the use of legislative powers to raise standards within HMOs.

The primary driver for all of the work carried out by the team is the protection of the health, safety and welfare of residents living in HMO's whether it is acting in an advisory role or regulatory role through enforcement. Where serious breaches occur legal action has been taken which has led to convictions and formal action. The outcome of this work is a healthier and safer environment in which people live.

The team works with a range of internal services including Housing options, Planning and Community Safety. The team contribute to the council's corporate objectives and there are also strong links with external agencies including in particular North Yorkshire Police and Fire and Rescue services, HMRC and UK Border Agency.

The relationship with private landlords and letting agents within the city and other stakeholders has developed over the years and events are held to inform landlords and agents of key issues that may affect them. The service also meets with letting agents, college domestic bursars and other strategic partners on a regular basis. Since 2016 it has been a legal requirement for all licence holders to hold a recognised training qualification as a condition of HMO licensing. Following receipt of a successful bid to the MHCLG the team is now able to offer online training to all landlords.

Despite the above many landlords remain disengaged until formal action is pursued by the council.

### **A2 Demographics**

York's population increased from 190,800 in 2008 to almost 210,000 in 2018, a rise of over 10%. Almost 1 in 4 (23%) of all residents in York are aged 18-29, a much higher proportion than many other cities. Since 2001 the proportion of people in this age group rose by over 30%. Like the national picture, younger households are more likely to rent privately than older households; in 2017 those in the 25 to 34 years age group in York's PRS represented the largest group (35%).

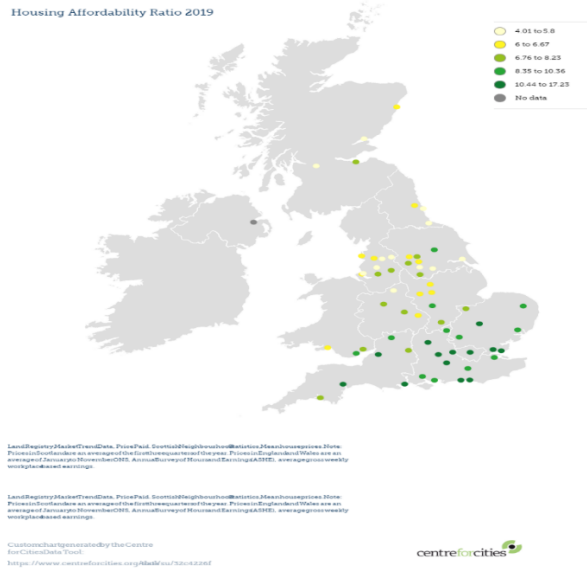
A significant factor in York’s relatively young age profile is the presence of two large universities which together host around 22,000 students each year. Whilst both universities seek to offer purpose built student accommodation, this is not yet sufficient to meet all needs so many look instead to York’s PRS.

### A3 Housing context in York

Around 85% of the 89,590<sup>10</sup> households in York are in the private sector, either owner-occupied (68% - 60,999 households) or privately rented (17.5% - 15,671 households). Virtually all the rest (15% - 13,439 households) are let as either social or ‘affordable’ rent by the council or registered social landlords (RSLs).

There are significant pressures within York’s housing market as demand outstrips supply. For many of the past 10 years the supply of new homes has fallen short of identified need. A significant minority of households face a worsening of affordability as the cost of home ownership and private rents rise faster than local incomes. In 2019 Centre for Cities<sup>11</sup> found that York’s housing affordability ratio stood at 9.05.

#### *Housing affordability to earnings ratio*



<sup>10</sup> ONS estimate 2018

<sup>11</sup> Centre for Cities – Cities Index 2020

*Anti-social behaviour complaints by ward Dec 2019 – Oct 2020***Number of Anti-Social Behaviour Complaints by Ward - 16th December 2019 to 16th October 2020**

<b>Ward (those with more than 100 HMOs shown in red)</b>	<b>Number of Complaints</b>
Guildhall Ward	58
Westfield Ward	34
Micklegate Ward	21
Holgate Ward	20
Clifton Ward	9
Acomb Ward	7
Heworth Ward	6
Fishergate Ward	5
Haxby & Wigginton Ward	4
Hull Road Ward	4
Huntington & New Earswick Ward	4
Dringhouses & Woodthorpe Ward	3
Strensall Ward	3
Rawcliffe & Clifton Without Ward	2
Rural West York Ward	1
Bishopthorpe Ward	0
Copmanthorpe Ward	0
Fulford & Heslington Ward	0
Heworth Without Ward	0
Osbalwick & Derwent Ward	0
Wheldrake Ward	0
<b>Total</b>	<b>181</b>

*Noise complaints by ward***Noise Complaints by Ward - 16th December 2019 to 16th October 2020**

<b>Ward (those with more than 100 HMOs shown in red)</b>	<b>Number of Complaints</b>
Westfield Ward	350
Guildhall Ward	294
Heworth Ward	294
Holgate Ward	159
Micklegate Ward	148
Hull Road Ward	122
Clifton Ward	114
Rawcliffe & Clifton Without Ward	93
Acomb Ward	88
Fishergate Ward	75
Huntington & New Earswick Ward	63
Dringhouses & Woodthorpe Ward	43
Osbalwick & Derwent Ward	31
Heworth Without Ward	30
Haxby & Wigginton Ward	27

Strensall Ward	19
Bishopthorpe Ward	15
Rural West York Ward	15
Fulford & Heslington Ward	14
Wheldrake Ward	12
Copmanthorpe Ward	4
<b>Grand Total</b>	<b>2010</b>

*Waste complaints by ward*

**Waste Complaints by Ward - 16th December 2019 to 16th October 2020**

<b>Ward (those with more than 100 HMOs shown in red)</b>	<b>Number of Complaints</b>
Guildhall Ward	111
Micklegate Ward	85
Holgate Ward	75
Clifton Ward	63
Westfield Ward	40
Fishergate Ward	26
Heworth Ward	26
Hull Road Ward	19
Dringhouses & Woodthorpe Ward	15
Rawcliffe & Clifton Without Ward	14
Huntington & New Earswick Ward	10
Osbalwick & Derwent Ward	9
Acomb Ward	8
Rural West York Ward	7
Haxby & Wigginton Ward	6
Copmanthorpe Ward	5
Strensall Ward	5
Bishopthorpe Ward	4
Fulford & Heslington Ward	4
Heworth Without Ward	3
Wheldrake Ward	1
<b>Grand Total</b>	<b>536</b>

## HMOs by ward

## HMOs by ward

Ward	HMOs	Licensed HMOs	Proportion of HMOs which are licensed	Number of Households (2011 Population Census)	Proportion of Households which are HMOs
Hull Road	746	335	44.91%	3984	18.72%
Guildhall	665	201	30.23%	4329	15.36%
Fishergate	559	122	21.82%	3945	14.17%
Heworth	321	136	42.37%	5785	5.55%
Micklegate	210	39	18.57%	6133	3.42%
Clifton	161	48	29.81%	5652	2.85%
Osbalwick & Derwent	114	51	44.74%	3025	3.77%
Fulford & Heslington	78	29	37.18%	661	11.80%
Holgate	70	19	27.14%	5930	1.18%
Westfield	31	5	16.13%	6004	0.52%
Huntington and New Earswick	29	4	13.79%	5429	0.53%
Dringhouses and Woodthorpe	26	9	34.62%	4843	0.54%
Acomb	22	8	36.36%	3520	0.63%
Rawcliffe and Clifton Without	21	4	19.05%	5583	0.38%
Heworth Without	10	4	40.00%	1687	0.59%
Haxby and Wigginton	6	1	16.67%	5270	0.11%
Strensall	3	0	0.00%	3198	0.09%
Rural West York	2	0	0.00%	4218	0.05%
Bishopthorpe	1	0	0.00%	1736	0.06%
Wheldrake	1	0	0.00%	1620	0.06%
<b>Total</b>	<b>3076</b>	<b>1015</b>			

## EPC ratings by ward – licensed and unlicensed HMOs

## EPC Ratings by Ward 2020 (wards with 100 or more HMOs in red)

	Licensed								No EPC	Unlicensed								No EPC			
	A	B	C	D	E	F	G	Expired		A	B	C	D	E	F	G	Expired				
Acomb		1	1	5	1							7	2	2			2				
Bishopthorpe													1				1				
<b>Clifton</b>			10	<b>29</b>	7	1		3	1			2	25	<b>65</b>	<b>13</b>		9	1			
Copmanthorpe																					
Dringhouses & Woodthorpe			7	2				0					5	8	2	1	2				
<b>Fishergate</b>		1	23	<b>82</b>	<b>14</b>			<b>14</b>	2			7	128	<b>233</b>	<b>35</b>	1	<b>44</b>	2			
Fulford & Heslington			15	11	3			1				1	13	24	4	1	3				
<b>Guildhall</b>		2	45	<b>112</b>	<b>37</b>			<b>15</b>	5			61	160	<b>159</b>	<b>45</b>	6	1	<b>83</b>	5		
Haxby & Wigginton				1								1	2	1	1						
<b>Heworth</b>		5	59	<b>59</b>	11			3	2			1	5	60	<b>87</b>	<b>16</b>	1	1	<b>23</b>	2	
Heworth Without			1	3								1		3	2						
Holgate			6	9	1	1		1	1			2	23	22	2	1	10	1			
<b>Hull Road</b>		5	199	<b>122</b>	9			<b>13</b>				1	6	124	<b>198</b>	<b>53</b>	2	1	<b>53</b>		
Huntington & New Earswick			1	2	1			0				2	7	11			3				
<b>Micklegate</b>			4	<b>24</b>	8			3	3			12	47	<b>78</b>	<b>25</b>	1	<b>34</b>	3			
<b>Osbalwick &amp; Derwent</b>		1	30	<b>20</b>				1				8	27	<b>21</b>	6		9				
Rawcliffe & Clifton Without			1	2	1							1	4	7	2	1	3				
Rural West York														1							
Strensall													1	1	1						
Westfield			1	2		1	1	1					6	14	2	1	5				
Wheldrake															1						
<b>Total</b>	<b>0</b>	<b>15</b>	<b>403</b>	<b>485</b>	<b>93</b>	<b>3</b>	<b>1</b>	<b>55</b>	<b>14</b>			<b>3</b>	<b>108</b>	<b>642</b>	<b>935</b>	<b>210</b>	<b>13</b>	<b>6</b>	<b>284</b>	<b>14</b>	



**A4 HMO inspections data and impact of COVID-19**

The restrictions/changes caused by the Pandemic have been significant in a number of ways including tenants initially being restricted to their homes and using them for the first time as their work/office space; landlords/agents were unable to respond to complaints about repairs during the full lockdown or as lockdown was eased due to the availability of furlough arrangements by their contractors and initially the reduction in the number of proactive inspections carried out by officers compared to the same period last year.

Government guidance issued early on the Pandemic changed the council's approach to tackling issues advising to take a more informal approach to resolve issues found. Although this increased the workload of officers as it meant that time periods to ensure compliance were reviewed and extended both for licensing conditions and for notices, it enabled officers to still concentrate on the worst conditions in the poorest sector.

Going forward we understand that there are likely to be serious delays in the court system due to the backlog of cases. It is even more important that during this period that there is a mechanism such as Additional HMO licensing that seeks to bring up to standard the poorest properties by identifying the properties/landlords and working with the sector to ensure compliance.

*Initial HMO inspection data*

2018-2020 inspections	Category 1 hazards	Category 2 hazards
Excess cold	10	0
Fire safety	1	198
Fall hazards	1	27
Other hazards	2	14
Total	14	239

Initial HMO inspection	Rooms mis-measured	Inspections	Suspended Prohibition notice	Hazard Awareness Notice
2018-2020	33	299	2	117

*Renewals: HMO inspections data*

2019-20	Category 1 hazards	Category 2 hazards
Excess cold	0	1
Fire safety	1	9
Fall hazards	0	5
Other hazards	1	1
Total	2	16

	Rooms mis-measured	Inspections	Suspended Prohibition notice	Hazard Awareness Notice
2019-20 Renewals: HMO inspections data	3	49	1	3

*HMO inspection data for the second half of 2018 following the implementation of the extension HMO licensing*

Inspections	Category 1 Hazards	Category 2 Hazards
<b>117 inspections</b> 16 rooms found to be mis-measured	<b>4 category 1 Hazards</b> 1 lack of natural lighting 3 excess cold <b>1 suspended Prohibition Notice</b>	<b>86 Category 2 Hazards</b> 74 Fire safety 8 Fall Hazards 2 Structural collapse 1 Crowding and Space 1 Collision and Entrapment <b>18 Hazard Awareness Notices</b>

*HMO inspection data for the second half of 2019*

**HMO inspection figures for the second half of 2019**

Inspections	Category 1 Hazards	Category 2 Hazards
<b>141 inspections</b> 3 rooms found to be mis-measured and licence conditions varied  <b>34 properties were found to be meet standards</b>	<b>8 in total</b> 7 Excess cold resulting in 6 Hazard Awareness Notices 1 Letter/Email 1 Hazard removed before action taken 1 Crowding and space resulting in Suspended Prohibition Order	<b>123 in total</b> <b>99 Fire Safety</b> 68 Hazard Awareness Notices 7 Hazard Information Sheets 24 letters/emails <b>15 Fall Hazards</b> 9 HAN 6 HIS <b>4 Flames, Hot surfaces</b> 4 HANS <b>3 Damp and Mould</b> 2 HANS 1 letter/email <b>2 Lighting</b> 2 HANS

*HMO inspection data for the first half of 2020***HMO inspection figures for the first half of 2020**

Inspections	Category 1 Hazards	Category 2 Hazards
<b>41 Inspections</b>  <b>14 properties were up to standard</b>  <b>Management issues in two properties dealt with by email</b>	<b>2 in total</b> <b>1 fall hazards</b> 1 Letter/Email <b>1 Fire safety issue</b> 1 hazard Awareness Notice	<b>30 in total</b> <b>25 Fire Safety</b> 4 Hazard Awareness Notices 1 Hazard Information Sheets 20 letters/emails <b>4 Fall Hazards</b> 2 HAN 2 letters/emails <b>1 Damp and Mould</b> 1 HANS 1 letter/email

*HMO renewals inspection data for the second half of 2019***HMO Renewals inspection figures for the second half of 2019**

Inspections	Category 1 Hazards	Category 2 Hazards
<b>22 inspections</b> 3 rooms found to be mis-measured and licence conditions varied  <b>11 properties were found to meet standards</b>	<b>2 in total</b> <b>1 Hazards of Fire</b> Letter <b>Crowding and Space</b> Suspended Prohibition Order	<b>11 in total</b> <b>7 Hazards relating to Fire</b> 3 Hazard Awareness Notices 2 Hazard information sheets <b>2 hazards of Falls</b> 2 letters/emails <b>1 hazard of Excess Cold</b> Letter <b>1 hazard of Damp and Mould</b> Letter/email

*HMO renewals inspection data for the first half of 2020***HMO Renewals inspection figures for the first half of 2020**

Inspections	Category 1 Hazards	Category 2 Hazards
<b>27 inspections</b>  <b>19 properties were found to meet standards</b>  <b>Management Issues</b> <u>Fire</u> 1 Letter/emails <u>General Management</u> 3 Letters/emails	<b>None</b>	<b>5 in total</b> <b>2 Hazards relating to Fire</b> 2 Letters/emails <b>3 Hazards of Falls</b> 3 letters/emails

#### **A5. HMO licensing procedures context**

The council adopts a robust approach to taking enforcement and has a mechanism to resolve issues either through legal action, which may result in the landlord/licence holder or manager being prosecuted, or through further licensing controls such as revoking a licence and restricting their ability to run HMOs.

Where necessary and appropriate the council will pursue formal action against landlords and agents.

The council also adopts informal measures such as re-inspections, which carry a higher charge for licence renewals or require landlords to employ the services of a competent and professional agent. This is dependent upon a number of factors but in general terms consideration is given to the following:

- The gravity of the offence alleged;
- The complexity of what is in issue;
- The general record and approach of the person responsible;
- The severity of the consequences for the defendant and others affected; and
- Whether it is in the best interests of the public to deter others from similar failures.

In some cases the breaches found do not always warrant formal action so the council will adopt an informal approach and provide the landlord with a warning or caution. If a landlord fails to heed these warnings about problems then the council has applied enforcement and prosecuted where the problem is serious enough and it would be in the public interest to take such action.

## Appendix 4: HMO case studies

The English Housing Survey (EHS), which is an annual survey conducted to “*determine people’s housing circumstances and the condition and energy efficiency of housing*” Department for Communities and Local Government (2014) *English Housing Survey – Headline report* DCLG February 2015, reported that HMOs are often old, solid wall properties with low levels of insulation and sometimes expensive electric heating systems and.... “*Section 257 HMOs pose particular problems because they are by definition older, poorly converted properties*”.

The evidence and experience over the years, in York, is that some of the worst conditions are present in HMOs. The case studies below highlight what we have uncovered in recent years and critically how Licensing has helped to ensure that properties are safe for tenants:

### Guildhall Ward

Property A was a converted mid terrace house situated on a main road, which is occupied by five student tenants. The ground floor comprises two bedrooms, a kitchen/lounge area and a separate WC. Bedroom 2 was in the middle of the house and sandwiched between bedroom 1, the communal kitchen/lounge area and the hallway. As a result of this, the bedroom had no outside window and no natural light or fresh ventilation. It did have a UPVC internal window which opens into the communal kitchen/lounge area, giving no privacy or any fresh air. In addition this window was also a fire hazard as it did not give a 30 minute fire resistance and was adjacent and looked into a communal kitchen.

**The above hazards were scored under the HHSRS system for lighting and fire hazards, lighting scored a band C Cat 1 hazard, fire scored band F, Cat 2 hazard. A suspended prohibition notice was served**

### Clifton Ward

Property B was a converted mid terrace property occupied by 5 tenants who were not a cohesive group. The ground floor comprised two bedrooms, kitchen and bathroom. There were signs of damp in the area between the kitchen and bathroom. The front bedroom showed signs of damp to the front walls, there was no Thermostatic Radiator Valve (TRV) on the radiator and the door was an old Pine door.

The second bedroom was tenanted by a male who was away for long periods of time, the bed was positioned in the middle of the room, the door which was old Pine door and was badly damaged. Upstairs in the property there were three further bedrooms, a bathroom and separate WC.

The smallest bedroom at the rear of the property was too small to be used. The front bedroom also showed signs of damp to the front wall and the door on middle bedroom also showed signs of traumatic damage and was an old Pine door.

The separate toilet was very small, cold, with no wash basin and the suspended ceiling was missing. The upstairs bathroom was at the front of the property and when the shower curtain was pulled back from the window area, the state of the wooden sash window was revealed, the bottom wooden frame was hanging off at a 45 degree angle and appeared to be only held in place in one corner, the glass had no support and the condition of the rest of the frame was extremely poor and required immediate repair. This would not have been found had the shower curtain not been moved. On inspection it was found that the property requires updating, redecoration and repair in several places..

**The above was dealt with using the HHSRS system for Excess cold, Licensing conditions to prevent the inadequate room being re-let and the illegal and matters relating to poor management were dealt with using the HMO management regulations.**

### **Heworth Ward**

During an inspection of property C, in addition to fire safety issues, we noted potential structural movement with numerous external and internal cracks in the walls around the ground floor extension housing the shower room and bedroom 2 of the property. We asked to be provided with a structural engineers report to inform of any works which need to be carried out. It found that the extension was suffering from structural movement and that although the structure was safe, further works were necessary within the next 6 – 12 months to limit the risk of further damage. The landlord confirmed that they would be undertaking the recommended remedial work in the report within the timescale stated.

**The above matters were dealt with using the HHSRS system for Fire Safety and Structural Collapse.**

### **Fishergate Ward**

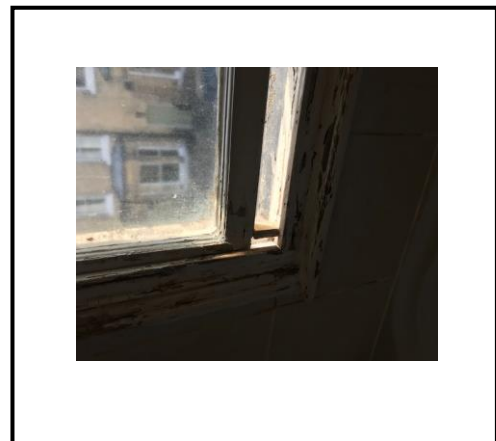
Property D was a 1960s open plan house with limited fire safety measures. Means of escape straight down an open plan staircase linking the first floor landing and the open plan lounge.

Deficiencies found:

- Lack of general 30 min separation
- No interlinked detection
- Ceiling breach in kitchen
- Lack of low level full length railing

Action required:

- Escape windows to four of the six bedrooms
- Fire doors throughout to include removal of an ornate glass pane between the lounge and the kitchen
- Thumb turn on FEP in rear yard as GF bedroom means of escape was to the small enclosed rear yard
- Interlinked detection
- Full length railing to be fitted to reduce the gap at floor level



**The above matters were dealt with using the HHSRS system for Fire Safety. A Hazard Awareness Notice was served.**

Property E was a large detached property of 23 lets with 35 occupants. The lets comprised of flats, bedsits and bedrooms. The property had three shared kitchens but no communal living accommodation. On inspection the property was found to be run down. One of the bedroom lets was found to be under the 6.51m<sup>2</sup> of useable floor space. Also two bedrooms were over the 6.51m<sup>2</sup> rule but well under 10m<sup>2</sup> of useable floor space. Six other bedrooms which were all over the 6.51m<sup>2</sup> rule were looked at due to the lack of a communal living space. Using old guidelines and liaising with other local authorities, we worked out that due to the lack of this communal living space one person should have 10m<sup>2</sup> of useable floor space, 2 persons should have 15m<sup>2</sup> of useable floor space and a kitchen area should be at least 3m<sup>2</sup>.

From the initial inspection we had initially found that three of the bedrooms should not have any people using them, one as mentioned was under the 6.51m<sup>2</sup> useable floor space rule.

We measured the six rooms in question in the presence of the HMO Licence applicants. We found after measuring these rooms a further two rooms were under the 10m<sup>2</sup> of useable floor space. So in total five letting units were not to be used.

HMO licence conditions were imposed outlining how many people could live in each of the units in the property, that 5 of these units could not be let under the current set-up at the address. We talked with the owners of the property and they are now in the process of converting a large bedroom near one of the large kitchens, to make a large kitchen diner/ living area, to service the needs of the residents in the rooms that were deemed to be unusable. We have stipulated what should be in the new area, i.e. comfortable seating, table and chairs etc.

**The above matters, rooms let failing to meet the minimum legal standards were dealt with using licensing conditions.**

### **Hull Road Ward**

Property F was a two storey HMO with six bedrooms. One bedroom was below 6.51m<sup>2</sup> (not occupied)

Deficiencies found included:

- Lack of fire detection and fire doors
- Built in appliances damaged and broken but not replaced by agent
- Furniture in poor condition and not compliance with The Furniture and Furnishings (Fire Safety) Regulations 1988.
- External communal area (rear garden) overgrown and poorly maintained
- Lack of refuse receptacles – Agent advising tenants it's their responsibility to supply
- Leak to WC and bath (two separate rooms) which had cause water ingress to floor boards and damages floor covering (ongoing and not addressed by Agent)

Conservatory to the rear had rotten windows causing water seepage and infestation of wood lice (potential Excess cold) unable to heat due to drafts around windows.

The above matters were dealt with using the HHSRS system for Fire Safety. A Hazard Awareness notice was served and at the same time the Licence holder was informed how to deal with the management regulations breaches.

**Appendix 5: summary of YUSU report**



**Appendix 6: Letter from the YRLA**







**Private rented sector  
licensing consultation  
City of York Council**

**Final report**

**May 2022**





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## Project details

<b>Title</b>	Private rented sector licensing consultation analysis and reporting
<b>Client</b>	City of York Council
<b>Project number</b>	22028
<b>Author</b>	Bronwyn Vermaat and Adam Knight-Markiegi
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This project has been delivered to ISO 9001:2015, 20252:2019 and 27001:2013 standards.



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## Executive summary

Access to decent affordable housing is essential to support good health and wellbeing and a good quality of life. Overall, housing standards in York are high – the physical condition of the city’s housing stock is generally good across all sectors and energy efficiency levels are above the national average.

However, this overall positive picture masks disparities both between and within sectors that give rise to some concern. Overall you find some of the worst conditions within the private rented sector (PRS), which includes a significant proportion of houses in multiple occupation (HMOs).

Alongside other measures, local authorities are permitted under the Housing Act 2004 to introduce additional licensing or HMOs, providing that a public consultation of those affected or potentially affected takes place. The City of York Council carried out two consultations, in spring/summer 2021 and autumn/winter 2021. This report summarises all the evidence collected across the two consultations, with analysis and reporting done by M-E-L Research on behalf of the City of York Council (the Council).

The table below summarises the key findings from the surveys for the two consultations.

**Table 1: Summary responses on proposal (overall/by respondent type)**

	Overall	Residents	Private tenants	Landlord / agents	Total responses
Agree that private landlords maintain their properties to a good standard	35%	18%	15%	<b>78%</b>	469
Agree that private landlords act responsibly in letting, managing and maintaining their properties	34%	13%	15%	<b>81%</b>	470
Agree that a significant proportion of HMOs in the eight wards are being managed in a way that does or might create problems for people living in them	48%	<b>78%</b>	75%	9%	252
Agree that a significant proportion of HMOs in the eight wards are being managed in a way that does or might create problems for members of the public	35%	<b>77%</b>	41%	8%	252
Agree with the proposal to introduce a targeted Additional Licensing Scheme for HMOs in York	69/54%	<b>84/84%</b>	<b>91/79%</b>	29/20%	476/183
Agree with the proposal to designate those wards with the highest number and poorest conditions under the Additional Licensing scheme	68%	79%	<b>89%</b>	31%	475
Agree with the proposal to include the eight wards under the proposed Additional Licensing scheme	53%	<b>84%</b>	81%	19%	178
Agree with the HMO standards and conditions contained in our Implementation Policy for HMOs	76/51%	<b>88/79%</b>	<b>88/76%</b>	51/27%	471/154
Agree with the fee structure in the Additional Licensing Scheme	30%	<b>55%</b>	44%	11%	154

The written submissions prompted the important role of the private rented sector.

The YRLA disagreed with the basis for the proposal in the first consultation, particularly around evidence for the need for a scheme. Similar views were voiced elsewhere from private landlords, whereas Safeagent questioned the link between anti-social behaviour (ASB) and the PRS. Some felt that ASB is often done to tenant behaviour and should not be pinned on landlords. In contrast, a representative body for university students strongly welcomed the proposals, as did some private landlords.

Private landlords also wanted greater resource to be put into enforcement. Some in the two public meetings wanted similar action, though a question was raised about the Council's capacity to deliver this enforcement.

Some respondents wanted greater information about new changes and regulations or the impact of the licensing scheme.

## Introduction

Access to decent affordable housing is essential to support good health and wellbeing and a good quality of life. Overall, housing standards in York are high – the physical condition of the city’s housing stock is generally good across all sectors and energy efficiency levels are above the national average.

However, this overall positive picture masks disparities both between and within sectors that give rise to some concern. Overall you find some of the worst conditions within the private rented sector (PRS), which includes a significant proportion of houses in multiple occupation (HMOs).

Local authorities have an obligation under the Housing Act 2004 to keep housing conditions in their area under review across all tenures, to enforce certain statutory minimum standards in housing. An assessment of poor housing conditions completed in 2015 underpins Council policies and strategies towards improving housing standards. The same Housing Act 2004 provides mandatory and non-mandatory powers that councils can use to improve standards.

In line with the City of York Council’s strategic ambitions to improve people’s quality of life, which is focussed on using what tools and resources it has to tackle poor housing standards in York. To this end, the Council has put forward a case for introducing additional licensing of HMOs in the PRS, in those eight wards where some of the worst housing standards are found.

As part of this, the Council have run two public consultations over the proposals, providing all those affected or potentially affected to have their say. The consultation activities are outlined below.

This report summaries all the evidence collected across the two consultations, with analysis and reporting done by M·E·L Research on behalf of the City of York Council. All data was redacted of personal and identifiable data, fully compliant with data protection rules.

## Consultation activities

Between 16 April and 27 June 2021, the Council carried out a preliminary statutory consultation on a proposed additional HMO licensing scheme with key stakeholders. It was open to all residents in the city. The authority decided that a second, more detailed, consultation was necessary allowing respondents to consider the more detailed proposals that have now been formulated, offering those people likely to be affected by the proposals a further opportunity to make comments. This took place 18 October and 31 December 2021, during the Covid pandemic, so in-person activities were limited. Online surveys and written responses were provided for both consultations.

Here is a summary of the communication for the two consultations:

## General promotion

- Press releases
- Staff newsletter General
- Staff newsletter Housing
- Staff Teams
- Facebook
- Other social media - Twitter
- Residents fortnightly update
- Business fortnightly update
- Members Briefing
- Councillors

## Landlords /Agents

- Specific communication to York Residential Landlord Association
- Specific communication to National Residential Landlord Association including attendance by officers to a NRLA virtual meeting on 20 May 2021 attended by six plus the two representatives of the NRLA
- All mandatory HMO licensed landlords
- All agents who have given the Council permission to contact them
- Two virtual sessions for Landlords 'Lets talk Housing' on the 17 December 2021.

## Stakeholders

- Universities
- Student unions
- Citizen Advice
- North Yorkshire Fire and Rescue
- Police
- Advice York Partnership
- York CVS
- Health trust
- Health CCG
- 10 June 2021 – focus group arranged by the Student Union with 15 attendees
- Two student housing fairs:
  - York University housing fair on 17 November 2021
  - York St Johns University landlord fair on 26 November 2021

## Through internal partners

- Homelessness forum
- Planning
- Housing Options
- Parking

## Wider engagement

- List of people asked to be followed up from first consultation
- Information added to officers' electronic signature on their emails
- Support to complete the online survey was promoted through the libraries

## Reporting conventions

The survey results are shown overall with a breakdown by respondent type and ward where base sizes are large enough.

Owing to the rounding of numbers, percentages displayed on charts in the report may not always add up to 100% and may differ slightly when compared with the text. The figures provided in the text should always be used. For some questions, respondents could give more than one response (multiple choice). For these questions, the percentage for each response is calculated as a percentage of the total number of respondents and therefore percentages do not usually add up to 100%.



## Survey results

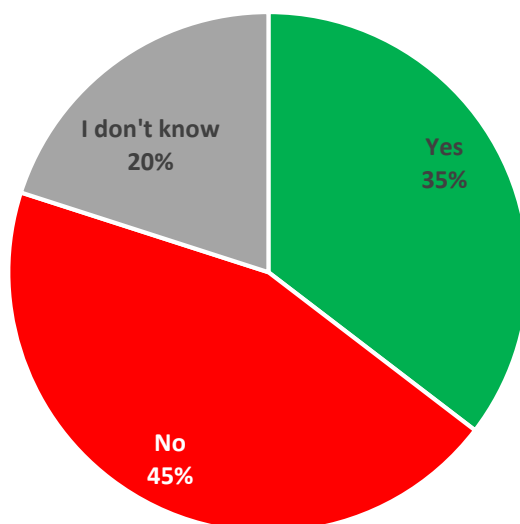
In total, 1032 responses were received to the consultations. The first consultation on additional licensing proposals concluded in June 2021. 822 responses were received, including 228 (28%) who identified as a private tenant (32% where the respondent type is known) and 238 as a private landlord, letting agent or manager (33%). The percentages shown below exclude non-answering respondents. 374 responses were received in the second consultation, during autumn/winter 2021, with a greater proportion of private tenants (41%), though similar for private landlord, letting agent or manager (32%). The profile of respondents is shown in Appendix 1. Below is a summary of these responses.

### Extent of concern with property conditions

#### Property standards

Respondents were asked whether they think private landlords in York maintain properties to a good standard. Respondents were more likely to say No (45%) to this than Yes (35%), with a further 20% answering “Don’t know”.

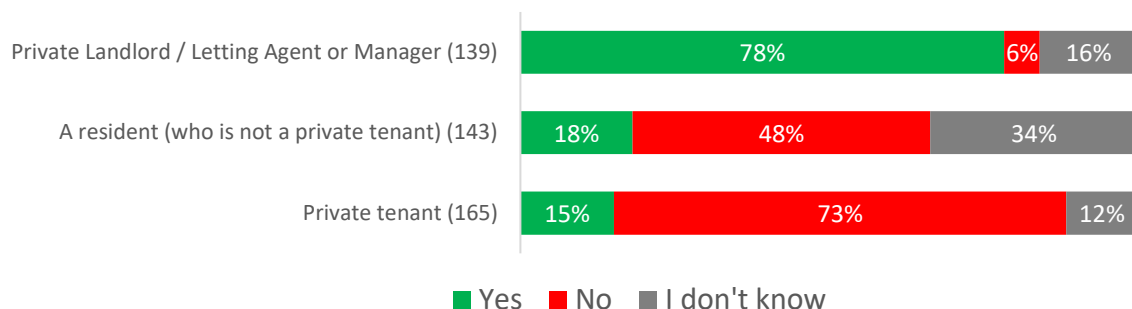
**Figure 1.: In your opinion/experience do you think private landlords in York maintain their properties to a good standard? (n = 469, first consultation)**



When looking at the data by respondent type, there is vast differentiation in the results. Private landlords / letting agent or managers were significantly more likely (78%) than either private tenants (15%) or residents who are not private tenants (18%) to answer “Yes” in response to the question of whether private landlords in York maintain their properties to a good standard. Meanwhile, while

almost three quarters (73%) of private tenants stated that they don't believe private landlords in York maintain their properties to a good standard, significantly fewer (6%) private landlords / letting agents or managers express this view.

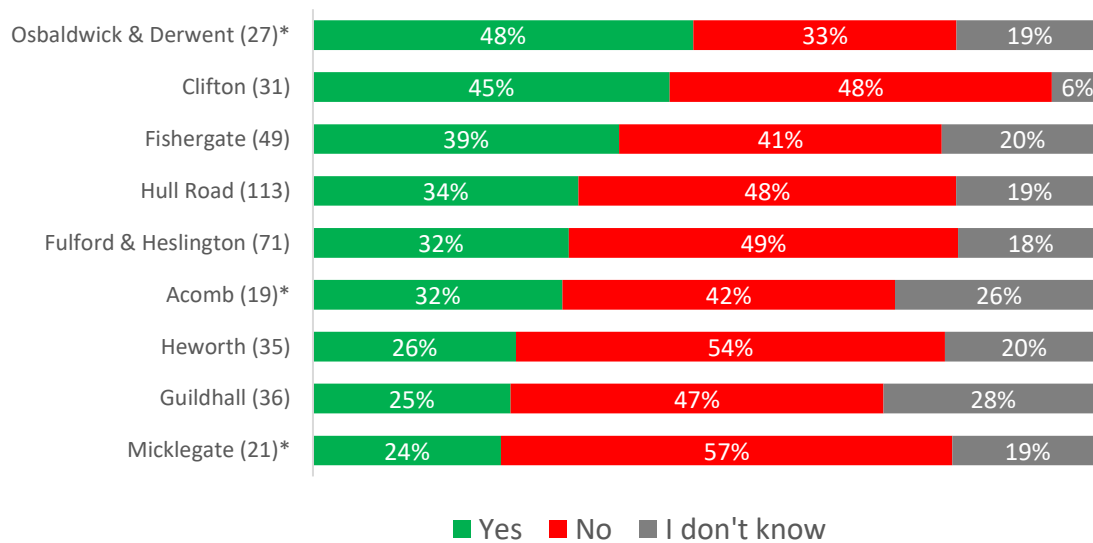
**Figure 2.: In your opinion/experience do you think private landlords in York maintain their properties to a good standard? – by respondent type (base sizes in chart, first consultation)**



Advice or community organisations (5), business owners or managers (5) and other (12) excluded due to low base sizes

Opinions about whether private landlords maintain their properties to a good standard also varied by ward, with respondents from Osbaldwick & Derwent (48%) and Clifton (45%) most likely to believe that this is the case. However it is notable that in Clifton, approaching half (48%) answered “no” in response to this, with only 6% providing the answer “Don’t know”. Meanwhile, respondents from Micklegate (25%), Guildhall (36%) and Heworth (26%) were least likely to state that private landlords maintain their properties to a good standard. It should be noted that the data from Osbaldwick & Derwent and Micklegate should only be taken as indicative however, due to the low base size of responses from these wards (27 and 21 respectively).

**Figure 3.: In your opinion/experience do you think private landlords in York maintain their properties to a good standard? – by ward (base sizes in chart, first consultation)**

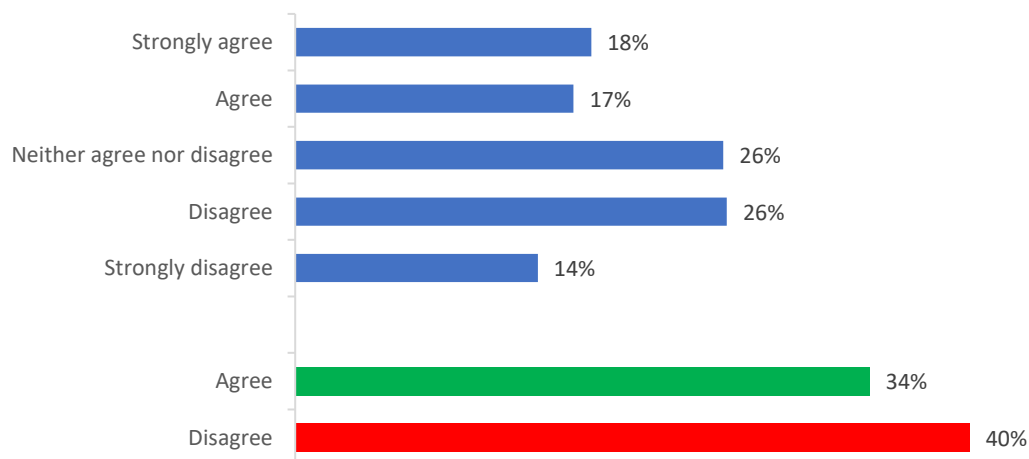


Caution advised in analysis of data from these groups due to low base size  
 \*Wards with a base size of 10 or lower have been excluded from the chart due to very low base sizes

## Responsible landlords

Further to this, when asked whether they agreed or disagreed that private landlords act responsibly in letting, managing and maintaining their properties, again more disagreed that this was the case (40%) than agreed (34%).

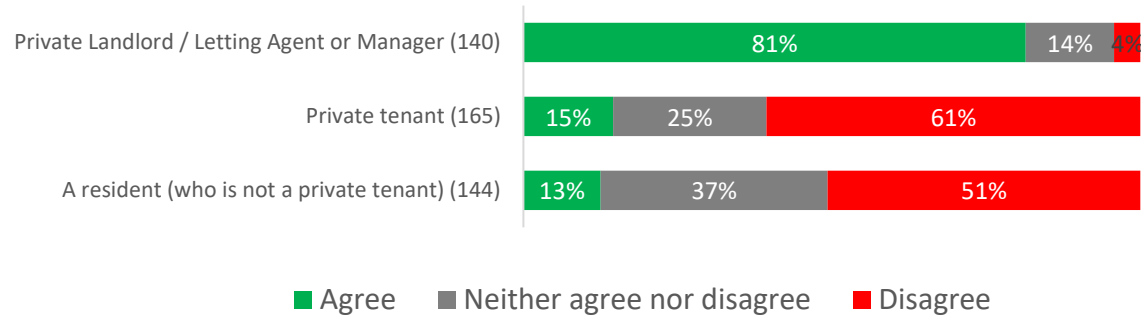
**Figure 4.: To what extent do you agree or disagree that private landlords act responsibly in letting, managing and maintaining their properties? (n =470, first consultation)**



By respondent type, agreement with this statement is significantly higher among private landlords / letting agents or managers (81%) than it is among private tenants (16%) or residents who aren't private tenants (13%). Meanwhile private tenants (61%) and residents who aren't private tenants (51%) are

significantly more likely to disagree that private landlords act responsibly in letting, managing and maintaining their properties.

**Figure 5.: To what extent do you agree or disagree that private landlords act responsibly in letting, managing and maintaining their properties? – by respondent type (base sizes in chart, first consultation)**

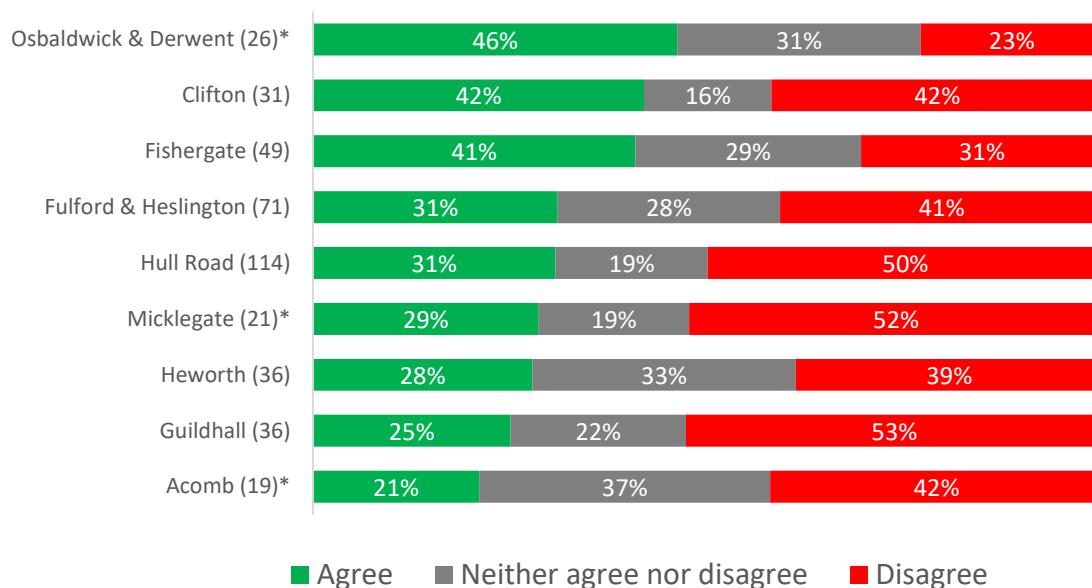


Advice or community organisations (2), business owners or managers (5) and other (12) excluded due to low base sizes

Respondents from Osbaldwick & Derwent (46%), Clifton (42%) and Fishergate (41%) were most likely to agree that private landlords act responsibly in letting, managing and maintaining their properties. Disagreement with this statement was highest in Guildhall (53%), Micklegate (52%) and Hull Road (50%). While those in Acomb and Heworth were among the least likely to agree that private landlords act responsibly (21% and 28% respectively), they had a high proportion of respondents who indicated that they neither agree nor disagree (37% and 33% respectively), meaning that although there was a lower than average level of agreement, the proportion who disagreed was roughly in line with the sample average (Acomb: 42%, Heworth: 39%, total sample average: 40%).

It should be noted that responses from Osbaldwick & Derwent, Micklegate and Acomb should be taken only as indicative, due to the low base size of these groups.

**Figure 6.: 'To what extent do you agree or disagree that private landlords act responsibly in letting, managing and maintaining their properties? – by ward (base sizes in chart, first consultation)**



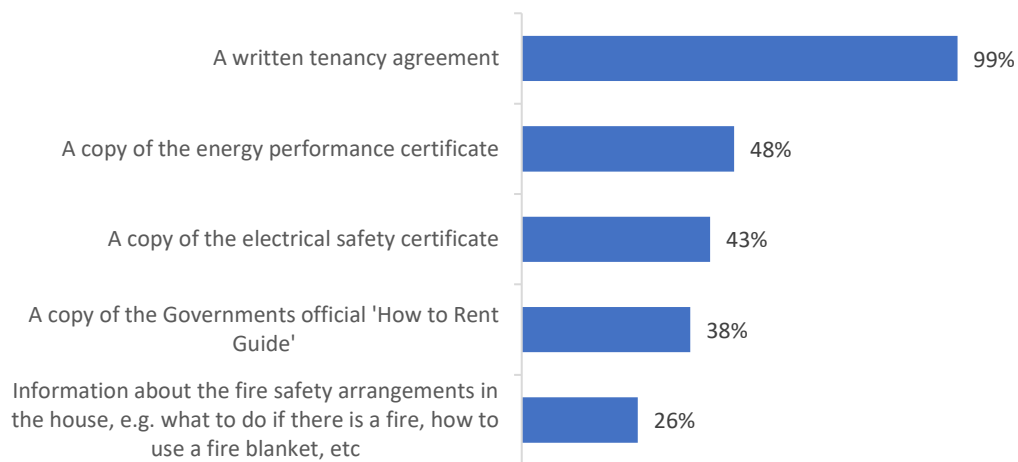
\*Caution advised in analysis of data from these groups due to low base size  
Wards with a base size of 10 or lower have been excluded from the chart due to very low base sizes

## Landlord practices

### Paperwork/certification provision

While almost all (99%) tenants stated they were provided with a written tenancy agreement at the start of their tenancy, under half were provided with a copy of the energy performance certificate (48%), electrical safety certificate (43%), the Governments' official 'How to Rent Guide' (38%) and information about the fire safety arrangements in the house (26%).

**Figure 7.: If you're a private tenant, did your landlord/agent provide you with the following at the start of your tenancy (select all that apply)? (n=201, first consultation)**

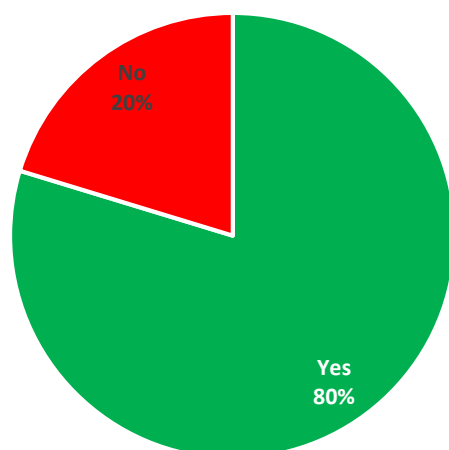


Across the wards, provision of a written tenancy agreement was consistently high. Tenants were less likely to report that they received a copy of the electrical safety certificate in Fulford & Heslington (36%) and Hull Road (41%) than in Heworth (60%), Fishergate (57%) and Guildhall (50%). A similar trend can be seen when looking at provision of the EPC (Fulford and Heslington: 41%, Hull Road: 40% cf. Heworth: 73%, Fishergate: 52% and Guildhall: 63%) and a copy of the Governments official 'How to Rent Guide' (Fulford and Heslington: 27%, Hull Road 35% cf. Heworth: 60%, Fishergate: 48%, Guildhall: 44%). However base sizes for Heworth (15), Fishergate (21) and Guildhall (16) are lower than recommended for analysis, so these differences should only be taken as indicative.

## Name of landlord

One in five (20%) private tenants don't know the name of their landlord. This figure is higher in the ward of Heworth (40%), however as the base size in this group is low (15), this result is only indicative.

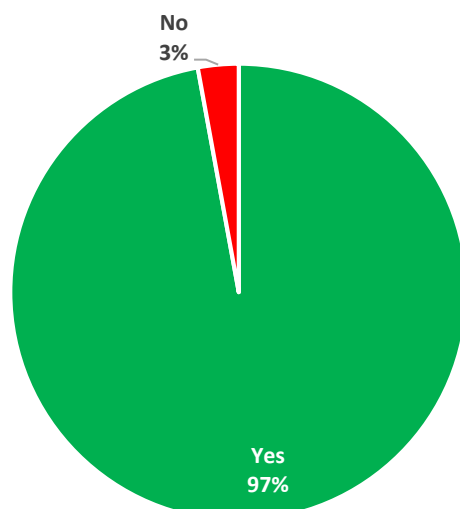
**Figure 8.: If you're a private tenant, do you know the name of your landlord (not your letting agent)? (n=207, first consultation)**



## Deposit taken

Most landlords (97%) did take a deposit from private tenants. This figure was slightly lower in Guildhall (93%) and Heworth (93%), however with these groups only containing 15 respondents each at this question, these results should be treated with caution.

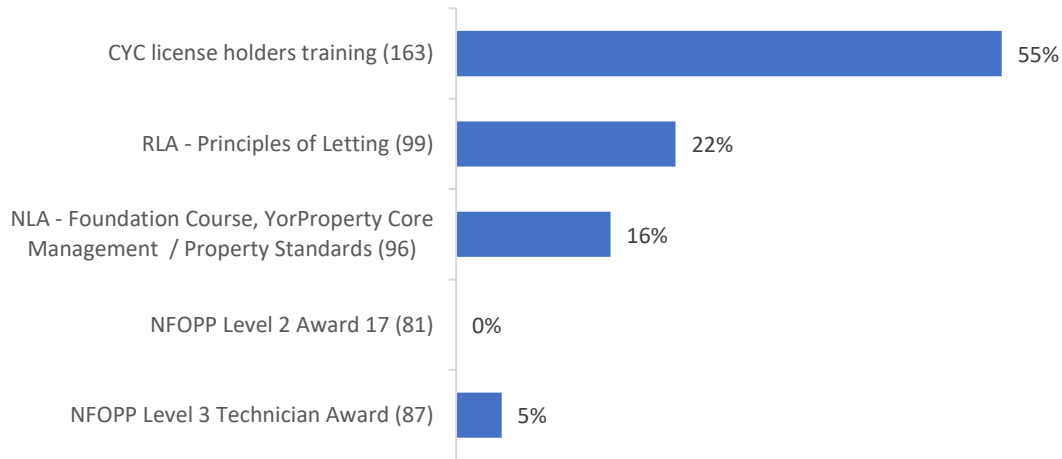
**Figure 9.: Did the landlord take a deposit? (n=208, first consultation)**



## Landlord training

Just over half of landlords (55%) self report having attended CYC licence holders training in the last 5 years, with a lower proportion reporting attending RLA – Principles of Letting (22%), NLA – Foundation Course, YorProperty Core Management/Property Standards (16%), NFOPP Level 3 Technician Award (5%) and NFOPP Level 2 Award 17 (0%) training in this time.

**Figure 10.: Have you attended one of the recognised training qualifications in the last 5 years? (n=170, first consultation)**



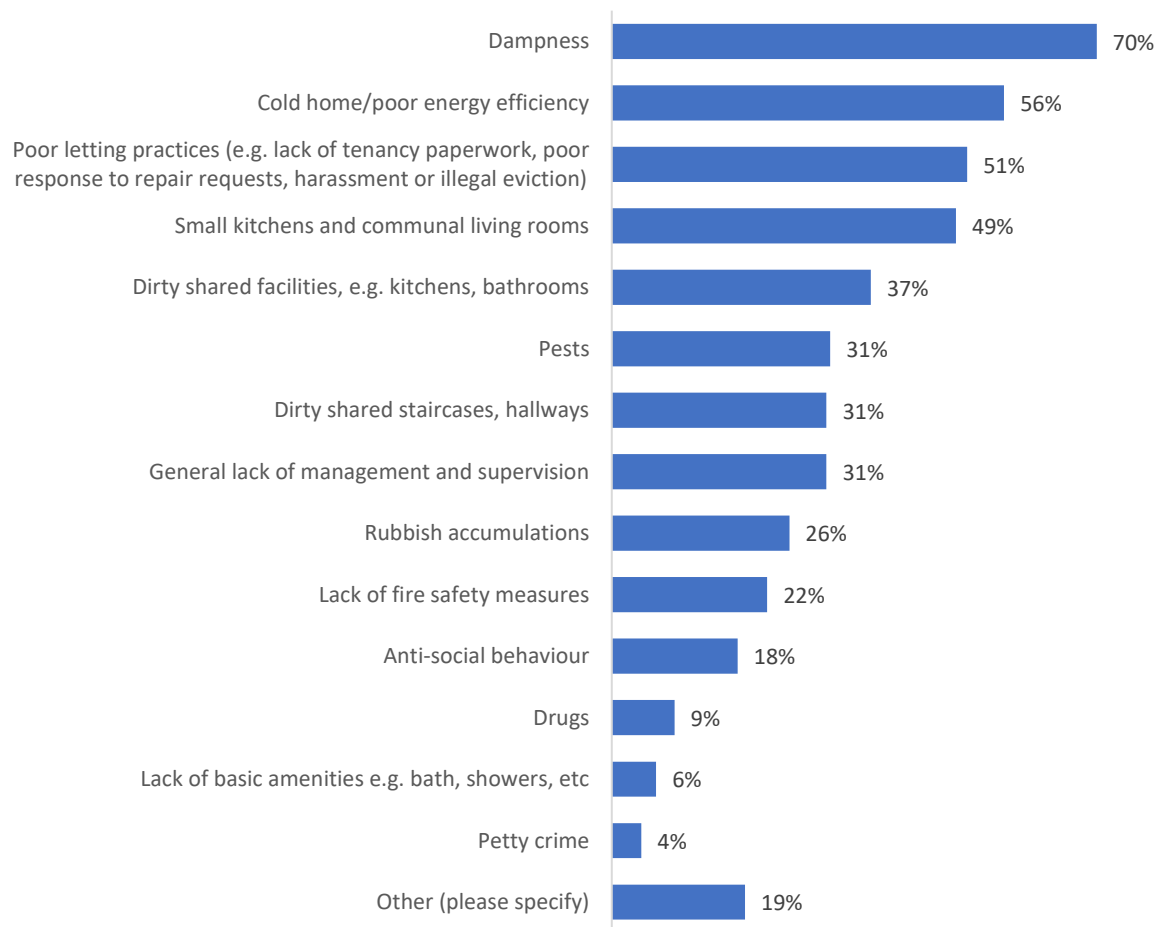


## Issues with HMOs

### Issues for tenants

There are a number of issues tenants report experiencing in Houses in Multiple Occupation (HMOs) in York, most commonly dampness (70%), cold homes/poor energy efficiency (56%) and poor letting practices such as a lack of tenancy paperwork and poor response times (51%).

**Figure 11.: Which of the following issues, if any, have you experienced in House in Multiple Occupation (HMOs) in York? (n=188, first consultation)**

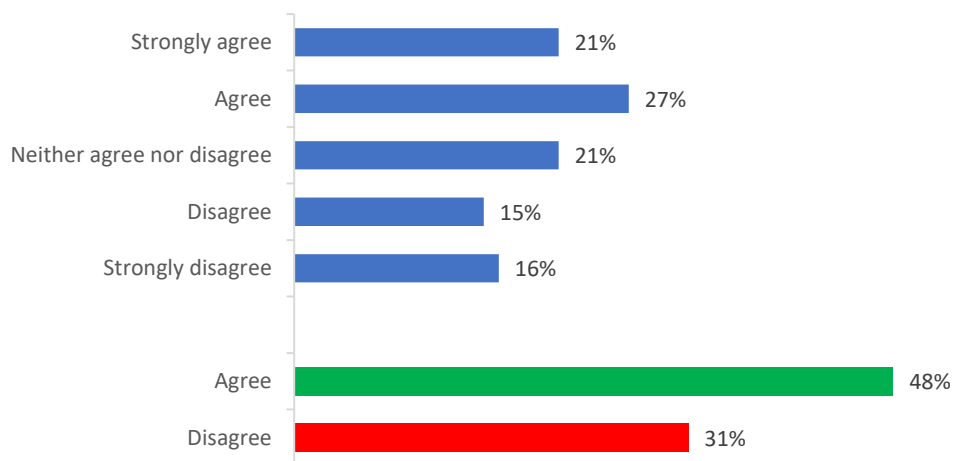


Dampness was a commonly reported problem in all wards, although it was less likely to be reported in Hull Road (64%) and Fulford and Heslington (68%) than Fishergate (86%). However it should be noted that the base size at this question in Fishergate was only 21, which is lower than recommended for analysis, so this figure should be treated with caution. Tenants in Fulford and Heslington were also notably less likely to report cold homes/poor energy efficiency (43%) than other wards. In Hull Road, pests were the third most common issue faced (47%), making them a larger issue here than in many other wards.

## Management of HMOs in named wards

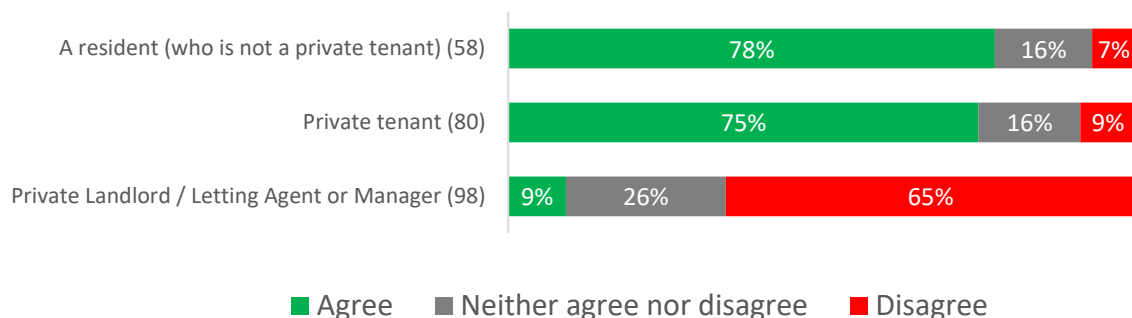
Respondents in the second consultation were more likely to agree (48%) than disagree (31%) that a significant portion of HMOs in the eight named wards are being managed in a way that does or might create problems for people living in them.

**Figure 12.: To what extent do you agree or disagree that a significant proportion of HMOs in the eight wards are being managed in a way that does or might create problems for people living in them? (n=252, second consultation)**



Agreement with this statement was however significantly lower among private landlords / letting agents or managers (9%) than among residents who are not private tenants (78%) and private tenants (75%). Approaching two thirds (65%) of private landlords / letting agents or managers disagree that a significant proportion of HMOs in the named wards are being managed in a way that does or might cause problems for people living in them. It is notable however that when looking at landlords or agents who own or manage HMOs in the city, those who own or manage 3 or more HMOs are more likely to disagree with this statement (81%) than those who only manage one or two (58%).

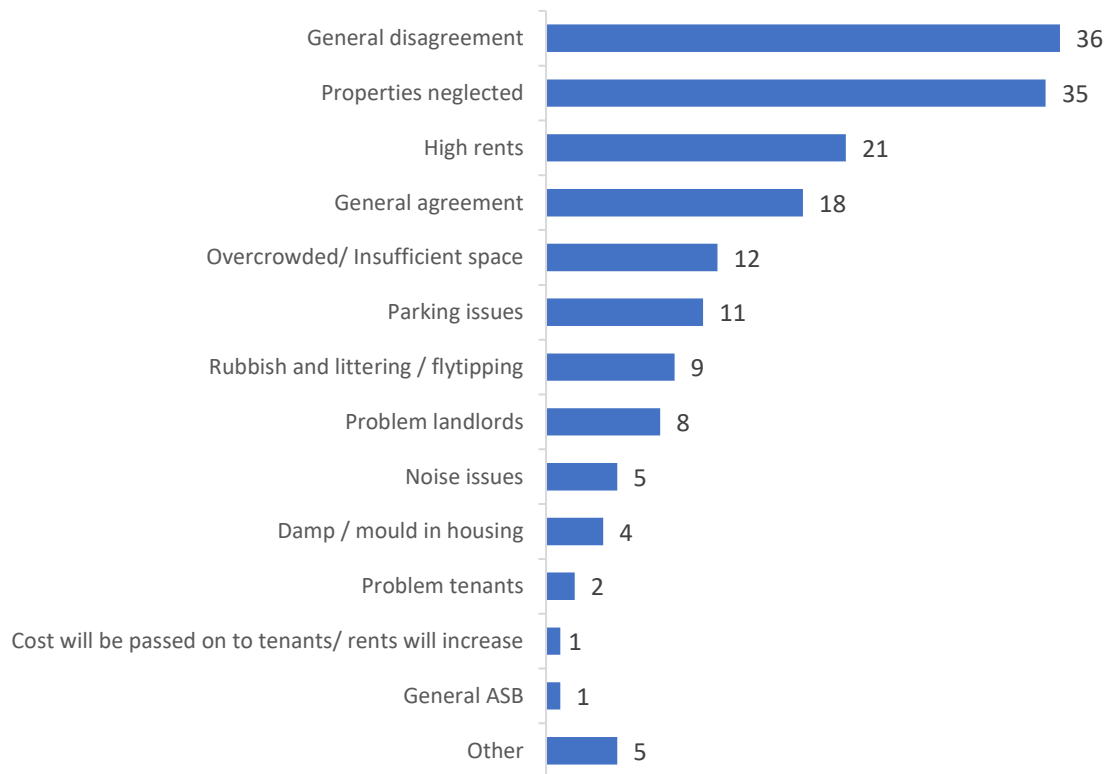
**Figure 13.: To what extent do you agree or disagree that a significant proportion of HMOs in the eight wards are being managed in a way that does or might create problems for people living in them?– by respondent type (base sizes in chart, second consultation)**



Advice or community organisations (2), business owners or managers (3) and other (11) excluded due to low base sizes

Respondents to the consultation were then asked to state a reason for their agreement or disagreement with this scheme. The answers have been coded into themes, displayed in figure 14. 144 respondents elaborated on their answers at this question, although 22 provided answers which were invalid. The most common theme (36 responses) is of general disagreement, with respondents expressing a good impression of how these properties are managed: *“I’m a student and have had two great experiences in student HMOs as have my friends”, “My properties are well kept and so are those of my managing agent who work to very strict guidelines”*. However, the second most common theme at this question is that properties are neglected, with 35 expressing views in line with this: *“All student accommodation I know has extensive damp and mould issues which landlords refuse to address.”, “The state of the houses outside looks very neglected. Rubbish accumulation, fly tipping in alleyways, vermin present. No outside space, because 2 up 2 down Victorian terrace houses converted to accommodate up to seven residents. Very cramped. Parking already horrendous without multiple cars per house.”*

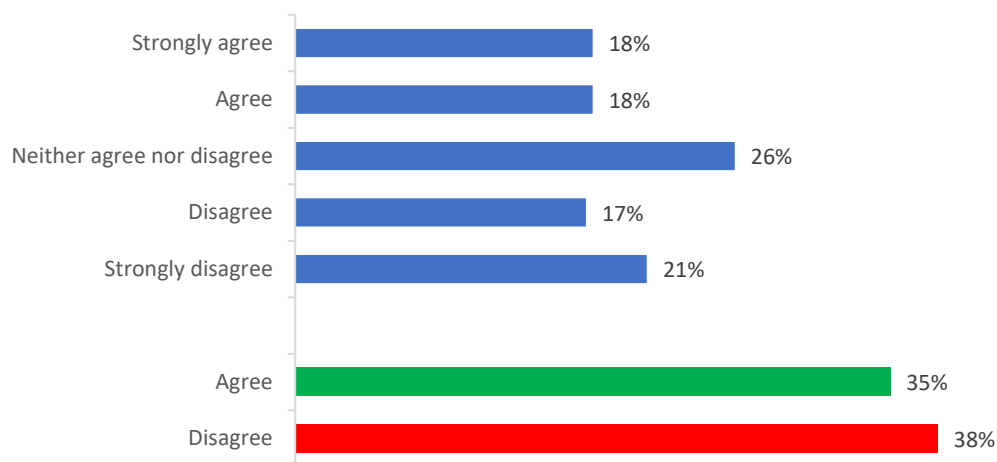
Figure 14.: Please state a reason for your response below: – by respondent type (n = 144, second consultation)



## Impact on the public

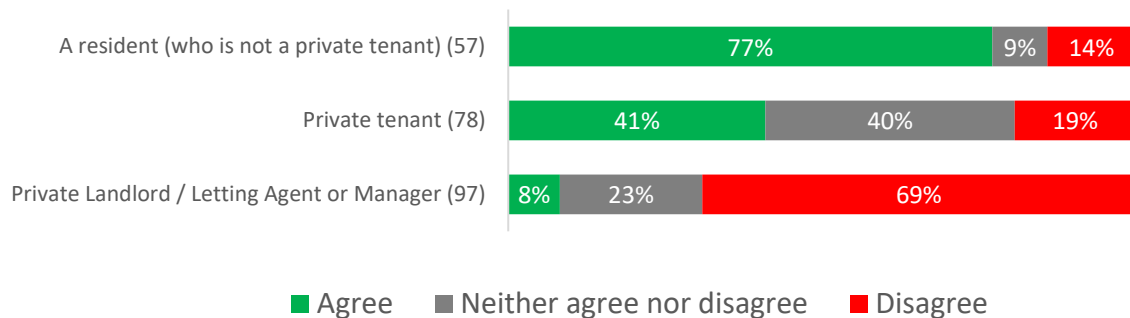
When asked whether they agreed or disagreed that a significant of HMOs in the eight named wards are being managed in a way that does or might create problems for members of the public, the responses were fairly balanced, with a slightly higher proportion disagreeing (38%) than agreeing (35%) with this statement.

**Figure 15.: To what extent do you agree or disagree that a significant proportion of HMOs in the eight wards are being managed in a way that does or might create problems for members of the public? (n=248, second consultation)**



Agreement with this statement is significantly higher among residents (who are not private tenants) than it is among private tenants (41%) or private landlords / letting agents or managers (8%). Meanwhile almost seven in ten (69%) private landlords / letting agents or managers disagree that a significant proportion of HMOs in the named wards are managed in a way which does or might create problems for members of the public, compared to 14% of residents who aren't private tenants, and 19% of private tenants. However, among letting agents and landlords who own or manage HMOs, disagreement is higher among those who manage 3 or more HMOs (83%) than those manage one or two (55%).

**Figure 16.: To what extent do you agree or disagree that a significant proportion of HMOs in the eight wards are being managed in a way that does or might create problems for members of the public? – by respondent type (n = displayed in chart, second consultation)**



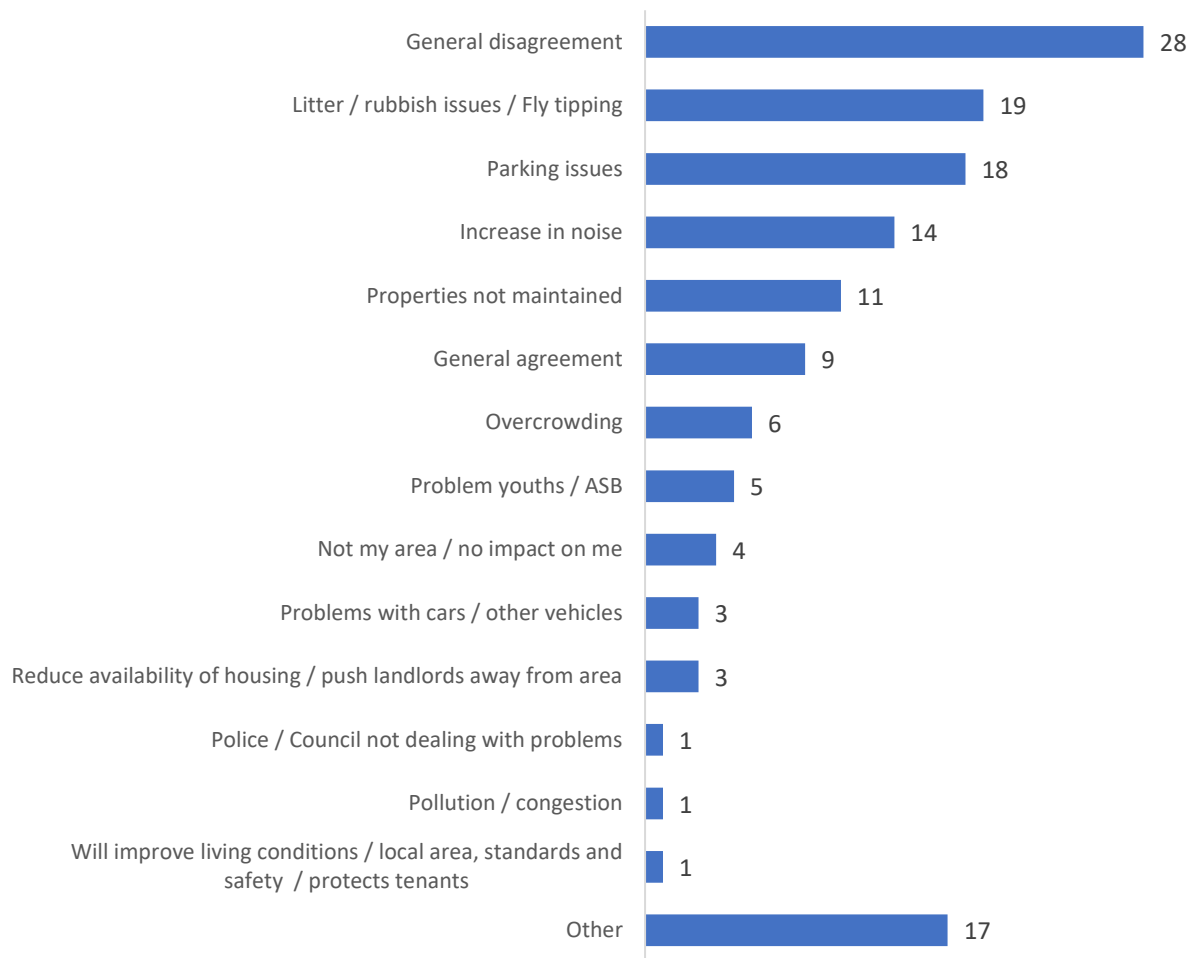
Advice or community organisations (2), business owners or managers (3) and other (11) excluded due to low base sizes

Respondents were asked to provide a reason for their agreement or disagreement that HMOs are being managed in a way does or might create problems for members of the public. 120 respondents provided answers at this question, however 22 gave answers which were invalid.

The responses were grouped into themes, with the most common theme being general disagreement. Respondents who stated this tended to report that they have experienced no major issues with HMOs, that they are well managed, or that they see no difference between them and other rented properties: *“I am not aware of any issues caused by tenants that have not immediately been dealt with by the managing agents.”*, *“While a limited number of residents dislike the concept of living next to an HMO, I’ve seen no difference between living near HMOs or any other properties”*.

The second most common theme related to litter/rubbish issues/fly tipping: *“Noise, anti social behaviour, littering and fly tipping. Encouraging vermin by leaving waste food littered about the place. Not putting refuse out on the correct days, not putting refuse in tied bags, leaving it for vermin to get to”*. Parking issues are third most common: *“Cars are poorly parked often with inadequate provision causing problems for neighbours.”*

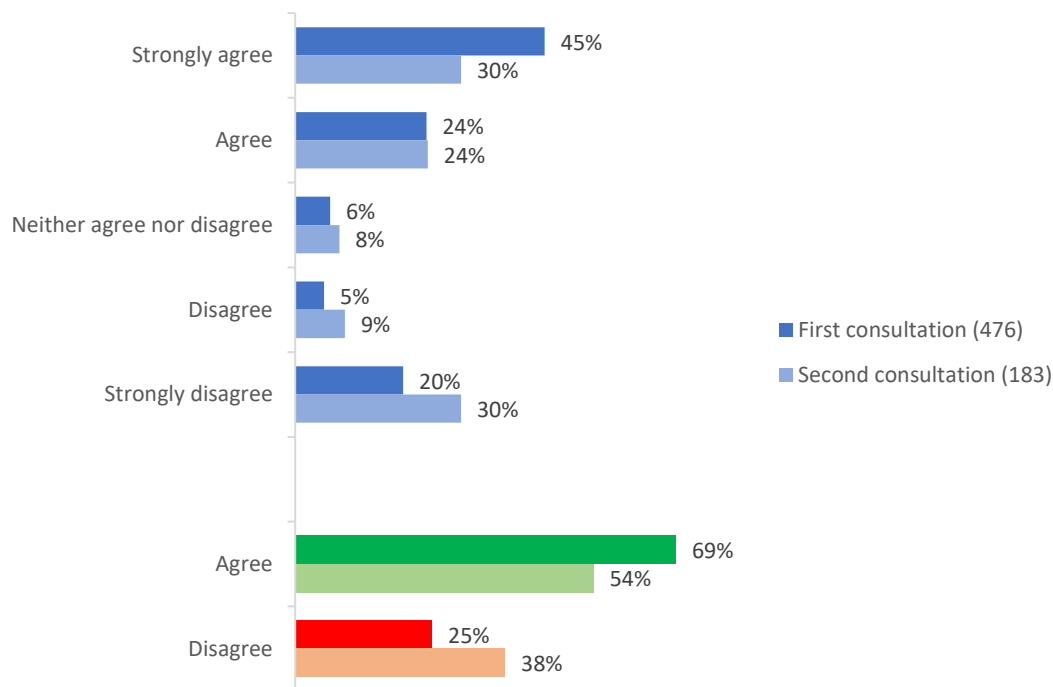
Figure 17.: Please state a reason for your response below: – by respondent type (n = 120, second consultation)



## Agreement with scheme introduction

Respondents were generally more likely to be in favour of the proposal to introduce a targeted additional licensing scheme for HMOs in York. This was particularly the case in the first wave, when 69% agreed with this statement and 25% disagreed. However, the responses were slightly more balanced in the second wave, although still more likely to be in favour of the scheme. In this wave, 54% agreed and 38% disagreed with the proposal.

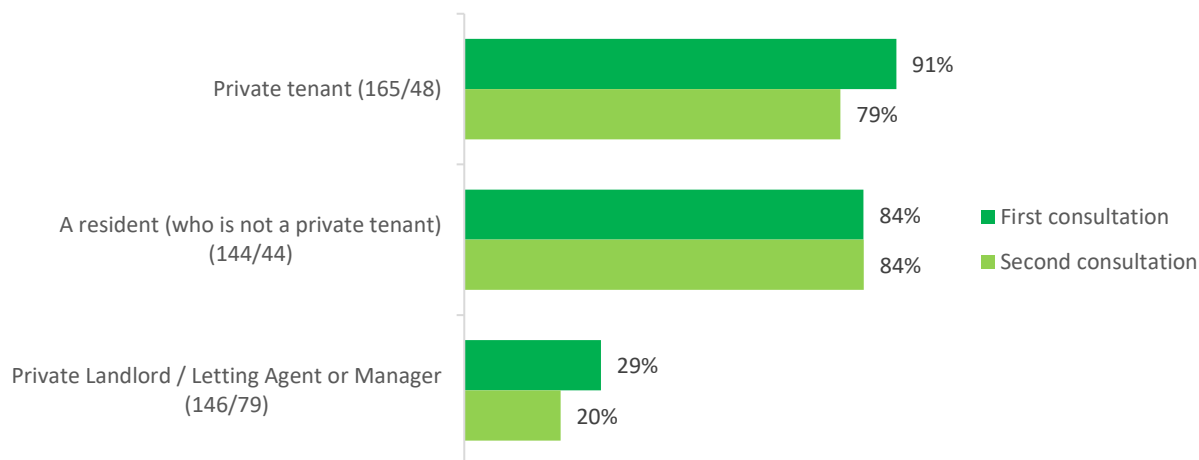
**Figure 18.: To what extent do you agree or disagree with the proposal to introduce a targeted Additional Licensing Scheme for HMOs in York? (base sizes in chart legend, first and second consultation)**



In both the first and second consultation private tenants (91% first consultation, 79% second consultation) and residents who are not private tenants (84% in both consultations) were more likely than private landlords / letting agents or managers (29% first consultation, 20% second consultation) to agree with the proposal to introduce a targeted additional licensing scheme for HMOs in York. The proportion of private landlords / letting agents or managers who agreed with the proposal fell from 29% to 20% from the first to second consultation.



**Figure 19.: To what extent do you agree or disagree with the proposal to introduce a targeted Additional Licensing Scheme for HMOs in York? – Showing the proportion who “Agree” or “Strongly agree” (base sizes in chart legend, first and second consultation)**

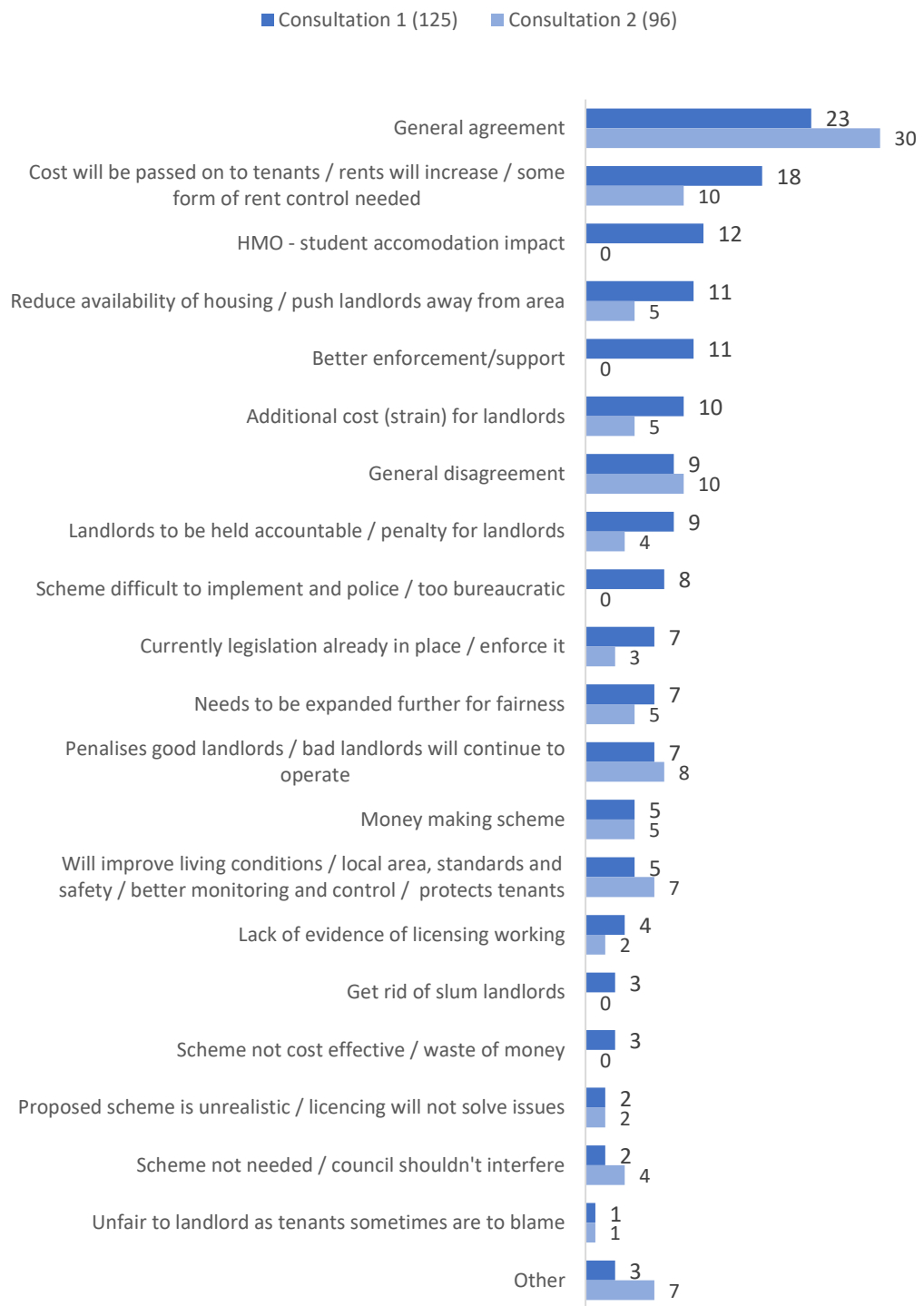


Advice or community organisations (3/1), business owners or managers (4/2) and other (12/9) excluded due to low base sizes. In the second consultation, letting agents or landlords who managed or owned 3 or more HMOs were more likely to disagree with the proposal (79%) than those who owned one or two HMOs (70%). In the first consultation, agreement with the proposals was highest in Heworth (80%) and Acomb (79%), and notably lower in Fulford and Heslington (62%). However it should be noted that with only 19 respondents from Acomb answering this question, the data for this group should only be taken as indicative.

Respondents were asked why they agreed or disagreed with the proposal – the answers to this have been coded into themes in figure 20. 125 respondents provided answers in the first consultation and 96 in the second, although 2 and 4 respondents gave invalid answers in each consultation respectively. Illustrative comments of this theme include: *“Any Licensing Scheme which will improve the upkeep/maintenance of any rental properties both internally and externally is welcomed.”*, *“Further licensing will help weed out landlords that are ineffectively managing their properties, negatively affecting both tenants and local residents.”*

However the second most common theme related to the costs being passed on to tenants/rents increasing/some form of rent control: *“Landlords will pass on administration/building/operating cost increases to their tenants by way of rent increases.”*, *“I feel this will create fewer houses for students in a city where our only accommodation choice is these HMOs or tiny student flats. The costs of these changes implemented will also be forced onto students through rental prices.”*

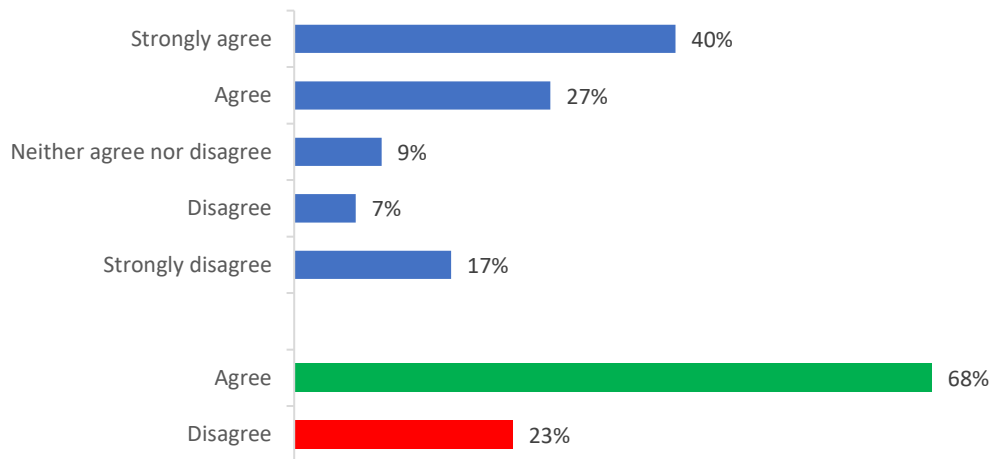
Figure 20.: Please state a reason for your response below: (base sizes in chart, first and second consultation)



## Ward designation

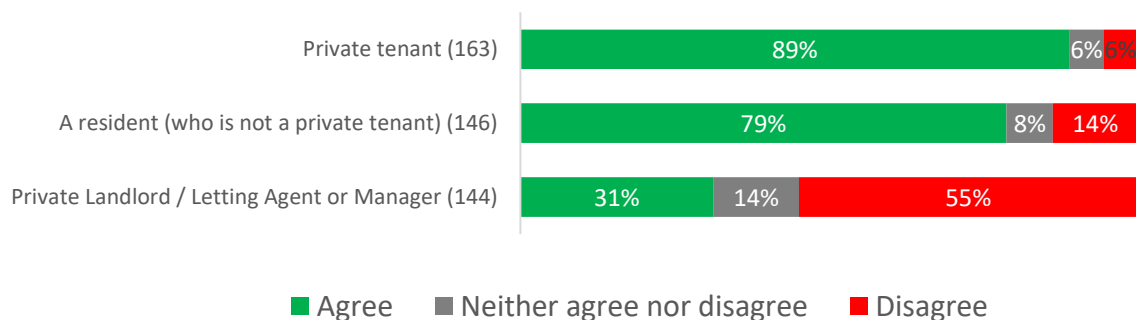
In the first consultation, there was notable agreement with the proposal to introduce the Additional Licensing scheme for wards with the highest number and poorest conditions. 68% agreed with this proposal, while only 23% disagreed.

**Figure 21.: To what extent do you agree or disagree with the proposal to designate those wards with the highest number and poorest conditions under the Additional Licensing scheme? (n=475, first consultation)**



Agreement with this proposal in the first consultation was highest among Private tenants (89%) and residents who aren't private tenants (79%), and significantly lower among private landlords / letting agents or managers (31%). By ward, agreement was highest in Heworth (78%) and Osbaldwick & Derwent (74%), and lowest in Acomb (58%) and Guildhall (63%). However it should be noted that the wards of Osbaldwick & Derwent and Acomb have a low base (27 and 19 respectively), thus data from these groups should be treated as indicative.

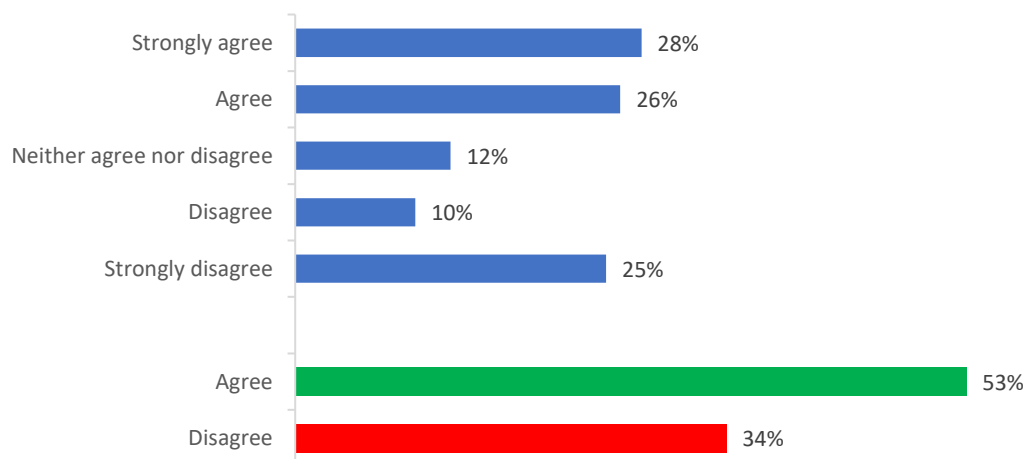
**Figure 22.: To what extent do you agree or disagree with the proposal to designate those wards with the highest number and poorest conditions under the Additional Licensing scheme? – by respondent type (base sizes in chart, first consultation)**



Advice or community organisations (3), business owners or managers (5) and other (12) excluded due to low base sizes

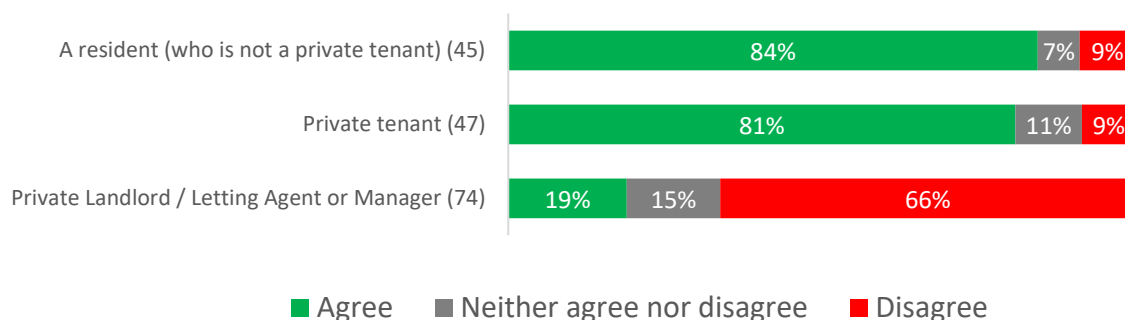
However, in the second consultation, when the specific eight wards the proposal was being considered for were listed out, agreement fell to 53%. Nonetheless the proportion agreeing with the proposal was still higher than the proportion who disagreed with it (34%).

**Figure 23.: To what extent do you agree or disagree with the proposal to include the eight wards under the proposed Additional Licensing scheme? (n=178, second consultation)**



In the second consultation, agreement with the proposal was again significantly higher among residents who aren't private tenants (84%) and private tenants (81%) than private landlords / letting agents or managers (19%).

**Figure 24.: To what extent do you agree or disagree with the proposal to include the eight wards under the proposed Additional Licensing scheme? – by respondent type (base sizes in chart, second consultation)**



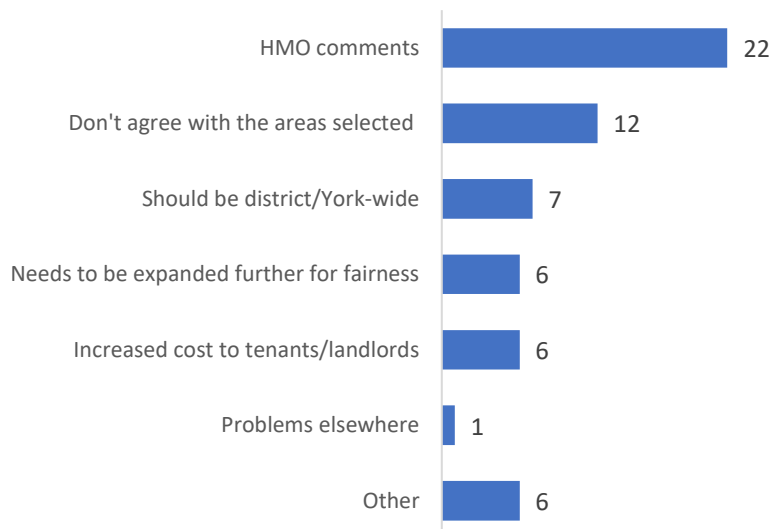
Advice or community organisations (1), business owners or managers (2) and other (9) excluded due to low base sizes

Respondents in the second consultation were asked to state a reason for their agreement or disagreement with the proposal to include the named eight wards in the Additional Licensing Scheme. 81 respondents answered this question, however 18 provided answers which were invalid. The answers respondents provided were grouped into themes, the most common of which, with 22 responses, gave comments about the volume of HMOs in these areas. Illustrative examples of these

responses include: “According to data you have provided, these are all considerably or significantly affected areas of York with HMOs”, “This feels right in terms of the balance of HMOs across the city, including around pre-dominantly student areas where a higher proportion of residents will live in shared/ rented properties.”.

The second most common theme was disagreement with the areas selected, illustrative examples of these comments include: “The Wards identified have been selected to target student landlords”, “Using the information given in your Consultation Report (anti-social behaviour, noise and waste complaint data) it clearly shows that three of the wards proposed to have additional licensing imposed on them have fewer problems than three wards where no additional licensing is proposed. Using your data these three wards should be dropped from the proposed Additional Licensing scheme Fishergate, Osbaldwick/ Derwent and Fulford/Heslington to be replaced by Westfield, Holgate and Rawcliffe/Clifton Without.”

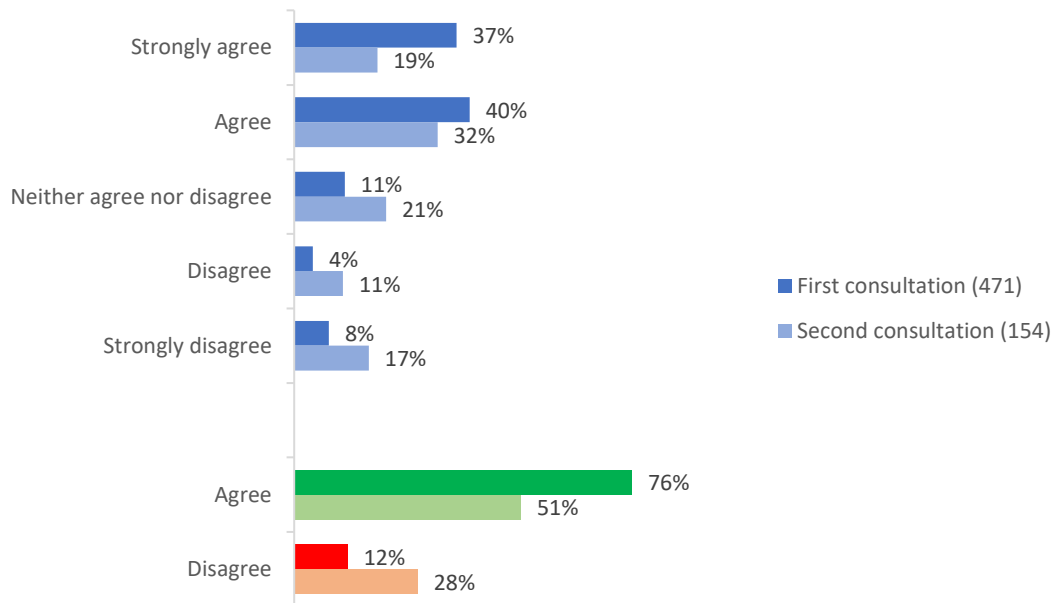
**Figure 25.: Please state a reason for your response below: (N = 81, second consultation)**



## Licence conditions

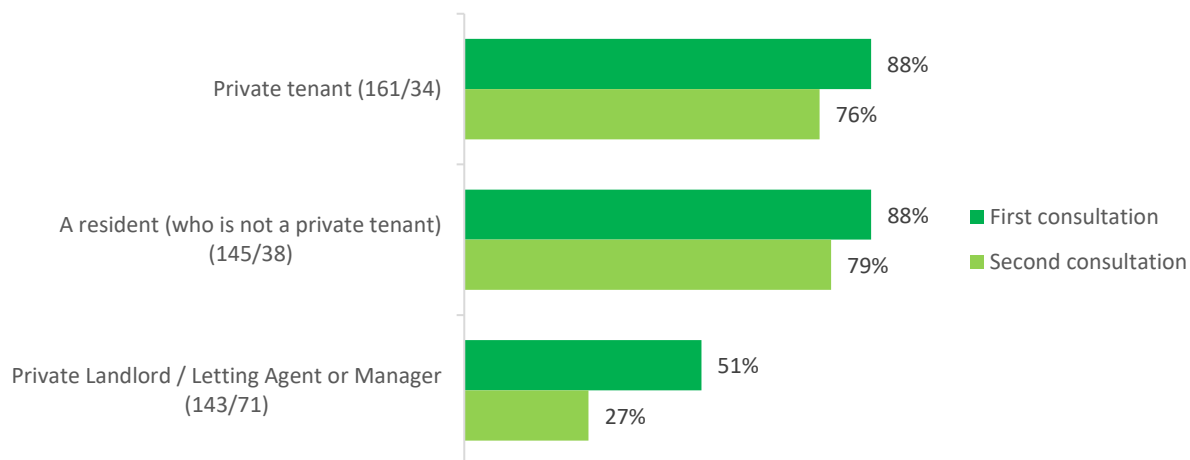
The standards and conditions contained in the Implementation Policy for HMOs were generally agreed with. In the first consultation this agreement was stronger - 76% agreed with these standards and conditions, while 12% disagreed. Agreement dropped in the second consultation, but remained just over half (51%), and still higher than the proportion who disagreed (28%).

**Figure 26.: To what extent do you agree with the HMO standards and conditions contained in our Implementation Policy for HMOs? (base sizes in chart legend, first and second consultation)**



In both consultations, agreement with the standards and conditions contained in the Implementation Policy is significantly higher among private tenants (88% first consultation, 76% second consultation) and residents who are not private tenants (88% first consultation, 79% second consultation) than private landlords / letting agents or managers (51% first consultation, 27% second consultation). All three groups saw a drop in the proportion agreeing with the HMO standards and conditions between the first and second consultation, however this drop was most notable among private landlords / letting agents or managers (from 51% to 27%).

**Figure 27.: To what extent do you agree with the HMO standards and conditions contained in our Implementation Policy for HMOs? Showing the proportion who “Agree” or “Strongly agree” (base sizes in chart legend, first and second consultation)**



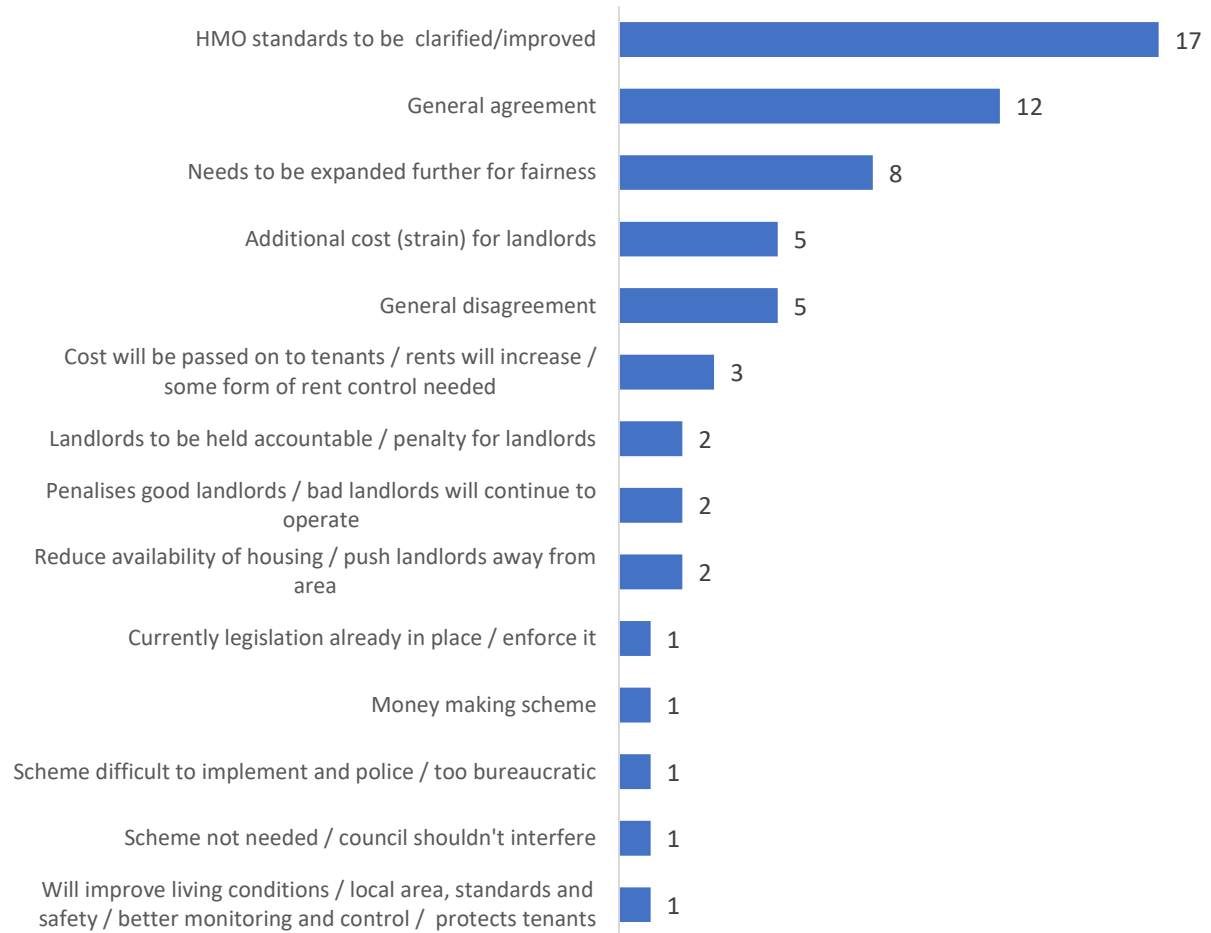
Advice or community organisations (3/1), business owners or managers (4/2) and other (12/9) excluded due to low base sizes

In the first consultation, agreement with the proposals was fairly consistent by ward, tending to fall between 74% and 85%. However in Fulford and Heslington, agreement was lower, at 69%.

In both consultations, respondents were asked if they had any comments on the proposed standards and conditions for HMOs. The responses have been coded into themes; these themes differed between the consultations. In the first consultation, 58 respondents offered further comments, 8 of whom provided invalid answers. The most common theme in these answers was a requirement that the HMO standards be clarified/improved (17 responses): *“The supporting paper and the standards applied do not provide sufficient evidence that there are sufficient numbers of sub-standard housing provision in the city.”*, *“Some elements should be a minimum such as elec/gas certs but room sizes are a matter of tenants choice as they may be happy to sacrifice a particular room size as the property has a garage or off road parking, or garden. The tenant views the property so it’s their choice to accept or not”*.

The second most common theme in the responses was general agreement (12 responses). Illustrative examples of this include: *“These appear to me to be reasonable minimum standards. Safety is paramount and the current rules appear to be targeting those who provide accommodation which most people would consider unacceptable.”*, *“Any legislation that makes sure landlords meet their obligations is to be welcomed. The new standards appear more specific and enforceable than the previous ones and as long as they are followed by the council should do this.”*.

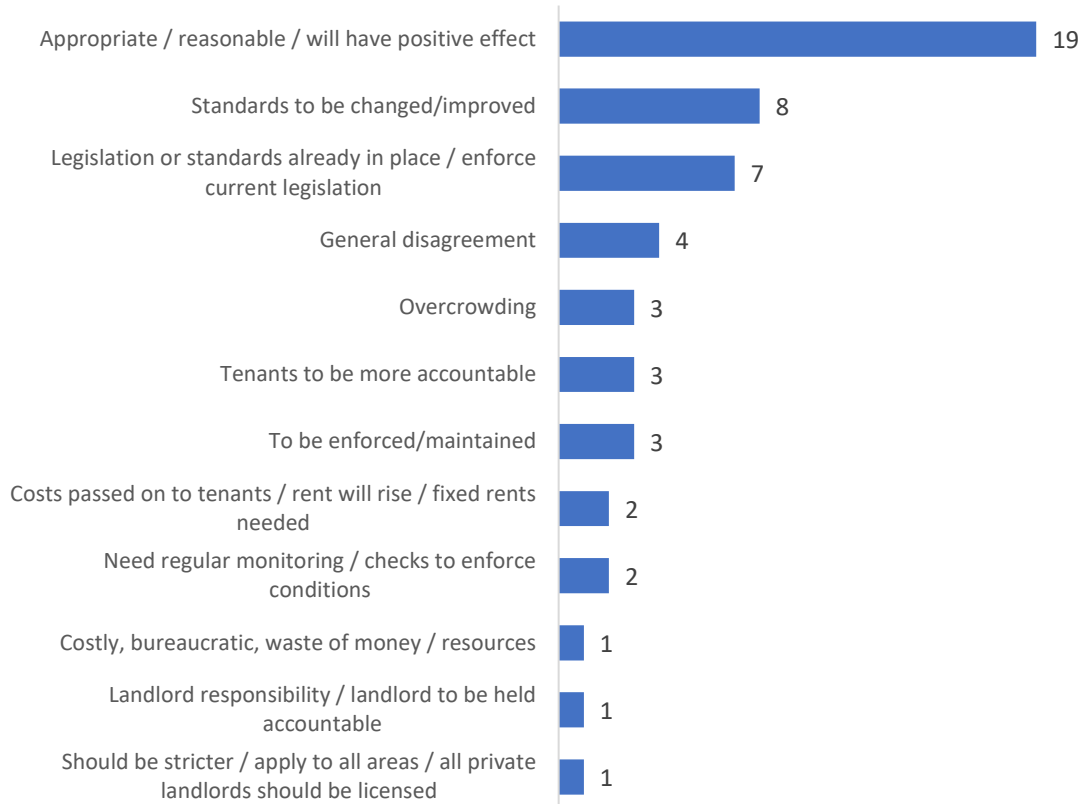
Figure 28.: Any comments: (N=68, first consultation)



In the second consultation, 61 respondents offered comments at this question, although 11 provided invalid responses. The most common theme in this consultation, mentioned by 19 respondents, was appropriate/reasonable/will have positive effect. This was notably more commonly mentioned than the second most common theme, standards to be changed/improved (8 respondents). Illustrative comments from the appropriate/reasonable/will have positive effect theme include: *“I think the proposed standards for room size, fire safety, and heating are especially appropriate. I have rented, as a tenant, student HMOs which have very small rooms, questionable fire safety, and inadequate heating conditions (poor heating or just very cold house due to construction).”, “These are reasonable and not overly restrictive”.*



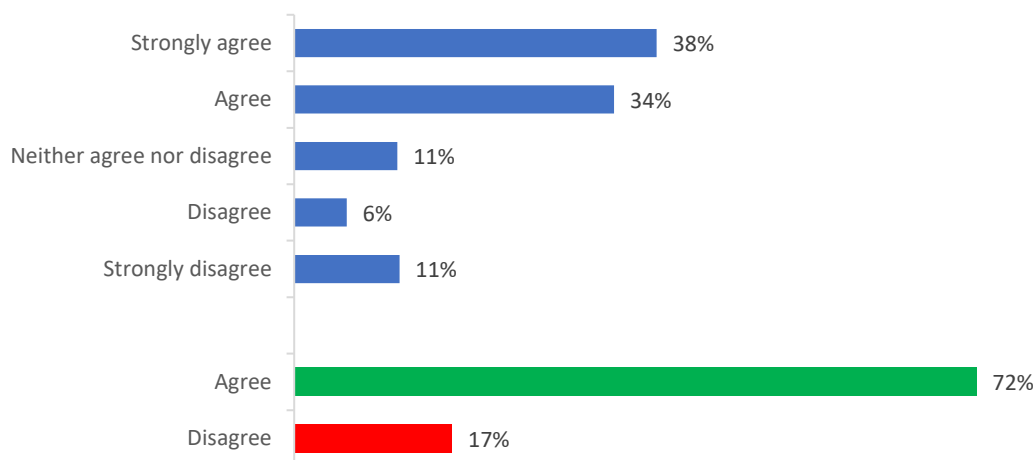
**Figure 29.: Any comments: (N=61, second consultation)**



### Living space standards

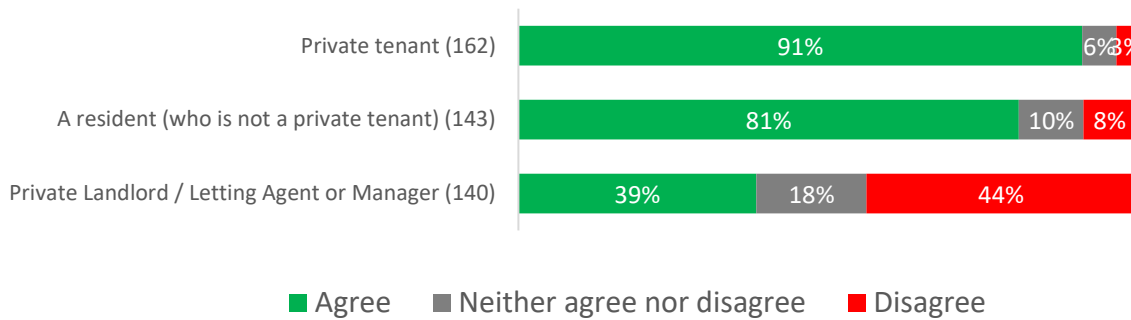
Respondents reacted positively in the first consultation to the proposal to amend amenity space standards for kitchens and communal living spaces. Over four times as many agreed (72%) with this suggestion than disagreed (17%).

**Figure 30.: The Council is also considering amending its amenity standards having regard to space standards for kitchens and communal living spaces – please see document. To what extent do you agree with the council regarding this proposal? (n=466, first consultation)**



Private tenants were most likely to agree with these proposals in the first consultation, with over nine in ten doing so (91%). Over eight in ten (81%) residents who aren't private tenants also agreed with amending amenity standards. Private landlords / letting agents or managers were significantly less likely (39%) to agree with this proposal than either of the two former groups. However opinion within the landlord / letting agent or manager group was fairly balanced, with 44% disagreeing, compared to 39% who agreed. Respondents from most wards reported similar levels of agreement, generally falling between 73% and 78%, however agreement in Fulford and Heslington was notably lower, at 64%.

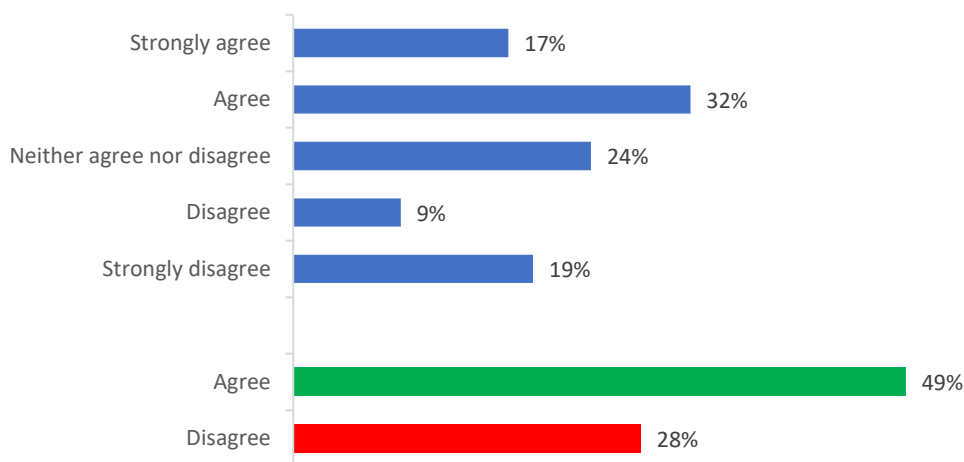
**Figure 31.: The Council is also considering amending its amenity standards having regard to space standards for kitchens and communal living spaces – please see document. To what extent do you agree with the council regarding this proposal? – by respondent type (base sizes in chart, first consultation)**



Advice or community organisations (3), business owners or managers (4) and other (12) excluded due to low base sizes

However in the second consultation this level of agreement fell to 49%, although still with a higher proportion agreeing than disagreeing (28%).

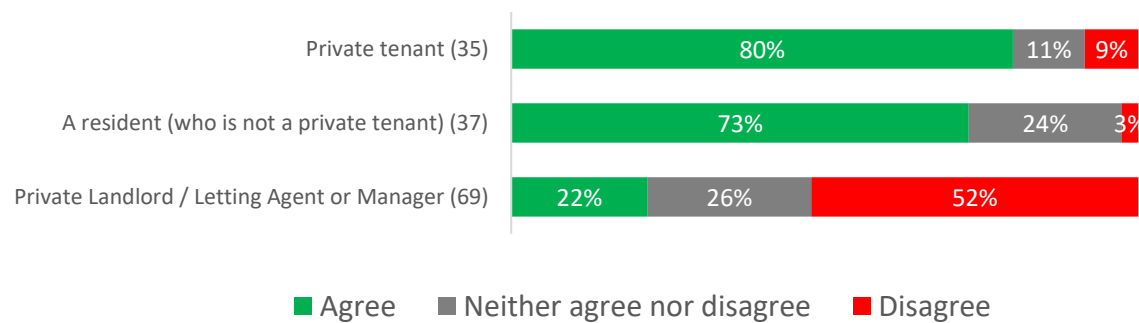
**Figure 32.: To what extent do you agree or disagree with the proposed changes to the standard and size of kitchens and communal living spaces in HMOs? (n=152, second consultation)**



In the second consultation, as in the first, private tenants (80%) and residents who aren't private tenants (73%) were most likely to agree with the proposed changes to the standard and size of

kitchens and communal living spaces in HMOs. Private landlords were significantly less likely to agree with this proposal (22%), a notable drop from 39% who agreed with them in the first consultation. Meanwhile, HMO owners or managers who own or managed 3 or more HMOs were more likely to disagree with the proposal (57%) than those who own or manage one or two HMOs (49%).

**Figure 33.: To what extent do you agree or disagree with the proposed changes to the standard and size of kitchens and communal living spaces in HMOs? – by respondent type (base sizes in chart, first consultation)**

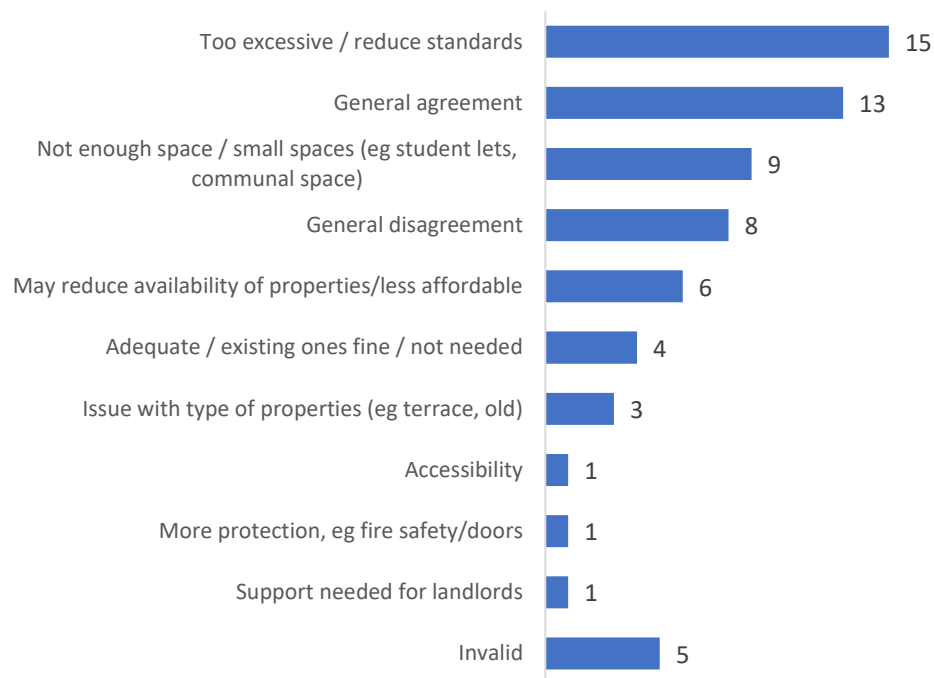


Advice or community organisations (1), business owners or managers (2) and other (8) excluded due to low base sizes

Respondents in the first consultation were asked whether they had any comments on the proposed amendments to amenity standards. 59 respondents offered answers at this question, although 5 were invalid. The responses were grouped into themes, most common among these were too excessive/reduce standards (15 responses) and general agreement (13). Among those who indicated the amendments were too excessive/reduce standards, comments included: *“The standards set for room sizes within the fitness standards used on HMO’s are at odds with current building regulations for habitable room sizes and how room sizes are calculated”*, *“There is a housing shortage. Space is not an issue. Safety is the issue. Air volume is not consider only floor space.”*, *“It’s not for the council to determine what an appropriate living space is. Your potentially make good usable property unavailable if it doesn’t make some set space criteria.”*

Among those who expressed general agreement with the amendments, illustrative examples include: *“Just because a property is an HMO doesn’t mean it has to be a hovel or a cramped living/working space.”*, *“Think current use of sitting rooms as bedrooms in many properties is very wrong. Standards of communal living space should be protected for tenants to higher degree than at present.”*

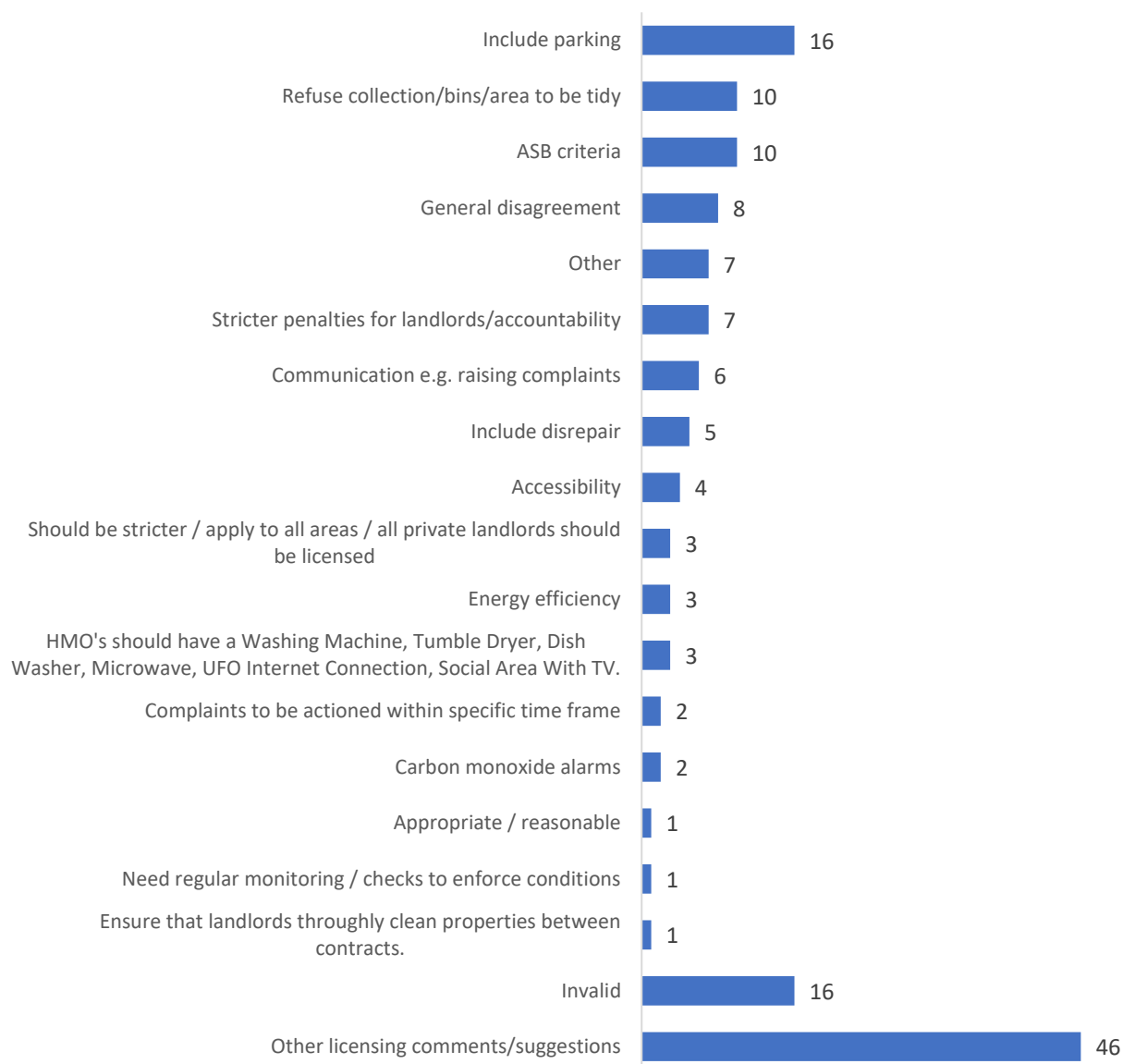
Figure 34.: Any comments: (N=59, second consultation)



## Further condition suggestions

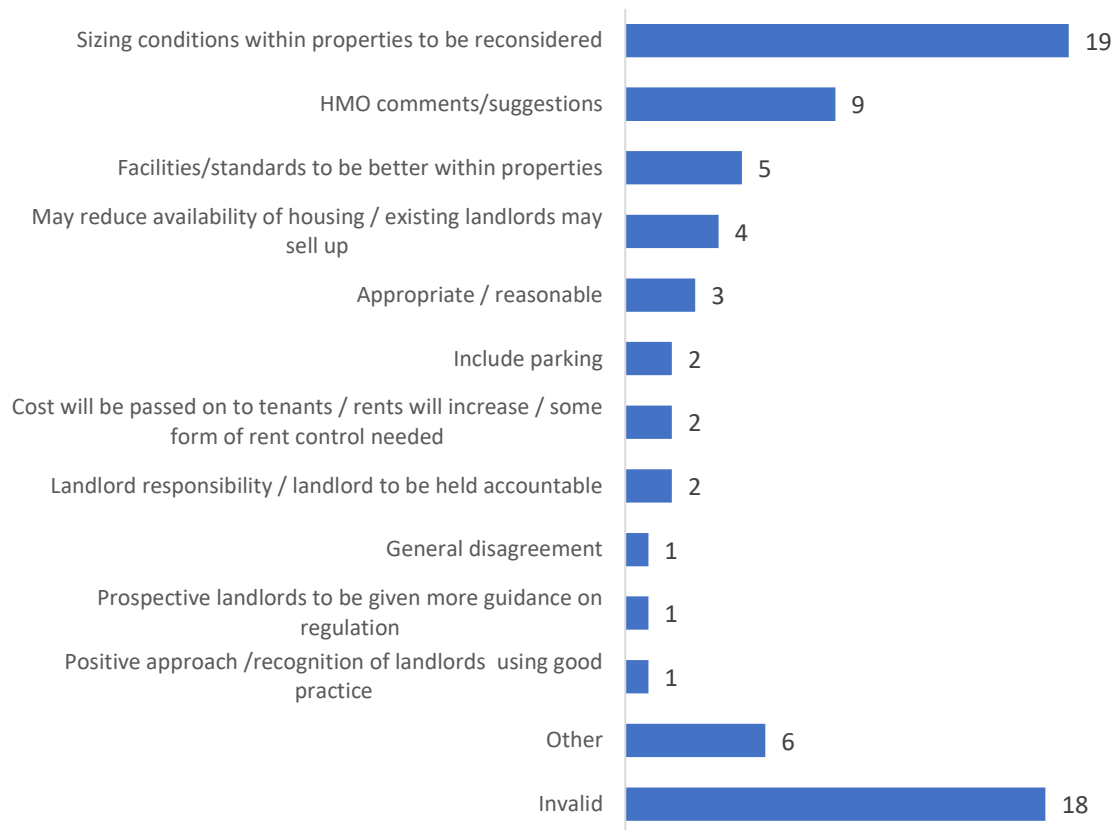
Respondents to the consultation were asked if they had any other suggestions that should be applicable to HMO licensing. 133 respondents offered a response at this question, with 16 giving invalid answers. The responses were coded into themes which can be seen in Figure 35. Most common among the suggestions at this question was that HMO licensing also include parking: *“A limit on the number of cars per property. A lot of HMOs are terraced housing with on street parking and if every tenant has a car it makes parking very difficult for other residents in the street.”*, *“Sufficient parking at property or on street without crowding (and taking into account local public places that require on street parking such as schools, community centres, parks etc)”*.

Figure 35.: Can you suggest any other conditions that should be applicable to HMO licensing? (n=133, first consultation)



64 responses were received to this question in the second consultation, with 18 providing invalid answers. The most common theme at this question was that sizing conditions within properties be reconsidered. These related both to a requirement for an expansion of sizing requirements from those in current regulations, and comments indicating that the proposed sizing requirements were excessive. Illustrative example comments on this theme include: *“Kitchens and common spaces should be bigger and have more storage space to encourage tenants to use them and be less isolated in their rooms”, “The sizes for communal areas wouldn’t be achievable in my 4 bed house but it’s perfect for us. It’s all about the overall feel of a student house. It seems mad to apply one rule for all types of house. They’re all built differently. There should be discretion allowed if the scheme is forced through.”*

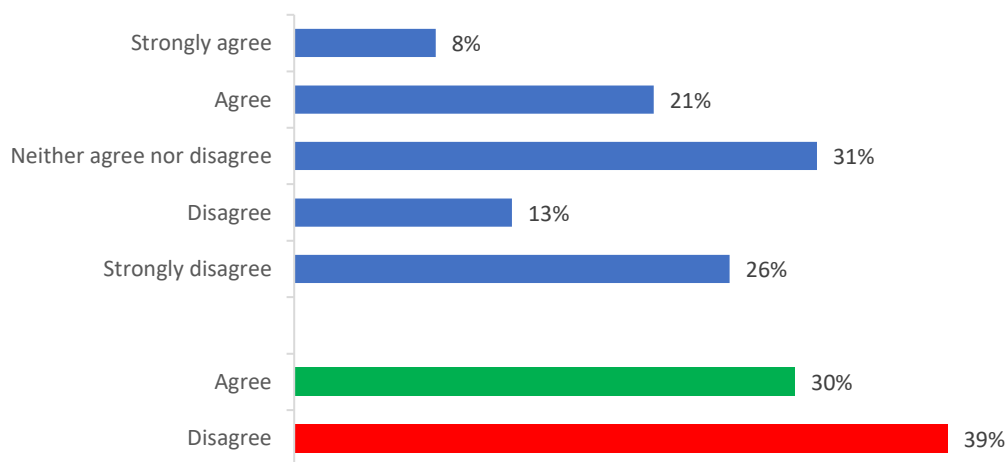
**Figure 36.: Can you suggest any other conditions that should be applicable to HMO licensing? (n=67, second consultation)**



## Fee structure

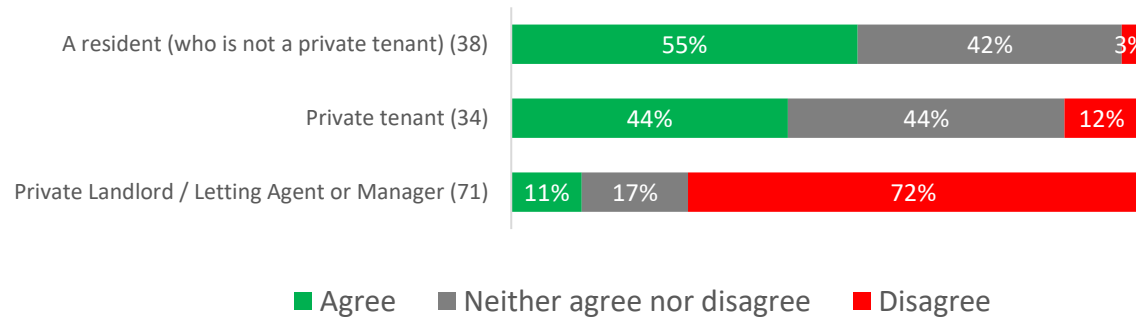
Opinion is split on the fee structure in the Additional Licensing Scheme, although leaning slightly more heavily towards disagreement, with 30% agreeing with the structure, 31% neither agreeing nor disagreeing and 39% disagreeing.

**Figure 37.: To what extent do you agree or disagree with the fee structure in the Additional Licensing Scheme? (n=154, second consultation)**



Agreement with the fee structure is highest among residents who aren't private tenants (55%) and private tenants (44%), and lowest among private landlords / letting agents or managers (11%). Over seven in ten (71%) of the latter group oppose the changes to the fee structure.

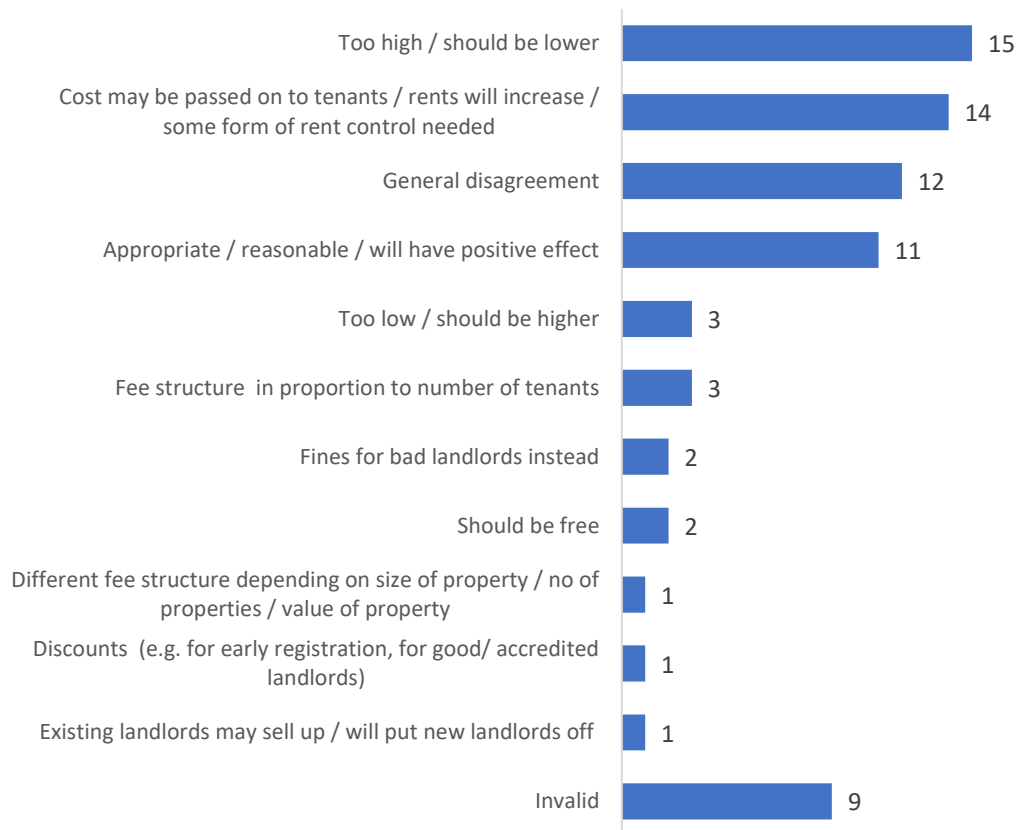
**Figure 38.: To what extent do you agree or disagree with the fee structure in the Additional Licensing Scheme? – by respondent type (base sizes in chart, first consultation)**



Advice or community organisations (1), business owners or managers (2) and other (8) excluded due to low base sizes

Respondents were invited to provide a reason for their agreement or disagreement with the fee structure in the Additional Licensing Scheme. 70 respondents provided an answer at this question, with 9 providing invalid answers. The responses were coded into themes, the most common of which were too high/should be lower (15 responses), cost may be passed on to tenants/rents will increase/some form of rent control needed (14 responses), general disagreement (12 responses) and appropriate/reasonable/will have positive effect (11 responses). Illustrative comments on each of these themes are provided below.

**Figure 39.: Can you suggest any other conditions that should be applicable to HMO licensing? (n=67, second consultation)**



### Too high/should be lower

*“The fees are significant and you must take into account any work that the landlord must be do to the property to bring it in line with the HMO standards. York has period properties and costs to make updates to fall in line with your guidelines can be great. I appreciate they have been split into two payments, but for a property at the lower occupancy rate license costs are high.”*

*“Extortionate landlords are already crippled with costs in terms of health and safety and eco systems not to mention insurance”*

### Cost may be passed on to tenants/rents will increase/some form of rent control needed

*“The proposed scheme together with the proposed fees will inevitably be an additional cost to landlords which will no doubt be passed on to tenants in increased rents. This is at a time when inflation is already high and increasing.”*

*“it is a cost that in turn will be passed on to tenants and that is unfair on all parties”*

### General disagreement

*“I suspect that if a landlord already hold a license, then some of the checks have already been done. Also if a landlord has more that one property that will be included in this new scheme then some of the checks will not need to be repeated.”*



*“I find the fees hard to justify and like many other PR landlords feel they are a revenue generator for CYC rather than covering the cost of the scheme / enforcement. Surely enforcement costs should be recouped from successful prosecutions rather than getting law abiding landlords to pay a tax for CYC to investigate dodgy landlords? “*

#### **Appropriate/reasonable/will have positive effect**

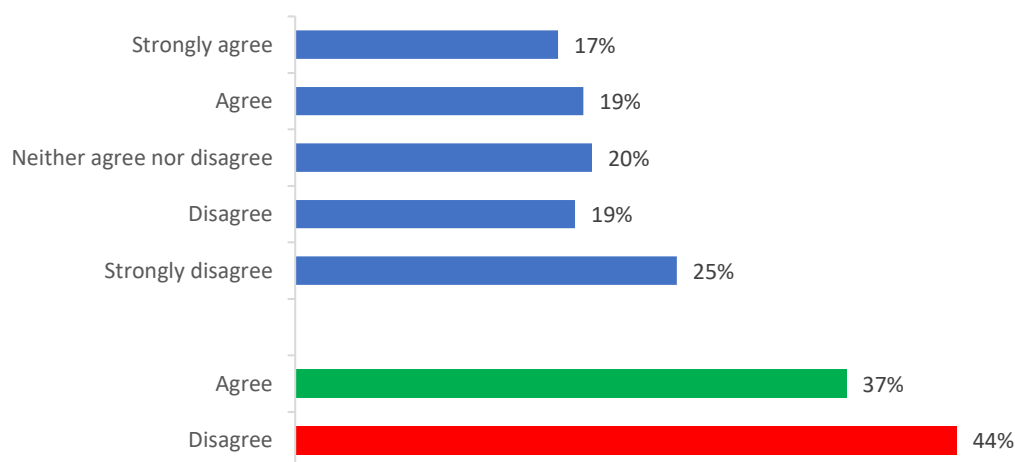
*“Should enable the licensing system is self sustaining”*

*“I agree that poor conditions should be stopped and the regulation enforcement will attract costs”*

### **Alternatives to Additional Licensing Scheme**

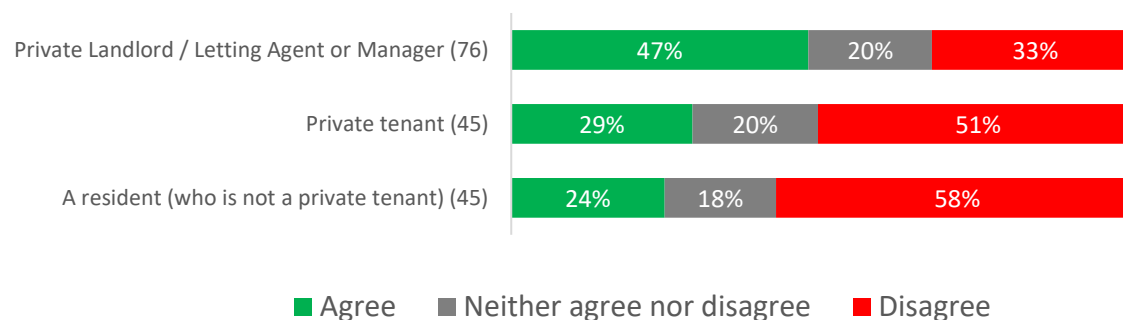
Respondents in the second consultation were asked whether they agree that the alternatives such as the continuation of existing powers and/or a voluntary accreditation scheme could present solutions to problems identified within the HMO sector. While more respondents disagreed (44%) than agreed (37%) with this proposal, neither were answered by the majority.

**Figure 40.: To what extent do you agree or disagree that the alternatives such as the continuation of using existing powers and/ or a voluntary accreditation schemes instead of the proposal to introduce a targeted additional licensing have been considered in the consultation document could present solutions to problems identified within the HMO sector? (n=154, second consultation)**



Agreement with this suggestion was higher among private landlords / letting agents or managers (47%) than private tenants (29%) or residents who are not private tenants (24%). The majority of the latter two groups disagreed with the proposal (51% of private tenants and 58% of residents who are not private tenants).

**Figure 41.: To what extent do you agree or disagree that the alternatives such as the continuation of using existing powers and/ or a voluntary accreditation schemes instead of the proposal to introduce a targeted additional licensing have been considered in the consultation document could present solutions to problems identified within the HMO sector? – by respondent type (base sizes in chart, first consultation)**



Advice or community organisations (1), business owners or managers (2) and other (9) excluded due to low base sizes

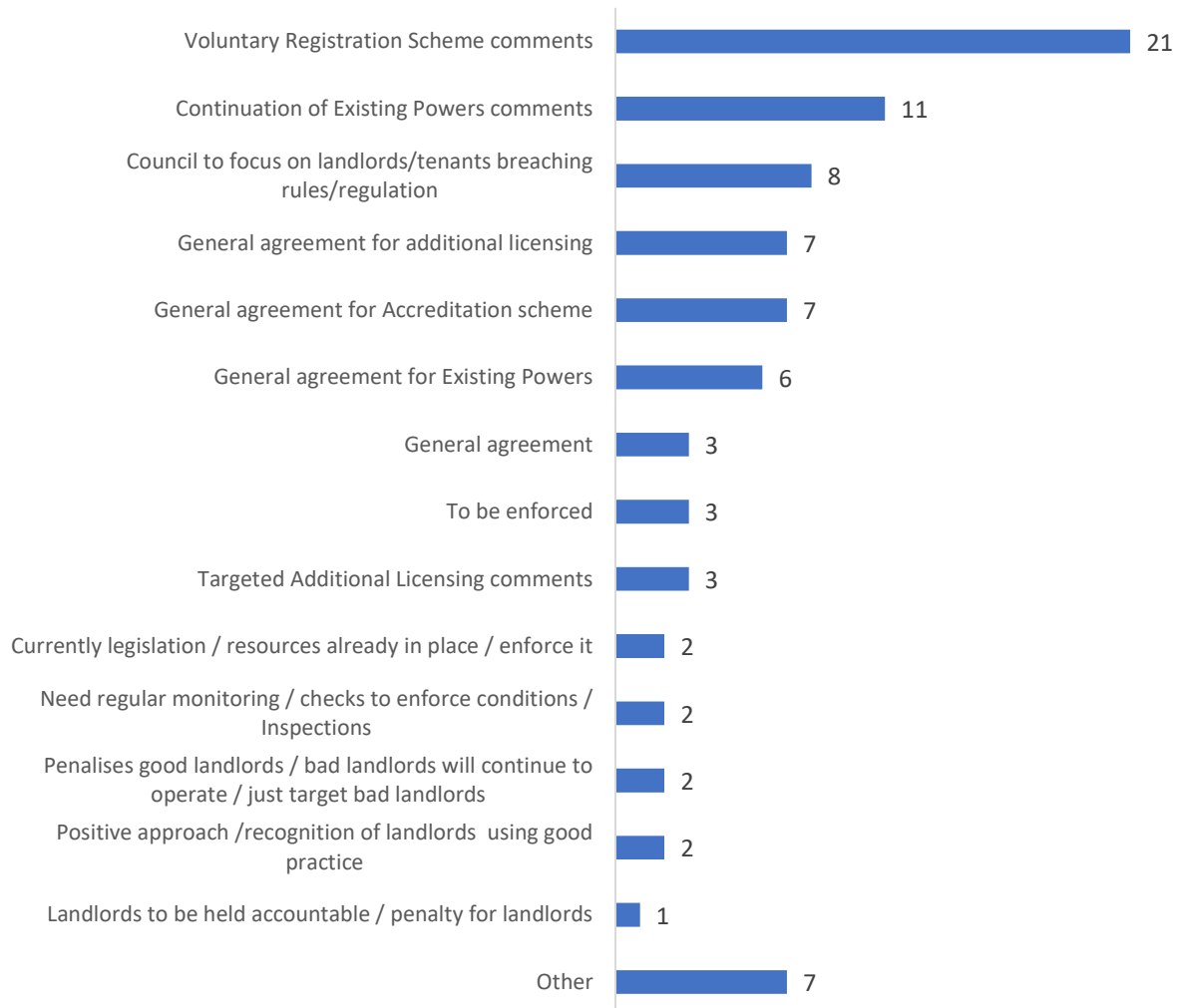
Respondents were asked to provide a reason for their agreement or disagreement with this suggestion. 82 respondents offered a response at this question, with 12 providing an invalid comment. The responses were coded into themes, the most common of which (21 responses) were comments about Voluntary Registration Schemes, many of which highlight the pitfalls of such schemes: *“Voluntary schemes are unlikely to work because they are voluntary. Landlords who only care about profit are unlikely to be incentivised to voluntarily improve their practices. Existing powers are not doing enough to combat the HMO issues within York - this is made evident by the numerous negative experiences expressed by students across the city.”*, *“There doesn't appear to be much existing power or voluntary ability to curtail anti-social behaviour problems, so this does not seem to improve the situation”*.

However a minority of respondents offer more positive views on voluntary schemes: *“Licensing is as equally self-selecting as a voluntary accreditation scheme. It's known that CYC work with DASH. There are others like Unipol. The problem with the previous voluntary accreditation scheme was that it was run by the council and landlords believe that licensing is being proposed for revenue purposes and Housing Standards is just an enabler. As such, there is an issue with trust. It needs to be run by a third party. Consumer-based approaches work. Look at the hospitality sector. You will not get the criminal landlords. The proposal self-selects the better landlords. Everyone wants a high standard of accommodation in York!”*.

Among those who discuss the continuation of existing powers, some highlight the powers councils already have, and the need for these powers to be used more effectively: *“The Council have sufficient powers already available to deal with problem HMO's, but do not use them effectively”*, while others

point out that the failure of existing powers highlights the need for further licensing: *“Current powers are not resolving issues at moment and a voluntary scheme would see little take-up or action as nothing it currently done to resolve issues”*.

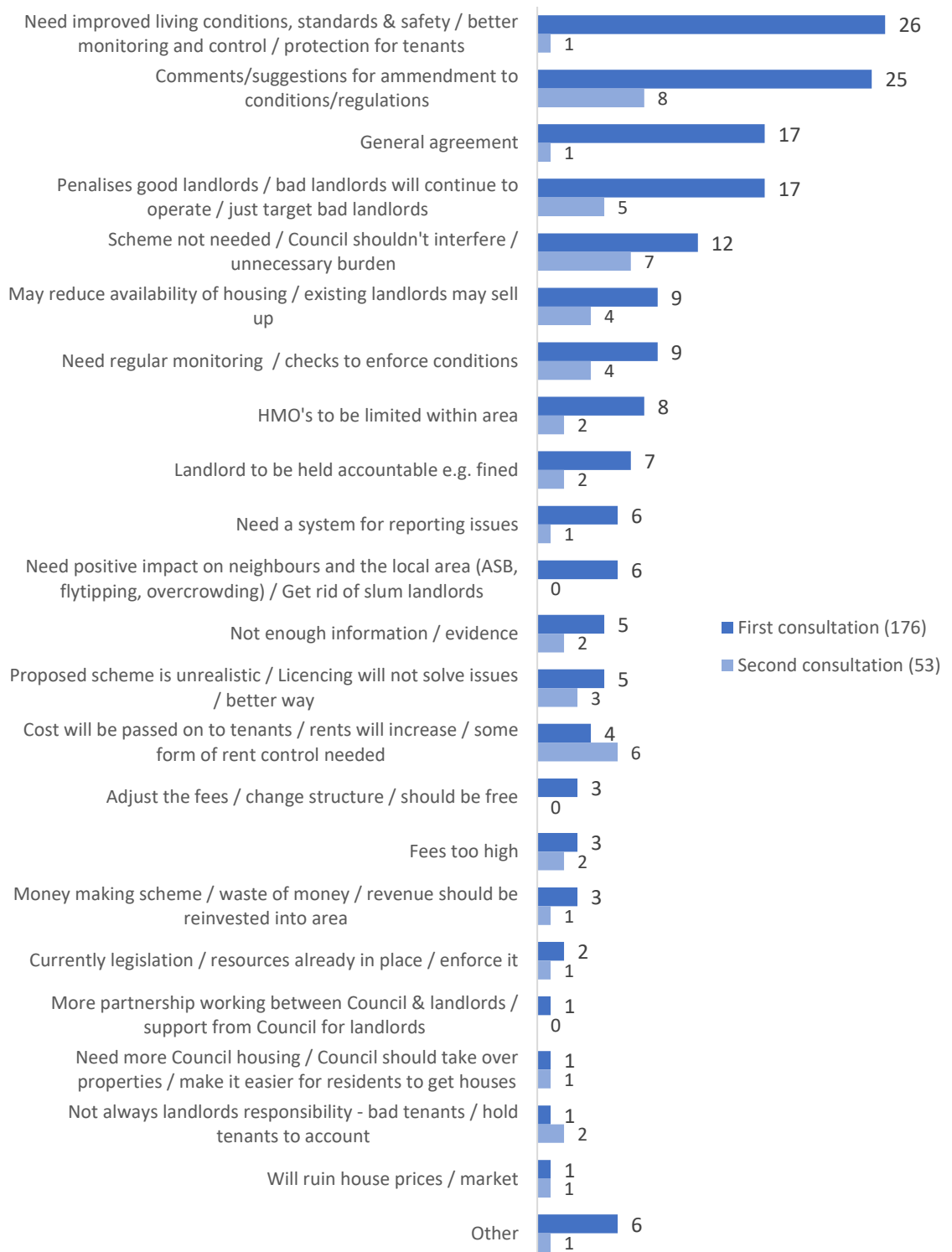
**Figure 42.: Any other comments: (n=82, second consultation)**



## Final thoughts

At the end of the survey, respondents were asked if they had any final comments that had not been covered by the previous questions. 176 respondents provided further comments at this stage in the first consultation, and 53 in the second consultation, with 13 responses invalid in the first consultation and 4 in the second. In the first consultation, the most common themes to the comments were around needing improved living conditions, standards & safety/better monitoring and control/protection for tenants, and comments/suggestions for amendment to the conditions/regulations. The latter was the most common theme in the second consultation, followed by scheme not needed/Council shouldn't interfere/unnecessary burden. Illustrative comments in these themes are provided below.

Figure 43.: Please state a reason for your response below: (base sizes in chart, first and second consultation)



### **Need improved living conditions, standards & safety / better monitoring and control / protection for tenants**

*"I have had an awful experience so far, with a landlord that turns up at the house without notice, shouts and is abusive even when we are playing by all the rules. When asking for issues to be fixed we are met with anger and it takes a lot of time before anything is ever completed"*

*"I'm a 30 year old doctor and the situation is so bad that the next time I move, I'm moving to a different city as I can't deal with the poor housing situation any more after two years."*

*"Much of the private rental housing stock is very low quality and private landlords take advantage of housing as a necessary but scarce resource. It is disgusting."*

*"I have experienced good landlords in York, so I do not wish it to be assumed that all landlords are terrible. But the vast vast vast majority are. Letting agencies are perhaps even worse - and there should be no excuse since their entire business model and expertise is focussed on this one area. Letting agencies and landlords should be held to a minimum standard, and there should be a clear and accessible process for any tenant or neighbour in the city to make a formal or informal complaint on a range of key issues."*

### **Comments/suggestions for amendment to the conditions/regulations**

*"There should be something in place regarding bills e.g. with bills included tenancies tenants should be notified how much they are spending in bills, and if it drops below a certain number (because for example no one is living in the house for part of the tenancy) then this should be taken off the rent. The tenants should be able to meet the landlord at least once."*

*"If successful in this change, would like to see this standard applied to all HMO's irrespective to location for the future."*

*"Should be a limit on the amount of HMOs you can buy, more opportunities for younger adults to buy HMOs (especially those that have lived in one before). They can actually be hands on and know how to meet the requirements. Maybe a scheme for recent university alumni to have the opportunity to buy a HMO?"*

*"The areas defined for additional licensing are ward based. I suspect that this problem is not widespread throughout the wards and is specific to a few streets or confined areas within these wards. I would recommend that it may not be necessary for the scheme area to be as wide as suggested and by limiting it to several streets a better picture of how acute the problem is in relation to this type of housing may be identified and discussed. Should other areas emerge as an issue in the future a further licensing scheme could be developed in those areas dealing with those specific concerns."*

### **Scheme not needed/Council shouldn't interfere/unnecessary burden**

*"I disagree with the proposed changes. The existing laws and regulations are enough. My landlords have all been compliant and the houses safe."*

*"There is no requirement. There are many good landlords in York and this scheme is about further regulation, cost and revenue generation for YCC "*

## Written submissions

The consultation received written submissions by email from three organisations, the York Residential Landlords Association, Safeagent and an organisation representing students in York, as well as seven private landlords. Here is a summary of the key themes, with full responses provided as Appendix F.

### Role of the private rental sector

- Safeagent expressed support for additional licensing initiatives, so long as they “are implemented in a way that takes account of the **Private Rented Sector (PRS)’s own efforts** to promote high standards”.
- Safeagent believe that the council could benefit from offering discounted licence fees to landlords and agents who are accredited under their own accreditation scheme. This is because members of these schemes are **less likely to be non-compliant** with the council’s proposed licence, thus reducing the administration and compliance costs to the council of enforcing the licensing scheme.
- Safeagent were keen to work with York City Council, with one suggestion being a co-licensing scheme.

### Disagreement with basis for proposal

- YRLA state that the first consultation is **unlikely to meet the requirements for a lawful consultation**, due to a lack of a clearly evidenced case for the scheme, guidance on room sizes and the inclusion of insufficient information on areas such as the details of the scheme and the wards under consideration.
- YRLA acknowledge that the second consultation addressed many of the issues they raised with the first consultation; however, they still believe that the case offered in the **consultation does not provide the evidence required to prove a need for the scheme**.
- YRLA highlight that there is no evidence that a **proactive HHSRS inspection regime** wouldn’t achieve the same goals of the HMO licensing regime. They state that York City Council **already possess the powers to deal with issues of damp and properties lacking EPCs**. They also argue that the council already possess data it requires about housing stock within its benefits and council tax records, and that it doesn’t need PRS legislation to capture this.
- YRLA **disagree** that the decline in problems reported when an HMO licence is renewed is evidence that licensing reduces issues, and is instead a reflection of the fact that when renewing the licence, the property has already been inspected for the initial licence, leading to the majority of problems in the property already being identified.
- YRLA **disagree that there is a strong correlation between property age and condition**, and that two of the wards that the Council seeks to licence have property ages that are newer than the city average.
- YRLA state that **there is not a link between HMOs and environmental complaints**, with a number of the noisiest wards in the city having fewer HMOs. Where noise issues are prevalent this is more likely due to proximity to the urban core.

- YRLA argue that **no local authority** has effectively implemented and run a properly resourced licensing scheme which is effective on a self-funding basis.

## Areas to designate

- Safeagent “**welcome** the targeted nature of the licensing proposals”.
- YRLA **disagree** that the wards of Heworth, Hull Road and Osbaldwick and Derwent are justifiably in need of a licensing scheme.

## Enforcement

- One landlord disagrees that additional licensing in York will have an impact, **unless the council has the ability to detect wrongdoers and enforce the legislation**. They state that as some landlords will flout the rules, while putting a cost on those who do adhere to the legislation. This will cause landlords to leave the sector and drive up rents, making it less affordable to tenants.
- One landlord suggests that the title of **Enforcement Officer** be changed to **Information Officer** or something similar, as the title Enforcement Officer might be likely to immediately build a barrier.
- One landlord highlights that the Council **already have powers to enforce improvement works** on all rental properties due to HHSRS. They suggest that advertising the message to tenants that they can report issues under HHSRS may be a more suitable course of action.
- YRLA state that without effective enforcement the additional licensing scheme **will be self-selecting** in the same way that voluntary schemes currently in place are.

## Link between anti-social behaviour (ASB) and the PRS

- Concerns are held by Safeagent about the assumed link between the prevalence of ASB and the volume of PRS accommodation in an area. Any **correlation between ASB and PRS does not necessarily indicate causation**, and it is therefore not reasonable for landlords and agents to “play a disproportionately large part” when it comes to tackling the causes of ASB.
- YRLA likewise argue there is **no true correlation between HMOs and ASB**, as the two wards with the highest level of HMOs have no complaints of ASB at all. There is a correlation between waste complaints and HMOs, but this is impacted by these areas being closer to the urban core of the city.
- YRLA highlight that complaints about ASB relate to the **concentration of HMO properties**, which the licensing scheme is not able to deal with, as licenses can’t be refused due to the number of HMOs in the area.
- Safeagent disagree with the implication of the proposal that there should be a “parity of approach” between the PRS and social rented sector. Social housing providers have wider responsibilities for the communities they work with, whereas **PRS landlords and agents are private businesses** which “cannot reasonably be expected to tackle wider social problems”.

## Licensing conditions and fees

- Safeagent hold concerns about **the wording of the licence being valid for a maximum of five years**, particularly that if this is a fixed period, landlords or agents who apply for the licence part way through the period would be charged for the full five years. They suggest that the fee either be charged pro-rata, or that it be made clear that licenses last for a full five years regardless of when they are taken out, “and remain valid when the designation is renewed or comes to an end”.
- Safeagent suggest that landlords who are offering permanent accommodation **to meet homelessness duties should be given a fee waiver**. This approach could be made more structured through adoption of a partnership arrangement in which letting agents source properties for council referrals for homeless people or those at risk of homelessness.
- Safeagent “are **supportive of any requirement to obtain references** for prospective tenants”.
- YRLA state that the fee structure in the second consultation is not compliant with the law due to the second element of the fee being payable once an application is complete but before a notice of decision is issued. This could result in the application being refused after the second stage payment is made, making the **fee structure unlawful**.
- A landlord questioned whether there would be **a grace period of six months** once the scheme is introduced for landlords of HMOs to turn their properties back to single let properties, allowing for their current tenants to see out their notice period, without the need for licensing.

## Likelihood to drive away landlords

- YRLA state that additional licensing schemes **put costs onto landlords**, leading to them leaving the sector and increasing rents.

## Evidencing impact

- Safeagent request that **regular information** on the scheme’s implementation be “made available in a clear and consistent format”. This information should include, at a minimum:
  - Estimated number of PRS properties requiring licenses
  - Number of applications made for licenses and progress in the processing of these licenses
  - Analysis of reasons for queries or refusals of licenses and the extent to which remedial action is identified and taken as a result
  - Analysis of outcomes of ongoing inspections and extent to which remedial action is identified and taken as a result
  - Progress reports across the whole 5-year period covered by the scheme.

## Considerations for the future

- One landlord requests that landlords be provided with **early indications of new demands and regulations** to be introduced in the next 2-5 years so that they can plan ahead.



## General agreement with proposal

- A representative body for university students in York “**strongly welcome**” the proposals, and highlight that “the provision of good quality, safe and well managed accommodation for all of York’s residents should be a priority for the Council”.
- A representative body for university students in York call attention to **evidence of the extent of poor conditions and property management within York’s private rented market**, particularly among the student housing sector. Drawing upon research produced in conjunction with Citizens’ Advice York, they highlight that 42% of 600 polled residents were dissatisfied with their experience of accommodation in York, half report that repairs weren’t carried out in reasonable timeframes and 31% experienced pests or insect infestations.
- One private landlord fed back that they had **no issues** with the proposal as their properties are already of a high standard. They state that they are aware that there are a lot of 3 bedroom houses which are **below the standards they would expect**, and agree with the **importance of fire safety compliance**.

## Suggestions outside of the proposal

- One landlord suggests that **C4 restrictions**, particularly around parking, be relaxed.
- One landlord suggests that there should be a **focus on small houses of families living with 5 or 6 children**, rather than HMOs, as often houses don’t have easy access to a park meaning that children are kept in the house or are playing on the street.

## **‘Let’s Talk Housing’ meeting feedback**

As part of the second consultation, two public meetings were also held in December 2021 to give the opportunity to hear more about the HMO licensing proposals. At the end of each session the attendees were given the opportunity to ask questions about the proposal. These have been summarised into key themes below.

### **Challenging landlords on current violations**

In both sessions, questions were asked about why the Council is not challenging landlords on violations of current legislation, such as expiration of EPCs.

### **Enforcement**

A query was raised over whether the council has capacity to deal with additional licensing, as there is no point implementing the measures if the council doesn’t have the resources to manage them.

### **Licence conditions**

An attendee raised a question regarding whether current HMO landlords would have a grace period to return their property back to a single let before needing to get a licence, in order to give them a chance to give notice to their current tenants.

### **Partnering with third party/private accreditation scheme**

It was raised that institutional student accommodation providers are exempt from HMO requirements through signing up to an approved code of practice, and queries why a similar scheme isn’t proposed for HMOs.

### **Tenant responsibilities**

It was claimed that student tenant often don’t comply with or understand safety rules such as not leaving doors wedged open, and there is a need for better education of students on these issues. Likewise, there is a need to help students to understand what they should be getting their landlords to fix and what they need to do to avoid issues, for example in waste management.

## Landlord outreach

It was raised in one session that those in attendance are likely to already be in favour of licensing, as evidenced by their presence.

## Timeframe for marketing of student properties

A question was raised over whether agents who specifically market student properties would or could be encouraged to market their properties from January onwards.

## Relationship between HMOs and students

It was raised that the surveys included in evidence of student housing conditions don't make reference to HMOs.

## Action on social housing

A query was raised over the action being taken to ensure housing standards are maintained in properties provided by the Council and registered providers, and whether proposed licensing would apply to these providers, and institutional accommodation providers.



## Appendices

**Appendix A: Respondent type profile**

**Appendix B: Written responses**

## Appendix A: Respondent type profile

Respondent type	First consultation	Second consultation
Private landlord / letting agent or manager	33%	32%
Private tenant	32%	41%
A resident (who is not a private tenant)	31%	21%
Business owner or manager	1%	1%
An advice or community organisation	1%	1%
Other	3%	3%
N	699	354

Gender	First consultation	Second consultation
Female	221	64
Male	166	58
Non-binary/gender variant	8	3
Prefer not to say	57	27
N	452	152

Sexuality	First consultation	Second consultation
Heterosexual/straight	271	3
Bisexual	44	9
Gay man	16	11
Gay woman/lesbian	7	83
Prefer not to say	104	42
N	442	148

Disability		First consultation	Second consultation
No		363	95
Yes	limited a little	66	21
	limited a lot	19	
Prefer not to say			32
N		448	148

Ward	First consultation
Acomb	33
Bishopthorpe	5
Clifton	38
Copmanthorpe	5
Fishergate	61
Fulford & Heslington	97
Guildhall	52
Haxby & Wigginton	10
Heworth	49
Heworth Without	14
Holgate	15
Hull Road	176
Huntington & New Earswick	10
Micklegate	40
Osbalwick & Derwent	47
Rawcliffe and Clifton Without	7
Rural West York	7
Strensall	3
Westfield	5
Wheldrake	5
N	679

Employment	First consultation	Second consultation
Employee in full-time job (30 hours plus per week)	127	46
Employee in part-time job (under 30 hours per week)	33	12
Self-employed full-time	37	30
Self-employed part-time	19	
Full-time education at school, college or university	125	32
Unemployed and available for work	2	-
Permanently sick/disabled	2	-
Wholly retired from work	63	21
Looking after the home	5	-
Other	16	8
Prefer not to say	22	-
N	261	150

Ethnicity	First consultation	Second consultation
White - English / Welsh / Scottish / Northern Irish / British	338	102
White - Irish	2	1
White - Gypsy or Irish Traveller	0	1
Any other White background	20	4
Mixed - White and Black Caribbean	3	0
Mixed - White and Black African	1	0
Mixed - White and Asian	5	1
Any other Mixed / multiple ethnic background	2	0
Asian - Indian	5	3
Asian - Bangladeshi	1	1
Asian - Chinese	1	1
Any other Asian background	1	0
Black - African	1	1
Any other Black / African / Caribbean background	0	1
Any other ethnic background	0	1
Prefer not to say	69	32
N	449	149

## Appendix B: Written responses

### Response 1



#### YORK CITY COUNCIL'S ADDITIONAL LICENSING PROPOSALS

#### A RESPONSE TO THE CONSULTATION FROM SAFEAGENT – DECEMBER 2021

#### INTRODUCTION

**safeagent** [www.safeagents.co.uk](http://www.safeagents.co.uk) is an accreditation scheme for lettings and management agents operating in the Private Rented Sector (PRS) **safeagent** firms are required to:

- deliver defined standards of customer service
- operate within strict client accounting standards
- maintain a separate client bank account
- be included under a Client Money Protection Scheme

Firms must provide evidence that they continue to meet **safeagent** criteria on an annual basis, in order to retain their licence. The scheme operates UK wide and has 1500 firms with over 2500 offices.

**safeagent** is an accredited training provider under the Rent Smart Wales scheme and meets the requirements for training for agents under the Scottish Government Register. Recently, we have been approved by Government as a Government approved Client Money Protection scheme.

#### SAFEAGENT AND LICENSING

**safeagent** is supportive of initiatives such as Additional Licensing, providing they are implemented in a way that takes account of the Private Rented Sector (PRS)'s own efforts to promote high standards.



**safeagent** believes that positive engagement with voluntary schemes and the representative bodies of landlords and agents (such as **safeagent**) is essential to the success of initiatives such as Additional Licensing. We are mindful that the operational problems associated with lack of such engagement have been highlighted in House of Commons Standard Note SN/SP 4634.

The same note sets out how important it is for licensing schemes to avoid being burdensome. We believe that promoting voluntary schemes, and offering discounted licence fees to accredited landlords and agents, can help to achieve this. Voluntary schemes often require members to observe standards that are at least compatible with (and are often over and above) those of licensing schemes. We believe, therefore, that if York City Council were to allow discounts based on membership of **safeagent** (as well as other similar bodies) implementing and policing the licensing scheme would ultimately be less costly and more effective, allowing resources to be concentrated in the areas where they are most needed.

This is a commonly accepted approach by many English Local Authorities. We would further point out that, in Wales, the Welsh Government has recently recognised the importance of membership of specified bodies such as **safeagent** and is offering discounted fees to members as a consequence <https://www.rentsmart.gov.wales/en/>

## PROMOTING PROFESSIONALISM IN THE PRS - THE ROLE OF AGENTS

**safeagent's** engagement around the country, with various local authorities, suggests that lettings and management agents have a key role to play in making licensing, accreditation and other, voluntary regulatory schemes work effectively. Agents tend to handle relatively large portfolios of properties, certainly when compared to small landlords. They tend, therefore, to be in a position to gain an understanding of licensing based on wider experience. They become expert in trouble shooting and ensuring that the balance of responsibilities between the agent and the landlord is clearly understood. This, amongst other things, can help to prevent non-compliance due to misunderstandings about local licensing arrangements.

Furthermore, **safeagent** ensures its members maintain certain operational standards, have Client Money Protection arrangements in place, keep separate client accounts and comply with their legal obligation to be a member of a redress scheme. We also provide training. All this can be of assistance to councils who are trying to drive up standards in the PRS.

Although agents are now required to belong to a government approved redress scheme, display their fees and publish their client money protection status, our experience to date suggests local authorities face challenges in enforcing these standards. Membership of bodies such as **safeagent** can reduce the need for the local authority to use its formal, legal powers in these areas.

## YORK CITY COUNCIL'S PROPOSALS - SPECIFIC ISSUES

### Proposed Licensing Area

We welcome the targeted nature of the licensing proposals.

### Licensing Period and Changes in License Holder

We note the fact that a licence would be valid for “a maximum of five years”

Given the use of the term “maximum”, we are concerned that licence applications made part way through the designated period would incur the full fee. This is unfair and makes licenses granted later in the designated period poor value for money. In these cases, we believe the fee should be charged “pro-rata”.

Charging of full fees for part periods is also anti-competitive, as it can add cost to the process of engaging or changing a license holding managing agent. Specifically, we often see cases where a reputable agent has to take on management of a property and the license, when there has been a history of management and/or compliance problems. We would suggest that, in cases where an agent steps in as licence holder/manager, the licensing fee should again be charged “pro rata”.

Alternatively, it should be made clear that licenses taken out part way through the period last for a full 5 years - and remain valid when the designation is renewed or comes to an end. If a designation comes to an end, inspections and resultant remedial actions should continue to be in operation until all licenses have expired.

### Additional Licensing Fees

We believe that the Council should offer a discounted rate for ‘accredited’ landlords and agents. We would request that York City Council specifically list **safeagent** as a recognised professional accrediting body, and offer fee discounts to:

- Agents who are members of **safeagent** (where the agent is the licence holder)
- Landlords who engage agents that are members of **safeagent** (where the landlord is the licence holder)

We would suggest that this is justified because **safeagent** members and the landlords who engage them are less likely to be non-compliant and that, as a result, there would be reduced costs to the council. We would also suggest that **safeagent** membership mitigates the need for compliance visits to be carried out by the council. For example, the timing and content of visits could be risk based, recognising that the risk of non-compliance is much lower in the case of properties managed by **safeagent** agents.

In our detailed comments below, we point out some of the areas where compliance with key standards is an inherent part of the **safeagent** scheme. These are the areas where we think promotion of **safeagent** membership through license fee discounts could ultimately save the Council money, as well as increase the take up of voluntary accreditation.

### **Fee Waiver – Tackling Homelessness**

We would suggest that, in cases where a private landlord is assisting the Council by offering permanent accommodation to meet homelessness duties, license applications should be accepted without any fee being payable.

Furthermore, this approach could become more structured if the council were to enter into partnership arrangements whereby lettings agents source properties for council referrals of homeless people or those at risk of homelessness. **safeagent** is currently working on a model whereby a “Social Lettings Agency” is created through links to one or more established local agents. This is an alternative to the traditional approach whereby entirely new voluntary sector entities need to be set up. We would be happy to discuss this model with the council at any time.

## **LICENCE CONDITIONS**

### **Tenant Referencing**

We are supportive of any requirement to obtain references for prospective tenants. **safeagent** is actively involved in promoting good practice in tenant referencing. We would be happy to discuss our work in this area with the Council.

### **Tenancy Management**

**safeagent** agents are expected provide and fill in a tenancy agreement on behalf of the landlord. they will always make sure the terms of the tenancy are fair and help the tenant to understand the agreement.

They will always provide clear information to the tenant about any pre-tenancy payments and what these cover. They will explain any requirement for a guarantor and what the guarantor role entails.

At the end of a tenancy, they will always serve the tenant with the correct period of notice as set out in the tenancy agreement.

Under **safeagent's** service standards, agents are required to take a deposit to protect against possible damage. They are required to explain the basis on which the deposit is being held and the purpose for which it is required, as well as to confirm the deposit protection arrangements. When joining **safeagent**, agents are asked to provide details of the number and value of the deposits they have registered with the scheme.

Agents are asked to authorise **safeagent** to contact the scheme to verify this information.

During the course of a tenancy, **safeagent** agents will check the condition of the property and draw up a schedule to outline any deductions to be made from the tenant's deposit. They will return the deposit in line with timescales and processes required by the statutory tenancy deposit schemes.

**safeagent** agents are also required to:

- Have a designated client account with the bank
- Operate to strictly defined Accounting Standards
- Be part of a mandatory Client Money Protection Scheme.

These requirements provide additional security for client monies held, over and above the requirements of the York City licensing scheme. Again, this is an area where increased **safeagent** membership would be of benefit to the Council and local tenants.

## Licence Conditions Relating to the Property

We welcome York City Council's drive to improve property standards. We believe that **safeagent's** standards go a long way to ensuring compliance with license conditions.

Under **safeagent's** service standards, **safeagent** agents are expected to visit any property to be let with the landlord and advise on any action needed before letting the property. This includes any repairs and refurbishments needed to put it into a fit state for letting. They will also go with possible new tenants to view unoccupied property. Tenants can, therefore, be confident that **safeagent** agents have provided advice to the landlord concerning any repairs or refurbishments which are necessary.

**safeagent** agents are expected to explain both the landlord's and the tenant's the rights and responsibilities. To guard against misunderstandings, they will arrange for the preparation of a schedule of the condition of the property.

**safeagent** agents are required to ensure that tenants are provided with copies of safety certificates on gas and electrical appliances before they commit to the tenancy. They will

provide details of the condition of the property, plus a list of its contents. The property will have undergone all required safety checks on furnishings, and gas and electrical services.

Thereafter, **safeagent's** standards require agents to carry out property inspections periodically, as agreed with the landlord, in line with normal good practice. **safeagent** and our firms would anticipate inspections to be carried out every 6 months as a minimum, to identify any problems relating to the condition and management of the property. In line with common practice, records of such inspections would contain a log of who carried out the inspection, the date and time of inspection and issues found and action(s) taken. Under a licensing scheme, this information could be shared with the council in an appropriate format.

Tenants will be fully aware of access arrangements. **safeagent** agents are expected to arrange in advance a time for access, in order to inspect the condition of the property in accordance with the tenancy agreement. **safeagent** agents will arrange to have routine maintenance work carried out, up to a limit agreed with the landlord. The agent will refer expenditure above that limit to the landlord.

## Training

We welcome the proposal that agents who are license holders should undergo training.

Membership of **safeagent** means that agents already have access to an extensive training package, engagement with which should reduce the need for the local authority to intervene. Although not a *condition* of **safeagent** membership, **safeagent** offers accreditation through an online foundation course as well as qualifications such as BTEC Level 3 in Lettings and Management practice.

**safeagent** offers training to those who have been involved in lettings and management for some time as well as those who are just starting out. Training is available for principals of firms as well as employees. Thus, **safeagent's** Virtual Learning Environment (VLE) is designed to cater for a wide range of professional development needs. Training is easily accessible and can be undertaken when it suits the trainee. Any candidate completing the **safeagent** Foundation Lettings Course successfully also has the opportunity to use the designation '**safeagent qualified**'. **safeagent** Foundation Lettings Course (Wales) is also approved training recognised by Rent Smart Wales, the Welsh Government's regulatory body as meeting the requirements for agents to have complying with their licensing requirement.

One advantage of this approach is that it makes it easy to ascertain (through on-line monitoring) that participants have in fact undertaken the required training, prior to or immediately after accreditation.

Modules available cover:

- Pre-tenancy issues
- Responsibilities and liabilities
- Setting up a tenancy
- During a tenancy
- Ending a tenancy

- General law concepts, statute vs contract
- Relationships
- Obligations
- Process
- Considerations for corporate tenants
- Continuing Professional Development (CPD)

In addition, **safeagent** provides mini online courses designed to cover a number of elements in more detail, as appropriate to the learner's role, include topics such as:

Assured Shorthold Tenancies (ASTs)
Client Money
Consumer Protection Regulations (CPRs)
Deposits
Disrepair
Electrical Appliances & Safety
Gas Appliances & Safety
Houses in Multiple Occupation (HMOs)
Housing, Health & Safety Rating System (HHSRS)
Inventories and schedules of condition
Joint Tenancies
Notice Requiring Possession

We would further suggest that discounted fees for **safeagent** agents would provide an incentive to positive engagement with training that is fully compatible with the requirements of the licensing scheme.

We note that the council accepts the following as an alternative to attending the council's own course;

- Residential Landlords Association, Principles of Letting
- National Landlords Association, Foundation Course
- YorProperty Accreditation Scheme Core Management/Property Standards courses
- NFOPP Level 2 Award
- NFOPP Level 3 Technical Award

We would also urge the council to recognise **safeagent** training and add it to this list.

### **Anti-Social Behaviour**

For our members, dealing with actual and perceived anti-social behaviour in the PRS is a day to day activity. However, in general, we have concerns about the assumed link between the amount of PRS accommodation in the neighbourhood and the incidence of ASB.

There may be some *correlation* between incidences of ASB and the prevalence of PRS accommodation on the area. However, correlation does not imply *causation*. The *causes* of ASB are many and varied. It is not, in our view, reasonable to expect agents and landlords to play a disproportionately large part in tackling them.

Furthermore, we would strongly advise against any proposals which imply a parity of approach between the PRS and the social rented sector. Social landlords are publicly funded (and regulated) to develop and manage housing on a large scale. Their social purpose brings with it wider responsibilities for the communities in which they work. As private businesses, PRS landlords and their agents, whilst having clear responsibilities to manage their properties professionally cannot reasonably be expected to tackle wider social problems.

### Suitability of Licence Holder

We note and welcome the requirement that the council would only issue a licence if it is satisfied that the proposed licence holder is a 'fit and proper' person and that there are suitable management arrangements in place. We believe that this requirement highlights the importance of lettings and management agents belonging to recognised accrediting bodies like **safeagent**, who themselves apply a fit and proper person test.

All principals, partners and directors of a **safeagent** firm are asked to make the following declaration on application:

*– “I confirm that: for a period of 10 years prior to this application I have had no conviction for any criminal offence (excluding any motor offence not resulting in a custodial sentence) nor have I been guilty of conduct which would bring the Scheme or myself into disrepute; I am not an undischarged bankrupt nor is there any current arrangement or composition with my creditors; I am not nor have I been a director of a company which has within the period of 10 years prior to this application entered into liquidation whether compulsory or voluntary (save for the purpose of amalgamation or reconstruction of a solvent company) nor had a receiver appointed of its undertaking nor had an administration order made against it nor entered into an arrangement or composition with its creditors; nor have I at any time been disqualified from acting as a Director of a company nor subject to a warning or banning order from the Consumer Markets Authority or the Department for Business, Enterprise and Regulatory Reform.*

*If I am subject to any current claim or am aware of any impending claim for professional negligence or loss of money or if I have been the subject of any investigation by the Consumer Markets Authority and/or local Trading Standards Office, full details of the circumstances are set out in a report enclosed with the application; all information provided by me in connection with this application is, to the best of my knowledge, correct”*

We believe this certification is broadly in line with York City council's licensing conditions and is another example of where promotion of **safeagent** membership through discounts could help to ensure compliance.



## Complaints

All **safeagent** firms are required to have a written customer complaints procedure, available on request. Our guidance sets out how the first step for complainants is to ask the firm they are dealing with for a copy, which will outline the method by which they can seek to resolve any issues.

In line with statutory requirements, all **safeagent** members must also be members of a recognised redress scheme. Firms are required, at the request of the complainant, to refer the complaint to a redress scheme once their in-house procedure has been exhausted. They are also required to comply with any award determined by the redress scheme, within the timescale prescribed.

Under co-regulation schemes elsewhere in the UK, **safeagent** has undertaken to review any complaints that have been adjudicated upon by any of the redress schemes. Under such an arrangement, **safeagent** can report to the Council on the number of complaints reaching this stage and on the adjudications made. Non-compliance with a redress scheme's adjudication would eventually lead to disqualification of the agent from **safeagent**. We would be happy to come to a similar arrangement with York City.

## MEASURING THE SUCCESS OF THE SCHEME

We believe that regular information on implementation of the scheme should be made available in a clear and consistent format. Reports to local landlord and agent forums, representative bodies and other stakeholders should include at minimum:

- The estimated number of private rented properties that require licensing under the Additional licensing scheme
- The number of applications received in respect of these properties
- Progress in processing (granting, querying or refusing) the licence applications received
- Analysis of the reasons for any queries or refusals and the extent to which remedial action is identified and taken as a result
- Analysis of the outcomes of ongoing inspections and the extent to which remedial action is identified and taken as a result
- Progress reports across the whole 5 year period covered by the scheme.



This should help to enable the Council to work in partnership with landlords, agents, representative bodies and other stakeholders to ensure the success of the scheme.

## CONCLUSION

It seems to us that many of the licencing requirements in the York City scheme highlight how important it is for landlords to work with reputable agents such as **safeagent** members. Offering a discount to licence holders who work with a **safeagent** accredited agent would help to promote this.

**safeagent** would welcome a collaborative approach with York City Council, based on shared objectives. We believe that agents who are members of a recognised body are more likely to embrace Additional Licensing and less likely to generate complaints or breaches of their licence. Discounted fees for **safeagent** members would be a significant incentive to positive engagement by agents. In return, the Council would experience reduced administration and compliance costs.

## CONTACT DETAILS

### safeagent

Cheltenham Office Park  
Hatherley Lane  
Cheltenham  
GL51 6SH

Tel: 01242 581712 Email: [info@safeagentcheme.co.uk](mailto:info@safeagentcheme.co.uk)

## APPENDIX 1 – COMPATIBILITY OF SAFEAGENT SERVICE STANDARDS WITH TYPICAL SCHEME CONDITIONS

Example Scheme Conditions	SAFEAGENT Service Standard Requirements
Fees	SAFEAGENT promotes complete transparency in agency fees. Members provide landlords with a statement of account as often as agreed.
Rent Liabilities and Payments	SAFEAGENT agents collect the rent and pass it on every month or as otherwise agreed. The agent will keep a separate clients' account to hold all monies.

Example Scheme Conditions	SAFEAGENT Service Standard Requirements
Contact Details	SAFEAGENT agents are expected to respond to tenant and other legitimate enquiries in a timely manner. Up to date contact details will enable them to respond to tenants' requests for maintenance or repairs which might in some cases have to be referred to the landlord for approval.
State of Repair	SAFEAGENT agents visit the property with landlords and advise on any action needed before letting the property. This includes any repairs and refurbishments needed to put it into a fit state for letting. They will also go with possible new tenants to view unoccupied property. Tenants can be confident that SAFEAGENT agents have provided advice to the landlord concerning any repairs or refurbishments which are necessary.
Access and Possession arrangements	SAFEAGENT agents will visit the property periodically during the course of the tenancy as often as agreed with the landlord. Tenants will be fully aware of access arrangements. At the end of a tenancy, they will always serve the tenant with the correct period of notice as set out in the tenancy agreement.
Repairs and Maintenance	SAFEAGENT agents will arrange to have routine maintenance work carried out, up to a limit agreed with the landlord. The agent will refer expenditure above that limit to the landlord.
Access, Cleaning and Maintenance of Common Parts	SAFEAGENT agents will arrange in advance a time for access to the property in order to inspect the condition of the property in accordance with the tenancy agreement.
Level of Facilities	SAFEAGENT agents ensure that tenants are provided with copies of safety certificates on gas and electrical

Example Scheme Conditions	SAFEAGENT Service Standard Requirements
	<p>appliances before you commit to the tenancy. They provide details of the condition of the property, plus a list of its contents. The property will have undergone all required safety checks on furnishings, and gas and electrical services.</p>
Deposits	<p>SAFEAGENT agents provide and fill in a tenancy agreement and take a deposit to protect against possible damage. They will explain the basis on which it is being held and the purpose for which it is required.</p>
References	<p>SAFEAGENT agents choose a tenant in a way agreed with the landlord, taking up references or checking the tenant's rent payment record.</p>
Complaints & Dispute Handling	<p>SAFEAGENT agents explain both the landlord's and the tenant's the rights and responsibilities. To guard against misunderstandings, they will arrange for the preparation of a schedule of the condition of the property.</p> <p>During the tenancy, they will arrange to check the condition of the property and draw up a schedule to outline any deductions to be made from the tenant's initial deposit. They will return the deposit as soon as possible, less any appropriate deductions.</p>

## Response 2



The University of York / The Student Centre  
James College / Newton Way  
Heslington / York / YO10 5DD

T: 01904 43 3724  
F: 01904 43 4664  
E: [enquiries@yusu.org](mailto:enquiries@yusu.org)



Ruth Abbott  
Housing Standards and Adaptations Manager  
Housing Standards and Adaptations  
West Offices, Station Rise, York, YO1 6GA

25 June 2021

Dear Ruth

### Additional Licensing Scheme Consultation

The University of York Students' Union (YUSU) is the representative body for all undergraduate and postgraduate students at the University of York. YUSU is dedicated to ensuring that our 20,000 members have the best University experience and improving the lives of students at the University of York by championing the interests and welfare of students, representing students' interests and providing social, cultural, sporting and recreational activities and forums for discussion and debate for the personal development of students.

I am writing on behalf of the Union to strongly welcome the proposals under consultation to introduce targeted additional licensing for HMOs in York to smaller properties. The provision of good quality, safe and well managed accommodation for all of York's residents should be a priority for the Council. Whilst we know that many of York's private landlords take their responsibilities seriously, unfortunately there is a very clear evidence base that poor conditions and property management are commonplace features of York's private rented market, in particular within the student housing sub-market.

As you know, based on growing concern about the scale of this problem, earlier this year YUSU [published research](#) in conjunction with Citizens' Advice York which explored the issues that students face in private housing in more depth.

The research revealed a high level of dissatisfaction from students following their experiences in York's private rented market. Almost half of those (600 respondents) polled (42 per cent) were dissatisfied or very dissatisfied with their experiences of accommodation in York. The quality of property management and conditions were key factors in this, with half of students reporting that repairs weren't carried out in reasonable timeframes and significant numbers experiencing indicators of non-decency including pests or insect infestations (31 per cent), gas, electricity or fire hazards (16 per cent), mould (18 per cent) and damaged flooring (30 per cent).

The link between mental ill-health and housing problems is well established so it is perhaps not surprising that this challenging marketplace and factors associated with it have implications for health. Of those polled, just under 40 per cent said accommodation issues had contributed to poor health, whilst over a quarter said they'd made them mentally unwell.

We have made a number of recommendations for improving the private rented sector for students, including the development of a strategic city-wide policy approach and the provision of more support to help students understand how to access help, what their rights are and how to enforce them in the most difficult situations. Such measures will only go so far however. We feel that given the scale of the challenge, a more robust approach is needed and this must be underpinned by additional licensing to provide a stronger framework in regulation.

The Council's consultation represents a major opportunity for the city that would benefit renters broadly, not just students. We feel that the proposals would build on the platform that existing mandatory licensing has established to drive improvements to rental stock, and go a long way towards addressing some of the long-standing issues many private renters face.

We strongly welcome the Council's efforts to address these challenges.

Best wishes,

A handwritten signature in black ink, appearing to read 'p. o'donnell', enclosed in a simple oval scribble.

Patrick O'Donnell  
President, University of York Students' Union

## Response 3

Abbott, Ruth

---

**From:** [REDACTED]  
**Sent:** 26 November 2021 13:40  
**To:** HMOLicensing  
**Subject:** Statutory Consultation

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Afternoon,

I wondered if you may be able to help, please?

Some of our 4 bed HMO landlords have some questions regarding the new licencing that may or may not come into effect in April 2022.

If a Landlord decides that they wish to turn their property back to a single let residential, but still have tenants on 6-month contracts, can they see out their existing HMO tenancies without the need for licencing. Will there be a grace period for them to comply?

Best Wishes

[REDACTED]

[REDACTED]

[REDACTED]

For all General Maintenance issues and enquiries,  
please call our office on 01 [REDACTED]  
Alternatively, please email [REDACTED]

### Emergency and out of hours maintenance reporting

Out of hours - Before 9:00 and after 17:30 Plus weekends

The office phone is diverted to a member of staff out of office hours.  
Please leave a voicemail describing the issue, along with your name, contact details and property address.

### Utility outage

## Response 4

**From:** [REDACTED] <[REDACTED]@[REDACTED].uk>  
**Sent:** 17 December 2021 11:37  
**To:** newsdesk@york.gov.uk  
**Subject:** Re: Message to attendees of Landlords - Let's Talk Housing

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Thank you.

The problem was resolved.

One question arising from the seminar - please can landlords who have the future in mind and wish to plan ahead in building and developing terms please have indications of what new demands are to be made of us in the next 2 to 5 years. dealing with new initiatives in a piecemeal/knee-jerk fashion is inefficient and expensive.

## Response 5

**Abbott, Ruth**

---

**From:** [REDACTED]  
**Sent:** 16 April 2021 09:44  
**To:** HMOLicensing  
**Subject:** Re: Consultation on Introduction of Targeted Additional HMO Licensing Scheme in York

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Guys,

No issues here. My properties are always fully compliant and of a high standard anyway as I'm sure you'll recognise.

There's a lot of 3 bed houses I know which are well below what I'd expect for anyone to live in, and items like fire safety should always be prevalent.

What I believe is the c4 restrictions should be relaxed (certainly around parking) but HMO Licensing increased to cover any 3+ properties.

Thank you

Sent from Yahoo Mail on Android



## Response 6

-----Original Message-----

From: [REDACTED]  
 Sent: 18 December 2021 13:06  
 To: housing.standards@york.gov.uk  
 Subject: Information

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi.

I attended the on line meeting held on 17th December.  
 Are the areas discussed available in a printed format please?  
 I wish to request consideration be given to the title Enforcement Officer be changed, I think such a title likely to immediately build a barrier, perhaps Information Officer or similar would be more appropriate.  
 Regards

[REDACTED]

## Response 7

From: [REDACTED]  
 Sent: 17 June 2021 19:35  
 To: HMOLicensing  
 Subject: Re: Consultation on Introduction of Targeted Additional HMO Licensing Scheme in York

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear sir/Madam,

I feel to say I have very good relationship with the leader of the house he is very good I asked him any of you going home please when you come back for week don't contact with others if you had any sign of virus go have test if it is possible not to go home i send message and remind them take care of yourself my house have. got all certificate it should have something I most say I haven't

Seen anywhere else I don't know who is responsible for that which is very good idea a person come with stuff clean the where people touch. I think council should take care of houses people living with damp and can't heating.thank you. [REDACTED]

Sent from my iPhone



## Response 8

**From:** [REDACTED]  
**Sent:** 19 June 2021 10:22  
**To:** HMOLicensing  
**Subject:** Re: Auto Response from hmolicensing@york.gov.uk

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

My opinion the number of houses are the same and number of bed room is each houses one person live in each bedroom as I can understand you want to put the blame to HMO I haven't got the information each location you mention how many HMO houses in those street how about the very small houses Family living with 5 or 6 children I thing that is the problem and these days new houses built in that area haven't got park. Children Kept in the house or they are playing on the street. I am sorry i haven't any other useful ideas to give you. Thank you Sent from my iPhone

## Response 9

**Abbott, Ruth**

---

**From:** [REDACTED]  
**Sent:** 22 April 2021 10:45  
**To:** HMOLicensing  
**Subject:** RE: Consultation on Introduction of Targeted Additional HMO Licensing Scheme in York

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear sirs,

Thank you for your email. I'm not averse to ensuring that tenanted properties are maintained and if necessary improved. However I have to disagree with additional licensing in York. If you look at other areas of the UK by comparison, there will always be a select proportion of landlords who flout the rules and this legislation will just make it harder for those who do adhere to legislative changes. As it's made harder and more costly, more landlords will leave the sector, driving up rents as there is less quality housing stock and consequently making it less affordable for tenants.

Unless you have availability to detect any wrongdoers and subsequently enforce this legislation with respect, this will not work.

Lastly, HHSRS is applicable to all rental properties and York City Council already have powers to enforce improvement works accordingly should tenants feel the need to report any issues. Perhaps investment in advertising this message to tenants would be more suitable. If you need any further assistance please drop me a line on 01904 622 744 (option 2).

Wishing you all the best!

## Response 10 and 11



Our Ref: DAS/EMM/642004C.1/York Residential Landlords Association

Your Ref:

11 May 2021

City of York Council  
Housing Standards and Adaptations  
West Offices  
Station Rise  
York  
YO1 6GA

**JMW Solicitors LLP**  
Kings House  
36-37 King Street  
London EC2V 8BB

DX: 42624 Cheapside  
T: 0203 675 7575  
W: [jmw.co.uk](http://jmw.co.uk)

By first class post and email: [housing.standards@york.gov.uk](mailto:housing.standards@york.gov.uk), [HMOLicensing@york.gov.uk](mailto:HMOLicensing@york.gov.uk) and [legal@york.gov.uk](mailto:legal@york.gov.uk)

Dear Sirs

**Our Client: York Residential Landlords Association**

We are instructed by the York Residential Landlords Association in relation to the Additional Licensing Scheme Consultation to widen the scope of licensing of Houses in Multiple Occupation (the "Consultation") currently being conducted by the City of York Council (the "Council").

We are writing to you to express our client's deep concern with the manner in which the Consultation is currently being conducted. These concerns fall into three categories. Firstly, it is our view that the Consultation is unlikely to meet the requirements for a lawful consultation in terms of the manner in which it is being conducted. Second, the document entitled "Considering the case for additional licencing of houses in multiple occupation" (the "Case"), presented alongside the Consultation simply fails to make a clearly evidenced case for the implementation of an additional licensing scheme. Third, the limited aspects of the proposed scheme set out in the documents entitled "HMO Implementation Policy" (the "Implementation Policy") and "Guidance notes for room sizes" (the "Guidance Notes") are unlawful and do not properly accord with clear decisions of the Upper Tribunal as to the manner in which decisions as to property suitability should be made. We will elaborate on these decisions below.

For these reasons, we consider that any decision to proceed with an additional HMO licensing scheme on the basis of the Consultation as it stands is likely to be irrational, unlawful, and *ultra vires* the powers of the Council. If a decision is made on this basis we will advise our client to challenge it by way of judicial review in the Administrative division of the High Court.

**Manner of Consultation**

The Council is permitted to create an additional licensing scheme by reason of s56, Housing Act 2004. This provides, at s56(1), that a local authority may designate either—

- (a) the area of their district, or
- (b) an area in their district,

as subject to additional licensing in relation to a description of HMOs specified in the designation, if the requirements of this section are met.

In order to make such a designation a local authority must consider, per s56(2), that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

A local authority is further required, by s56(3), to:

- (a) take reasonable steps to consult persons who are likely to be affected by the designation; and
- (b) consider any representations made in accordance with the consultation and not withdrawn.

Designations for additional licensing are also subject to approval by the Secretary of State. Approval has been given on a general basis by way of the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 (the "Approval"). The approval of a designation is however made conditional in paragraph 5 of the Approval on a local authority consulting "persons who are likely to be affected by it ... for not less than 10 weeks." It is implicit in this phrase that such a consultation will be lawfully carried out.

The proper approach to a consultation was originally set out in *R v Brent LBC ex p Gunning* (1985) 84 LGR 168 and are commonly known as the Sedley criteria. These are:

1. That the consultation must be at a time when proposals are still at a formative stage.
2. That the local authority must give sufficient information for an intending respondent to give the proposal proper consideration and to formulate an appropriate response.
3. That adequate time must be given for consideration and response; and
4. That the consultation responses must be conscientiously taken into account in finalising any proposals.

These criteria were applied to consultations for HMO licensing schemes in the case of *Peat & Ors, R (on the application of) v Hyndburn Borough Council* [2011] EWHC 1739 (Admin). In that case the Respondent local authority was criticised for failing to provide a consultation which met the second criteria. Notably the Court stated, at paragraph 52 that: in order to comply with the requirements of valid consultation envisaged in the *Gunning* case and later authorities, the consultees must be given sufficient information to enable them to reach an informed decision upon that on which they are being consulted. Without some fleshing out of the reasons for the proposals, the nature of the proposals as regards the licence conditions and as to a fee structure, it seems to me that an informed response was really impossible.

It is submitted that the Consultation being conducted by the Council has fallen is a similarly defective in that it fails to give details of what it is that is in fact being consulted on. The survey itself contains no details of any scheme and at no point asks what is thought of any specific scheme structure, referring consultees to the Case. It is not even made clear exactly which wards are actually intended to be included within the proposed designation beyond the statement that they will be "those wards with the highest number and poorest conditions". There is no clarity as to what this means as the Case makes clear that the wards with the highest number of HMOs and the wards with the highest density of HMOs are not in fact the same wards. In addition, the Case and survey do not specify what is meant by "poorest conditions". The Case in fact states that there is little to no correlation between number or density of HMOs and the criteria it appears to use to define poorness.

Finally, there is also no clarity as to how many such wards are to be designated. Indeed, the Case suggests in section 8 that there is consideration being given to licensing all HMOs in the entirety of the Council's area of responsibility, in marked contrast to the suggestion in the survey that it is to be limited to specific, if hazily specified, wards. In summary, there is no



way for a consultee to clearly see which wards and how many are proposed for designation and on what basis it is proposed to make that designation.

In addition, the Consultation does not specify what a proposed scheme might look like. The fees are not clearly specified. The only information is in the Implementation Policy in which it is stated that the fees will be “set in line with the Council Fees Policy for a 5/5 bedroom HMO”. This provides little clarity as to what fee will be applied to an HMO occupied by three persons or any other form of HMO. Likewise, the Implementation Policy has a confusing discussion of various changes to licence conditions without setting out clearly what licence conditions are proposed to be applied to a licence under the proposed additional licensing scheme.

In short, the Consultation as it stands in no way meets the requirements set out in *Peat* as it is not possible for a respondent to properly ascertain what they are being consulted on in such a way as to meaningfully comment on the proposal.

It may be that the Consultation is, as the Case suggests, an initial review. The Case states in section 5 that the “results of the consultation will be considered as part of the development of the proposed structure of any additional licensing scheme.” This would seem to suggest that a further consultation will be held once that proposed structure has been developed. Were that to be the case then our client entirely accepts that a further consultation would be likely to meet the requirements of the decision in *Peat*. Without a further consultation the tests set out in *Gunning* and elaborated in *Peat* cannot be met by the current Consultation.

#### **Nature of the Evidence**

The evidence for making a designation set out in the Case is weak at best. The Case to a large extent openly admits these weaknesses.

The Case refers to MHCLG guidance that is associated with the Approval and compliance with this. Such a position is misconceived. The only current guidance associated with the Approval is the document entitled “Selective licensing in the private rented sector”. This refers to consultations around selective licensing and has no application to the Consultation being carried out by the Council.

The Case starts out at section 4.6 by seeking to draw a connection between property age and poor condition. This assertion is made in the Case as a bland statement that it is “well reported” that poor conditions are associated with property age without any specific evidence being cited. This assertion is one that we dispute. The evidence is not as equivocal as is being claimed and it should in any event be cited if the Case is to make a clear argument for HMO licensing. While we agree that older properties can bring a range of challenges in terms of condition, they can also be better in some aspects. In particular we dispute the evidence for the further harms claimed of overcrowding and homelessness. These are not properties of age of dwelling but relate to other social-demographic factors which may often be found together with the age of a property. In any event, homelessness is not a factor which relates to or provides an evidence case for HMO licensing.

It is also notable that the Case sets out in section 4.6 the lack of information available to the Council. It calls into question the entirety of the Case if the Council is not in fact fully aware of the quantity of HMO stock in the City. In addition, the lack of information available to the Council, while it may be a benefit of a licensing scheme is not a factor which should weigh into the decision to make one. The acquisition of useful information may form part of a case for the making of a selective licensing designation but is not relevant to the making of an additional HMO licensing designation. In any event, such information is available from a range of other sources already available to the local authority as a number of local authorities have convincingly demonstrated over the years. This includes making use of data

collection alongside Council Tax returns, a matter the Secretary of State for Housing and Local Government wrote to local authorities about some years ago as well as the use of benefit data and other records.

The Case goes on to produce energy performance data suggesting that this shows lower standards in HMO property. Again, this is disputed. First, there is no requirement to obtain an Energy Performance Certificate ("EPC") in an HMO that is being let on a room by room basis. We refer you to page 7 of the guidance produced by the MHCLG entitled "A guide to energy performance certificates for the marketing, sale and let of dwellings". This states that an "EPC is not required for an individual room when rented out, as it is not a building or a building unit designed or altered for separate use. The whole building will require an EPC if sold or rented out." Accordingly, EPC data for HMO property is itself likely to be suspect as it will not be available for a significant range of properties and EPCs will not have been updated for other properties where work has been done. In addition, the control of energy performance standards is not a criteria that falls within the decision making process for an additional licensing scheme. It is not a factor that relates to the management of the relevant property provided that the energy performance rating is not at a level which breaches the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. If those regulations are being breached then the local authority has clear powers to remedy that situation by enforcing those regulations. The information to do so is available direct from the relevant energy performance registers maintained for this purpose. In addition, the government is already consulting on hardening the energy efficiency standards in the private rented sector to require landlords to have a rating of C or better. Accordingly, we do not see that this issue is one of any relevance to HMO licensing. It is a matter which the local authority already has the necessary powers and information to manage and it is not one which requires a licensing scheme to deal with.

In relation to comments in the Case in section 4.8 on HHSRS data there seems little that this adds. York is much the same as the rest of England. The increased incidence of falls on stairs is likely to reflect the historic character of parts of the city and the steeper stairs in older buildings. This is not a factor that can be controlled by the HHSRS or licensing as there is a need to respect the construction of dwellings in both cases.

The discussion of HMO enforcement in section 4.9 of the Case shows that the Council takes active enforcement measures. It is hard to see what a licensing scheme would add to this. In addition, it is noted that there is a tacit admission that the Council has not kept up with its statutory duty to inspect all licensable property within five years. Given the current inability to meet this obligation it is hard to understand why it would be an appropriate decision to create further licensing regimes, thereby increasing the number of properties to be inspected within this timeframe.

Section 4.10 discusses the Covid-19 pandemic but again raises entirely spurious and irrelevant matters. It is of no relevance to a decision to designate a licensing scheme that courts will have a backlog. The majority of enforcement powers used by local authorities involve statutory notices backed up by civil penalties. These are all dealt with in the First Tier Tribunal which is not known to have a significant backlog of work. Backlogs in other courts are of no relevance to this situation. In addition, given that any licensing scheme will be designated for five years it is hard to see why a temporary backlog caused by the Covid-19 pandemic, one which the government has already pledged to reduce by the end of the year, is relevant over the term of a scheme.

Section 4.12 is the most critical part of the Case. Given that the major criteria for deciding whether or not to designate a scheme is whether there is ineffective management that is causing problems for tenants or the public. It is for this reason that section 4.12 should be the strongest part of the argument. Sadly, it is the weakest. The Case states that there



"appears to be some correlation between anti-social behaviour complaints and areas with higher numbers of HMOs" and that "there appears to be some correlation between HMO prevalent areas and noise complaints". This is an excessively generous assertion as there is in fact no true correlation at all. Indeed as the Case also accepts there are two wards with high levels of HMOs which have no complaints of ASB at all while the top ten wards with noise complaints have high levels of HMOs in only half of them while the one with most complaints has a relatively few HMOs within it. In fact, the Case is more accurate when it discusses waste complaints which it suggests are more prevalent in wards with large numbers of HMOs as it also states that "some of this could be related to littering and commercial operations within or towards the city centre." This is in fact the true correlation in the data. The areas with more complaints are closer to the urban core in which there is a higher level of business and leisure activity and more tourism. There is in fact, as this part of the Case makes clear no true correlation between numbers of HMO property and the alleged negative effects set out. It is this part of the Case that most closely links to the actual criteria set out in the statute as the appropriate points on which to base a decision to designate an area for additional licensing. Finally, it should be noted that much of the complaints the Council makes relate to concentration of HMO properties. This is not something that a licensing scheme can deal with. There is no basis for refusing licences due to excessive numbers of HMOs in an area. In fact, the Council already has the necessary tools to deal with this issue by way of the Article 4 direction it has already made. This allows for control of numbers of HMOs and can be enforced more effectively than a licensing regime as the penalties are far greater. The issues of detection of HMOs are no different but the ability to recover profits made by landlords by way of recovery orders made under the Proceeds of Crime Act makes an aggressive planning enforcement regime self-funding to a far greater extent than an HMO licensing regime with the additional benefit that monies recovered from POCA cases are not ring-fenced for specific uses.

The case studies presented in section 4.13 have no relevance. They are all matters which were detected and resolved without the use of the proposed additional licensing scheme and so provide no support for the need to designate one.

Turning to the option appraisal, this is entirely inaccurate. It does not discuss an increased use of HHSRS powers coupled with a civil penalty regime. In fact, it suggests that the only option that does not require funding from Council Tax is a licensing regime. This cannot possibly be correct. Any system will require some initial funding, including a licensing regime. However, an HHSRS based scheme will require less funding and for a shorter time period as for every formal notice served the cost of that notice can be recouped. An active regime of enforcing breaches of the Tenant Fees Act and missing EICR certificates will add further funding and have a far more direct effect on tenant welfare than an HMO licensing scheme. In fact, as has been demonstrated in the London Borough of Newham for example, for an HMO licensing scheme to be effective it will require considerable funding above and beyond that recovered from license fees in order to fund an effective detection and enforcement process to identify HMOs that should be licensed and deal with them. In fact, the true objective of the licensing scheme is set out toward the end of the option appraisal where it is stated that other options "will not give the council detailed and accurate information concerning the HMO stock. This is essential in order to undertake meaningful prioritisation and work planning." The ability to obtain information is not an appropriate or lawful reason to designate an area for HMO licensing. In addition, the statement that other methods will not recover the necessary data is entirely untrue. Indeed the Council was written to in common with every other English local authority in late 2015 ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/477122/Data\\_on\\_housing\\_tenure\\_letter.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/477122/Data_on_housing_tenure_letter.pdf)) to remind them of their powers to obtain tenure data through council tax and then to use it for housing purposes. This option has not been mentioned in the appraisal but is in fact a zero cost method of obtaining the data that the Council claims to need.

The other benefits set out in section 6.2 are largely irrelevant and could all be achieved in other ways. The Council states that it has tried a local accreditation scheme. This argument is rejected. The Council failed to commit to this scheme fully, and our client has made this point several times. By committing more fully to this the Council could form a group with our client and other key stakeholders which would allow for information flow and engagement. The suggestion that this can only be achieved through licensing is untrue and the level of engagement with landlords, whether with or without a licensing scheme, is something that is entirely dictated by the approach taken by the relevant local authority. The claimed benefit that licensing is pro-active and therefore reduces reactive work entirely underestimates the work required in detecting unlicensed properties and enforcing against them. The fact that this cost has been ignored suggests that any licensing regime will be entirely ineffective in dealing with the poorer landlords in York as they simply will not sign up to be licensed and there will be limited resources devoted to rooting them out. Further, the admission that cuts in resources and budgets have already led to a reduction in pro-active activity for existing licensed properties gives little confidence that there will be any more of a pro-active approach taken in relation to any new scheme.

### **Unlawful Scheme Structure**

Finally, our client is particularly concerned by aspects of the scheme, specifically in relation to room sizes, which are plainly unlawful. The Guidance Notes despite describing themselves as guidance and setting an expectation of being non-mandatory in nature then go on to set out "minimum bedroom sizes". It is clear therefore that there is no aspect of guidance in relation to this issue and these are in fact standards. The Upper Tribunal has been entirely clear in the case of *Clark v Manchester City Council* [2015] UKUT 129 that local authorities have no power to set minimum standards in relation to room sizes. This is a power that only central government can set as it did with the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018. Local authorities have no similar powers under the Housing Act 2004. Later decisions of the Upper Tribunal which have accorded local authority guidance more respect in relation to the setting of civil penalties have continued to uphold the decision in *Clark* and it remains good law. Any attempt to promulgate a set of fixed room size standards by way of a consultation or otherwise is to ignore the statutory requirement in s64(3)(a), Housing Act 2004 to consider the house and its suitability for use as an HMO in a holistic sense. Any attempt to use minimum room size standards is directly contrary to the statutory requirement to consider a property as a whole and is a wholly inflexible and inappropriate means of making an assessment of suitability.

### **Conclusions**

For the reasons set out above our client is of the view that any decision made by the Council to proceed with an additional HMO licensing scheme based on the current Consultation and the evidence set out in the Case would be unlawful. The Consultation fails to meet the Sedley criteria as further amplified in *Peat* as it does not clearly set out any scheme that can be responded to. The Case fails to set out a coherent and properly evidenced argument for any form of licensing scheme that actually meets the criteria set out in s56. Finally, any approved scheme that relied on the minimum room sizes set out in the Guidance Notes would be unlawful as it would use assessment criteria which the Upper Tribunal have clearly stated are not permitted.

Our client remains happy to discuss alternatives to a licensing regime and to engage positively with the Council. However, if the Council determines to proceed with a licensing regime on the basis of the Consultation then our client will have little choice other than to proceed to issue proceedings for judicial review of that decision.

Yours faithfully



David Smith  
Partner  
For and on behalf of  
**JMW Solicitors LLP**

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Our Ref: DAS/CCH/642004C.1/York Residential Landlords Association

Your Ref:

03 December 2021

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Dear Sirs

**Our Client: York Residential Landlords Association**

We are again instructed by the York Residential Landlords Association in relation to the Second Additional Licensing Scheme Consultation to widen the scope of licensing of Houses in Multiple Occupation (the "Second Consultation") currently being conducted by the City of York Council (the "Council").

We note that this is a follow up to the original consultation from the spring (the "First Consultation") about which we wrote to you for our client in a letter dated 11 May 2021 (the "First Letter"). We are pleased that some of the comments we made on behalf of our clients at that time have been taken into account and used to inform the Second Consultation.

However, our fundamental concerns about the evidence case remain unchanged. We note that you properly set out the requirements that need to be met to justify an additional HMO licensing scheme being introduced. However, we do not believe that the case set out in your consultation document at section 4 meets that evidence requirement.

Firstly, we note your comments about the national context and in particular the statement that the PRS contains properties at a lower standard than those in other sectors. We do not disagree with this but fail to see how an additional HMO licensing scheme is a substantial contribution to resolving this problem. An additional licensing scheme only deals with HMOs of a prescribed description in specific areas which leaves untouched the majority of PRS properties. Given that one of your concerns appears to be property standards we consider that you have not properly considered an integrated HHSRS inspection regime with a clear movement to formal notices. This would have the benefit of a targeted and direct resolution of any property standards issues and would also allow for a more appropriate charging policy by charging inspection costs to those landlords whose properties were not in good condition rather than charging all landlords and imposing a cost on those landlords whose properties were complaint. Such an approach would also seem to fit with local strategies which specifically state that the objective is to eliminate category 1 hazards in rental properties. By contrast additional licensing schemes, which load cost onto all landlords, lead to landlords leaving the sector and increase expenses, and therefore rents. This does not assist the local problem of high housing costs identified towards the end of page 15 of the consultation. However, your own consultation admits that your HHSRS inspection policy is largely reactive rather than proactive. It is difficult to see how you can properly conclude that an HMO licensing regime will achieve things that a proactive HHSRS inspection regime will not if no such regime has been attempted. The evidence provided showing a reduced level

of problems on HMO licence renewal is not evidence that licensing reduces issues. It simply reflects the fact that on a renewal a property has already been inspected for the initial licence and the majority of problems have therefore been identified. On a renewal it is inevitable that there will be a far lower number of identified hazards on the basis that the most serious ones were dealt with previously. This is not evidence that any reasonable person could see as supporting the conclusion that HMO licensing leads to reduced property hazards.

In relation to licence conditions, we fail to see how they can bring the benefits you claim. In fact, the majority of issues you assert that you have issued licence conditions for fall within the obligations imposed on HMO landlords by the Management of Houses in Multiple Occupation (England) Regulations 2006 (the "HMO Management Regulations"). Therefore, many of the issues could have been dealt with irrespective of HMO licensing regimes. Your comments on licence conditions speak more of your failure to utilise the existing powers that you possess effectively rather than providing evidence of a need for further powers. A similar point arises from the survey data after the first consultation. You identify that a significant number of HMO tenants have not been provided with statutory documents and that others suffer from damp conditions. You also identify from your property surveys that there are a greater number of properties in the wards which you wish to licence that do not have valid EPCs. Again, these are matters that you are already fully equipped with the necessary powers to deal with whether under the HMO Management Regulations, under the specific regimes relating to EPCs and EICRs, or using the HHSRS.

You suggest that a licensing scheme would allow collection of more data about housing stock, particularly in the HMO sector. However, the council already has all the data it requires within its benefits and council tax records. Finding out about property structure is not a justified basis for creating a licensing scheme.

In relation to the other statistical data you provide, we have commented on this extensively in the First Letter, but you have done little or nothing to address any of our comments in this area. Looking at the statistics on property age we repeat our comments from the First Letter. The correlation between age and condition is not as strong as you assert and it is not, as you claim, "well reported". You in fact make this assertion without providing a single source for your comments. In addition, it is notable that two of the wards you propose to licence, Heworth and Hull Road, have property ages that are newer than the city average. Therefore, property age is not a good evidence base to justify licensing, particularly in these two wards.

In regard to energy performance your figures are self-serving. The fact that the targeted wards have lower EPC rating on average is far more likely to be linked to the fact that they have a higher number of older properties within them which are inevitably less energy efficient. As above, any figures showing properties with no EPC or rating below E speaks as much to your own lack of effective enforcement activity as it does to the need to have a licensing scheme. If you can identify properties with no EPC or an EPC rating that makes it unlawful to rent the property then these should be addressed using the substantial powers you already have. Given your extensive powers to deal with this issue and the fact that those powers extend beyond HMOs to the entire PRS this is a more appropriate means to ensure compliance than a licensing scheme which only deals with HMOs.

In regard to environmental complaints, it is notable that these are not higher in two of the wards you seek to licence and, by your own admission, the correlation between HMOs and noise is weak and that a number of the noisiest wards have fewer HMOs. You state that proximity to the urban core is also linked to increased environmental complaints and the fact that the wards with lower complaints are further from the urban core bears this out. You assert that HMOs are "inherently" linked to higher levels of noise and ASB but this is again an entirely unevicenced assertion. Your own evidence points to the urban core as being



more likely to be the source of these issues. We addressed this in more detail in the First Letter and we refer you to that letter. However, we also note that this second consultation has much of the detail from the previous consultation case removed. This is extremely self-serving and it is not appropriate to remove material that does not support your case. In fact, as the remaining material is equally unresponsive of your position it simply narrows your evidence base further.

As we have set out above, nothing in your consultation provides convincing evidence that reasonably links any specific problem you describe to HMOs, still less to the management of those HMOs. Energy performance is more closely linked to age than HMO status while environmental problems appear to be more closely linked to the urban core.

Further, there is no evidence that you have considered using the extensive powers you already have to deal with properties that do not meet Minimum Energy Efficiency Standards, do not have EICRs, do not meet the HMO Management Regulations, or which have hazards under the HHSRS. In fact, your consultation largely admits that you have not used those powers fully and your own evidence indicates that there are areas in which your powers could be used to deal with properties that you have apparently already identified. Indeed, seeking to use existing powers more effectively in an integrated fashion is barely even mentioned in your option appraisal. Your option to “do nothing further” is disingenuous and might be more properly characterised as “do nothing at all” while your option of using proactive action does not fully set out what the options and powers are and how you might use them.

Your option appraisal is accordingly entirely self-serving. It states that an additional HMO licensing scheme will be self-funding. This is simply untrue. No local authority has effectively run a licensing scheme that was properly resourced and effective on a self-funding basis. In addition, there is no funding appraisal of a proactive action scheme and it is quite apparent that you have not in fact carried one out at all. Your criticism of a voluntary scheme that it self-selects the better landlords is equally applicable to an HMO licensing scheme. Without effective enforcement such a scheme selects the better landlords who will apply for licensing and simply ignores the criminal landlords who do not. Given that you have not really produced any evidence which convincingly links problems such as noise or rubbish to the management of HMOs it is unreasonable for you to state that a licensing scheme is fairer because it will charge landlords who you claim, without evidence, are the problem.

The failings listed above make it impossible for any reasonable local authority to conclude that it had properly met the requirements to designate an additional HMO licensing scheme.

### **Fees**

We also wish to address your fee structure. We understand that you have sought to deal with the judgement in *Gaskin, R (On the Application Of) v Richmond Upon Thames London Borough Council & Anor* [2018] EWHC 1996. However, we do not believe that your amended fee structure is any more compliant with the law than the one complained of in that case. One of the outcomes of the *Gaskin* case was that a fee for an HMO licence application could not include a fee element for management and enforcement. You have sought to deal with this decision by splitting the fee into two elements with the second element, presumably for management and enforcement, being payable once the application is complete but before a Notice of Decision is issued. We assume that what you mean by this is that you intend to issue a notice of intention to grant a licence application, expect payment of a fee, and then give a final notice with the licence once this fee is paid. We do not consider that this structure is any more lawful than requiring a single payment in advance as, in effect, it amounts to the same thing. By seeking the second fee payment before the final decision is made you are seeking that payment during the ongoing decision-making process. You could,

for example, serve notice of your intention to licence and seek the second stage payment from the landlord but then in response to the intention notice receive a submission from a third party which would lead to you deciding to refuse a licence after all. This would leave you having to refund the second stage payment which Gaskin indicated would be unlawful. This illustrates that the second stage payment is not being taken once a decision is made but only after, a wholly reversible, interim decision and therefore the second stage payment is still being taken as part of the application process. Therefore, we consider your fee structure to be unlawful and in need of amendment.

For all the reasons above we consider that this proposed license scheme remains unlawful. Your evidence base does not justify licensing at all and certainly not in respect of Heworth, Hull Road and Osbaldwick and Derwent. The second consultation, which undoubtedly remedies some of the weaknesses of the first consultation. As a result we contend that no reasonable local authority could decide to proceed with this scheme on the evidence before it, especially in relation to the three named wards. Further, even if the scheme were to proceed, the fee structure that is proposed in relation to it is not lawful as the second stage fee is in breach of the Provision of Services Regulations 2009.

With regret, if the Council decides to proceed with a scheme on the basis of the current evidence or with the proposed fee structure then our client will take steps to institute judicial review proceedings. We hope this step does not prove necessary and in order to attempt to avoid it and in accordance with the Judicial Review Pre-Action Protocol's requirement to attempt ADR we suggest that a meeting between representatives of our client and the Council should be convened urgently in order to find common ground and seek to narrow the areas of dispute.

Yours faithfully,



David Smith  
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For and on behalf of  
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**Public Notice**

**Designation of an area for Additional Licensing of Houses in Multiple Occupation under Section 56, Housing Act 2004**

1. City of York Council (“the Council”) West Offices, Station Rise York YO1 6GA HEREBY GIVES NOTICE in accordance with paragraph 9 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (SI 2006/373) and Section 59 of the Housing Act 2004 (“the Act”) that the Council in exercise of its powers under section 56 of the Act has designated the area described in paragraph 4 below as subject to additional licensing for Houses in Multiple Occupation (“HMOs”). The scheme will be cited as [“City of York Council Additional Licensing of HMOs Scheme”]. The scheme will operate alongside the mandatory licensing scheme for HMOs.
2. The designation was made on [INSERT DATE] and shall come into force on the 1st April 2023. The designation will last for 5 years and shall cease to have effect on the 31st March 2029 or earlier if the Council revokes the scheme under Section 60 of the Act.
3. The designation falls within a description of designations for which the Secretary of State has issued a general approval under Section 58 of the Act, namely the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015. Therefore, the designation does not need to be confirmed by the Secretary of State.
4. The designation will cover the Council’s following electoral wards within the City.
  - Clifton
  - Guildhall
  - Heworth
  - Micklegate
  - Fishergate
  - Hull Road
  - Fulford & Heslington
  - Osbaldwick & Derwent

Further information and a map of the area designated can be viewed on the map [insert web link](#) on the Council's website.

5. The scheme includes all HMOs in the designated area that are not already subject to mandatory licensing (or exempted by the relevant sections of the Act), subject to the exceptions below.

**Exceptions:**

- Buildings converted entirely into self-contained flats (s257 HMOs), although the individual flats may be licensable in their own right.
- Purpose built student accommodation where the organisation which manages the building is subject to a national approved code of practice and the building in question is subject to that code.

6. Subject to paragraph 5 above, every HMO of the description specified in that paragraph in the area specified in paragraph 4 above shall be required to be licensed under Section 61 of the Act.

7. Anyone who would like to inspect the designation, make an application for a licence or require information and general advice should contact the Council's Healthy and Sustainable Homes Services:

Email: [HMOlicensing@york.gov.uk](mailto:HMOlicensing@york.gov.uk)

Telephone: 01904 552300

Post: Healthy and Sustainable Homes, City of York Council, West Offices, Station Rise York Y01 6GA

Visit: [insert website](#)

The designation can be viewed in person at West Offices, Station Rise York Y01 6GA during the Council's office hours.

8. All landlords, property managers or tenants within the designated area should seek advice on whether their property is affected by the designation by contacting Healthy and Sustainable Homes at the above address or via the telephone number or email address above.



9. A person having control of or managing a property which requires licensing by virtue of this designation must apply to the Council for a licence. An application to license an HMO must be in a prescribed format, must contain certain particulars and must be accompanied by a prescribed fee.
  
10. Upon the designation coming into force on the 1<sup>st</sup> April 2023, any person who has control of or manages a licensable HMO without a licence, or knowingly allows a licensed HMO to be occupied by more households or persons than authorised by a licence is liable to prosecution and upon summary conviction to an unlimited fine under the provisions of Section 72 of the Act. It is also an offence to breach any condition of a licence, punishable by a fine not exceeding level 5 (currently £5,000). As an alternative to prosecution for these offences, the Council may impose a civil financial penalty of up to £30,000 under Section 249A and Schedule 13 of the Act. In addition, liable persons may be required to repay up to 12 months' rent if the tenant or the Council, in the case of housing benefit payments, apply to the First-Tier Tribunal (Residential Tribunal) under the provisions of section 73 and section 74 of the Act for a rent repayment order. Under Section 75 of the Act, no notice under Section 21 of the Housing Act 1988 may be given in relation to an assured short-hold tenancy of the whole or part of an unlicensed HOM so long as it remains an unlicensed HMO.
  
11. The Council will comply with the notification requirements contained in Section 59 of the Act and shall maintain a register of all properties registered under this designation, as required under Section 232 of the Act.

Signed by xxxx behalf of City of York Council, Tel: 01904 551550

Email: [HMOlicensing@york.gov.uk](mailto:HMOlicensing@york.gov.uk)

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## **Appendix 4: Proposed fees for new HMO licence applications from the start date of the new Additional HMO licensing scheme**

### **What is an HMO?**

A property is a house in multiple occupation (HMO) if both of the following apply:

- at least 3 tenants live there, forming more than 1 household
- there are shared facilities e.g. toilet, bathroom or kitchen facilities

Under the proposed Additional HMO Licensing Scheme the threshold for licensing a HMO in the targeted wards of the city will be 3 tenants or more living there forming more than 1 household. In the remainder of the city Mandatory HMO licensing will be 5 or more tenants forming more than 1 household

### **There are two types of HMO licence applications with two different licensing fee structures**

- A new HMO licence application, which is when a licence holder applies for the first time to have a HMO licence for a specific property
- A Renewal HMO licence application, when a licence holder applies for a subsequent and successive HMO licence when the licence period comes to the end.

### **In both cases a licence normally lasts 5 years**

The licence fee structure reflects the amount of work involved to process the application including the visit(s) to ensure that it is compliant with Part 2 matters of the Housing Act 2004.

In line with recent court decisions – there are 2 stages to fee payment:

- **your first stage fee payment** will need to accompany your licence application so that we can carry out necessary checks to enable the Notice of Intention to Issue the licence
- **your second stage fee payment** will need to be paid when your application is complete and at the granting of the final licence. The applicant will be notified when the final licence is issued.

Band	Number of occupants	First stage fee (£)	Second stage fee (£)	Total fee (£)
A	Up to 6 occupants	£717	£478	1195
B	7 to 9 occupants	£837	£558	1395
C	10 to 14 occupants	£915	£610	1525
D	15 or more occupants	£1029	£686	1715

### Fees for HMO licence renewals

Licence holders renewing a licence for the same property will be charged a 'renewal fee', which is lower than the full HMO application licence fee (provided we receive your application in time).

If we receive an incomplete or late application, we'll charge the full fee (as for an initial)

### Reductions

- There's a reduction of £75 to the second stage fee if you've already attended a recognised training course
- Where a registered 'not for profit' charity or an individual housing provider, is assisting the council by offering permanent accommodation to meet our homelessness duties, no fee will be payable. An assessment of the organisation will then be carried out and if appropriate the Council will determine the application and issue a licence without requiring any fee. Each case will be considered on its merits based on the type of individual or organisation submitting the application and the removal of the fee requirement will only be applied to the licence for the house being provided for homelessness purposes. However, all standards and conditions would still need to be met by the housing provider

## Appendix 5: HMO Licensing Policy 2020

### Licensing Conditions including minimum room sizes for Houses In Multiple Occupation

#### General Statement

The council aims to encourage, support and regulate private landlords and agents to provide safe and well managed properties, free from category 1 hazards. Inform and support tenants around what they can expect<sup>1</sup>. Good quality Houses in Multiple Occupation (HMOs) provide a source of affordable and flexible housing for residents in the city.

To support this aim and to ensure that Houses in Multiple Occupation, the changes reflect the:

- Housing Act 2004 and regulations/orders made there under
- The councils wider strategic objectives in particular relating to sustainability
- Best Practise from other councils
- First Tier Property Tribunal judgements,
- Other legislation such as the Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015.

Where it relates to a new HMO then the proposed licence holder will need to ensure that the standards are achieved by complying with the licence conditions prior to a HMO being licensed and let.

The three tests being that the:

- 1) Property is reasonably suitable for occupation as a HMO (**physical standards**)
- 2) Management arrangements are satisfactory (**management standards**) **including having passed a recognised training qualification or to do so within a 18 month period of issuing the licence**
- 3) Licensee and manager are fit and proper persons (**Fit and Proper test**) The applicant must be the most appropriate person to hold the licence.

The council is aware that enforcement action on its own is insufficient. We will continue to work in partnership with landlords/managing agents and letting agents and other partners. By offering a wide range of support/advice for example on our website, landlord training and events.

<sup>1</sup> Strategic Aim 2 Private Sector Housing Strategy

### HMO Licence – general

A licence will be valid for a maximum of five years and will specify the maximum number of occupants and households for the house and the number and occupancy levels within each room used as sleeping accommodation.

A licence will not relate to more than one HMO.

It cannot be transferred to another person if the licence holder dies, the licence ceases to be in force.

During the first 3 months beginning with the date of the licence holder's death the house will be treated as if a temporary exemption notice (TEN) has been served

A licence ends automatically after 5 years or after the period specified in the licence (if that is different).

Unless the HMO ceases to be licensable within that period or the council grants a temporary exemption notice on the expiry of that period the HMO must be re-licensed or an Interim Management Order made in respect of it

A licence will be granted:

- Where the house is reasonably suitable for occupation as a HMO (**physical standards**) and
- The management arrangements are satisfactory (**Management Standards**) this includes the licence holder having attended a recognised training course or to do so within a 18 month period of issuing the licence.
- The licensee and manager are fit and proper persons (**Fit and Proper test.**) The applicant must be the most appropriate person to hold the licence

A property which meets the requirements of being the licensing of HMOs order will need to be licenced even if the property does not have the relevant planning permission. This does not mean that the property has the relevant planning permission.

### **Transitional Arrangements for HMOs which are due to be licenced for the first time under the Additional HMO Licensing scheme**

All new HMO applications received following the declaration of an Additional HMO Licensing Scheme will be risk assessed to determine when to visit the property during the 5 year period. The risk assessment will have regard to:

- 1) The size of the sleeping rooms/communal rooms and whether they meet the new minimum space standards (see section on space standards )
- 2) Safety issues – in particular relating to fire safety, gas safety and electrical safety
- 3) Level of amenities
- 4) History of compliance with the landlord and any person managing the property.

Where it is determined that the property does not meet the requirements relating to safety and/or room sizes. Then the property will be visited before a licence is issued to ensure that these safety matters are resolved and the appropriate action is taken having regards to our enforcement policy.

Where the minimum room sizes are not met a licence condition will be issued having regard to the room size giving the licence holder up to 18 months to ensure that the room either meets the standard through building work or that it ceases to be used. NOTE the council does not intend to reduce the licensing fee in these circumstances.

Where the property is safe and meets the minimum room size standards but lacks the level of amenities (bathroom and kitchen) in line with Appendix A. The licence holder will be normally be given up to 18 months to comply with these provisions.

### **The Three Tests**

#### **Test 1: That the property is reasonable suitable and meets the physical standards**

Licence Condition	Additional explanatory notes
All rooms used for sleeping accommodation and communal space will meet the legal minimum room sizes and have regard to the "ideal" standard. Each room used for sleeping accommodation room will specify the size of the room and the number of people who can	It should be noted if dwellings do not meet all aspects of the guidance below they may not necessarily be hazardous when assessed using the HHSRS ie if overall dwelling sizes are not achieved, bedrooms are marginally smaller and/or narrower than

<p>occupy that the room</p> <p>Where gas is supplied to provide copies of the annual gas safety certificates at the application stage and on demand.</p> <p>The licence holder must ensure that carbon monoxide detectors are fitted to all high-risk rooms/each level where there is sleeping accommodation to ensure the audibility of the alarm is adequate to wake a sleeping person, in accordance with EN50291. Where this is not being met the licence will be issued with a condition that the matter is required within a maximum of 28 days.</p> <p>To provide a copy of the current electrical safety certificate for the fixed electrical wiring at the application stage. The electrical safety inspection should be done at intervals not exceeding 5 years. Where matters have been raised by the competent person as needing urgent or remedial the licence holder must have declared that the work must have been completed.</p> <p>To provide current copies of the Portable Appliance Tests (PAT) that a competent person has carried out those checks within two years of making the licence condition. To ensure throughout the period of the licence that the</p>	<p>specified or when ceiling heights are marginally lower than specified.</p>
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checks are carried out at least once every two years. The licence holder must supply to the authority on demand a copy of the current PAT certificate.

Where furniture is provide that the licence holder on applications confirms that it meets the Furniture and Furnishings (Fire Safety) Regulations 1988 as amended and that continues to do so throughout the period of the licence.

To provide a copy of the **comprehensive fire** risk assessment for that property and details of the satisfactory means of fire escape and fire detection system.

To provide copies of the Energy Performance Certificate for that property (EPC). The condition will ensure that the property complies with the Minimum Energy Efficiency Standards as per the regulations or that the Licence holder has registered the property on the PRS exemption register and provided the relevant evidence to support the exemption

To ensure that adequate heating is provided which is fully controllable by the tenants, and

For guidance on risk assessments and standards visit North Yorkshire Fire and Rescue

<http://www.northyorksfire.gov.uk/businesssafety/legislation>

To ensure that they comply with the Minimum Energy Efficiency Standards so that properties with F and G ratings are not being let unless the license holder has registered their property on the Government website and has provided the relevant evidence to support the exemption.

<https://prsregister.beis.gov.uk/NdsBeisUi/failover-landing>

<p>safely and properly installed and maintained. It should be appropriate to the design, layout and construction, such that the whole of the dwelling can be adequately and efficiently heated. The space heating may be centrally controlled but such systems should be operated to ensure that tenants are not exposed to cold indoor temperatures and should be provided with controls to allow the tenants to regulate the temperature within their unit.</p> <p>Conditions can be imposed restricting or prohibiting the use of occupation of particular parts of the house by persons occupying it where there are specific health and safety issues or where the minimum room sizes are not being met.</p> <p>Conditions can be imposed requiring work to ensure facilities or equipment to be made available or to meet any such standards that the works are carried within such period or periods as may specify by in or determined under the licence.</p> <p>To provide details about facilities and equipment to be made available in the house for the purpose of meeting the kitchen,</p>	<p>This will be linked to the condition relating to minimum room sizes.</p> <p>Where a property is not visited prior to issuing a licence for any other purpose (room size or fire safety) and the property is deemed to be meet all other requirements apart from the amenity standards in appendix B then a licence condition will be issued giving up to 18 months to meet those standards</p>
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<p>bathroom and personal washing facilities standards as per prescribed in the national standards as outlined in Appendix B. Should the standards not be met then a licence condition will be issued to provide the necessary standards within a period up to 18 months of issuing the licence.</p> <p>Conditions will be imposed requiring any such facilities and equipment provided to be kept in good repair and proper working order.</p>	
<b>That the management arrangements are satisfactory</b>	
<b>Conditions</b>	<b>Additional explanatory notes</b>
<p>A system for tenants to report defects, including in emergencies and arrangements to respond to those requests.</p> <p>To provide a written statement of terms of the tenancy to the tenants within 28 days moving in to the HMO.</p> <p>A process for dealing with anti-social behaviour occurring within the HMO by tenants or their visitors.</p> <p>Arrangements in place for periodic inspections to identify where repair or maintenance is needed. Should be met and that the licence will be issued to ensure that they continue to be met.</p> <p>To keep smoke alarms in working order. To supply on demand with a</p>	<p>To take all reasonable and practicable steps to prevent or reduce antisocial behaviour by persons occupying or visiting the house, including, but not exclusively:</p> <ul style="list-style-type: none"> <li>•to put in place a written procedure that indicates how complaints relating to antisocial behaviour will be dealt with. A copy of the procedure shall be supplied to the occupiers upon the commencement of their tenancy and to the council on demand</li> <li>•to keep a written record of complaints received relating to antisocial behaviour. The record shall include details of the complaint together with the action taken to</li> </ul>

<p>declaration by the licence holder as to condition of the and positioning of such alarms</p> <p>The name, address and telephone number for licensee and manager is to be displayed in the common parts of the HMO.</p> <p>Copies of a valid safety certificates safety (gas/electrical/ PAT testing) and a plan showing the internal layout of the property specifying the rooms to be displayed in the common parts.</p> <p>A copy of the licence and licence condition to be displayed in the common parts.</p> <p>The licence holder must ensure that the exterior of the property is maintained in a reasonable decorative order and state of repair.</p> <p>The licence holder must ensure that the refuse is stored correctly at the property. That information about refuse storage and collection is given to the tenants at the start of the property including</p>	<p>resolve the matter, and shall be retained for the term of this licence</p> <ul style="list-style-type: none"> <li>•where antisocial behaviour is sustained, regular, or more than one occurrence (<u>even if months apart</u>), the licence holder shall take all reasonable and practicable steps to ensure it is effectively dealt with, up to and including eviction</li> </ul> <p>This will be deemed to be met if kept in a file for public viewing in the communal areas of the licenced property</p> <p>All relevant safety certificates to be displayed and a copy of the layout of the property specifying the rooms used for sleeping accommodation and the maximum number of occupants. This will be deemed to be met if kept in a file for public viewing in the communal areas of the licenced property</p>
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a copy of the refuse collection calendar and at the end of the tenancy the tenant is provided with information and guidance on the correct disposal of excess and bulky waste

All other matters relating to the management of the HMO will be dealt with under the management regulations.

This will be deemed to be met if kept in a file for public viewing in the communal areas of the licenced property.

To ensure that licence holders are provide adequate storage at the property. That the refuse storage and collection is being properly managed by the licence holder by requiring the licence holder to give information to the tenant about the refuse storage arrangements and collection at the beginning, during and end of the tenancy in line with the council scheme

### **Fit and proper person test for licence holders and managers**

A person will be considered fit and proper if the council is satisfied that:

- They have no unspent convictions relating to offences involving fraud, dishonesty, violence or drugs, or sexual offences
- They have no unspent convictions relating to housing or landlord and tenant law
- They have not been refused a HMO licence, been convicted of breaching the conditions of a licence or have acted otherwise than in accordance with the approved code of practice under S197 of the Act within the last five years
- They have not been in control of a property subject to an HMO Control Order an Interim Management Order (IMO) or Final Management Order (FMO) or work in default carried out by a local authority

- They have not been subject to legal proceedings by a local authority for breaches of planning, compulsory purchase, environmental protection legislation or other relevant legislation.

The council will require all applicants to complete a self-certification form. The council will reserve the right to check the accuracy of the information with its partners.

### Amenity Standards – Bathroom Facilities

The table below outlines the minimum facilities which should be provided

Number of persons Sharing	1 bathroom with WC	1 bathroom and 1 separate WC	2 bathrooms with WCs	2 bathrooms, a separate WC, or a third bathroom	3 bathrooms with WC
3 or 4	✓	x	x	x	x
5	x	✓	x	x	x
6	x	x	✓	✓	✓
7	x	x	✓	✓	✓
8	x	x	✓	✓	✓
9	x	x	x	✓	✓
10	x	x	x	✓	✓
11 - 15	x	x	x	x	✓

Where a separate toilet is provided the room should contain a wash hand basin with hot and cold running water. The wash hand basin should be correctly connected to waste drainage. The term bathroom means a room containing a bathing facility, which can either be a suitable bath or shower compartment or both.

### Amenity Standards- Kitchen Facilities

The table below outlines the minimum facilities which should be provided

<b>Up to 5 People</b>	<ul style="list-style-type: none"> <li>• 1 sink</li> <li>• 1 x 4 ring cooker</li> <li>• other amenities as detailed below</li> </ul>
<b>6-7 people</b>	<ul style="list-style-type: none"> <li>• 2 x sink or 1x sink and 1 x dishwasher</li> <li>• 2 x 4 ring cooker or 1x 6 ring cooker and microwave</li> <li>• other amenities as detailed below</li> </ul>
<b>8-10 people</b>	<ul style="list-style-type: none"> <li>• 2 x sink or 1 x sink and 1 x dishwasher</li> <li>• 2 x 4 ring cooker</li> <li>• other amenities as detailed below</li> </ul>
<b>11+ people</b>	<p><i>Please contact the Healthy and Sustainable Home Service</i></p>

#### **Other required kitchen amenities in a shared house**

Fridge with freezer space -0.075m<sup>2</sup> or one 1 shelf per person

Worktops 1.5m x 0.5m for up to 5 sharers, additional 0.5m work surface for each additional user up to 3m x 0.5m

Electrical sockets 4 in addition to those used for major appliances (fridge, microwave, washing machine)

Dry food Storage 0.08m<sup>3</sup> or 1 shelf per person (the space in the unit under the sink is not acceptable)

Where cooker rings/hobs are provided they must suitably and safe located and suitably connected to the fixed electrical system.

#### **Guidance Note for room sizes and measurement**

The purpose of this guidance is to advise those responsible for living conditions in Houses in Multiple Occupation about how to determine an appropriate size for a dwelling. The guidance has also been introduced to reduce the increasing number of Crowding and Space hazards which have been identified within the city over recent years. Having read this

guidance if readers are still unable to determine an appropriate size for a dwelling they may wish to consult a suitably qualified professional such as an Architect or Property Surveyor.

The Housing Act 2004 (“the Act”) introduced a new system for assessing housing conditions known as the Housing Health and Safety Rating System (HHSRS). The underlying principle of the HHSRS is that “any residential premises should provide a safe and healthy environment for any potential occupier or visitor”.

Dwellings are assessed using the HHSRS to determine if any defects or deficiencies associated with the dwelling could contribute towards a hazard which has the potential to cause harm. The seriousness of the hazard is then scored and dependent upon that score rated as either a Category 1 or Category 2 hazard. Councils have a legal duty to address the most serious Category 1 hazards and discretionary powers to address Category 2 hazards.

It is envisaged assessing the suitability of a dwelling using this new guidance will serve to increase acceptable minimum room sizes.

It should be noted the provision of sufficient space applies to all occupiers and potential occupiers, irrespective of age. This is because the health and safety of all age groups, as specified in section 11.02 of the HHSRS Operating Guidance, can suffer due to a lack of space.

Any dwelling which cannot safely accommodate the required basic items of furniture and associated activity zones for the expected number of users may well be hazardous when assessed using the HHSRS and therefore potentially subject to enforcement action

This guidance refers to legislation, regulations and national standards which if needed should also be referred to by landlords, property developers and managing agents to assist them in determining a suitable size for a dwelling.

### **The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018**

These regulations only apply to licensable HMO, they legally require HMO licence holders to:



- ensure the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51m<sup>2</sup>
- ensure the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22m<sup>2</sup>
- ensure the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64m<sup>2</sup>
- ensure any room in the HMO with a floor area of less than 4.64m<sup>2</sup> is not used as sleeping accommodation

These floor areas are to be regarded as barely adequate and therefore should not be routinely assumed as optimum bedroom sizes. The lack of space in bedrooms of this size becomes apparent when furnished with the required basic items of bedroom furniture.

It should be noted the Act enables the council to determine a HMO is not reasonably suitable for occupation even if it does meet prescribed standards for a specified number of persons or households. This means even if a dwelling has a sufficient number of bedrooms which meet the minimum size requirements and contains the required number of bathroom/toilet/kitchen facilities etc. the council may for some other reason, such as inadequate communal space, still refuse to grant a licence.

Before determining an appropriate dwelling size, the mode of occupation must first be determined. Mode of occupation is the manner in which people come to live in a property and how they then interact with each other ie in a cohesive or non- cohesive manner. It is how the dwelling is actually occupied which determines dwelling size and not the way in which the property is presumed or asserted to be occupied by the landlord or agent.

There are broadly two types of HMOs

- 1) Shared houses
- 2) Bedsit Accommodation

### **Shared houses**

These are HMOs which are normally rented to a defined social group who are usually known to each other prior to occupation, commonly

students on a joint contract/lease or sometimes work colleagues, who all wish to live in a cohesive manner.

Occupiers each enjoy exclusive use of a bedroom, with or without a lock on the door, but as in a single household dwelling would willingly share a living room, kitchen and dining space with other occupiers. Occupiers of this type of HMO tend to have the same characteristics as a single family household and are usually liable under the terms of their contract/lease to replace housemates who move out during the term of the tenancy.

The anticipated duration of a tenancy in this type of HMO will typically be 12 months and occupiers, such as students, may spend long periods away from the dwelling.

### **Bedsitting accommodation**

These are individual lettings usually found within HMOs in which occupants each have exclusive use of certain lockable rooms but share one or more basic amenity such as a kitchen, bathroom or toilet with other tenants. Occupants in these HMOs tend to live in a non-cohesive manner.

Properties containing bedsitting accommodation sometimes do not have communal living or dining rooms because each occupant typically wishes as far as possible to live independently of other tenants. Occupants will have their own letting agreement which specifies the part of the property they can exclusively occupy. It should be noted even when a communal living, kitchen or dining room are provided, unless there is evidence of regular use of these facilities by all occupants, individual letting rooms will need to be of a sufficient size to cater for the combined activities of living, sleeping, cooking and dining.

If shared kitchens are provided in dwellings containing bedsitting accommodation they must be of a sufficient size for the number of users and no more than one floor distance from any unit of accommodation. Unless an eating area is provided in the kitchen. For health and safety reasons tenants must not have to negotiate more than one staircase carrying hot food and drinks.

Occupants living in bedsitting accommodation are usually signed up on an Assured Short hold Tenancy (AST). These tenancies normally begin

as fixed term tenancies where the duration is defined from the outset, typically 6 months, however tenants can live in bedsits for many years. Tenants often have no say about who they live with because other tenants are usually selected by the landlord/agent as and when units of accommodation become available.

### **Minimum bedroom sizes and communal room sizes having regard to the useable space**

It should be noted that if dwellings do not meet all aspects of the guidance below they may not necessarily be assessed as hazardous when using the HHSRS e.g. if bedrooms are marginally smaller and/or narrower than specified or when ceiling heights are marginally lower than specified. However bedrooms which comply would more likely be regarded as being “ideal” as defined in the HHSRS.

### **Guidance on measuring room**

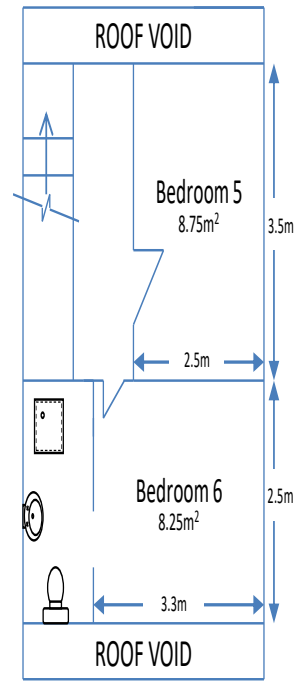
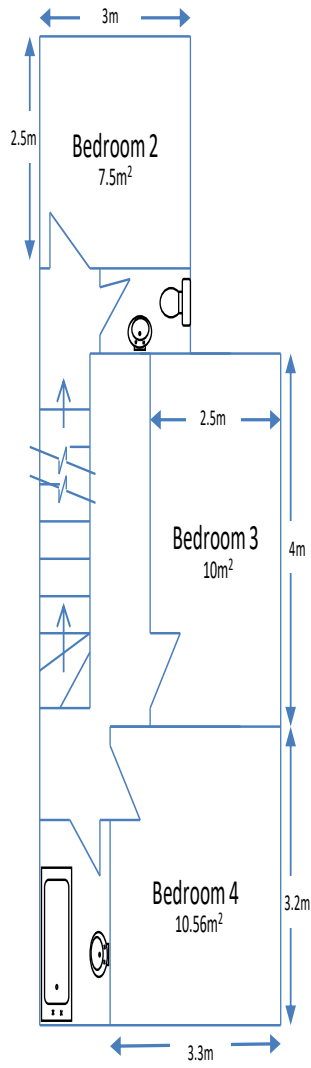
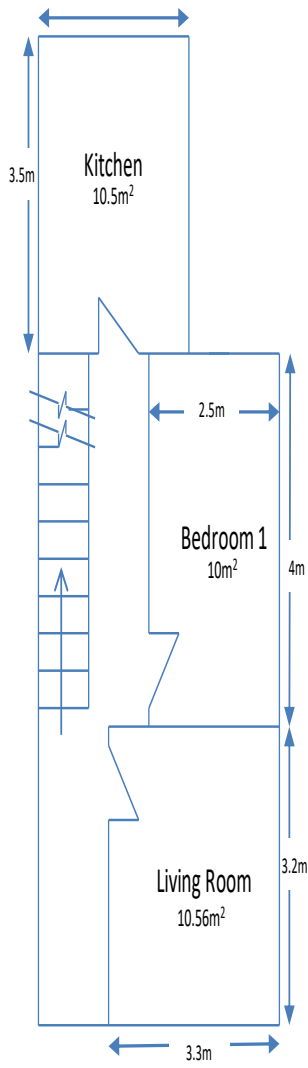
When measuring a room to be used for sleeping accommodation or communal spaces, only practical useable floor space must be measured.

When measuring the room the following space should be excluded:

- Floor areas where the ceiling height is less than 1.5 metres
- Chimney breasts
- Area taken up by bathroom/WC facilities either en-suite or within the room
- Areas which are not floor spaces – e.g. bulkheads and wide window ledges
- Any floor space which for any other reason renders it un-useable by the occupant

We will include:

- Bay windows
- Fixed cupboards – usable by the occupant
- Walk in wardrobes where they are at floor level and have a head height of at least 1.5m
- Projected skirting boards



**Room size Guidance for Shared Houses**

Category 1: HMO Occupied by 3 -7 People with communal living space	
Single Bedroom	6.51 square metres (Sqm)*
Double Bedroom	10.22 Sqm*
Kitchen	7 Sqm
Living room	10 Sqm
Combined kitchen/living room	15 Sqm

Category 2: HMO Occupied by 8 – 10 People with communal living space	
Single Bedroom	6.51 Sqm*
Double Bedroom	10.22 Sqm*
Kitchen	10 Sqm
Living room	10 Sqm
Combined kitchen/living room	18 Sqm

**Bedsit Accommodation**

Category 3: HMO Occupied by 3 – 7 People with <u>no</u> communal living space but shared kitchen	
Single Bedroom	10 Sqm
Double Bedroom	15 Sqm
Kitchen	7 Sqm

Category 4: HMO Occupied by 8 -10 People with <u>no</u> communal living space but shared kitchen	
Single Bedroom	10 Sqm
Double Bedroom	15 Sqm
Kitchen	10 Sqm

Category 5: HMO – cooking facilities in bedrooms	
Single Bedroom	13 Sqm
Double Bedroom	18 Sqm

Both Shared and Bedsit HMOs with more 11 or more occupants will be individually assessed.

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## Appendix 6 - Ward Analysis

Wards with the highest levels of HMOs	Hull Road	Guildhall	Fishergate	Heworth	Micklegate	Clifton	Osbalwick & Derwent	Fulford & Heslington	Holgate	Westfield	Huntington & New Earswick	Dringhouses & Woodthorpe	Acomb	Rawcliffe & Clifton Without	Heworth Without	Haxby & Wigginton	Grand Total
Number of HMOs	746	665	559	321	210	161	114	78	70	31	29	26	22	21	10	6	3069
Number of HMOs currently licenced	335	201	122	136	39	48	51	29	19	5	4	9	8	4	4	1	1015
Proportion of Households which are HMOs	18.72%	15.36%	14.17%	5.50%	3.42%	2.85%	3.77%	14.10%	1.18%	0.52%	0.53%	0.54%	0.63%	0.80%	0.59%	0.11%	
Ranking re Number of HMOs	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
Ranking of older housing Stock	7	2	4	6	1	3	11	9	5	11	8	11	11	14	15	16	
Number Of expired EPCs in unlicenced HMOs	53	83	44	23	34	9	9	3	10	5	3	2	2	3	0	0	283
Number of conditions issued between 1st October 2018 to 2022 that have been complied with through the licensing process	385	102	88	118	26	70	50	44	23	8	5	7	9	5	12	7	959
Ranking of Ward by number of license conditions issued	1	3	4	2	8	5	6	7	9	12	16	14	11	13	10	14	
Number of Cat 1 & high scoring Cat 2 Hazards were found between 1st October 2018 and 31st March 2022	204	21	42	48	6	27	20	22	4	0	0	4	2	3	1		404
Ranking of Hazards	1	6	3	2	8	4	7	5	9	14	14	10	12	11	13	14	
Number of properties where a Notice was served	72	9	21	18	2	7	13	10	3	2	0	2	1	1	0	0	161
Number of properties where an informal letter was written	105	11	16	27	2	16	6	10	2	0	0	1	1	1	1	0	199
Ranking of Action by Ward	1	5	3	2	9	4	7	5	8	11	16	10	11	11	14	16	
Other Environmental																	
Noise Complaints	122	294	75	294	148	114	31	14	159	350	63	43	88	93	30	27	1945
Waste Complaints	19	111	26	26	85	63	9	4	75	35	10	15	7	14	3	6	508
Number of Complaints of ASB	4	58	5	6	21	9	0	0	20	34	4	3	7	2	0	4	177
Total	145	463	106	326	254	186	40	18	254	419	77	61	102	109	33	37	2630
Ranking of Ward by other issues (noise, ASB and Waste)	7	1	9	3	4	6	13	16	4	2	11	12	10	8	15	14	

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

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

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

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

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

#### Introduction

<b>Service submitting the proposal:</b>	Housing Services
<b>Name of person completing the assessment:</b>	Ruth Abbott
<b>Job title:</b>	Healthy and Sustainable Homes Manager
<b>Directorate:</b>	Place
<b>Date Completed:</b>	12th July 2022
<b>Date Approved</b> (form to be checked by head of service):	12th July 2022

#### Section 1: What is the proposal?

1.1	<b>Name of the service, project, programme, policy or strategy being assessed?</b> Implementation of an Additional Licensing Scheme in 8 targeted Wards
1.2	<b>What are the main aims of the proposal?</b> To seek approval to implement a 5 year Additional Licensing scheme based on the evidence and the outcome of two statutory consultations in 8 wards.
1.3	<b>What are the key outcomes?</b> To ensure that we have fulfilled the statutory requirements laid out in Sections 56 -60 of the Housing Act 2004

#### Section 2: Evidence

2.1	<b>What data / evidence is available to support the proposal and understand its likely impact?</b> (e.g. hate crime figures, obesity levels, recycling statistics) We have provided a report which provides anonymised data using a range of sources, the Building Research Establishment – The condition of private housing in York – BRE Integrated Dwelling Level Housing Stock Modelling and Database Dec 2015, Planning data regarding the numbers and distribution of Housing, Office for National Statistics (ONS), Energy Performance Certificate data and complaints data, the current licensing and inspection programme. We have carried out two statutory consultations which show broad support for the proposal
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**What public / stakeholder consultation has been undertaken and what were the findings?**

2.2	<p>Two statutory consultation exercises which sought views via</p> <ul style="list-style-type: none"><li>• Online questionnaire tailored to gauge a cross section of views on the proposals from our residents promoted through ward and communities groups ;</li><li>• Online focus groups with key stakeholder groups such as the universities and student bodies;</li><li>• Other key organisations such as the North Yorkshire Fire and Rescue Service, Police, HMRC, and Border Agency</li><li>• Drop in sessions in various parts of the City (subject to Covid restrictions at the time);</li><li>• E-communications through social media and the Council's website; and</li><li>• Online Workshops with Landlords and Letting Agents</li></ul>
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2.3	<p><b>Are there any other initiatives that may produce a combined impact with this proposal? (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)</b></p> <p>No</p>
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**Section 3: Impact on One Planet principles**

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

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

**Equity and Local Economy**

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

**Health & Happiness**

Does your proposal?	Impact	What are the impacts and how do you know?
3.4 <b>Improve the physical health or emotional wellbeing of residents or staff?</b>	Positive	There is a significant body of evidence that demonstrates the link that poor housing conditions have on the mental and health
3.5 <b>Help reduce health inequalities?</b>	Positive	There is significant body of evidence ( Marmot Review) which demonstrates that there is a strong link between a residents health and poor housing, By raising the standard of housing it will have a positive impact on a
3.6 <b>Encourage residents to be more responsible for their own health?</b>	Positive	Additional Licensing will provide information
3.7 <b>Reduce crime or fear of crime?</b>	Positive	Entry by Intruders is one of the 29 HHSRS which is considered by officers as part of the HMO inspection programme
3.8 <b>Help to give children and young people a good start in life?</b>	Positive	A significant proportion of students and young adults under the age of 35 live in HMOs.

**Culture & Community**

Does your proposal?	Impact	What are the impacts and how do you know?
3.9 <b>Help bring communities together?</b>	Positive	The proposal seeks to consult on improving standards and the management of HMOs through licensing conditions and the subsequent inspection program
3.10 <b>Improve access to services for residents, especially those most in need?</b>	Neutral	
3.11 <b>Improve the cultural offerings of York?</b>	Positive	By having a healthy PRS including HMOs it attracts new residents and visitors to the city
3.12 <b>Encourage residents to be more socially responsible?</b>	Positive	There is a significant body of evidence that improving housing conditions improves neighbourhoods

**Zero Carbon and Sustainable Water**

Does your proposal?	Impact	What are the impacts and how do you know?
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3.13	<b>Minimise the amount of energy we use and / or reduce the amount of energy we pay for?</b> E.g. through the use of low or zero carbon sources of energy?	Positive	
3.14	<b>Minimise the amount of water we use and/or reduce the amount of water we pay for?</b>	Neutral	No change

**Zero Waste**

Does your proposal?		Impact	What are the impacts and how do you know?
3.15	<b>Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?</b>	Positive	The proposal seeks to consult on consulting management conditions can be imposed through licensing to ensure waste management policies are adhered to

**Sustainable Transport**

Does your proposal?		Impact	What are the impacts and how do you know?
3.16	<b>Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?</b>	Neutral	
3.17	<b>Help improve the quality of the air we breathe?</b>	Neutral	

**Sustainable Materials**

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

**Local and Sustainable Food**

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

**Land Use and Wildlife**

Does your proposal?		Impact	What are the impacts and how do you know?
3.20	<b>Maximise opportunities to conserve or enhance the natural environment?</b>	Neutral	
3.21	<b>Improve the quality of the built environment?</b>	Positive	The proposal seeks to consult on improving the physical stanadrds of the properties
3.22	<b>Preserve the character and setting of the historic city of York?</b>	Positive	The proposal seeks to consult on improving the standard of homes many of which are in the older part of the city. Properites which are well managed will help to preserve the character of historic York
3.23	<b>Enable residents to enjoy public spaces?</b>	Positive	The proposal seeks to consult on improving the physical /management standards of properties will have a positive impact on the built environment

3.40	<b>Additional space to comment on the impacts</b>		

**Section 4: Impact on Equalities and Human Rights**

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

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

**Equalities**

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

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

**Human Rights**

Consider how a human rights approach is evident in the proposal

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

4.20	<b>Additional space to comment on the impacts</b>		
<p>This is a consultation exercise which seeks to obtain views from those who may be affected by designating an area in the city as requiring an Additional Licensing Scheme. A report will come back to Executive advising them of the outcome of the consultation</p>			



**Section 5: Planning for Improvement**

5.1	<b>What have you changed in order to improve the impact of the proposal on the One Planet principles?</b> (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)
	<b>Section 56-60 of the Housing Act 2004 lays out the legal tests that must be met before the Council can designate part or the whole of the city as being suitable for the an Additional Licensing scheme. Part of this work includes that there is the evidence base which is supported by a statutory consultation. There is sufficient evidence to demonstrate that there are poor conditions and poor management of HMOs in the proposed wards and that there is broad support for the proposal</b>

5.2	<b>What have you changed in order to improve the impact of the proposal on equalities and human rights?</b> (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)
	<b>By implementing the Additional Licensing scheme we will be taking a reasonable and proportionate approach in line with the evidence based and the outcome of the statutory consultation</b>

5.3	<b>Going forward, what further evidence or consultation is needed to ensure the proposal delivers its intended benefits?</b> e.g. consultation with specific vulnerable groups, additional data)
	<b>We will monitor and report on the findings of the Additional licensing Scheme</b>

5.4	<b>Please record any outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal?</b> (Expand / insert more rows if needed)
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Action	Person(s)	Due date
Review resources to implement the scheme	Ruth Abbott	31.10.2022
Recruit /train staff	Healthy and Sustainable Manager	28.2.2023
Open up for Applications	Healthy and Sustainable Manager	28.2.2023
Scheme becomes effective	Healthy and Sustainable Manager	1st April 2023
Yearly monitoring	Healthy and Sustainable Manager	until 31.3.2028

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

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**Executive****28 July 2022**

Report of the Director of Housing, Economy & Regeneration  
Portfolio of the Executive Member for Housing and Community Safety

**Housing Asset Management – Planned Investment at Glen Lodge and Bell Farm****Summary**

1. This report seeks permission to proceed to procure major repair and maintenance works on Glen Lodge and Bell farm pods to address significant health and safety issues and bring accommodation up to a decent homes standard. A full business case will be brought back to Executive with tendered contract prices. Many of the homes are not currently occupied due to their poor condition. In order to ensure remaining tenants have acceptable, suitable accommodation in the meantime, a programme of consultation and engagement is taking place to understand their individual circumstances and wishes and ensure that they can be relocated, temporarily or permanently, to a home that meets their needs. The procurements will take some time and works are likely to start on site in spring/summer 2023 so there is considerable time to ensure that tenants will be successfully relocated before works commence.
2. The Council's current Asset Management Strategy was updated in 2019 and provides a strategic approach to planned investment across our Council housing stock, however work is ongoing to review this document to ensure it provides a thorough and robust plan for long term investment decisions. The updated version will incorporate planned investment works along with plans to improve accessibility and energy efficiency through retrofit. The plan will take a whole life cost approach, ensuring investments are value for money and meet the expectations of our customers. The aim will be to improve the standards of our council housing stock through data driven investment planning and an approach which will support staff in making sound investment decisions. Once established, this plan will provide a more proactive approach to known issues, ensuring issues are addressed in advance and efficiently. Whilst we transition to this approach to managing our housing stock, there is a

need to undertake some significant investments in our housing stock in the short term to improve the living environment for our residents.

3. This report seeks support to progress three major areas of improvement. The first, relates to significant refurbishment work at Glen Lodge Independent Living Community, removing the old water systems and improving the original flats and communal areas. The second project is to refurbish and retrofit 40 properties in the Bell Farm Estate which have failing extension pods that contain asbestos. This involves demolition of previous extension 'pods' and replacing them with modern bathroom extensions alongside tackling a number of stock condition issues. There is also the opportunity to retrofit these homes such that they are more energy efficient and reduce energy bills for the residents. Both projects will require residents to move out of their homes for a period of time whilst the works take place. All residents who are required to move out will be given the opportunity to return to their former home after the works and a range of support measures will be put in place to compensate for the disruption.

### **Recommendations**

4. Executive are asked to:-

- a) Agree the procurement of a contractor to resolve water hygiene issues and improve the quality of the building at Glen Lodge and note that a business case with final costs will be brought before Executive and recommended to Full Council for consideration prior to contracts being signed
- b) Note the work being undertaken to agree with residents a move from the old wing of Glen Lodge to the newer wing with a package of support measures to minimise disruption and address individual resident's circumstances prior to the commencement of building works;
- c) To agree to commission design work and submit planning applications for the rear extensions at the identified Bell Farm properties;
- d) Agree the procurement of a contractor to rebuild the existing bathroom pods and undertake a package of retrofit improvements works at the identified Bell Farm apartments and note that a business case with final costs will be brought before Executive and recommended to Full Council for consideration prior to contracts being signed
- e) Progress an application under Wave 2 of the Social Housing Decarbonisation Fund, to seek grant funding towards the cost of retrofit works to the Bell Farm apartments

- f) Note the work being undertaken to agree with remaining residents of the Bell Farm apartments a move to a suitable alternative property with a package of support measures to minimise disruption and address individual resident's circumstances prior to the commencement of building works
- g) Note the options for delivering works at the two properties in Bell Farm (Annex 1) which currently belong to leaseholders. The full business case for the delivery of this project will include details of the preferred option following discussions with the leaseholders and following advice from Legal Services

## **Analysis**

### **Glen Lodge**

- 5. Glen Lodge is an Independent Living Community, originally built in the 1970s with an additional wing added to the building in 2017. There are a total of 57 apartments and 12 bungalows, with 25 apartments in the newer wing and 32 in the original building. No major work was carried out to the existing building during the work to build the newer wing.
- 6. The domestic hot and cold water systems in the older part of the building have repeatedly become contaminated with legionella, due to the layout of the pipework which includes a number of dead ends. This risk is currently successfully managed using chemical dosing and cleaning as required, however it has not been possible to permanently resolve the problem and until a permanent solution is delivered it presents an ongoing health and safety risk.
- 7. To further reduce the risk in the short term whilst the works to the building are procured, it is proposed that all residents in the original part of the building are offered an apartment in the newer wing of Glen Lodge over the coming months. There are currently only 9 apartments occupied in the older section.
- 8. There are 31 voids at Glen Lodge, made up of 1 bungalow and 23 apartments in the old section and 7 apartments in the newer part of the building. This is having an impact on rental income and our ability to provide much needed, age appropriate accommodation. The council has ceased carrying out planned investment work such as the installation of new kitchen and bathrooms, cyclical redecoration and window and door replacement in the original building pending the major works.
- 9. A schedule of work has been devised to resolve the water hygiene issues and carry out significant improvements to the buildings. These

works comprise of a new hot & cold pipework system, intrusive asbestos & fire survey and remedial works, replacement of kitchens and bathrooms, redecoration of apartments and communal areas, replacement of communal flooring and electrical rewiring.

10. A period of design work will be required to co-ordinate the new hot & cold water system and refurbishment prior to procuring a contractor to carry out the work. It is anticipated that construction will commence in Spring 2023. The estimated programme for the construction work is approximately 9 months, subject to further contractor input. This work is major and intrusive and therefore residents will need to be rehoused during this work.
11. It is recognised that a move can be stressful for residents and their families and therefore these discussions have already commenced with residents and their families to ensure residents are well supported and alternative appropriate accommodation can be found. In preparation for these works, vacant apartments have been held in the newer wing of Glen Lodge so that residents in the original building can be offered either a permanent or temporary move to the newer wing of the building. This will provide a relatively straightforward solution and allow for continuity of care throughout the move. It is acknowledged that every resident will have their own circumstances and support plans for each affected resident will be developed in consultation with families to ensure they receive clear communication throughout the move. Residents will be entitled to financial compensation in accordance with the Council's Home Loss and Disturbance policy. Each tenant will also be entitled to a payment to cover reasonable expenses. The affected residents and their families have been advised of these plans.
12. The current estimated budget for these works is summarised below:

Description	Approximate cost £'000
Total construction works cost	2,200
Home Loss and Disturbance costs	44
<b>Total costs</b>	<b>2,244</b>

13. Carrying out this work will resolve the water hygiene issue as well as improving the general standard of accommodation throughout the building and ensure the quality of the homes are similar to the extension built in 2017. It will provide 32 high quality apartments alongside the existing 25 apartments in the new wing.

14. There is also an opportunity to make better use of the communal dining and lounge area. As part of the programme it is planned to engage with local organisations and neighbouring businesses to find opportunities to bring these spaces into greater use once the work is complete. There is an opportunity to provide a better connection between this lounge and the garden to support more residents in being able to enjoy the outside space provided at Glen Lodge.

### **Bell Farm Avenue, Huntington Road and Middleham Avenue**

15. 40 properties within the Bell Farm Estate are in need of significant improvement works. The 40 apartments primarily sit along Bellfarm Avenue and Middleham Avenue. These properties were originally houses which were converted to 1 bedroom apartments approximately 40 years ago. At this point bathroom pod extensions were added to the existing buildings. These are constructed from asbestos containing materials which was common at the time. The pod structures are starting to degrade, creating a health and safety risk if not tackled. The maintenance team have been repairing these extensions over recent years but it is clear that they are reaching the end of their usable life. Currently 17 homes are void and those which are occupied are checked to ensure any health and safety risks are suitably managed. A number of options have been explored for retaining the existing structures and making safe, however it is clear that they need to be removed and a new modern extension built in their place.

16. Whilst plans to remedy the asbestos pods have been ongoing, planned repairs such as bathrooms and kitchen replacement, window and door replacement and works to address standing water issues which exist under some of the buildings have been deferred in order to ensure there is no significant investment in abortive works. As a result the homes are in varying states of disrepair and will require significant work to bring them to a good condition.

17. A thorough refurbishment will be required to bring these homes up to a good standard for occupation. As a minimum the homes require the demolition of the bathroom pods and rebuilding, breaking out the ground floors and replacing with a concrete block and beam solution, removing plaster up to 1m above the ground floor level, injecting a chemical DPC and replastering, rewiring, new floor finishes, wall and ceiling plaster skim and painting throughout. This work is major and intrusive and therefore residents will need to be rehoused during this work. There will need to be a significant amount of

design work prior to construction and therefore it is anticipated that construction work will commence in Spring/Summer 2023.

18. It is recognised that a move can be stressful for tenants and therefore discussions have already commenced with remaining tenants to understand their individual circumstances and wishes, ensure they are well supported. Starting this preparation well in advance of construction work will give residents sufficient time to consider the housing options available to them and for suitable alternative appropriate accommodation to be found. Residents will be entitled to financial compensation in accordance with the Council's Home Loss and Disturbance policy. Each tenant will also be entitled to a payment to cover reasonable expenses. The affected residents have been advised of these plans.

19. The current estimated budget for these works is summarised below:

Description	Approximate cost £'000
Construction works cost	1,850
Home Loss and Disturbance costs	70
<b>Total costs</b>	<b>1,920</b>

20. As this work will be intrusive and require extended void times it presents an opportunity to try and improve the thermal performance of the homes, making them healthier for future residents and reducing fuel bills. The homes are typically considered to have an Energy Performance Certificate D rating. Central Government consider an EPC Rating of C and above to be good.

21. The project team have explored solutions to improve the performance of the homes. The heating systems are generally modern and well maintained and therefore it is not proposed to change these. However there are opportunities to increase the insulation levels of the homes, making them more comfortable now and supporting a low carbon energy system transition in the future when the existing heating systems are in need of replacement.

22. The table below sets out a package of potential works and the corresponding impact on EPC rating and estimated energy bills

	<b>EPC rating</b>	<b>Approx. Resident Fuel bill (per annum)</b>	<b>Estimated Retrofit Cost per property</b>

<b>Current Property</b>	EPC D	£1,128	
<b>Retrofit Package 1:</b> -External Wall Insulation -Porch roof insulation -Enhanced underfloor insulation -Enhanced external door -Enhanced Glazing -Enhanced insulation within the extension	EPC C	£678	£11,267
<b>Retrofit package 2 (in addition to Package 1):</b> Solar PV	EPC B	£438	£15,767

23. Good practice states that a fabric first approach to retrofit should be taken where possible given the need to reduce energy demand and not simply transition to lower carbon energy supplies. A fabric first approach also provides greater levels of thermal comfort, improving the health of the home for the resident. It is considered that Package 1, in the table above, provides an excellent long term solution for the customer, ensuring that the homes are thermally comfortable and fit for the present day. Package 1 also future proofs the home by supporting a cost effective transition away from gas central heating when the existing system reaches the end of its natural life. Given the total cost of Package 1 and 2 works, it is considered that the addition of solar PV should be an optional extra should grant funding be available to support this work. The homes have an appropriate roof orientation for effective electricity generation by any solar panels installed on the homes. The retrofit element of the works would be funded from unallocated monies within the £2m HRA retrofit investment budget.

24. The total estimated retrofit cost of works for these 40 properties is set out below:

<b>Works</b>	<b>Total Costs £,000s</b>
Retrofit Package 1	450
Retrofit Package 2	180

25. Wave 2 of the Social Housing Decarbonisation fund is to be launched this summer. This fund provides financial support to retrofit council homes. An application will be prepared which will include the homes in Bell Farm. Once a decision is known on the grant application, a

business case will be brought before Executive for consideration setting out the required HRA investment to support the works.

26. There are currently 2 leaseholders within the 40 identified properties at Bell Farm. Both leases contain a covenant requiring the leaseholder to pay a proportionate amount of any costs the Council as landlord reasonably incurs in keeping, repairing and improving the property, the structure of the building or any common parts. For work costs, related to improvements rather than repairs, the landlord must be able to demonstrate that they have considered two key factors before the costs can be recharged to the leaseholder. The first is that consideration has been given to alternative and less expensive remedies. Secondly, we need to have consulted the leaseholders and considered their views and financial circumstances. Further information is set out in Annex 1 outlining how the leaseholder process will be undertaken.

## **Council Plan**

29. The 2019-23 Council Plan focuses on eight key outcomes. The recommendations in this report are considered to meet a number of these outcomes in the following ways:

- Good health and wellbeing – The improvement works will provide homes which are safer and more thermally efficient, providing healthier living environments for the residents.
- A greener and cleaner city – The homes at Bell Farm will be retrofitted to higher thermal standards. This will reduce both resident's energy bills and carbon emissions. The potential additional installation of solar PV would provide renewable energy to the residents.

## **Consultation**

All residents have been informed of the proposed works and the need to move from their homes prior to the works commencing. Residents have received written communication along with in person events with Council staff from Housing Management, Housing Delivery and where care plans are in place, Adult Social Care. For Glen Lodge, families have also been informed and invited to the information event. The key focus of communication at this stage has been to provide assurance that this is a collaborative process and council officers will work with each individual household to support them through their move. Significant time has been built into the programme to ensure that residents and families have time to consider their housing options.



## Implications

### a) Financial

The works outlined in the report are not part of the Housing Capital Programme. The HRA is suffering significant lost income at Glen Lodge of c£268k projected in 2022/23, as the properties remain void and therefore it is necessary to undertake the repairs. Structural Maintenance of Housing Stock is funded from the depreciation charge that is made to the account each year. The charge is c £8.6m per annum and funds proactive maintenance schemes such as Tenants Choice and Modernisation of the stock. The schemes at Bell Farm and Glen Lodge at an estimated cost of £4.61m cannot be funded from the repairs budget without having a significant impact on the rest of the programme so it is recommended that other housing capital resources are utilised.

As part of the process for Council House Sales the council is able to retain a proportion of the receipt to reflect the debt that the council had outstanding on that property, this is in addition to the proportion that is retained that must be utilised to replace the stock known as Right to Buy receipts. The council also receives capital receipts for non-Right To Buy receipts which can be used for capital investment or debt repayment. As at 31st March 2022 the value of uncommitted capital receipts is estimated at £7m. This is sufficient to fund the cost of these repairs and is the recommended source of funding for these works. This would reduce the unallocated capital receipts to £2.39m.

### b) Human Resources (HR) - none

c) Equalities – The moves outlined in this report will have an impact upon vulnerable tenants. Housing will work with tenants, their advocates if appropriate and partner agencies to take a person centred approach to moving tenants. Officers will meet tenants on a one to one basis to understand their individual needs and ambitions and ensure communication is ongoing as work progresses. Tenants will have the choice to return to their original property or move to an alternative property elsewhere in the city and will be supported throughout the whole process by Housing alongside appropriate agencies. We will move tenants when they are fully prepared and to an agreed timescale.

d) The work will make huge improvements to tenant's living conditions in the long term, making each property healthier to live in and cheaper to heat.

### e) Legal

Both Bell Farm & Glen Lodge involve building works and although the amounts to be spent are under the construction thresholds for the public contract regulations, contractors will nevertheless be procured using processes which are compliant with our contract procedure rules within the Constitution.

Legal Services' comments on the options set out in Annex 1 regarding the 2 leaseholder properties are incorporated within that Annex.

f) Procurement

Any proposed works will need to be commissioned via a compliant Procurement route under the CPR's and PCR's. The value of the works stated does not exceed the current works threshold of £5,336,937 and would not be subject to an above threshold tender exercise as per the regulations, but will be subject to a compliant procurement exercise. The route of said procurement is still to be determined, however a Procurement Strategy will be developed which will outline the most suitable and most appropriate route to market. Once the tender has been completed, and firm costs received, further approvals from Executive will be required before any contract can be entered in to.

g) Information Technology (IT)

h) Property - covered in the report

### **Risk Management**

30. Cost Increases – there has been and continues to be high levels of inflation across the construction industry. The approximate cost plans have been provided by an external cost consultant with predicted inflation accounted for. The full Business Case will be presented to Executive following the contractor tender for both projects once actual costs are known. We will seek to procure a fixed cost for the works and transfer further inflation risk during the construction period.

31. Delays – It will be key to ensure that client delays are minimised. Invasive surveys and up-front design work will be undertaken so that the scope of works can include for abnormal costs. A small contingency has been allowed for in the cost estimates to allow for unavoidable change.

32. Voids – choosing to start the process of moving customers from their homes early in the project will likely increase the number of void properties in Bell Farm prior to construction work commencing, resulting

in increased loss of rent. Voids are already very high across both Glen Lodge and Bell Farm and this rent loss has been accounted for in 22/23 & 23/24 budgets. There are significant benefits for the wellbeing of residents in starting this collaborative process of re-housing early. This will also minimise delays further down the line as homes will be vacant in advance of construction.

33. External Grants – Social Housing Decarbonisation fund will be sought to support the Bell Farm retrofit work. There is a risk that some of the properties may not meet the eligibility criteria or we may be unsuccessful in attracting grant as it is likely to be a highly competitive process. More detail on the fund will be released in late 2022.
34. Impact of the moves on tenants – This may be disturbing for vulnerable tenants and particular care will be taken to engage them early to understand their circumstances and wishes as we find alternative accommodation. If there are any situations where there is an immitigable risk to a resident this will be outlined in the business case report.
35. Moving tenants from their homes to carry out this work will require substantial resource to ensure that the residents feel well supported during this time. Allowance has been made for Home Loss and disturbance payments in accordance with CYC policy and a cross-department working group and communication strategy has been established to ensure that there are clear and frequent communications.

## Contact Details

### Author

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Housing Management  
Service Manager

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Head of Housing Delivery  
and Asset Management

### Chief Officer Responsible for the report

Tracey Carter  
Director of Housing, Economy and  
Regeneration

Report  
Approved

Date 20/7/22

### Specialist Implications Officer(s)

**Wards Affected:** List wards or tick box to indicate all

**All**

Heworth  
Micklegate  
Westfield  
Clifton  
Fulford  
Dringhouses & Woodthorpe  
Osbalwick and Derwent

**For further information please contact the author of the report**

**Annexes**

- Annex 1 – Leaseholder Approach
- Annex 2 – Glen Lodge red line plan
- Annex 3 – Bell farm red line plan
- Annex 4 – Equalities Impact Assessment



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## **Annex 1 - Leaseholder Approach**

1. Within the 40 apartments identified for needing significant investment, including the demolition of the bathroom 'pod' and replacement with a new build extension, are two leasehold properties. These were formally part of the council's housing stock but were bought through Right to Buy and granted respective 125 year leases, they are therefore in private ownership. This creates additional considerations in the planning of major improvement works.
2. The works proposed in the main body of this paper are major and intrusive and would require all residents of the buildings to leave their homes. Within the respective leases for these 2 leasehold properties (supplemented by legislation regarding collection of residential service charges), it prescribes specific circumstances in which the council can exercise its right as landlord to carry out these works and to reclaim the costs for doing so. Obtaining consent for the works from leaseholders can be a complicated process and result in delays which could impact the council's ability to carry out the necessary repair and improvement works across the wider estate.
3. Both leasehold properties at Bell Farm are sublet and are not the principal residence of either leaseholder.
4. The below options outline the possible ways to carry out the necessary work to the leasehold properties.

### **Option 1 - Leaseholders fund the cost of repair and improvement works**

5. The lease for each property has been examined and contains a covenant from the leaseholder to pay a proportionate/reasonable amount of any costs the council as landlord incurs in repairing and improving the homes:
  - (i) The demised premises (i.e. the flat demised by the lease in question);

- (ii) The building in which the demised premises is situated/forms part of;
  - (iii) Any common parts or services (including drains, gutters and external pipes)
6. The cost of any repair and improvement works to the leaseholder properties could potentially be recouped from the leaseholders via the service charge provisions in their respective leases over an agreed period of time through the lease, subject to (i) the works having been carried out to a reasonable standard, (ii) the costs having been reasonably incurred by the landlord, and (iii) the landlord having consulted the leaseholders and secure tenants – pursuant to the provisions of Paragraphs 16A, 16B and 16C of Schedule 6 to the Housing Act 1985 and Sections 19 and 20 of the Landlord and Tenant Act 1985.
7. Where costs which the landlord wants a leaseholder to pay/contribute towards relate to improvements rather than repairs, the landlord must be able to show that it has considered both: (a) the availability of an alternative and less expensive remedy, and (b) the views/ opinions and financial means of the leaseholders who will be expected to pay for the improvement works.
8. This option will require careful consultation with the two leaseholders and will require support from the wider housing team and Legal Services to ensure compliance with the lease and the Council's obligations as landlord pursuant to the legislation referred to above. If leaseholders are not in agreement with the scope of works the negotiations could become protracted and delay the wider investment works.

### **Option 2 – Buy back the 2 leasehold properties at market value**

9. The leaseholders may decide they do not wish to fund the level of works required and may seek to sell their properties back to the Council. Despite the poor state of the homes it is anticipated they still have a market value of between £110-130k based on the last ownership change of August 2019 when the land registry official copy stated a value of £100k.
10. This would be a positive option in terms of both removing legal complications, providing greater control to the council to manage the

schedule of works and timetables, and would provide two additional council homes at the end of the works.

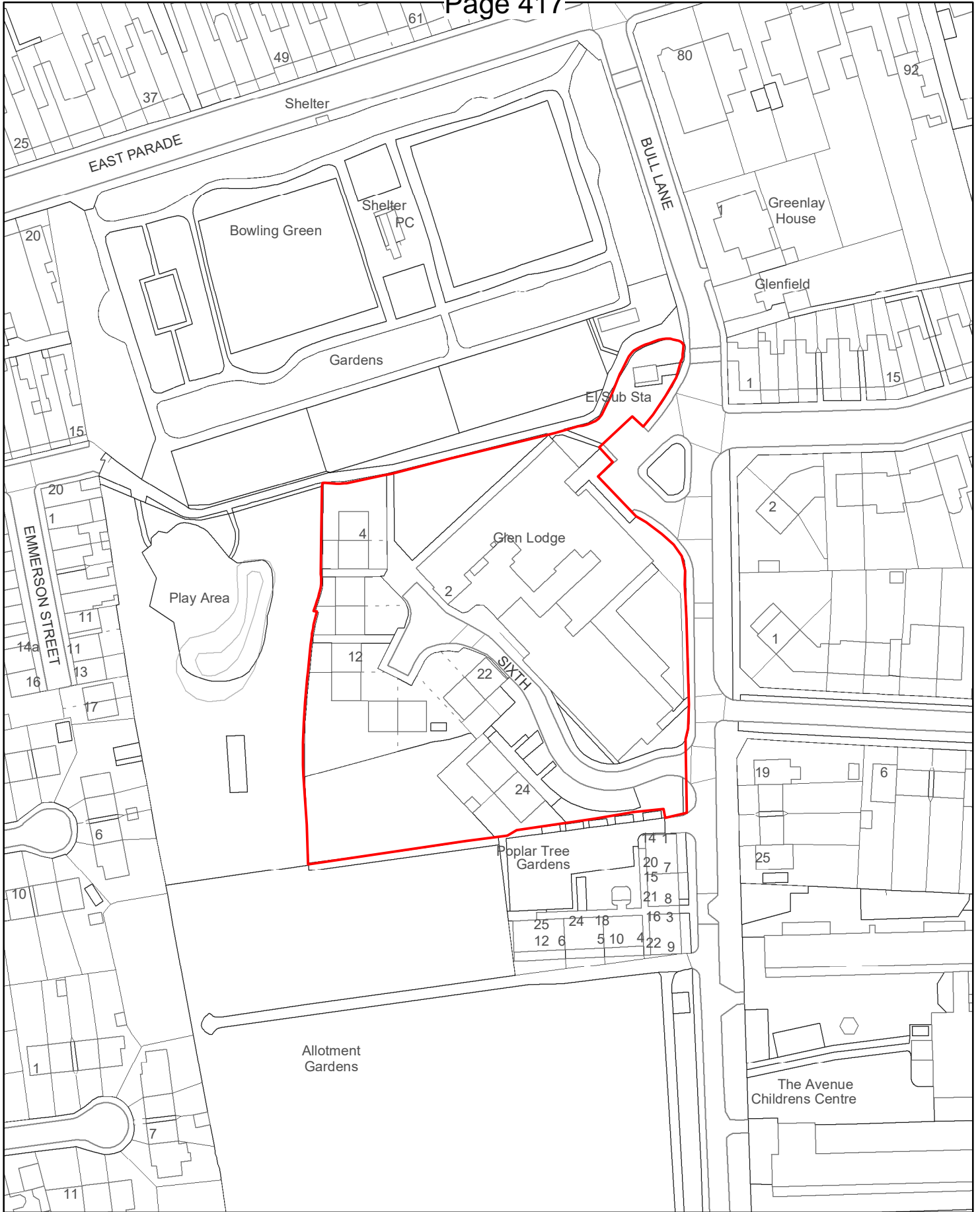
11. If the Leaseholders wish to sell their homes back to the Council, a RICS valuation would be obtained in order to support the agreement of a purchase price. In addition to the cost of the purchase price, there would also be a small amount of associated costs such as legal costs, valuation and Land Registry fees. Also stamp duty land tax might be payable on the purchase price dependant on the value. There is an existing budget for buying back ex-council owned properties (approved at Executive on 15 November 2017) which contains the capacity to sufficiently cover the purchase of these 2 properties.

### **Option 3 - Compulsory Purchase of the 2 leasehold properties**

12. If the Council's ability to discharge its repair and maintenance responsibilities is hindered by a leaseholder because the leaseholder refuses to consent to the works or refuses to sell/surrender their leaseholder interest in the flat back to the Council voluntarily, then the council could consider potentially making a Compulsory Purchase Order.
13. However a CPO should be an absolute last resort. The process is extremely complicated and requires obtaining approval from the Secretary of State which would only be granted if it could be evidenced that a CPO was proportionate and justified in the public interest. CPO is a very lengthy, resource-consuming and expensive process with many different mandatory stages involved and therefore it is not recommended in these circumstances.

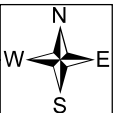
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**Asset & Property  
Management**

# Glen Lodge



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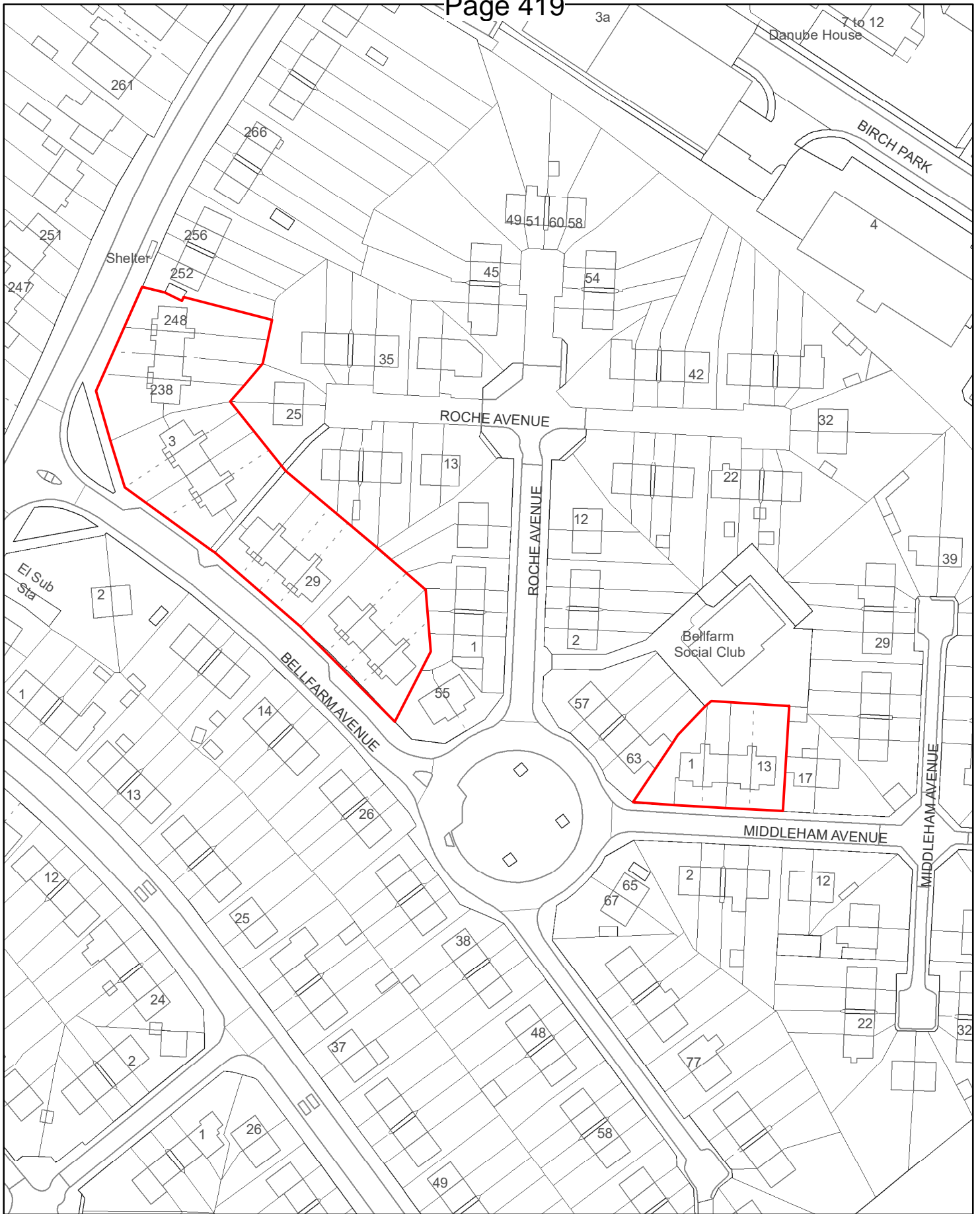
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Originating Group:

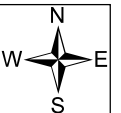
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# Land At Bell Farm



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DATE: 19/07/2022

Originating Group:

**Asset & Property Management**

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**City of York Council**  
**Equalities Impact Assessment**

**Who is submitting the proposal?**

<b>Directorate:</b>	Directorate of Economy & Place		
<b>Service Area:</b>	Housing Delivery and Asset Management		
<b>Name of the proposal:</b>	Housing Asset Management – Planned Investment at Glen Lodge and Bell Farm		
<b>Lead officer:</b>	Sophie Round		
<b>Date assessment completed:</b>	14/07/2022		
<b>Names of those who contributed to the assessment:</b>			
<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>

## Step 1 – Aims and intended outcomes

<b>1.1</b>	<b>What is the purpose of the proposal?</b> Please explain your proposal in Plain English avoiding acronyms and jargon.
	<p><i>To upgrade and improve our older person accommodation at Glen Lodge (old building) and the flats on the Bell Farm estate.</i></p> <p><b>Glen Lodge work</b> - significant refurbishment work at Glen Lodge Independent Living Community, removing the old water systems and improving the original flats and communal areas.</p> <p><b>Bell Farm Works</b> - refurbish and retrofit 40 properties in the Bell Farm Estate which have failing extension pods that contain asbestos. This involves demolition of previous extension 'pods' and replacing them with modern bathroom extensions.</p>
<b>1.2</b>	<b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)
	City of York Council is legally required (in accordance with Section 20 of the Landlord and Tenant Act 1985) to consult with leaseholders and residents when entering into a contract for works and services.

	<b>Who are the stakeholders and what are their interests?</b> City of York Council, Council tenants and their families, Leaseholders,
<b>1.4</b>	<b>What results/outcomes do we want to achieve and for whom?</b> This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.
	The 2019-23 Council Plan focuses on eight key outcomes. The proposed works if implemented are considered to meet a number of these outcomes in the following ways:
	<ul style="list-style-type: none"> <li>• Good health and wellbeing – The improvement works will provide homes which are safer and more thermally efficient, providing healthier living environments for the residents. The ILC Wi-Fi provision will provide better connectivity to family and friends as well as supporting assistive technology integration in the future.</li> <li>• A greener and cleaner city – The homes at Bell Farm will be retrofitted to higher thermal standards. This will reduce both residents' energy bills and carbon emissions. The potential additional installation of solar PV would provide renewable energy to the residents.</li> </ul>

## Step 2 – Gathering the information and feedback

<b>2.1</b>	<b>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?</b> Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
	<b>Source of data/supporting evidence</b>	<b>Reason for using</b>
	Feedback from Housing Management staff	Experienced staff with a good knowledge of the residents and their needs

### Step 3 – Gaps in data and knowledge

3.1	<b>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</b>		
<b>Gaps in data or knowledge</b>		<b>Action to deal with this</b>	
We will need to ensure that we are aware of all support and personal needs that residents may have which will impact their rehousing options.		Consultation events arranged to liaise with residents and arrange bespoke plans for relocating each resident during major work.	

### Step 4 – Analysing the impacts or effects.

4.1	<b>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments?</b> Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.		
<b>Equality Groups and Human Rights.</b>	<b>Key Findings/Impacts</b>	<b>Positive (+) Negative (-) Neutral (0)</b>	<b>High (H) Medium (M) Low (L)</b>
<b>Age</b>	The residents at Glen Lodge and Bell Farm will move to alternative accommodation while works are underway. The new property will be in much better condition than their existing home and they will be given the choice to move back to their home when work is complete. Residents of Glen Lodge, Independent Living	(-)	<b>M</b>



	Community will be offered alternative accommodation within Glen Lodge to ensure disruption is minimised.		
<b>Disability</b>	The residents at Glen Lodge and Bell Farm will move to alternative accommodation while works are underway. Residents with additional needs will be matched with properties that meet their requirements. All residents will be offered the opportunity to return to their previous home if they wish.	<b>(-)</b>	<b>M</b>
<b>Gender</b>	Members of this community moving from community will experience no impact as the proposals are not gender specific. If a resident raises a concern around gender we will proactively support them in finding an appropriate solution.	<b>0</b>	<b>L</b>
<b>Gender Reassignment</b>	Members of this community will experience no impact as the proposals are not distinguish between genders or gender reassignment. If a resident raises a concern around gender reassignment we will proactively support them in finding an appropriate solution.	<b>0</b>	<b>L</b>
<b>Marriage and civil partnership</b>	Members of this community will experience no impact as the proposals are not distinguish between genders or gender reassignment. If a resident raises a concern around marriage & civil partnership status we will proactively support them in finding an appropriate solution.	<b>0</b>	<b>L</b>
<b>Pregnancy and maternity</b>	Members of this community relocating would be housed in more suitable accommodation. If a resident raises a concern around pregnancy and maternity we will proactively support them in finding an appropriate solution.	<b>-</b>	<b>L</b>

<b>Race</b>	Members of this community will experience no impact as the proposals are not based on race. If a resident raises a concern around race we will proactively support them in finding an appropriate solution.	<b>0</b>	<b>L</b>
<b>Religion and belief</b>	Members of this community will experience no impact as the proposals are not based on religion and belief. If a resident raises a concern around religion and belief we will proactively support them in finding an appropriate solution.	<b>0</b>	<b>L</b>
<b>Sexual orientation</b>	Members of this community will experience no impact as the proposals are not based on sexual orientation. If a resident raises a concern around sexual orientation we will proactively support them in finding an appropriate solution.	<b>0</b>	<b>L</b>
<b>Other Socio-economic groups including :</b>	<b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>		
<b>Carer</b>	The individual needs of each household will be discussed and where carer responsibilities are identified this will be accommodated within the new housing offer. For Glen Lodge, moving within the community will ensure continuity of care.	<b>-</b>	<b>L</b>
<b>Low income groups</b>	Housing Services have financial assistance in place for all residents moving out of their home to allow for major works. Low-income groups will not be disadvantaged due to this proposal.	<b>0</b>	<b>L</b>
<b>Veterans, Armed Forces Community</b>	Members of this community will experience no impact as the proposals are not based on veteran or armed forces status.	<b>0</b>	<b>L</b>
<b>Other</b>	We are not aware of any other groups or communities that these proposals would impact.	<b>0</b>	<b>L</b>

<b>Impact on human rights:</b>			
List any human rights impacted.			
The Right to Housing	The works proposed will greatly improve the properties and provide high quality accommodation for residents.	+	<b>M</b>

**Use the following guidance to inform your responses:**

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p><b>High impact</b> (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p><b>Medium impact</b> (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p><b>Low impact</b> (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

## Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<b>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</b>
<p>All residents will be informed of the proposed works and the need to move from their homes prior to the works commencing. Residents will receive written communication along with in person events with Council staff from Housing Management, Housing Delivery and where care plans are in place, Adult Social Care. For Glen Lodge, families have also been informed and invited to the information event. The key focus of communication at this stage has been to provide assurance that this is a collaborative process and council officers will work with each individual household to support them through their move. Significant time has been built into the programme to ensure that residents and families have time to consider their housing options.</p>	

## Step 6 – Recommendations and conclusions of the assessment

6.1	<b>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</b>
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<ul style="list-style-type: none"> <li>- <b>No major change to the proposal</b> – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</li> </ul>	
<ul style="list-style-type: none"> <li>- <b>Adjust the proposal</b> – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.</li> <li>- <b>Continue with the proposal</b> (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty</li> <li>- <b>Stop and remove the proposal</b> – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination, it should be removed or changed.</li> </ul>	
<p><b>Important:</b> If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.</p>	
Option selected	Conclusions/justification
<p><b>No major change to the proposal</b></p>	<p>The EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and we have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</p>

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**Step 7 – Summary of agreed actions resulting from the assessment**

<b>7.1 What action, by whom, will be undertaken as a result of the impact assessment.</b>			
<b>Impact/issue</b>	<b>Action to be taken</b>	<b>Person responsible</b>	<b>Timescale</b>
<b>Resident Consultation</b>	<b>Public event and one to meeting with residents</b>	<b>Derek Gauld</b>	<b>3 months</b>
<b>Leaseholder Consultation</b>	<b>One to one meeting with leaseholders</b>	<b>Derek Gauld</b>	<b>3 Months</b>

**Step 8 - Monitor, review and improve**

<b>8. 1</b>	<b>How will the impact of your proposal be monitored and improved upon going forward?</b> Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	Continuous discussion and communication with residents and other stakeholders to identify and issues or improvement. Fortnightly cross-department meetings to review progress. The project will also be reviewed by Housing Senior Leadership Team on a monthly basis.



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**Executive****28 July 2022**

Report of the Interim Director for Children's Services  
Portfolio of the Executive Member for Children, Young People and Education

**Inspection of Local Authority Children's Services (ILACS) and Action plan****Summary**

1. This report presents the outcome of the Ofsted inspection of Children's Social Care under the Inspection of Local Authority Children Services (ILACS) framework, which was conducted between 7th and 18th March 2022.
2. The council is required to submit an action plan to Ofsted within 70 days of the publication of their report (which is 12th August 2022), outlining how the council intends to address each of the areas for improvement and the monitoring arrangements.

**Recommendations**

3. The Executive is asked to
  - 1) agree York's action plan in response to areas for improvement identified.

Reason: In order to share York's agreed action plan with Ofsted and continue to progress improvement activity locally.

**Background**

4. The last full Safeguarding Inspection of Children's Services was in November 2016 under the previous Single Inspection Framework (SIF). At this time York was judged to be 'Good' in all areas.
5. In addition to the last full inspection children's service Ofsted has also undertaken a Joint Targeted Area Inspection (November 2018) and a

focused visit (2019). As a result of the focused visit in 2019 the need to improve was identified and a local Improvement Board was established.

6. The Single Inspection Framework that York was last inspected against has since been replaced by the 'Inspection of Local Authority Children's Services' (ILACS) framework. The new inspection framework focuses much more on the experience and outcomes for children as the basis for its judgements. The inspection does this by looking at case records and speaking to social workers and other front-line workers directly. The old inspection framework was wider in scope and spent more time considering processes, other agencies and the views from a wider range of staff, partners and elected members.
7. The inspection focused on the effectiveness of local authority services and arrangements in place to help and protect children; the experiences and progress of children in care wherever they live including those children who return home; the arrangements for permanence for children who are looked after (including adoption); and the experiences and progress of care leavers. In addition, Ofsted evaluated the effectiveness of leaders and managers and the impact they have on the lives of children and young people and the quality of professional practice.
8. The Ofsted inspection team contacted York on the 28th February 2021. The inspection team then reviewed an extensive range of data and documentary evidence before undertaking fieldwork in York between the 7th and 18th March 2022.
9. The inspection report was published on the 4th May 2022 and is available through the Ofsted website<sup>1</sup>. The inspection confirmed that the quality of children's services has not been maintained following the last inspection in 2016. The overall inspection judgement was that York 'Required improvement to be good'. The judgements contributing to this outcome are shown below:

<b>Judgement</b>	<b>Grade</b>
The impact of leaders on social work practice with children and families	Requires improvement to be good
The experiences and progress of children who need help and	Requires improvement to be good

<sup>1</sup> <https://files.ofsted.gov.uk/v1/file/50182483>

<b>Judgement</b>	<b>Grade</b>
protection	
The experiences and progress of children in care and care leavers	Requires improvement to be good
<b>Overall effectiveness</b>	<b>Requires improvement to be good</b>

10. The report identifies that senior leaders and elected members are well informed and clearly sighted on where improvements are needed. Ofsted recognised the work of the improvement board in improving services but also highlighted that the pace of improvement had been too slow. Whilst the majority of services were starting to show improvement it was not yet fully embedded to ensure consistently good services for children.
11. The progress of improvement activity has been regularly reported through the Children, Education and Communities Policy and Scrutiny Committee since the initiation of improvement activity in 2019.
12. The report clearly identifies as a strength that throughout the COVID-19 pandemic, staff and families have been supported. The vast majority of York's improvement activity prior to inspection has taken place against the backdrop of COVID-19.
13. The pandemic presented an unprecedented challenge for children, young people and families, as well as for services working to support them. Despite these challenges improvement activity has delivered significant change for York. This includes:
  - a. The introduction of our new structure in January 2022 represented over £300k of additional investment. The restructure increased the number of established social work posts from 67FTE to 85FTE. A rise of 18FTE social work capacity since 2016.
  - b. The development and launch of a new Multi-Agency Safeguarding Hub and new multi-agency Thresholds (levels of need) document.
  - c. The development of York's early help offer and more recently the development of Targeted Family Support in order to avoid the escalation of need or risk.

- d. The development and implementation of integrated pathways to allow the 'step-up and step-down' of children entering and exiting social care interventions.
  - e. The development and launch of a dedicated Exploitation Team.
  - f. The delivery of our workforce strategy to develop new social workers through our Front Line programme, partnership with the University of York, Step-Up to Social Work programme and social work apprenticeships.
  - g. The further development of good quality performance data and management information to help drive improvements in practice and outcomes for children and young people.
14. The Ofsted inspection team recognised the challenges that the pandemic caused. The inspection report did identify that the pace of improvement had accelerated in recent months but that these improvements were not yet fully embedded.
15. Critically Ofsted reported there were no children seen during the inspection who were found to be at immediate risk of harm.
16. The Ofsted inspection team highlighted a number of areas of strength, including:
- a. That there is commitment to ensure that the needs of children are prioritised and corporate investment to support ongoing improvement.
  - b. The Multi-Agency Safeguarding Hub provided an effective single point of contact for all concerns about children and that families access the right level of support as quickly as possible.
  - c. Families are supported by an effective targeted early help service which prevents escalation to statutory service for many children.
  - d. Where children need protection strategy meetings are held quickly and lead to action to safeguard children.
  - e. Private fostering arrangements are effective.
  - f. Independent Reviewing Officers (IROs) oversee children's plans effectively and ensure that realistic plans are progressed.

- g. Children in Care and care leavers are encouraged to learn and are supported by a highly effective Virtual School.
  - h. Care leavers are supported well by personal advisors who know them well and support them to lead independent lives.
  - i. Assessments for adoptive carers are completed promptly and adopters have access to range of post-adoption support and report high quality support from their adoption workers.
17. The inspection report sets out seven areas that require improvement.
- a. The consistency of written records so that they provide an accurate account of decision-making for all children.
  - b. The quality of assessments to ensure that they consistently inform care planning.
  - c. The effectiveness of social work supervision in progressing plans for children and addressing practice shortfalls.
  - d. The analysis of return home interviews.
  - e. Responses to children aged 16 and 17 who present as homeless.
  - f. The pace of planning for children in unregistered children's homes.
  - g. Children's influence and attendance at the corporate parenting board.
18. The Ofsted inspection team found that senior managers know themselves well and that the self-evaluation provided to ahead of Ofsted provided a realistic assessment of the quality of services and children's experiences. The majority of recommendations made by Ofsted had already been identified locally and work to address these is already underway.
19. Key actions following the Ofsted inspection are:
- a. The appointment of a new permanent Corporate Director for Children's Services and Director of Children's Safeguarding.
  - b. Recruitment is underway for two new permanent Heads of Service in Children's Social Care (HoS MASH, Assessment and Targeted Support and HoS Safeguarding Interventions).

- c. Practice Standards for Children's Social Care have been reviewed and relaunched. The standards set the expectations for the quality of practice from children's social care.
  - d. The children's social care supervision template has been revised and is being implemented.
  - e. The protocol for 16- and 17-year-olds at risk of homelessness and homeless has been revised. The Department for Levelling Up Housing and Communities have reviewed the updated protocol and interviewed managers, staff and young people. This external support has given assurance of progress in this area and also highlighted a number of strengths and examples of best practice including the joint work between children's social care and housing and the provision of high-quality advocacy for young people.
  - f. The council constitution has been revised in relation to the Corporate Parenting Board. This has strengthened arrangements to ensure children and young people have a voice and are heard.
  - g. In line with action plan a briefing session for all elected members on corporate parenting and their responsibilities has been delivered in July. This is being followed by further training on corporate parenting being made available online and face-to-face.
20. The council is required to submit an action plan to Ofsted within 70 days of the publication of their report (which is 12th August 2022), outlining how the council intends to address each of the areas for improvement and the monitoring arrangements. A copy of this action plan for agreement is provided as Annex A.
21. Under the ILACS framework York should expect to be re-inspected fully within 3 years. In the intervening period inspection activity will take the form of:
- a. Annual engagement with the Corporate Director of Children's Services and Ofsted.
  - b. Either:
    - i. Two focused visits from Ofsted, or
    - ii. One focused visit and one Joint Targeted Area Inspection
22. The Ofsted Action Plan will be regularly monitored through the council's Children's Service's Assurance and Ambition Board. The purpose of the



Assurance and Ambition Plan is to oversee and drive service improvement and ensure children and young people have services which understand their lived experience and deliver positive outcomes. The Assurance and Ambition Board meets on a quarterly basis and is chaired by the Chief Operating Officer and attended by Lead Member for Children, Young People and Education.

23. Alongside the Assurance and Ambition board there are further weekly and monthly oversight of performance and improvement activity driven by the Corporate Director for Children's Services and the Director for Children's Safeguarding.
24. Final challenge and assurance will take place through the Executive and Children, Education and Communities Policy and Scrutiny Committee.
25. The City of York Safeguarding Children's Partnership will be an important forum to deliver the changes needed across multi-agency partners as well as the Youth Justice board. The work required to improve children's services does not sit in isolation and will be closely linked through the CYSCP to improvement activity undertaken by North Yorkshire Police, health and partners across the city.

## **Consultation**

26. The action plan has been developed jointly by the council with key partners. A summary of the development of the action plan is shown below.
  - a. A draft of the Ofsted Action Plan was shared and considered by the Children, Education and Communities Policy and Scrutiny Committee on the June 2022.
  - b. The children's services Assurance and Ambition board reviewed the draft action plan in June 2022.
  - c. The action plan has been shared with the City of York Safeguarding Children's Partnership.
  - d. Care experienced Children and young people have reviewed and endorsed the action plan.
  - e. The multi-agency youth justice board have reviewed and agreed the action plan.

- f. The senior leadership team and staff across children's social care have reviewed the action plan in sessions with the interim Director of Children's Services.

## Options

27. The Executive is asked to agree York's action plan (Annex A) in response to areas for improvement identified.

## Council Plan

28. The delivery of high-quality children's services will support the aims of the Council Plan which are to improve the quality of life for residents by supporting good health and well-being and by providing a better start for Children and Young People in York.

## Implications

29. **Financial** - Over recent years there has been significant investment into children's services. The 2022/23 council budget included a total of £4.7m in growth across children and education. There continues to be significant pressure of delivering children's services within budget. The successful delivery of improvement activity will contribute to easing this pressure.
30. **Human Resources (HR)** - None at this stage.
31. **Equalities** - The delivery of the Ofsted Action Plan will support the council in its overall duty to promote equality and address the needs of vulnerable or marginalised children, young people and families therefore contributing to the reduction of inequalities across the city faced by children and young people.
32. **Legal** - The final Ofsted Action Plan must be published within 70 working days of the inspection report being published. The draft action plan is presented as Annex A.
33. **Information Technology (IT)** - The Ofsted Action Plan includes actions to review the functionality of IT systems used by children's social care. The full implications of these actions are not fully known at this time and will be managed through existing protocols for change management.
34. **Crime & disorder** - Delivery of the Ofsted Action Plan will ultimately safeguard children and young people, reduced the number of children exposed to risk and the impact of that exposure.

35. **Sustainability** None

36. **Other implications** None

### Contact Details

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**Jamaila Hussain**  
**Interim Director Children's Services**

**Report**  **Date** 15/07/2022  
**Approved**

**Wards Affected:**

**All**

**For further information please contact the author of the report**

**Background Papers:**

None

**Annexes**

Annex A – Ofsted Action Plan

**List of Abbreviations Used in this Report**

Ofsted - Office for Standards in Education, Children's Services and Skills

ILACS - Inspection of Local Authority Children's Services

SIF - Single Inspection Framework

IRO – Independent Reviewing Officer

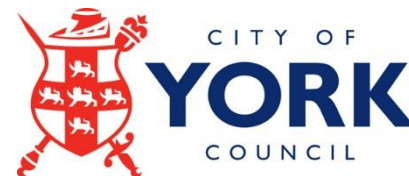
HoS – Head of Service

CYSCP – City of York Safeguarding Children's Partnership

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# Ofsted Action Plan

City of York Council



## Background

Children's Services were inspected by Ofsted in March 2022 under the Inspection of Local Authority Children Services (ILACS) framework.

The inspection report was published on the 4<sup>th</sup> May 2022 and is available through the Ofsted website<sup>1</sup>.

The overall inspection judgement was that York 'Required improvement to be good'. The judgements contributing to this outcome are shown below:

Judgement	Grade
The impact of leaders on social work practice with children and families	Requires improvement to be good
The experiences and progress of children who need help and protection	Requires improvement to be good
The experiences and progress of children in care and care leavers	Requires improvement to be good
Overall effectiveness	Requires improvement to be good

This Ofsted Action Plan will be regularly monitored through the council's Children's Service's Assurance and Ambition Board. The dates given in the plan have been set to ensure pace of change for these recommendations. Where the need for further action is identified the plan will be updated to ensure continued progress.

The purpose of the Assurance and Ambition Plan is to oversee and drive service improvement and ensure children and young people have services which understand their lived experience and deliver positive outcomes.

The Assurance and Ambition Board meets on a quarterly basis and is chaired by the Chief Operating Officer and attended by Lead Member for Children, Young People and Education.

Alongside the Assurance and Ambition board there are further weekly and monthly oversight of performance and improvement activity driven by the Corporate Director for Children's Services and the Director for Children's Safeguarding.

Further challenge and assurance will take place through the Executive and Children, Education and Communities Policy and Scrutiny Committee as required.

The City of York Safeguarding Children's Partnership will be an important forum to deliver the changes needed across multi-agency partners as well as the Youth Justice board. The work required to improve children's services does not sit in isolation and will be closely linked through the CYSCP to improvement activity undertaken by North Yorkshire Police, health, and partners across the city.

<sup>1</sup> <https://files.ofsted.gov.uk/v1/file/50182483>

## Version control

Version	Date
1.0 – CEC Scrutiny input	28/06/2022
2.0 – Updates following DLUHC visit	07/07/2022
3.0 – Updated following input from children and young people	13/07/2022

1) The consistency of written records so that they provide an accurate account of decision-making for all children.

Action	Lead	Deadline	Progress
Review Children's Social Care practice standards for the quality of written records. Ensure practice standards reflect the quality of written records expected and how these are shared and agreed with families.	Head of MASH, Head of Safeguarding Interventions DCS	01/07/2022	This action has been completed.  The practice standards have been updated and are being rolled out across children's social care.
Develop and deliver Action Learning Sets that drive purposeful home visiting and recording.	Head of QA	01/07/2022	Young people have developed 'top tips' for social workers when updating written records.  Action Learning Sets have been delivered since May with successful attendance. Dip sampling to measure progress made is scheduled for October 2022.  A schedule of further practice development through Action Learning Sets has been developed.
Review the library of good practice to share examples of good quality written records and clear accounts of decision making.	Head of QA	01/08/2022	This review is currently underway. Once completed other sections of the good practice library will be reviewed and shared.
Identify any system changes required in Mosaic to drive practice and ensure clear and accurate record decision making. Implementation will be taken forward through the Mosaic Governance Group.	Business Intelligence/HoS QA	01/08/2022	This review is currently underway.
We will be assured of improvements through the Quality Assurance framework (auditing, dip sampling and direct feedback from children, young people and families).	Head of QA	Quarterly reporting	The audit framework now specifically requests the auditor to comment on the quality and consistency of written records.
We will ensure external and independent assurance of the progress made against this action as part of programme of regional peer support and commissioned external reviews.	DCS	Ongoing	The schedule for Sector Lead Improvement and regional peer challenges through ADCS Humber and Yorkshire has been recently published.

### Expected Outcomes

- Written records are up to date, accurate and show clear accountability of decision making for children and young people.
- That our workforce has the skills, knowledge and capability to maintain high quality written records. This will be evidenced through our Quality Assurance framework.
- Children young people and families are fully engaged, part of the completion of plans and can clearly understand and are involved in decision making.

## 2) The quality of assessments to ensure that they consistently inform care planning.

Action	Lead	Deadline	Progress
Review Children's Social Care practice standards in relation to assessments. Ensure practice standards set clear expectations for the quality of assessments and how they inform decision making.	Head of MASH, Head of QA DCS	01/07/2022	This action has been completed.  The practice standards have been updated and are being rolled out across children's social care.
Refresh practice standards with Service Managers about what constitutes a good, analytical assessment that informs planning. This includes the expectation of management oversight to ensure assessments are of good quality and inform plans.	Head of MASH, Head of QA	01/08/2022	The session materials are currently being developed ahead of standards being shared in July.
To review and strengthen the care plan and planning process and how it is driven by assessment. This includes identifying any changes required in Mosaic to drive improved practice.	Head of Corporate Parenting	01/08/2022	The review of the care plan is underway.
To develop further the practice model for York and the consistent application of the model to inform assessment and planning.	Head of QA	01/09/2022	The Systemic Practice model has been rolled out across York. This is being developed further to support social workers deliver consistently high-quality practice.
We will be assured of improvements through the Quality Assurance framework (auditing, dip sampling and direct feedback from children, young people and families).	Head of QA	Quarterly reporting	The QA framework will report progress to the Assurance and Ambition Board.
We will ensure external and independent assurance of the progress made against this action as part of programme of regional peer support and commissioned external reviews.	DCS	Ongoing	The schedule for Sector Lead Improvement and regional peer challenges through ADCS Humber and Yorkshire has been recently published.

### Expected Outcomes

- All assessments are succinct purposeful and written in a language that the child and their family will understand. Clear consistency across all teams. This will be measured through the Quality Assurance Framework.
- The findings of assessments inform the plan for the child with clear expected outcomes. This will be measured through the Quality Assurance Framework.

### 3) The effectiveness of social work supervision in progressing plans for children and addressing practice shortfalls.

Action	Lead	Deadline	Progress
Continue to drive social work supervision in line with practice standards.	All HoS	Performance reviewed weekly	Compliance with practice standards for supervision are monitored weekly. The DCS leads a monthly support and challenge session with Heads of Service which includes the effectiveness of supervision.
The revised supervision template and process to be reviewed.	Head of Corporate Parenting	01/08/2022	This review is underway and includes involvement from managers and social workers.  A new supervision template has been agreed and is now being implemented.
Heads of Service to regularly sample supervisions within their service and act upon their findings. Track the impact of social work supervision through Quality Assurance in line with refreshed practice standards.	Head of QA	Quarterly reporting	Supervision is now included in every audit template including thematic audits.
We will ensure external and independent assurance of the progress made against this action as part of programme of regional peer support and commissioned external reviews.	DCS	Ongoing	The schedule for Sector Lead Improvement and regional peer challenges through ADCS Humber and Yorkshire has been recently published.

#### Expected Outcomes

- Supervision demonstrates the child's plan is regularly discussed, updated and progress made.
- The risk of drift and delay against the plan is significantly reduced, where delay has occurred this is clearly documented with mitigating actions.
- Heads of Service will have a better understanding of the quality and impact of supervision in their service areas. This will be addressed through the monthly driving practice and performance sessions led by the DCS.
- Staff will be better supported to make planned, timely and meaningful change. We would see improved performance through our Quality Assurance Framework and case tracking system.

### 4) The analysis of return home interviews.

Action	Lead	Deadline	Progress
Undertake an end-to-end review of our approach to 'missing from home' episodes for all children and young people. As a result of changes introduce a strengthened process and clear expectations for the analysis of missing episodes and how this informs plans.	Head of Service for MASH, Assessment and Targeted Intervention	01/08/2022	The review of the missing from home protocol and analysis is currently underway.  Young people have been engaged in addressing this action. Young people have shared thoughts on raising awareness with young people about the process and that the interview is undertaken by an independent person.



Action	Lead	Deadline	Progress
			Action Learning Sets will be used to support social workers use the new protocol and analyse missing from home episodes.
Introduce a regular multi agency review of repeat missing episodes to identify themes and strengthen the response/support available. This will be integrated with exiting mechanisms for exploitation.	Head of Service for MASH, Assessment and Targeted Intervention	01/07/2022	This action has been completed through the Exploitation lead and Multi-Agency Child Exploitation and Missing meetings.
Track the progress of this action through Quality Assurance in line with refreshed practice standards.	Head of QA	Quarterly reporting	Missing from Home and Care is a now thematic item on the QA schedule.
We will ensure external and independent assurance of the progress made against this action as part of programme of regional peer support and commissioned external reviews.	DCS	Ongoing	The schedule for Sector Lead Improvement and regional peer challenges through ADCS Humber and Yorkshire has been recently published.

### Expected Outcomes

- A better understanding of why children go missing and the responses that are required.
- A consistent and timely response to all children and young people who go missing.
- Reduced number of repeat missing episodes and a better response to the cumulative impact of harm.

### 5) Responses to children aged 16 and 17 who present as homeless.

Action	Lead	Deadline	Progress
Extend access to advocacy for this group of young people.	Head of Innovation and Children's Champion	01/04/2022	This action has been completed.  Advocacy for 16- and 17-year-olds who present as homeless is provided by the Speak Up Service (Children's Rights and Advocacy).  The DLUHC has reviewed York's advocacy provision in July 2022 and has reflected the strength of the model and will be using it as an example of good practice.
Update the 16- and 17-year-old homeless protocol. This will provide a clear pathway for young people to access independent support and advice.	Head of MASH, Assessment and Targeted Interventions	15/07/2022	The protocol for 16- and 17-year-olds who present as homeless has been updated.  The DLUHC has reviewed York's updated housing protocol. The review identified strengths locally in the support available to young people. We will continue to work with the DLUHC regionally to improve further.

Action	Lead	Deadline	Progress
To ensure practitioners across housing and children's social care are aware of the new protocol and their duties and responsibilities.	All HoS	01/08/2022	The roll out of the updated protocol has been completed following positive feedback from the DLUHC.
Work jointly with young people to review and revise the information made available to young people to advise them of their rights.	Head of Innovation and Children's Champion	01/08/2022	This has now been completed.  A new leaflet and online information has been developed. This has been reviewed by the DLUHC and will be shared as an example of good practice.

#### Expected Outcomes

- These young people will have a full understanding of their rights and access to independent advocacy.
- That the protocol for 16- and 17-year-olds presenting as homeless is fit for purpose.
- That practitioners are delivering their duties as set out in the protocol.

#### 6) The pace of planning for children in unregistered children's homes.

Action	Lead	Deadline	Progress
To establish weekly oversight from the Director of safeguarding and Head of all age commissioning of any children in unregistered placements and to ensure there is a timely and clear plan to move to a registered children's provision or take timely steps to register provision.	DCS	01/04/2022	This action has been completed.  Weekly oversight is in place.
Increase our placement finding capacity.	Head of Corporate Parenting	01/05/2022	This action has been completed.  We have increased our placement finding capacity and currently in active recruitment.
To review any historic children in unregistered placements in the last two years to identify learning that would have prevented the use of unregistered placements or resolved them in a more timely manner.	Head of QA IRO Service Manager	01/09/2022	This review is being instigated.

#### Expected Outcomes

- No children in unregistered or unregulated provision. If children are placed, we will ensure robust contractual management and due diligence.
- Sufficient provision to meet demand. A commissioning framework will be in place and flexible to meet need.

## 7) Children's influence and attendance at the corporate parenting board.

Action	Lead	Deadline	Progress
To continue the pilot of using Corporate Parenting Advisors to support children's influence and involvement at the Corporate Parenting Board.	Head of Innovation and Children's Champion	Ongoing	Corporate Parenting advisors will be full members. This was recommended at the Corporate Parenting Board in May 2022
To update the council's constitution for Corporate Parenting and to drive children's influence and attendance.	Head of Innovation and Children's Champion	14/07/2022	This action has been completed.  The revised council constitution has been updated and agreed at Full Council in July.
To build on the voice and participation work, is taking place to develop a clear strategy for co-production between children and young people and children's social care.	Head of Innovation and Children's Champion	01/09/2022	The voice and involvement group is currently developing a co-production toolkit which will also be used to inform development of the next Children and Young People's Plan.
The Corporate Parenting Board to include children and young people from Show Me That I Matter and I Still Matter as well as Corporate Parenting Advisors.	Head of Innovation and Children's Champion	12/09/2022	Young people have been directly engaged as to how Corporate Parenting Board meetings should be structured and involved in setting the agenda.  This will be in place for the next Corporate Parenting Board in September 2022.
The Speak Up Service and Corporate Parenting Advisors to develop and deliver corporate parenting training to all elected members (July 2022 and full roll out following local elections 2023)	Head of Innovation and Children's Champion	31/07/2022	The initial training and briefings are due to be delivered on the 27 <sup>th</sup> July with recorded versions available for those unable to attend.  Further briefing videos and training are being developed as planned.

## Expected Outcomes

- We are more effective corporate parents and meet the needs of children and young people across the Council and with Partners.
- That children and young people have more influence and control over key decisions and important factors that affect their lives.
- That children and young people's lived experience influences practice. Clear co-production strategy in place to underpin change.

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**Executive****28 July 2022**

Report of the Corporate Director of Adult Social Care and Integration,  
Portfolio of the Executive Member for Adult Social Care & Public Health

**Developing a 5 Year Dementia Strategy for York****Summary**

1. This paper aims to brief members on the work in progress towards the publication of a Dementia Strategy for York place this summer. Members are requested to consider the appended draft and approve the plan for its publication.

**Recommendations**

2. The Executive are asked to consider:

Approval of the draft Strategy

Reason: Having a York Dementia Strategy will clearly establish the common goals for health, social care, and community organisations in the City to deliver quality support to people with dementia and their carers. Once we have an agreed Strategy, we can progress with a delivery plan to achieve the goals outlined, and improve the experience for the thousands of people living with dementia in our City.

**Background**

1. The Health and Wellbeing Strategy 2017-2022 and the All Age Mental Health Strategy 2018-2023 both confirm our commitment to being a Dementia Friendly City, with the latter specifically stipulating the need to develop *a joint strategy for improving dementia diagnosis and support services*. This is aligned to the Council Plan's key priority of providing *good health and wellbeing* for our citizens. Ageing well and caring for people with dementia are both key priorities in The NHS Long Term Plan.

2. Work has been underway to develop a Dementia Strategy for the City of York and there has been significant engagement with people with lived experience, carers and families of people with dementia to understand the current environment and the ambition for Dementia support in the future.
3. Engagement exercises have identified areas of practice in which more immediate solutions have been warranted, and thus over this period significant work has been, and continues to be undertaken. A significant recent example is the development of a Dementia Hub as a collaboration between City of York Council, primary health (Nimbuscare), and Dementia Forward.
4. A draft York Dementia Strategy 2022-2027 is available at Annex A for consideration by the Executive.
5. The Strategy follows the National Dementia Well pathway and focusses our local ambitions for dementia support over the next 5 years. Within each stage, the Strategy highlights the current challenges and opportunities, as well as an agreement between stakeholders of what we believe good to look like for dementia support in the City.
6. The proposed delivery timeline is as follows:



## Consultation

1. Healthwatch York, with funding from the Joseph Rowntree Foundation, have worked alongside people with dementia, carers and organisations across York who support people living with dementia to plan, develop and deliver an engagement project between 2017-2021.
2. This project has hosted a series of engagement events and surveys to ascertain views about current services and people's experiences of living with dementia in the City.
3. Concurrently, a Dementia Strategy working group was initiated, with membership from City of York Council, primary and secondary care, the Clinical Commissioning Group, Healthwatch and VCSE organisations.

4. A strategy has been drafted by this group and updates have been received in recent months by the Health and Wellbeing Board (18 May & 20 July 2022), the Ageing Well (26 April 2022) and Mental Health Partnerships (14 June 2022), and the City of York Council's corporate management team and council members (through portfolio holder CMT and a special commissioned HASC policy and scrutiny committee, 5 July 2022).
5. A consultation event took place on 11 July 2022 with people living with Dementia to hear their feedback on the current draft. All concurred that the strategy was a 'good start', and ideas were contributed of actions required to deliver against key priorities. Some felt that there needs to be more clarity as to which are the key priorities within each stage of the 'Well pathway', and we have committed to look at this.

### Implications

- **Financial:** The Strategy does not specify investment in Dementia Support but it is recognised that some ambitions will only be achievable through ongoing consideration of how each system partner can best contribute resources in this area.
- **Human Resources (HR):** As above, the strategy does not specify impact upon Human Resources but it is recognised that some ambitions may require stakeholders to think about how they best use their human resource to achieve the collective goal. Advice is being sought from CYC workforce development advisers due to the training implications.
- **Equalities:** An equalities impact assessment has been undertaken to ensure that the Strategy complies with the law, by taking account of equality, human rights and socioeconomic disadvantage implications in the decisions made.
- **Legal:** legal oversight of the final draft is being sought
- **Crime and Disorder:** There are no crime and disorder implications
- **Information Technology (IT):** The Dementia Strategy will need to be accessible and easy read. City of York Council communications team are engaged to support with this.
- **Property:** there are no property implications

## Risk Management

7. There is potential reputational risk to delays in the publication of a Dementia Strategy, as there has been significant public commitment to this for a significant length of time.

## Council Plan

8. The York Dementia Strategy is aligned to the Council Plan's key priority of providing *good health and wellbeing* for our citizens. It should also dovetail with the Dementia Strategy being developed by the Integrated Care Board. The intention is for the HNY Strategy to consider quality issues and associated costs across the wider footprint, but to also use the stages of the Dementia Well Pathway, to bring a commitment to consistency of support services.

## Contact Details

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<b>For further information please contact the author of the report</b>	

<b>Wards Affected</b>	List wards or tick box to indicate all	<b>All</b> <input checked="" type="checkbox"/>
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# York Dementia Strategy

2022-2027



# Foreword

York has been awaiting a Dementia Strategy for some time. This document fills a vital space, setting our aspirations as a city to be Dementia Friendly, with a clear focus on tackling inequality and making sure no-one is left behind following the disproportionate impact the Covid-19 pandemic has had on people with dementia and their carers (identified in the Alzheimer's Society [report](#), September 2020).

The newly formed York Health and Care Alliance recognises a need to improve outcomes in the city in the broad areas of prevention, mental ill-health, and frailty. They aspire to see York as *'the best city in which to grow old...where adults have the best chance to stay healthy, and older citizens can live independently'*.

In this strategy, we are pleased to introduce our vision for Dementia support in York, which seeks to improve outcomes for people with dementia and their families and carers. We know that people living with dementia face a variety of challenges and have a range of needs, everyone's journey is different. To achieve our vision, it is essential that organisations work together to transform the approach to dementia in York. The strategy provides the chance to reaffirm our joint commitment to do this, so that people can enjoy good health and wellbeing by achieving what matters to them.

The most important part of developing this strategy has been talking to people living with dementia. Our priorities have been shaped by the York Minds and Voices strategy, the former Dementia Action Alliance (now the York Dementia Collaborative), and through engagement research funded by the Joseph Rowntree Foundation. This research, led by Healthwatch York, has involved significant contribution from the following local organisations:

- Age UK
- the Alzheimer's Society
- Dementia Forward
- New Earswick Folk Hall
- Support groups for people with dementia and their carers, including Beetle Bank Farm, Clements' Hall, Deans Garden Centre Carers Group, and York Minds and Voices.
- Ways to Wellbeing Service (Social prescribers)
- York Teaching Hospital

We extend our thanks to all, and further gratitude to the Alzheimer's Society for their 2021 Local Dementia Profile report which has provided us with critical information about people living with dementia in the city; and much of their research is referenced throughout this Strategy.

Pivotal to making this Strategy work will be the delivery of its Action Plan. It is our aspiration that, on reading the action plan, those people who offered us vital feedback about our current services will hear their voice and will see our ambition to respond.



**Jamaila Hussain,**  
Dementia Lead,  
Corporate Director of Adult Social Care and Integration,  
City of York Council



**Denise Nightingale,**  
Director of Mental Health Transformation, and complex care  
Vale of York CCG

DRAFT

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About the strategy

Our Vision

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Demographics

Age Friendly, Dementia Friendly City

The Dementia Pathway in York

Preventing Well: The risk of dementia is minimised

Living Well: I can live normally in a safe and accepting community, with post diagnostic support available when I need it

Diagnosing Well: timely, accurate diagnosis, care plan and review within the first year

Supporting Well: Safe high-quality health & social care for people with dementia and carers

Dying Well: To die with dignity in the place of your choosing

## About the Strategy

This is a Dementia Strategy for the City of York, and a priority of the [York Health and Wellbeing Board](#). Its intended audience is the citizens of York, people leading local health and social care organisations and the health and care workforce, and community, voluntary and social enterprise organisations – in short, everyone involved in the experience of both drawing on and offering support for people with dementia.

We recognise that the participation and contribution from people with dementia and their families and carers is vital in designing and improving dementia care and support. The York Dementia Collaborative has had a key role in ensuring that voices are heard and, through their knowledge and experience, they will continue to actively influence service development and provision, particularly highlighting gaps in services which lead to poor outcomes for people.

There are different levels of accountability for the Strategy's delivery, but it provides the framework within which local services can deliver improvements to dementia services, address health inequalities, and deliver a shared vision for what dementia support should look like.

The strategy has been developed through collaboration between City of York Council, the Dementia Collaborative, Healthwatch York, local community and voluntary providers, our local NHS Mental Health service provider (Tees Esk and Wear Valleys Trust), the Vale of York Clinical Commissioning Group, and York Teaching Hospital. Through face-to-face conversations, online surveys and focus groups with people who have experience of living with dementia in York, and with those staff and organisations who have learned experience of the opportunities and challenges this creates, we have been able to better understand how York can become a better place to live, with better quality services for people with dementia and their carers.

This strategy is a living document, which we hope will make a real and positive impact for people in the city. It is complemented by a detailed Delivery Plan, which considers the tasks required to reach our ambitions. As the Delivery Plan is a working document, it is available for anyone to see on request.

### Our Vision

Our vision is to make sure that people with dementia, their families and carers, are supported to live life to their full potential. We want the people of York to be able to say:

- I can live a life of my own
- I live in a dementia friendly community
- I know who/where to turn to for information, advice and support
- I know I have access to a timely and accurate diagnosis, delivered in an appropriate way

- I have access to the right support that enables me to live well at home for as long as possible
- My voice is heard and makes a difference
- I know that when the time comes, I can die with dignity, in the place of my choice

## National Context

An estimated 675,000 people in England have dementia, the majority of whom are over 65 and [have underlying health conditions](#). They are supported by a similar number of carers, many of whom are older people themselves. It is estimated that a quarter of people in acute hospitals and three quarters of the residents of care homes have dementia, yet 200,000 people with moderate and severe dementia do not get any kind of funded or professional support (Health and Social Care Committee's 7<sup>th</sup> report 2021-22). The number of people living with dementia in the UK is set to rise to [1.6 million by 2040](#).

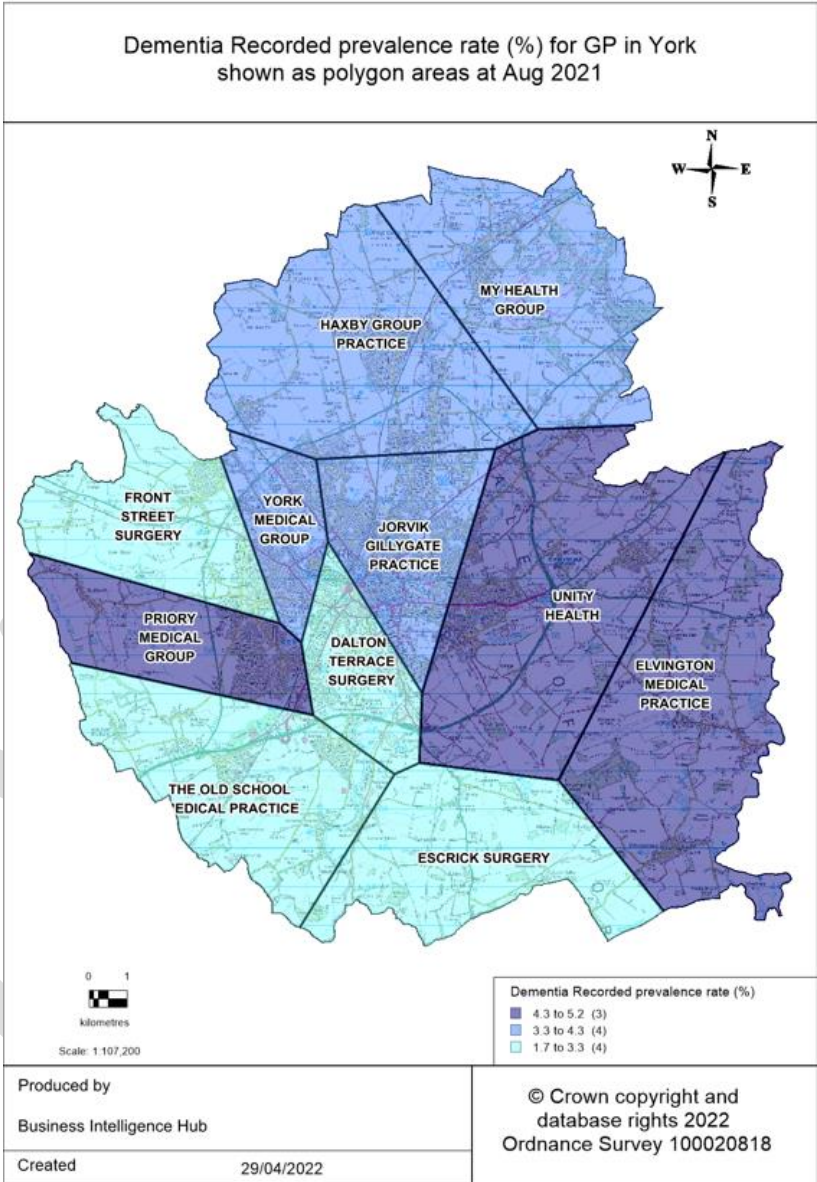
Dementia is not a natural part of growing old and, although dementia is more common in people over the age of 65, the condition can also be found in younger people. When a person develops dementia before the age of 65, this is known as 'young-onset dementia.'

As the number of people living with dementia, and the complexity of their situations steadily increase, the government and NHS England have pledged to make improvements to dementia care a key priority. The scale and the need to prevent, diagnose, support, live and die well with dementia will only become greater (Alzheimer's Society, 2021).

[The NHS Five Year Forward View](#) and the [Prime Minister's challenge on Dementia](#) 2020 set out a clear rationale for providing a consistent standard of support for people with dementia and their family and carers. The [Well Pathway for Dementia](#) has five elements based on the themes outlined in the Prime Minister's Challenge, which reflect the breadth of the experience of people with dementia, their families, and carers, from prevention to end-of-life care.

Ageing well and caring for people with dementia are both key priorities in [The NHS Long Term Plan](#). The Plan focuses on the need for people to be helped to stay well and to have control over their support, using tools such as personal health budgets and assistive technology. It also calls for a transformed workforce with a more varied and richer skill mix, integration between health and social care, and the expansion of service models such as Anticipatory Care (advanced care planning), Enhanced Health in Care Homes, and Urgent Community Response Teams. The aim of these initiatives is to ensure that everyone receives the right care, in the right place, at the right time.

# Local Context







There are an estimated **2,812 people over 65 living with dementia** in York<sup>2</sup>

**1 in 20 people over 60, & 1 in 5 people over 80** has a form of Dementia



Of those 2,812, only **1,554 people have received a diagnosis**  
The dementia **diagnosis rate for York is 54.4%** - the average for England is 61.7%<sup>1</sup>



It is estimated that **2/3 of people with dementia in York are living in the community**, whilst **1/3 are living in care** <sup>2</sup>



Currently there are **15,006 people under the age of 65 living with dementia** in England<sup>7</sup>



The value of dementia support provided by **unpaid carers in York is £71.3m**<sup>3</sup>



**3,860 people will be living with dementia in York by 2030**<sup>3</sup>



By 2030, it is estimated that there will be **2,483 of people living with severe dementia** in York<sup>4</sup>



In York, **56.7% of carers** spend 100 hours or more per week providing care<sup>16</sup>



It is predicted that the cost of dementia care in York by 2030 **will be £171m**<sup>6</sup>



Currently, the annual cost of dementia care in York is **£108m**<sup>5</sup>



In York, **60% of carers reported feeling stress or anxiety**<sup>21</sup>



**34.5% of all carers** reported caring for someone living with dementia in York<sup>17</sup>

<sup>1</sup> NHS Digital Nov 2021

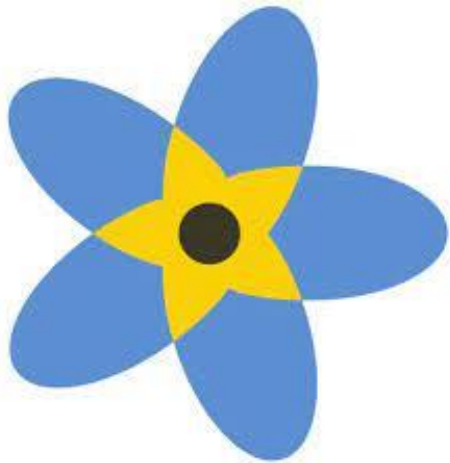
<sup>2</sup> NHS Digital November 2021

<sup>3</sup> Alzheimer's Society York Profile 2021 (NB 'severe dementia' refers to the later stages where there is a growing impact on movement and physical capabilities)



# Age Friendly, Dementia Friendly City

We recognise that it is important to support people living with dementia to live the life they choose and to feel included in the community. Through the dementia-friendly communities programme, organisations in York have agreed to try to make the city 'dementia friendly', making it a good place to live for people with dementia and their carers. York's Dementia Friendly Communities programme is working to improve four key areas in the City:



- **Improving our place:** Making York as easy as possible to move around and enjoy, with uncluttered and clear signage, and making public transport and facilities comfortable, easy to use and accessible. York already has many assets in terms of leisure, cultural and spiritual resources, which we can enable and encourage people with dementia to enjoy.
- **Improving our people:** With training for staff who provide key services in the wider community, such as in banks, libraries and shops, we can improve customer service and 'understanding of needs', and remove stigma.
- **Improving resources:** Using the 'dementia friendly' forget-me-not symbol to denote dementia-friendly services and venues (theatres, cinemas, cafes) we can support businesses to become dementia-friendly and recognise such credentials. We can consider the needs of people with dementia when developing all services, not just health and care services.
- **Improving networks:** By encouraging people with dementia and carers to network and share experience, and by creating a York Dementia Action Alliance, partners can commit to action within their own organisations and support this movement, building a sense of corporate responsibility across all sectors.

## The Dementia Pathway in York

A dementia pathway will begin at the point that someone becomes aware of changes to their memory, or other symptoms associated with dementia, and will progress through diagnosis, post-diagnosis support, living well with dementia, and eventually end-of-life care (Alzheimer's Society, 2021). The national Dementia Pathway describes how support should 'wrap around' a person when they need it and is dependent upon how much they need at each point in time, sometimes close and intense, and sometimes more distant, but there if and when required.

In York, we recognise that we have work to do in each section of the pathway, and we have used the 5 recognised stages to illustrate our strategy to provide better support for those living with Dementia in the City.



# Preventing Well

“The risk of people developing dementia is minimised”

## Current Challenges & Opportunities

- York has a larger than national average gap between the expected prevalence of dementia within our population, and the actual number of people diagnosed. Primary care has a challenge to proactively seek and assess people who may be at risk, and identify the condition as early as possible to ensure the right people get the right support at the right time.
- Much of York’s health and social care support starts with a person’s strengths, and the city has a long history of building resilient communities, where it is understood that local people are best placed to understand and find solutions to their needs. This offers the opportunity to develop community networks to prevent, reduce and delay the need for formal support for people with dementia.
- Recent survey results demonstrate that many older people in York experience loneliness, which [research](#) links with dementia. Similarly, there is growing awareness that untreated depression can be a risk factor for dementia, and that treatment of depression in older adults is lower than treatment for those of working age.
- Research by the Alzheimer’s Society tells us that language barriers, cultural perceptions of dementia and a lack of culturally appropriate diagnosis and support services can all affect how people interact with and receive services.
- People with a [learning disability](#) are at greater risk of developing dementia as they age, with higher numbers developing young-onset dementia.

## What ‘Good’ Would Look Like

- People live, work, and socialise in communities that promote health and wellbeing, and reduce social isolation.
- Campaigns, such as ‘What’s good for your heart is good for your head’, and campaigns targeted on the basis of local public health data, are visible in the city to reduce the risk factors which can contribute to a third of dementia cases.
- Information and advice are available through GP practices and tools such as the Healthwatch Guide and Live Well York, to enable people to make informed choices which could potentially prevent, delay, or reduce the impact of dementia on their lives.
- People are aware that dementia can present differently when there is a learning disability.
- Over 75% of people aged over 65 (including those with a learning disability) have an NHS health check where dementia is discussed. Checks are monitored quarterly, and statistics relating to dementia reported to the Integrated Care Partnership.
- Community connectors, such as Social Prescribers, Local Area Coordinators and Adult Social Care Talking Points, plus third sector organisations, ensure sufficient reach across the City (including reaching into Dementia Hubs) to get the right information to the right people in a timely manner.
- Primary Care services identify symptoms of conditions (such as depression and frailty), which may contribute to dementia in older adults and treat them appropriately.
- We proactively address issues such as language barriers and cultural perceptions on dementia to positively impact how people interact with and receive services.

## Key Actions & Priorities

- Develop the work of the Ageing Well partnership around York being a Dementia Friendly City.
- Ensure Public Health services have a forward plan for preventative campaigns which include regular reference to reducing the modifiable risk factors linked to dementia, including making tangible progress towards York being a carbon net zero city.
- Develop a dedicated space for information and advice about Dementia on Live Well York (an information and advice community website for all adults in the city).
- Liaise with Public Health services and local GP's to develop what is included in, and how performance is measured on, the NHS health checks in the city.
- Ensure in-reach from community connectors to Dementia Hubs to promote the support that people can access within their own communities, and according to their unique experiences.
- Develop assurance around diagnosis and treatment of depression in older adults in the city



## Diagnosing Well

Timely accurate diagnosis, support plan and review within the first year

## Current Challenges & Opportunities

- Our diagnosis rate (54.4%) is below the national average (61.7%) and the national target (66%). This means that there are significant numbers of people living in York with undiagnosed dementia.
- The fear of stigma can prevent a person from accessing a diagnosis, and we need to provide good information about dementia and the benefits of diagnosis.
- We have a challenge to ensure we are taking all opportunities to diagnose young-onset (under the age of 65) dementia. People often face different challenges (e.g., continuing to work, having a young family), and there is often a long

## What 'Good' Would Look Like

- People and organisations who provide care and support, are skilled in identifying the symptoms of dementia, and know what steps to take to support people to receive a diagnosis. They are aware of the impact of common physical health problems on cognition.
- The dementia work stream of the Humber and North Yorkshire Integrated Care System, will support and monitor targeted work in primary care where diagnosis rates remain low, with a target for diagnosis rates to be above 67% by the end of this Strategy's lifecycle.
- People working within dementia care promote inclusive practice at all times, and consider how they can provide accessible information in appropriate formats.
- There are embedded processes for monitoring and reporting the average length of time people are awaiting diagnosis. The benchmark will initially be against pre-pandemic timescales, and the target will be a maximum of 6 weeks. This includes people under the age of 65, people with learning disabilities, people from BAME and minority groups, and people with alcohol-related dementia.
- People know what to expect of the diagnostic process, and diagnoses are delivered in a compassionate way, using positive hopeful language (which signals the beginning and not the end of a process). Diagnosis

wait for diagnosis as other conditions are explored. Follow-up is critical and the support designed for older people is often not suitable, meaning younger people with dementia can find themselves isolated within their community.

- People face unique challenges in seeking a dementia diagnosis (perhaps due to issues such as age, gender, race, culture and religion, sexual identity, caring roles and socioeconomic status), which need to be understood.
- We need to ensure that the diagnosis pathway is seamless and that we minimise barriers to accessing the Memory Service and neurology.
- We have an opportunity to continue work already started to reduce delays in referral from GP's to the memory clinic, by making the process easier for GP's without compromising the quality of referrals.
- Consultation with citizens has told us that many people have felt unsupported after diagnosis, and feedback would suggest that there is inconsistency across the city.

is also timely, affording people the best opportunity to ensure their wishes are considered in the development of their support plan and more chance to take part in research if they wish to do so.

- We build upon the current diagnosis pilot with people aged over 90 and those considered vulnerable, and extend this to consider diagnosis for 'harder to reach' communities, such as those who can't leave their homes, those with other ill health complications, and those with delirium. We offer support to people discharged from hospital with delirium, to monitor their cognition and prevent deterioration.
- We have improved referral pathways between hospitals and importantly A&E, to make it easier to refer directly from these settings into Memory Assessment Services.
- There is integrated working between neurology, neuroradiology and psychiatry in assessment of young-onset dementia and Parkinson's disease Dementia (as per the NICE guidance). We are exploring the use of a Picture Archiving and Communication System within the Memory Assessment Service.
- People diagnosed with dementia and their family and friends have easy access to information on planning and making choices about their care at the end-of-life. Information and advice are easily accessible throughout the person's journey and as their needs change. This includes access to support and advice around medications routinely used following a new diagnosis of dementia, including written information to allow people to make informed decisions about treatment options.
- With support from the ICS, we explore and implement technological solutions to ensure that people with dementia have a single digital health and care record that is accessible to them and to all health and care professionals involved in their care. This includes access to advance care plans.
- Referrals made to the Memory Service are streamlined and efficient, with all involved understanding what is required to reduce the delay from referral to assessment as much as possible.
- Our Memory Service:
  - Accepts referrals from sources other than primary care, especially in urgent or crisis situations.
  - Builds on existing work to explore alternative diagnostic pathways, for example, using other professionals and tools such as DiADeM (Diagnosing Advanced Dementia Mandate), and proactive in-reach to care homes
  - Has clear pathways to enable effective and consistent access to psychiatrists, psychologists, occupational therapists, social workers and dementia advisers, as well as linguists and interpreters, during the diagnostic process.
  - Provides a choice of appointments such as telephone, video conference or face-to-face appointments where appropriate
  - Has a diagnostic pathway for young-onset dementia and GP's are responsive to symptoms
  - Has a post-diagnostic dementia adviser service, with automatic referral to the service unless people opt out.
  - When people have been prescribed medications, they have access to a named memory nurse within the service for advice, support and changes to their dose.

- People with dementia and their carers are able to influence the design of pre and post-diagnostic support through their involvement in the implementation of this strategy.

## Key Actions & Priorities

- Deliver training to the health and social care workforce to ensure skills in identifying the symptoms of dementia, knowledge of the impact of common physical health problems on acute cognition, and knowledge of the steps required to take to assist someone to receive a diagnosis.
- Develop a programme of targeted support for GP practices to increase the rate of diagnosis, supported by Dementia Coordinators.
- Develop monitoring and reporting processes to track the time people have to wait between referral and diagnosis
- Set clear expectations around how and when diagnoses are delivered and what people can expect in terms of support and advanced care planning at this stage
- Raise awareness and increase the use of the DiADeM tool (the Diagnosis of Advanced Dementia) to support GP's in diagnosing advanced dementia.
- Develop and implement technological solutions for shared care records, alongside ICS.
- Improve the integration of dementia advice and community support within GP practices.



## Supporting Well

"Access to safe high-quality health and social care for people with dementia and carers"

## Current Challenges & Opportunities

- People need comprehensive support that encompasses medical, emotional and social wellbeing. [Nationally](#) these needs are not being met in a consistent and timely way.
- When people are not supported correctly, crises – such as hospitalisation, carer breakdown and health deterioration become more common.
- There are no performance metrics in England that look at the effectiveness of the care and support offered after diagnosis, other than annual dementia reviews.
- Diagnosis without sufficient post-diagnostic support leaves people living with a complex and potentially devastating

## What 'Good' Would Look Like

- York citizens are able to make informed choices about the support they need, using readily available information, advice, and guidance, accessible in different formats. This covers issues such as financial support, carers' rights, and local support options. Community connectors such as the Council's Talking Points, Local Area Coordinators, Social Prescribing and third sector organisations, are available to offer this in person.
- People with dementia are involved in planning their support, and different approaches are used to help them to participate fully.
- Dementia support workers are available in each primary care network, as part of an overall, integrated 'stepped' model of care. This enables people to easily access more specialist support within the community as their needs become more complex.

condition with limited understanding, capability or tools to cope with or manage its symptoms.

- The complexity of dementia requires a multidisciplinary approach to support, including both health and care providers. Currently, this often lacks primary care input.
- People with dementia experience worse outcomes when admitted to hospital than those without the condition.
- 59.5% of people affected by dementia in Yorkshire and Humber did not feel they had received enough support in the last 12 months<sup>3</sup>.
- 35.6% of people affected by dementia in Yorkshire and Humber did not feel confident in managing their or someone else's condition.
- 20.5% were unsure when they last had an annual review of their dementia care<sup>3</sup>. 52% of those who did have an annual review said it did not help them manage their condition
- Engagement research in York found many personal stories of services working well together, however some people reported receiving no support at all, and others gave examples of inflexible and impersonalised support.
- As of July 2022, York's care and support market is facing unprecedented workforce challenges, both in terms of recruiting and retaining staff. This impacts both upon the ability to deliver good quality dementia care and upon the number of spaces within care homes registered to support people with dementia.
- High land value in the city presents a further challenge which prohibits investment from larger specialist dementia services.
- There are challenges in discharging people with dementia safely from hospital because of issues such as finding the right level of support for people with complex needs, or knowing whether their support is primarily to be provided by health or social care.
- There are gaps in provision for people with young-onset dementia. Carers of people with young-onset dementia

- Support stopped due to coronavirus precautions has been safely reinstated without the need for unnecessary further assessment, and the support required to aid recovery from the adverse effects of Covid-19 is considered.
- Annual reviews return to pre-pandemic levels of 75% Those conducted in primary care take account of the NHSE Good Care Planning resource and are holistic, taking into account other health conditions. They involve other professionals where appropriate to consider needs beyond medical care.
- Work is underway towards the development of a single digital health and care record, helping to reduce the need for people to tell their story multiple times, and to increase their control over their situation. This work includes efforts to mediate the risks of digital exclusion. Health and social care records ensure that a system is in place to identify those with dementia who are most vulnerable and at risk of crisis, who can then be offered more frequent care plan reviews if needed.
- Everyone who has received a dementia diagnosis, and their informal carers where present, have immediate short-term support to help come to terms with their diagnosis and plan for the future.
- We have a dementia support worker based in every primary care network.
- People with dementia who live alone are supported where needed and receive appropriate information and assistance to ensure they can maintain social networks, activities and live safely in their own home. Assistive technology is proactively considered.
- People are automatically referred to a dementia adviser in either the Memory Service or primary care (with the ability to opt out). Everyone with a dementia diagnosis has a named health or social care professional within one of these services, to support them to coordinate their care from the point of diagnosis to the end-of-life.
- Evidence-based, post-diagnostic support interventions are provided for people with dementia and carers/family members. This includes support to maintain inclusion, occupation and identity, and social relationships as well as tools such as personal health budgets and assistive technology to help increase choice and control. Where anti-psychotic medication is appropriate, its use is closely monitored to ensure safe and high quality practice.
- Support is provided in a strengths-based way to the person and is delivered in a way which is considerate of their individuality. Decisions made about diagnosis, care or treatment are made collaboratively with the person and where there is a carer/family member, they will be included.
- Where a person with dementia has a carer, there is appropriate support available to enable them to have breaks from this role if needed, both on an emergency and planned basis.



report a lack of age-appropriate activities and support, and the need for support to be flexible to accommodate employment.

- There are gaps in provision for people with alcohol-related dementia.
- York's rate of emergency hospital admissions for people with dementia is lower than the national average (3375 per 100,000), but people with dementia are staying in hospital twice as long as other older people.
- There is a challenge in finding crisis support around the clock.
- There is a challenge to ensure that all health and social care staff who may support someone with dementia, have the appropriate level of training,

- The risk of a crisis is prevented wherever possible and if a crisis occurs there is a comprehensive joined-up offer of support. Where admission to hospital, inpatient facilities or residential care cannot be avoided by a community response, the person receives compassionate and skilled support in dementia and carer friendly environments, and is discharged without unnecessary delay (utilising the Mental Health Liaison team and specialist nurses in primary and secondary care).
- Opportunities have been taken from the creation of the Integrated Care Board to simplify the funding arrangements for support for people with severe dementia.
- People who live in care homes receive appropriate assessment, diagnosis, and subsequent care planning, as clinical leads are able to identify the needs of their population and the right pathways for support. The Care Homes and Dementia Team are able to provide clinical input and quick access to advice and support for care home staff. This will enhance health, enabling residents to thrive and help to avoid unnecessary hospital admissions.
- We have a diverse workforce (including peer supporters and newer roles to the dementia field), with a broad skill set. Every health and social care professional directly supporting people with dementia should be trained to at least Tier 2 of the NHS-backed Dementia Training Standards Framework, and we learn from people with dementia themselves, actively drawing on their expertise to improve the training offered. We utilise our community assets for their support.
- The Council has a Market Position Statement which promotes collaborative approaches to delivery of services, and all commissioned support is required to use a dementia-specific approach to care delivery, that promotes equal rights and access.
- We have the appropriate data to inform planning and commissioning of high-quality dementia support services, including regular engagement and ongoing conversation with people with dementia. We promote active engagement in research by people with both lived and learned experience of dementia to build an evidence base for practice (e.g. Dementia Enquirers).

## Key Actions & Priorities

- Ensure that information, advice and guidance is readily available, accessible and provided in different formats, including in person.
- Explore the idea of Dementia Hubs, which provide a physical space for people with dementia and their carers to visit to access information, advice and support.
- Audit health and care records to establish where support may have been suspended due to the coronavirus and seek assurance that work is underway to remedy this.
- Monitor and contribute to work underway to develop a local shared care record.
- Develop a clear pathway of support following diagnosis, both in the short term and throughout the person's lifespan.
- Develop evidence-based, person-centred interventions and support for people with dementia and their carers.

- Implement an automatic referral to Dementia Support workers, at the point of diagnosis (with the option to decline).
- Improve the way people are supported when in crisis, to ensure choice and control and minimise the negative consequence of intervention.
- Develop the work of the Care Homes and Dementia Team and the skills of clinical leads within care homes to ensure appropriate diagnosis, assessment, support planning and review for care home residents.
- Embed the Dementia Standards Training Framework with dementia support providers in the city, and ensure that there are contractual obligations to deliver a dementia-led approach.
- Develop a data report which allows us to monitor progress in how we support people with dementia and their carers, and highlights any gaps in knowledge or provision which warrant research.
- Increase the number of people who have a safe discharge from hospital at the right time, to the right place, with the right level of support by learning from good local hospital discharge practice



## Living Well

"People with dementia can live normally in safe and accepting communities"

### Current Challenges & Opportunities

- The Alzheimer's Society's 2021 survey found that 13.9% of carers in York reported feeling socially isolated. Loneliness associated with social isolation can increase the risk of dementia.
- York citizens have reported a need for improved way-finding and signage in some public buildings
- There is a challenge to address the stigma associated with dementia and reduce the fear of diagnosis and social exclusion

### What 'Good' Would Look Like

- People are supported to live at home through dementia friendly communities and tailored home support. Dementia awareness is improved through dementia friends training, media communications and social networking. Assistive technology is used wherever helpful.
- We identify people living with dementia from marginalised groups and ensure they have equal opportunity to inform best practice dementia care in the city.
- Community spaces and building-based support is accessible and dementia-friendly, and local universal services (e.g. opticians, hairdressers) have the opportunity to build their skills to be dementia friendly also.
- People affected by dementia and their carers feel accepted, supported and understood in their communities. They can maintain and develop their relationships and are able to contribute to their community.
- There are mechanisms for open and ongoing conversations between people with dementia and service providers so we are constantly striving for better conditions in which people with dementia can live a good life.



- People living with dementia from marginalised groups can be further oppressed without clear understanding of their unique experience and challenges.
- There can be a challenge to support people at home with dementia as their condition progresses, but equally, a challenge for a person to leave their home and their familiar environment. Both can impact upon familial relations.

- York's employers support and value people living with dementia and their carers, and people are able to make meaningful contribution.
- York has an Inclusive Transport Strategy, which recognises that not all disabilities (including dementia), are visible.
- The Disabled Facilities Grant (DFG) is used to support those who are eligible, to adapt their homes to make them safe and suitable for their individual needs. There are suitable housing options for people who need to move to somewhere with support but who do not necessarily require a 'care home'.
- We positively influence how people perceive living with dementia through active campaigns and intergenerational projects. Discrimination and disabling language, attitudes and environments are challenged.
- We support established peer support groups and similar initiatives to help build resilience, ensure the availability of support which accounts for people's individuality (e.g., Nursing with Pride, Free to Be Me in Care), protects human rights, and develop social action solutions.
- There are ongoing opportunities for people with dementia and carers to access support interventions, information and education following diagnosis, to help them to live for longer in the way that is important to them. This includes age-appropriate activities &/or support to access mainstream activities for people with young-onset dementia.
- Our Carers' Strategy includes a specific focus on carers of people with dementia (including those with young-onset), detailing the support available to them. This includes access to evidence based interventions, psychological support, practical training, bereavement support and vital breaks where needed.
- Unpaid carers are routinely offered a flexible assessment of their own needs (virtual or face-to-face) and are treated as partners in the care of the person living with dementia.

## Key Actions & Priorities

- Contribute to the work of the Ageing Well Partnership, meeting an objective of the City of York Council's Plan to promote dementia friendly services and buildings.
- Improve the use of equality data to ensure targeted work is undertaken where required, to reduce health and social care inequalities for people living with dementia and their families.
- Contribute to York's Inclusive Transport Strategy to ensure that the issue of non-visible disabilities is acknowledged and addressed.
- Develop information, guidance and advice to address the different stages of the Dementia Well Pathway.
- Consider the spaces, places and people that can encourage open and ongoing conversations about creating the sort of city in which people with dementia and their carers can live good lives.
- Contribute to campaigns and intergenerational projects being developed through the Ageing Well Partnership.
- Ensure symbiosis between the Dementia Strategy Delivery Plan and the Carers' Strategy Delivery Plan to ensure that the right opportunities and support are available for carers of people with dementia.



# Dying Well

“People with dementia die with dignity in the place of their choosing”

## Current Challenges & Opportunities

- We need more understanding of the barriers to people receiving appropriate end-of-life care that considers them as the individual beyond their diagnosis, and enables planning care and support in advance. We need to ensure that we consider adults who live alone, and the needs of people who are caring for a friend or family member with dementia, but who also have dementia themselves.
- A lack of general conversation around death and dying means that the wishes of people with dementia, even on basic matters, are often unknown as they reach the end of their life. People with dementia in York have told us that they want to know where to go to for support when dementia progresses and they would like more time with involved professionals to plan for the end of their lives.
- There can be a challenge for clinicians to support people with dementia who are in pain or discomfort at the end of their life, due to the difficulties with communication. There can also be challenges in supporting those with other health conditions, and to make decisions about when to withhold or withdraw treatment.
- It is recognised nationally that there can be difficulties identifying that a person with dementia is approaching the end of their life. This can be because symptoms are complicated by other health conditions, and/or changes to how a person communicates. It's important to educate all those involved in supporting the person at the end of their life, to avoid missing important moments in the last days.
- We know that in the advanced stages of dementia there is often a hidden cost to those who provide support - their caring role can increase, they can feel more isolated, and they can feel extra pressure if involved in making

## What 'Good' Would Look Like

- We work in partnership with people with lived and learned experience to break down barriers to good quality health and social care at the end-of-life.
- Everyone has the chance to have the right support and setting at the end-of-life, and to be as comfortable as possible. There is support for people to die with dignity in a place of their choice, and all efforts are made to avoid unnecessary obstructions to this.
- People with dementia have choice and control and are included in decisions relating to their end-of-life care. Where the person themselves lacks the mental capacity to make decisions, family and carers will be provided with the relevant information and tools to support best interests decisions.
- All people living with dementia and their carers have the opportunity to discuss advance care plans at each stage of their pathway.
- We have appropriate information, advice and guidance to enable people to make early and informed decisions around planning for the future and end-of-life care. We also have information which supports families, friends and carers to identify signs of a changing condition, where to go and what to do.
- Advance care planning training is offered to any professional working within the field of dementia care and we have effective tools, including improved nonverbal communication strategies and use of people's life stories, to ensure person-centred support.
- All directly delivered or commissioned services meet agreed and recognised standards for end-of-life care. There has been consideration of the Gold Standards Framework, One Chance to Get It Right, and Priorities of Care for the Dying Person as national frameworks which could ensure best practice locally.

significant decisions on a person's behalf. We want carers to feel valued and supported, and able to get support when needed.

- National research suggests concern about the number of professionals who visit a person when dying at home.
- It is recognised that dementia is a terminal condition (in 2020, it was the leading cause of death in England and Wales after COVID-19) but work needs to be done to better understand the standardised rate of mortality for people living with dementia in York. It is currently lower than the national average (794.2 as opposed to 849.3) for people over 65.

- We have an agreed best practice protocol for assessing pain, which can be utilised widely to assess the impact of pain and discomfort in people who have difficulty vocalising their needs.
- Families and carers are provided with timely coordinated support before death, at the time of death, and during bereavement.
- There are opportunities for people with dementia, their families, and staff from key stakeholders, to share knowledge and experience to inform best practice, and consider research opportunities to improve this.
- We have ongoing audit and monitoring of services to identify gaps in service delivery in order to ensure that capacity of specialist palliative care provision meets demand in all settings.

## Key Actions & Priorities

- Alongside people with lived experience of dementia, undertake research to identify the barriers to people receiving appropriate end-of-life care and support, and work to address these
- Develop information and guidance to support people with dementia and their carers to make decisions about the support they want at the end of their life
- Alongside people with lived experience, identify and deliver appropriate workforce development around advanced care planning and end-of-life care
- Ensure we have the appropriate support in place for families and carers when their loved one is diagnosed as being at the end-of-life.
- Audit and monitor the availability of palliative care in community, health and care home settings, and set out a framework of monitoring and review to ensure sufficiency.

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# York Dementia Strategy Delivery Plan

2022-2027



## Our Vision

Our vision is to make sure that people with dementia, their families and carers, are supported to live life say:

- I live in a dementia friendly community
- I know who/where to turn to for information, advice and support
- I can live a life of my own
- I have access to the right support that enables me to live well at home for as long as possible
- My voice is heard and makes a difference
- I know that when the time comes, I can die with dignity, in the place of my choice



to their full potential. We want the people of York to be able to

THEME	KEY ACTION	LEAD PERSON
<b>Campaigns</b>	Ensure Public Health have a forward plan for sensitive campaigns which include regular reference to reducing the modifiable risk factors linked to dementia and address issues such as gender representation and comorbid issues such as frailty, depression and loneliness. Also to making tangible progress towards York being a carbon net zero city.	
	Ensure reach into existing campaigns (such as the changing habits programme at York Drug and Alcohol service) to connect to cognitive decline	
	Contribute to the work of the Ageing Well partnership around York being a Dementia Friendly City.	
	Consider visibility of campaigns in post-pandemic environment (e.g., when physical GP attendance is a lot lower). Consider the	
	Increase engagement with people from ethnic minorities who may be experiencing cognitive decline	
<b>Info and Advice</b>	Develop a dedicated space for information and advice about Dementia on Live Well York (an information and advice community website for all adults in the City).	
	Ensure we have the right advice for each stage of the Dementia Pathway, in accessible formats	
	Promote the Healthwatch directory so its more readily available	
<b>Primary Care interventions</b>	Work with public health and our local GPs (e.g., through Nimbus Care) to develop what is included in, and how performance is measured on the NHS health checks in the City. Work with GPs to ensure that health checks for people with LD are on track to	
	Review the number of face to face appointments being offered where there is cognitive decline and how successful virtual appointments are	
	Develop assurance around diagnosis and treatment of associated conditions such as depression and frailty in older adults in the City	
	Make every contact count- capture the voices of those seldom heard, and ensure that holistic needs are considered within appointments	
<b>Hubs</b>	Ensure in-reach from community connectors to Dementia Hubs, to promote the support that people can access within their own communities either instead of or in addition to formal 'care'.	
	Ensure the availability of social befriending and/or social activities that address loneliness across the different communities in the city	

<b>Measure Impact</b>	Monitor the impact of prevention activity in the City, as it specifically relates to people with Dementia (e.g., can we monitor the impact of focussed interventions to tackle loneliness on a person's cognitive decline? Do health champions/move mates etc., manage to reduce risks associated with dementia?)	
	Increase our awareness around the needs of local people from marginalised groups	



**DATE TO BE ACHIEVED BY**




**Preventing Well**

"The risk of people developing dementia is minimised"



THEME	KEY ACTION	LEAD PERSON
<b>Workforce development</b>	Deliver universal training to the health and social care workforce to ensure skills in identifying the symptoms of dementia, knowledge of the impact of common physical health problems on acute	
<b>Primary Care Interventions</b>	Develop a programme of targeted support for GP practices to increase the rate of diagnosis, supported by Dementia Coordinators.	
	Improve the integration of dementia advice and community support within GP practices	
<b>Measuring Impact</b>	Develop monitoring and reporting processes to track the time people are having to wait between referral and diagnosis	
<b>Improving the Diagnosis Pathway</b>	Set clear expectations around how and when diagnoses are delivered and what people can expect in terms of support and advanced care planning at this stage	
	Raise awareness and increase the use of the DiADeM tool (the Diagnosis of Advanced Dementia) to support GPs in diagnosing dementia for people living with advanced dementia.	
	Work with the ICS to develop and implement technological solutions for shared care records to support an easier diagnosis pathway	
	Consider our local approach to diagnosis where there are complications around delirium	
	Improve the memory service referral pathway to: * address current bottlenecks resulting in long wait; * include direct referrals from acute services and minimise unnecessary waits between stages; * Explore alternative pathways to diagnosis from community and specialist settings * Improve communication for patients and their families while waiting for assessment to provide a better experience both practically and emotionally of the diagnosis process. * Explore the reasons for high DNA rates and options for supporting people while on waiting lists to minimise this.	

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 **Diagnosing Well**

Timely accurate diagnosis, care plan and review within first year



THEME	KEY ACTION
<b>Information and Advice</b>	Ensure that information, advice and guidance is readily available, accessible and provided in different formats, including in person. Explore the idea of Dementia Hubs, which provide a physical space for people with dementia and their carers to visit to access information, advice and support.
	Educational videos, needs to be developed to support people who struggle with English language literacy
	Develop information about funding options which can be shared early in a person's dementia, so that they are aware of what they may be entitled to.
<b>Improving the Pathway</b>	Monitor and contribute to work underway to develop a local shared care record.
	Work to develop a clear pathway of support following diagnosis, both in the short term and throughout the person's lifespan
	Work to ensure meaningful annual reviews which consider the holistic support needs of the person and, where applicable, their carer
	work to address inequities in follow up support for people with non-Alzheimer's disease dementia types
	Work to embed annual reviews which are meaningful, and pilot a person-centred approach to this (? At Acomb Garth)
<b>Evidence based support interventions</b>	Work to develop evidence based, person centred interventions and support (particularly daytime activities and company) for people with dementia and their carers
	Work alongside people with dementia to look at best practice examples from across the country (e.g., the Bristol Dementia Wellbeing Service, the Islington Memory Navigation Service, the Debenham project, the TRIO befriending project) and think about how we can mirror such developments here.
	Work to ensure appropriate and regular medication reviews for people with dementia and continuity of GP access where possible (known benefits of safer prescribing, reduced risk of delirium and incontinence, fewer hospitalisations and lower mortality) or of dementia support workers
	Explore the need for local pharmacological research with the ICS
	Work to develop how the system supports people through crises, to ensure choice and control and minimise the negative consequence of intervention
	Develop the work of the Care Homes and Dementia team and the skills of clinical leads within Care Homes to ensure appropriate diagnosis, assessment, care planning and review for people with Dementia.
	Learn from good practice locally around hospital discharge, to increase the number of people who have a safe discharge from hospital at the right time, to the right place, with the right level of support.
	Explore good practice around carer support particularly access to psychological support and counselling
	Contribute to local research and testing of assistive technology to ensure that the needs of people with dementia are represented
	Offer equitable access to non-pharmacological interventions as per national guidance, such as cognitive stimulation therapy (CST), and ensure all memory services have access to CST by April 2024.

	Explore the current offer in the city for non-pharmacological/psychosocial interventions such as reminiscence therapy and cognitive rehabilitation; cognitive stimulation therapy and evidence based interventions such as coaching, or occupational therapy training for carers. Consider what our 'interventions of choice' are and how we ensure easy access to these
	Engage in the DReAMs project to understand how sleep interventions can impact upon people with dementia and their carers
	The York IAPT service isn't able to work with people presenting with severe difficulties and cognitive functioning or impairment which would requires intervention from a specialist service, but is open to people with mild to moderate impairment. The service is currently looking at guidance (alongside the MH Services for Older People Team) for clinicians for determining if IAPT is the most appropriate intervention. This is currently in draft and its impact will require monitoring
	Work with the continence service to understand our current offer of continence aids in the city, and whether these promote dignity for people with dementia
	look into possibility of different support organisations conducting independent evaluations of each others interventions on a reciprocal basis
	consider human rights where the carer and cared for have competing need (e.g., returning from 'respite')
<b>Workforce development</b>	Complete exercise to understand best training standards framework for the City, and embed training within this, ensuring that there are contractual obligations to deliver a dementia specific approach
	Work to develop training/in-reach for staff on general wards within hospital and healthcare settings, and explore idea of people with lived experience offering training for
	Monitor and review impact of new training offers/approaches
	Ensure occupational therapists, psychologists and other allied health professionals have protected time to carry out post-diagnostic support at memory service level alongside their diagnostic responsibilities, including home visits if appropriate, in line with patient need and symptom deterioration
	Explore whether occupational therapists in the city are trained to deliver cognitive rehabilitation and if indeed they do this.
<b>Measuring Impact</b>	Work to develop a minimum data set which allows us to monitor progress in how we support people with dementia and their carers; and to consider gaps in knowledge or provision which warrant research.
	Explore ability to extract data around the number of people with dementia who have multiple professionals involved (do people need to tell their stories multiple times? Could those professionals work better together?). International research has shown a shared care approach between different professionals within primary care improves care and outcomes.
	Improve recording of statistics for people living with dementia (typically from primary care) according to race, religion, sexuality and gender re-assignment so we can establish the diverse needs of people with dementia in the city.
	Improve recording (and most likely diagnostic rates) for people living in the city with a learning disability and dementia (numbers currently suggest we have 22 – 11 male/11 female)

*Look at local data around hospital admissions for people with dementia and target community support accordingly. Evidence suggests that hospital admission of people with dementia is strongly associated with multimorbidity (having two or more health conditions), polypharmacy (being on multiple medications), lower functional ability, unintentional weight loss and falls. Urinary tract infections, pneumonia/chest infections and delirium as well as falls – common reasons for admission – are potentially preventable admissions.*

Explore data around the use of Social Prescribing by people with dementia in York. The Alzheimer's Society suggest that nationally the numbers of people with dementia who are referred to social prescribing are low.

Audit health and care records to establish where support may have been suspended due to the coronavirus and seek assurance that work is underway to remedy this.

Consider research into predictors of people needing care home support, to see if we can prevent, reduce or delay this. The Alzheimer's society state that the median time to someone with a dementia needing to be admitted to a care home or similar is 47 months after diagnosis. Predictors of people needing care home support more rapidly include severity of dementia, greater functional impairment, greater unmet needs in activities of daily living, severity of behavioural and psychological symptoms, fewer caregiving hours and higher caregiver stress.



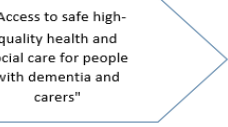
LEAD PERSON	DATE TO BE ACHIEVED BY



**Supporting Well**

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Access to safe high-quality health and social care for people with dementia and carers"

THEME	KEY ACTION	LEAD PERSON
<b>Campaigns</b>	Contribute to the work of the Ageing Well Partnership to promote dementia friendly services and buildings	
	Improve way finding and signage in public buildings, consider dementia friendly shopping hours, access to toilets etc.	
	Contribute to campaigns and intergenerational projects being developed through the Ageing Well Partnership	
	Ensure symbiosis between the dementia strategy delivery plan and the carers strategy delivery plan to ensure the right opportunities and support are available for carers of people living with dementia.	
	Contribute to York's inclusive transport strategy to ensure that the issue of non-visible disabilities is acknowledged and addressed	
	Consider work with licensing, around encouraging people such as taxi drivers and publicans to develop their awareness of dementia	
<b>Info and Advice</b>	Information, guidance and advice developed to address the different stages of the Dementia Well Pathway includes reference (e.g., to things like the Disabled Facilities Grant).	
	Consider the development of dementia champions in places like York Racial Equality Network and York LGBT forum to ensure that people with protected characteristics who access these services, have the best support to live well with dementia	
<b>Coproduction</b>	Consideration given to the spaces, places and people who can encourage open and ongoing conversations about creating the right City in which people with dementia and their carers can live good lives.	
<b>Evidence based support interventions</b>	Expolre opportunities to simplify the process for booking short-term 'as needed' respite support for carers of people living with dementia.	
	Explore the local implementation of discretion in the award of blue badges for people with dementia. Promote ease of access wherever possible to enhance quality of life ahead of loss of mobility.	

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**Living Well**

"People with dementia can live normally in safe and accepting communities"



THEME	KEY ACTION	LEAD PERSON
<b>Workforce development</b>	Identify and deliver appropriate workforce development around advanced care planning and end of life care, ensuring that directly delivered or commissioned services meet the National Gold Standards Framework	
<b>Evidence based interventions</b>	Ensure we have the appropriate support in place for families and carers for when their loved one is diagnosed as end of life	
	Consider holistic interventions for pain management in end of life care, for example <a href="https://www.alzheimers.org.uk/Care-and-cure-magazine/spring-19/namaste-care-research-update">https://www.alzheimers.org.uk/Care-and-cure-magazine/spring-19/namaste-care-research-update</a>	
	Consider how we embed advanced support planning into practice with health and social care professionals (scope who we expect to do this and where advanced care plans may be stored)	
	Consider the local options around place of death and how hospice support can be utilised	
	Consider whether we have consistency of approaches to assessment and intervention in end of life care and how we may achieve this to ensure best practice across the system (e.g., Research appropriate use of tools to base clinical judgement within end-of-life care, so advance care plans can be honoured)	
<b>Info and Advice</b>	Alongside people with dementia, consider the information important to people at the end of life (for example setting up authorities for decision making, meeting emotional, sensory and spiritual needs, and stating preferences for last places of care) and how best to ensure people have the right information at the right time to make the right choice for them.	
<b>Market sufficiency</b>	Conduct a review of the capacity and access to palliative care in care home settings, and at home, and set out a framework of monitoring and review to ensure sufficiency.	





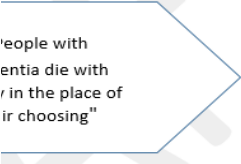
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## Dying Well

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