



Notice of a public meeting of

Decision Session - Combined Executive Member Decision Session

To: Councillors Webb (Executive Member for Children, Young People and Education) and Pavlovic (Executive Member for Housing, Planning and Safer Communities)

Date: Tuesday, 14 April 2026

Time: 10.00 am

Venue: West Offices - Station Rise, York YO1 6GA

AGENDA

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 Democratic Services by **4:00pm on Tuesday, 21 April 2026 (5 working days after meeting)**.

*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 items that are called in will be considered by the Corporate Scrutiny Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5:00pm on Friday, 10 April 2026 (2 working days before meeting)**.

1. Appointing a Chair

To confirm arrangements for chairing the meeting as follows:

- Councillor Webb – All standard agenda items 1-5.
- Councillor Webb – Agenda item 6 – ‘SEND capital projects to support inclusion in mainstream schools.’
- Councillor Pavlovic – Agenda item 7 – ‘Formal Enforcement Action (January to December 2025), New Single Use Vape and Renters Rights Enforcement Provisions.’
- Councillor Pavlovic – Agenda item 8 – Urgent Business.

2. Apologies for Absence

To receive and note apologies for absence.

3. Declarations of Interest

At this point in the meeting, Members and co-opted 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. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

(1) Members must consider their interests, and act according to the following:

Type of Interest	You Must
<i>Disclosable Pecuniary Interests</i>	<i>Disclose the interest, not participate in the discussion or vote, and leave the meeting unless you have a dispensation.</i>
<i>Other Registrable Interests (Directly Related)</i> OR <i>Non-Registrable Interests (Directly Related)</i>	<i>Disclose the interest; speak on the item only if the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting unless you have a dispensation.</i>
<i>Other Registrable</i>	<i>Disclose the interest; remain in</i>

<p><i>Interests (Affects)</i> OR <i>Non-Registrable Interests (Affects)</i></p>	<p><i>the meeting, participate and vote unless the matter affects the financial interest or well-being:</i> <i>(a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and</i> <i>(b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item only if the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting unless you have a dispensation.</i></p>
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(2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.

(3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

4. 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 are set as 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 Friday, 10 April 2026.

To register to speak please visit

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.

- 5. Minutes** (Pages 7 - 12)
To approve and sign the minutes of the Combined Executive Member Decision Session held on Tuesday, 3 March 2026.
- 6. SEND Capital Projects to Support Inclusion and Belonging** (Pages 13 - 50)
To ask the Executive Member to note the proposed use of the DfE 2025-26 SEND Capital through grant allocation to identified schools to support adaptations of the learning environment for children and young people with SEND, and to delegate authority to the Corporate Director of Children and Education, the Director of Governance and the Director of Finance to take such steps as are necessary to develop the grant allocation process, procure, award and enter into the resulting grant agreements.
- 7. Formal Enforcement Action (January to December 2025), New Single Use Vape and Renters Rights Enforcement Provisions** (Pages 51 - 116)
To ask the Executive Member to review formal enforcement action undertaken by Public Protection (Environmental Health, Trading Standards and Licensing teams), National Trading Standards Regional Investigation and eCrime teams and the Healthy and Sustainable Homes Service, and to ask the Executive Member to consider approving an updated enforcement policy, a new 'fixed monetary penalty notices' and other 'compliance notice' provisions as 'formal enforcement action' to help tackle the sale of illegal single use vapes, and a new housing civil penalties notice policy for offences from 1 May 2026 onwards considering the Renters' Right Act 2025.

8. Urgent Business

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

Democracy Officer:

Ben Jewitt

Contact details:

- Telephone: (01904) 553073
- Email: democratic.services@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
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我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

City of York Council

Committee Minutes

Meeting	Decision Session - Combined Executive Member Decision Session
Date	3 March 2026
Present	Councillors Kilbane, Webb, Kent and Lomas
Officers in attendance	Paul Sanderson – Revenues and Benefits Manager Susan Wood – Welfare Benefits and Strategic Partnership Manager Alison Cooke – Head of Strategic Policy Planning Guy Hanson – Design and Conservation Manager Claire Foale – Chief Strategy Officer

72. Appointing a Chair (10:01am)

Resolved: That the arrangements for chairing the meeting would be as follows:

Councillor Lomas, Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion – Agenda items 1-6.

Councillor Kent, Executive Member for Environment and Climate Emergency – Agenda item 7.

Councillor Kilbane, Deputy Leader of the Council and Executive Member for Economy and Culture – Agenda items 8-9.

73. Apologies for Absence (10:01am)

There were no apologies for absence.

74. Declarations of Interest (10:01am)

The Executive Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests, or any disclosable pecuniary interests that they might have in respect of business on the agenda. None were declared.

75. Minutes (10:01am)

An incorrectly recorded date was amended at paragraph 57 of the 27 January minutes, to be updated on the electronic record. It was then

Resolved: That the minutes of the Combined Executive Member Decision Sessions held on Tuesday, 27 January 2026 and Tuesday, 3 February 2026 be approved as a correct record.

76. Public Participation (10:02am)

It was noted that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Councillor Waller spoke in relation to agenda item 6, noting that the proposed scheme was an important resource for the city, and would particularly benefit areas of deprivation in York, including within his own ward. He noted that the funding had in fact been reduced in real terms and asked what lobbying had been attempted in response to this.

He discussed the other means of support for residents, beyond this scheme, and expressed his hope that working with these impartial groups might be included in future reports. He also suggested that since this scheme would be reported as part of the annual report to Executive and as part of a welfare benefits update report, that the Executive Members consider making this a public document so that ward councillors could refer to it.

77. Crises & Resilience Fund Scheme (10:06am)

The Revenues and Benefits Manager, assisted by the Welfare Benefits Manager, presented the item on the Crises and Resilience Fund provided by the National Government to York. He explained that this funding had been made available to local authorities across England, both to support low-income households encountering financial shock and to support activities that build individual and community resilience. He noted that the funding covered the period 1 April 2026 to 31 March 2029 inclusive. He stated that the fund included a housing element and was not intended to replace existing local welfare assistance schemes.

He acknowledged that in comparison with the preceding Household Support Fund Scheme, in real terms there was a million-pound reduction in the funding provided across the next three years, but that this funding would now be guaranteed for that period and annual renewal would not need to be sought, making forward planning easier.

He noted that the scheme was not open to those with no recourse to public funds, but otherwise it was open to everyone who needed support, whether they happened to be receiving benefits. He explained that the scheme provided funding to be delivered by the authority or external providers to improve financial resilience across the area. Additionally it provided community coordination to drive investment in activities connecting and enhancing the local support landscape.

The Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion thanked all officers who had worked on this scheme. Addressing points raised in public participation, she agreed that the totality of funding for this scheme was less than that for the previous scheme. She advised that both she and the Council Leader had extensively lobbied government ministers about the need for funding, focus and support for York.

The Executive Member also noted the point raised in public participation regarding a “joined up approach” with community partners. She agreed that this was a core and essential part of the work here and she was working closely with the Financial Inclusion steering group to achieve better outcomes.

She highlighted the council’s team working to assist people experiencing difficulties and signposting them to partner organisations who can assist in the longer term; responding to what people need now, then looking at what help they might need to get out of the situation they are experiencing.

Noting Cllr Waller’s query about reports being made public the Executive Member explained that these reports would be presented to the Executive Member Decision Session, which is a public meeting, and therefore they would be publicly available.

She also highlighted that in the past few years, the council had used data from the Low Income Family Tracker (LIFT) to proactively approach qualifying people who may otherwise be reluctant to come forward and ask for council assistance. This had been particularly successful.

The Executive Member for Children and Education commented that he had been working with Councillor Lomas on this scheme, thanking her and

officers for their work. He acknowledged the cost-of-living crisis alluded to in public participation, and highlighted schemes the council was running to mitigate this.

He agreed that LIFT had generated huge amounts of income for the individuals identified and encouraged the public to reach out to their ward councillors, or at West Offices.

He noted that because this scheme had guaranteed three-year funding, this allowed the council to plan further ahead which would make a big difference.

Resolved: That the Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion

- i. Approve the Council's Crises and Resilience Fund Scheme.
- ii. Delegate to the Head of Customer Finance, Risk and Insurance in consultation with the councils Section 151 the power to award or amend any financial support changes and awards in line with the Government's three outcomes and four strands, as set out in the scheme and Government guidance.

Reason: The scheme helps to alleviate the ongoing cost of living pressures for financially vulnerable residents.

78. North Yorkshire and York Local Nature Recovery Strategy (LNRS) - adoption of evidence (10:26am)

This item was Introduced by the Head of Strategic Policy Planning who explained that the Local Nature Recovery Strategy was a spatial strategy that sought to map nature recovery actions and deliver the government's England-wide nature targets, as a statutory requirement outlined in the Environment Act 2021. She explained that the Department of Food and Rural Affairs (DEFRA) had appointed North Yorkshire Council as the responsible authority for delivery, and they had approved it in January 2026. Since York had acted as supporting authority, and following endorsement of the draft publication version by the Council Executive last November, it was coming to this session for Executive Member approval in order to proceed.

The Design and Conservation Manager presented the item and outlined how DEFRA intended delivery to work. He noted that the responsible

authority role may move from North Yorkshire Council to the York and North Yorkshire Combined Authority, as part of devolution developments and to channel funding.

He advised that the Local Nature Recovery Strategy was intended to be embedded into local decision making. Strategic projects could be identified and project development facilitated, using the LNRS as a filter. Monitoring and reporting on strategic priorities would be undertaken via an embedded report phase.

The Executive Member for Environment and Climate Emergency welcomed this scheme, stating that unsurprisingly, residents supported the restoration of nature and having the LNRS as a formal strategy was particularly helpful. She said that she looked forward to hearing about the next steps from DEFRA.

With this said it was

Resolved: That the Executive Member for Environment and Climate Emergency

- i. Note the decision by North Yorkshire Council to publish the Local Nature Recovery Strategy (LNRS).
- ii. Accept the LNRS, as approved, as a statutory evidence base to inform planning decisions and plan-making.

Reason: To ensure compliance with the Environment Act 2021.

79. York Cultural Strategy (10:34am)

The Chief Strategy Officer presented the report, which concerned the adoption of York's Cultural Strategy. She invited the Executive Member to approve the Strategy on behalf of the city, noting that it had been developed in association with cultural and heritage organisations, and considered how to strengthen community engagement, create an inclusive environment to enable participation for all. She highlighted York's unique, globally recognised heritage and culture as a source of pride.

The Deputy Leader and Executive Member for Economy and Culture thanked officers and partners including North Yorkshire for their work on this strategy. He stressed that this strategy highlighted that culture was an inherent, evolving and organic concept, which made the people of York who they were. He praised the positivity of the strategy for encouraging

civic pride and stridently contrasted this with enforcement and politicisation of culture evident elsewhere.

Resolved: That the Deputy Leader of the Council and Executive Member for Economy and Culture commit the council to adopt the York Cultural Strategy.

Reason:

- i. York continues to be internationally recognised for its exceptional heritage and unique arts offer.
- ii. Residents and businesses in York benefit from York's unique cultural offer, improving life outcomes and health and wellbeing.
- iii. The cultural offer fuels our economy, supporting growth and regeneration.
- iv. All residents will be able to participate and engage in culture, with a focus on inclusive and relevant activities.

Cllrs Lomas, Kent and Kilbane, Chairs

[The meeting started at 10.00 am and finished at 10.44 am].



Meeting:	Executive Member Decision Session
Meeting date:	14 th April 2026
Report of:	Martin Kelly, Corporate Director of Children and Education
Portfolio of:	Councillor Bob Webb, Executive Member for Children, Young People and Education

Decision Report: SEND capital grants to support inclusion and belonging

Subject of Report

1. To inform the Executive member about the proposed use of the Department for Education (DfE) SEND capital grant, 2025-26 to support projects which promote inclusion in mainstream settings through adaptations to classroom and outdoor learning spaces. The allocation of the grant has been used to support the ambition outlined in the city's Inclusion and Belonging Strategy to deliver the right support at the right time through promoting inclusive practice in mainstream schools. Our approach builds on the knowledge of what works well in adapting mainstream environments to meet predictable needs in mainstream. We have several good examples of adaptations to internal and outdoor spaces that have been made across the city's schools which are supporting children and young people to be able to access mainstream provision. This includes the development of inclusion bases and sensory regulation areas. The emphasis on developing inclusive mainstream provision is also a key pillar of the government's Schools White Paper and SEND reforms. The allocation of the SEND capital grants to local areas in 2025-26 is part of the national focus on supporting the development of the infrastructure in mainstream schools and specialist settings to support the implementation of the reforms.
2. The national reforms recognise the need to have access to sufficient specialist provision in each local area to reduce the reliance on out of area independent specialist provision. The allocation of SEND capital is designed both to improve inclusivity

in mainstream and also to support sufficiency of specialist provision. In York there is a need to fund a capital scheme to increase specialist capacity at Applefields School and also an identified need to increase specialist SEMH provision. Applefields Secondary Special School continues to be oversubscribed and in September 2026 will see an overall increase in numbers from 226 to 240 pupils. This requires work to take place at both Applefields and INSPIRE as outlined in the successful bids below.

3. By approving the overall programme spend it means that projects can be delivered in line with government expectations for the SEND Capital Grant during the academic year 2026/27. These projects support the delivery of York's Inclusion and Belonging Strategy and the aims of the national SEND reform programme

Benefits and Challenges

4. The benefit of supporting these projects is to increase capacity to support inclusion in mainstream for children and young people with special educational needs and/or disabilities (SEND). It also supports the use of capital to address existing sufficiency issues in specialist settings.
5. The use of the SEND capital grant to improve the learning environment in mainstream schools supports the national SEND reforms and will help to support children to learn close to home, alongside their peers. The development of more inclusive mainstream provision will improve parental confidence and will ensure that there is greater consistency across schools in being able to demonstrate inclusive practice. The schemes being supported in this first phase of capital allocations are designed to build the capacity to meet predictable areas of need in mainstream and builds on the successful models that have been developed particularly in primary schools.
6. The main challenge in the delivery of this programme has been that the number and value of expressions of interest received from schools across the city has exceeded the total capital grant available. Each project has been evaluated using a range of criteria, including deliverability, number of children with SEND in each school, the impact of the investment on groups of children rather than meeting the needs of individuals. The successful projects have had to demonstrate that they are building sustainable capacity for the future.

7. Policy Basis for Decision

8. *Education and Skills: High Quality Skills and Learning for All*

- City of York Council 'CYC' has a statutory duty to secure sufficient suitable provision for all children in its area.

Financial Strategy Implications

9. The expenditure described in this report will be funded from Department for Education SEND Capital Grant, 2025-26. The receipt of this grant has been reported to the council's executive through the capital monitor reports.

Recommendation and Reasons

The Executive member is asked to:

- note the proposed use of the DfE 2025-26 SEND Capital through grant allocation to identified schools to support adaptations of the learning environment for children and young people with SEND.
- delegate authority to the Corporate Director of Children and Education, the Director of Governance and the Director of Finance to take such steps as are necessary to develop the grant allocation process, procure, award and enter into the resulting grant agreements.

Reason: To ensure that the SEND capital schemes can be delivered in the academic year 2026/27 to improve inclusion and accessibility. The use of the capital funding supports the delivery of the local SEND reform plan.

Background

10. On 27 March 2025, the Department for Education published £738m of High Needs Provision Capital Allocations (HNPCA) for 2025-26 for England. This funding is to support Local Authorities to deliver new places for Academic Year 2026/27 and to improve existing

provision for Children and Young People with SEND or who require Alternative Provision.

11. City of York Council was awarded £1.7 million from the High Needs Provision Capital Allocations as part of this scheme.
12. To support the delivery of the city's Inclusion and Belonging Strategy all schools were invited to submit an expression of interest (EOI) to access funding for small scale capital projects to improve accessibility and inclusion for SEND pupils. Schools were asked to submit EOIs by 30th November 2025. There was a high level of interest from mainstream schools and academies across the city.
13. Following the submission of EOIs the SEND and School Capital projects teams visited schools and academies between December 2025 and February 2026 to review each proposed scheme and to ensure that more detailed costings for each project have been scoped and more detailed project delivery plans submitted.
14. In addition to the EOIs received from mainstream schools there is an urgent need to support a capital project at Applefields Special School. This is to increase classroom capacity on the Applefields site to meet a sufficiency need from September 2026. The school continues to see an increase in pupil numbers. This will see numbers grow from 226 pupils to 240 pupils from September 2026. Without these adaptations Applefields would be unable to safely accommodate the increase in numbers which would result in children being placed out of city which would increase both place costs and transport costs.

Assessment of the EOIs

15. An internal SEND Capital Panel, whose membership included officers from the SEND and school capital teams, reviewed the applications against the grant criteria which are outlined below:
 - 1) Minor modifications to classrooms, therapy rooms, or other learning spaces with a SEND-specific focus (creation of sensory rooms, SEN bases).
 - 2) Long-term use of specialised equipment such as assistive technology (e.g. hoists) or adapted furniture.
 - 3) Accessibility improvements e.g., ramps, automatic doors, or handrails.

- 4) Enhancements to outdoor learning areas, including sensory paths, sensory panels.
- 5) Lighting upgrades for pupils with visual impairments or sensory sensitivities. Soundproofing to reduce noise levels and support sensory regulation
16. The deliverability and sustainability of each proposed project was considered and the context of the numbers of children and young people with SEND in each school was considered when assessing the EOIs. Each project was assessed to ensure a clear match with the grant criteria outlined above. This is to ensure that the impact of the grant funding can be maximised so that that it builds sustainable inclusive capacity in each of the successful schools.
17. Projects have come from both the secondary and primary phase and the successful bids have focused on improving school environments to meet sensory needs and also to support social, emotional and mental health needs through developing regulation spaces and improvements to outdoor learning spaces.
18. The successful schemes are summarised in the table below:

School	School status	Capital adaptation	Costs
Applefields Special School	Secondary Special Academy – Pathfinder	Additional classroom space to meet sufficiency needs in specialist provision	£470k
INSPIRE special school	Secondary special - Excel	Three additional classrooms and remodelling of outdoor areas to increase the capacity of in city specialist	£970K

		SEMH provision	
Archbishop Holgate's	Secondary Academy - Pathfinder	<p>Expansion of internal alternative provision area, this is to develop SEND unit capacity to meet social, emotional and mental health needs:</p> <p>Create a kitchen space</p> <p>Create a second workspace in the main classroom</p> <p>Create a covered outdoor area</p> <p>Supply and install fencing</p> <p>Build an outdoor classroom (including associated groundwork)</p> <p>Supply and install planters and seating</p> <p>Meet planning and building</p>	£130,802

		control regulations	
Clifton with Rawcliffe	Primary Academy-Pathfinder	This funding is provided to expand the school's internal alternative provision. It is to be used to supply and install fencing to create a safe outdoor area and supply and install a canopy for the outdoor space to extend year round use. Resurface the outdoor area to improve the accessibility.	£30,130
Fishergate	Local Authority Maintained Primary	This funding is provided to convert a room currently used primarily for storage into SEN provision.	£72, 250
Fulford	Secondary Academy – Yorkshire Learning Trust	This funding is provided to create a SEND hub classroom: Remove walls and make good ceilings and walls	££9,845

		<p>Replace skirting boards Redecorate</p> <p>Reinstate glass to internal door</p> <p>Supply and install new carpet</p> <p>Supply and install new lighting</p>	
Heworth	Primary Academy - Pathfinder	<p>Install a dedicated SEN room and adjoining sensory garden:</p> <p>Supply and install a small portable building (including associated ground works)</p> <p>Supply and install fencing</p> <p>Meet planning and building control regulations</p>	£88,635
Huntington	Primary Academy- Pathfinder	Relocate and enhance the Warren provision and to	£45,545

		<p>install fencing around the Nest provision:</p> <p>Supply and install fencing around The Nest outdoor provision</p> <p>Supply and install fencing around The Warren outdoor provision</p> <p>Relocate The Warren to the existing Y3/4 classroom, including replacement curtain wall and door</p> <p>Refurbish toilets to provide an accessible toilet</p> <p>Supply and install a new doorset</p> <p>Meet planning and building control regulations</p>	
Hob Moor	Primary Academy - Ebor	Installation of one sensory walk path and one learning pod:	£29,100

		<p>Supply and install a sensory wall</p> <p>Supply and install sensory flooring</p> <p>Supply and install a learning pod</p>	
Poppleton Ousebank	Primary Academy - Heartwood	<p>Create a sensory outdoor classroom:</p> <p>Build an outdoor classroom including seating and white board</p> <p>Provide 1x picnic bench Prepare and lay new surface</p> <p>Supply and install perimeter fence Supply and install Beehive Finger Maze</p>	£28,000
Ralph Butterfield	Local Authority Maintained Primary	Improve outdoor access to The Nest inclusion area and create an inclusive outdoor learning	£51,324

		<p>environment. It will be used to:</p> <p>Prepare the site and resurface the area</p> <p>Provide a ramp to both doorways</p> <p>Supply and install fencing</p> <p>Supply and install a canopy</p> <p>Supply and install a door allowing access to the outdoor area</p> <p>Supply and install a water heater and outdoor tap</p> <p>Supply and install fixed storage for outdoor equipment</p> <p>Meet planning and building control regulations</p>	
Rufforth	Primary Academy - Pathfinder	<p>Sensory room enhancement:</p> <p>Create a new doorway</p> <p>Provide a ramp, including installation of handrails</p> <p>Remove sockets</p>	£36,520

		<p>Box in pipes and radiators</p> <p>Adapt shelving to provide lockable doors</p> <p>Cover a light switch</p>	
St Aelred's	Primary Academy – Nicholas Post	<p>Create a specialist SEND hub with associated outdoor space.</p> <p>It will be used to:</p> <p>Pay for internal works for the creation of SEND rooms, accessible WC with changing area and kitchenette</p> <p>Alterations to entrance and windows</p> <p>Mechanical and electrical works as necessary</p> <p>Supply and install fencing</p> <p>Surfacing of play area</p>	£295,000

St Lawrence's	Primary Academy - Pathfinder	<p>Sensory room enhancement to extend access to outdoor space:</p> <p>Supply and install a canopy or gazebo</p> <p>Resurface with astro turf and provide zone markings</p> <p>Supply and install fencing to create a safe regulation area</p>	£36,316
Vale of York	Secondary Academy - Heartwood	<p>Create a sensory regulation area.</p> <p>Replace fencing and box pipes</p> <p>Supply and install planters</p> <p>Asphalt area</p> <p>Supply 2x picnic benches</p> <p>Build a canopy</p> <p>Supply and install outside lighting</p> <p>Supply wall art</p>	£15,500

		Purchase and supply a door	
Westfield	Local Authority Maintained Primary	This funding is provided to create a sensory room for KS1 use to support children with autism, ADHD and social, emotional and mental health needs	£48K

18. 7 schools submitted expressions of interest but their applications were unsuccessful in this first round of capital allocations. York will receive a further allocation £2,312,280 of SEND capital funding for 2026-27. This will allow unsuccessful schools to resubmit applications and also to consider new applications for funding to deliver inclusive mainstream provision.

Options Analysis and Evidential Basis

Option 1 – Approve the programme spend

19. By approving Option 1 the capital adaptations can be made which will support greater inclusion and accessibility in mainstream for children and young people with SEND. The work at Applefields and INSPIRE needs to be completed to meet current pressures on in-city specialist provision.

Option 2 – Do nothing

20. This would mean the schemes are not delivered and the work to improve inclusive practice in mainstream would be detrimentally impacted. This would not deliver the improvements to mainstream schools which are both the ambition in York's Inclusion and Belonging Strategy and are an important element of

the School's White Paper and the national SEND reforms. The allocation of High Needs funding by the Department for Education is designed to support the delivery of the local SEND Reform Plan and an important element of this is that capital investment is used to remove barriers to access to education for children and young people with special educational needs and/or disabilities.

Organisational Impact and Implications

Finance

21. The DfE have made available the capital funding for this purpose.
22. A condition of the funding for the 2025/26 financial year is that the funding is used to deliver projects which improve provision for children and young people with SEND. The aims of this grant support the ambitions in the city's Inclusion and Belonging Strategy and will be part of a 3 year capital plan which is a priority to support the delivery of the local SEND Reform plan.

Human Resources (HR)

23. There are no HR implications.

Legal

24. The grant funding arrangements sought to deliver the proposals set out in this report will need to be reviewed to consider whether the Council's acceptance and use of any such grant funding will comply with the requirements set out within the Subsidy Control Act 2022.
25. Any grant funding agreements put in place to regulate the use of the grant funding by providers will need to ensure the provisions of the DfE grant agreements are reflected and that any Subsidy Control elements are captured appropriately.
26. The Council has a statutory duty under the Children and Families Act, 2014 and the Education Act, 1996 to ensure there is sufficient suitable education provision in its area.

Procurement

27. The High Needs Provision capital grant allocation funding for York is provided through the DfE and therefore no direct CYC funding therefore there isn't a requirement to submit a report to the Procurement Challenge Board to obtain approval to commence this grants application process and award of grants. The council's Contract Procedure Rules (CPR's) include specific clauses, 4. Grants, that govern the processes to be followed in order to invite competitive grant applications and assess suitable providers and award grants that provides Best Value to the council and achieve the aims, outcomes for our SEND provision.
28. The Procurement Project Board includes representation from the councils Education Support Service team, Legal, Commercial Procurement and Finance teams who will ensure there is compliance with our CPR's, Financial Regulations and the grants are procured and awarded in alignment to the Council Plan and its aims and objectives.

Health and Wellbeing

29. It is likely that the introduction of these adaptations in mainstream schools will benefit both children and their families for years to come and, will ensure that more children and young people with SEND are able to access their local neighbourhood school.

Equalities and Human Rights

30. The Council recognises, and needs to take into account 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).
31. A full Equalities Impact Assessment has been carried out and is included at Annex A. This highlights positive impacts for lower income groups and disabled children and in particular,

Data Protection and Privacy

32. As there is no personal data, special categories of personal data or criminal offence data being processed, there is no requirement to complete a data protection impact assessment (DPIA). This is evidenced by completion of DPIA screening questions logged under the reference number AD-07975.

Communications

33. This report sets out a positive benefit for children, young people and their families across the city and will require external communications, both immediately and in the longer term.

Risks and Mitigations

34. The key risk is the potential failure of CYC to facilitate the delivery of projects which improve inclusive mainstream provision and improve the sufficiency of specialist provision at Applefields School and INSPIRE. Statutory sufficiency duties would not be delivered leading to possible legal challenge from parents and reputational risk for the local authority.
35. Another possible risk associated with development is gaining planning permission. The planning process requires collaboration on all sides and the Council's planning department will work positively on any proposals with the providers. There is however the need to ensure that the providers work with the Planning Department and engage positively to ensure that there is a positive outcome and permission is secured in a timely manner. Any formal planning submission will need to have sufficient quality of information to support the planning application process, being mindful of local and national planning policy requirements.
36. In mitigation the application documentation will make it clear that any increase in financial costs arising from the planning process and any possible delays should be borne by the school/academy trust themselves.

Wards Impacted

37. All wards are impacted by this decision.

Contact details

For further information please contact the authors of this Decision Report.

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Date:	01/04/2026

Background papers

Annexes

- Annex A: Equalities Impact Assessment (EIA)

City of York Council and Centre for Applied Human Rights

Human Rights and Equity Analysis Tool (HREAT)

An Equality Analysis Tool is an evidence-based approach designed to help organisations ensure that any Policy, Criterion or Practice (PCP), is fair and does not create barriers or disadvantage any protected groups from participation. This covers both strategic and operational activities.

City of York Council (CYC) combines this approach with York's commitment as a Human Rights City to produce a Human Rights and Equity Analysis Tool (HREAT).

This document enables CYC to evidence its legal duty to give 'due regard' to those with protected characteristics under the Equality Act and consider Human Rights at the same time.

Whether a HREAT is needed or not will depend on the likely impact that a PCP may have and relevance of the activity to equity and Human Rights.

The HREAT should be started when the need for a new PCP is first identified, or when an existing one is reviewed. It is essential to continue to update the HREIA during the life of the PCP, as and when new information is learned. It is not complete until the PCP is complete.

Non-discrimination is a minimum standard. The development of the HREAT should prompt critical discussion and highlight disproportionate impacts.

Balancing residents' rights and CYC duties can be very complex and sometimes there will be no 'win-win', so compromises or mitigations may need to be identified to ensure the best outcomes.

Finally, the value in a HREAT is in both the short and long term, by investing in this process CYC will create robust, meaningful, and empowering policies that are more likely to stand the test of time.

Who is submitting the proposal?

Directorate	Children and Education		
Service Area	Education and Skills		
Name of proposal	SEND capital grants to support inclusion and belonging		
Lead Officer	Maxine Squire		
Date Assessment Started	15 th November 2026		
Date Assessment Completed	30 th March 2026		
Names of those who contributed to the assessment			
Name	Job Title	Organisation	Area of Expertise
Victoria Coyle	Head of Integrated SEND	City of York Council	SEND
Claire Roberts	School Place Planning and Capital Projects Manager	City of York Council	Demographic planning and capital projects
Dan Bodey	Head of Inclusive Education	City of York Council	Inclusive mainstream education

Step 1 – Aims and intended outcomes

1.1	What is the purpose of the proposal
	Please explain your proposal in plain English avoiding acronyms and jargon. Consider using Age 9 English.
	The council has received a High Needs Capital funding grant of £1.7 million in the financial year 2025-26 from the Department for Education. The grant is to support the provision of new places and improve existing provision for children with special educational needs and disabilities or those requiring alternative provision (AP). The projects identified in 2025-26 have been through an expression of interest and assessment process to ensure that they can be delivered during the academic year 2026-27. The proposed projects provide a mixture of inclusion bases and physical adaptations to indoor and outdoor learning areas in mainstream and projects to support places in mainstream and AP.
1.2	Are there any external considerations?
	Legislation / government directive / codes of practice etc.
	The grant funding has been provided by central government through the High Needs Capital Grant. This funding has been allocated to support the national SEND reforms with the aim of supporting local authorities to address sufficiency issues and to promote adaptations to mainstream schools which allow children and young people with additional needs to be supported in their local school. This can include the development of inclusion bases, improving and adapting the environment in mainstream settings and to increase specialist and alternative provision (AP) places.

1.3	Who are the stakeholders and what are their interests?
	Consider both internal and external stakeholders.
	Stakeholders include schools and multi-academy trusts, SEND and inclusive education services in the local authority, children, young people and families

1.4	What results / outcomes do we want to achieve and for whom?
	Explain what outcomes you want to achieve for stakeholders, staff and the wider community. Demonstrate how the proposal links to the Council Plan (2023- 2027) and other corporate strategies and plans. Highlight how the proposal meets the objectives of Equalities, Affordability, Climate and Health.
	The outcomes to be achieved are to ensure there are sufficient specialist places to meet current needs, that the development of inclusion bases and adaptations to classrooms and outdoor learning environments ensure that more children and young people can have their needs met in inclusive mainstream settings and children and young people a greater sense of belonging in their local mainstream school.

Step 2 – Resources utilised

3.1	What sources of data, evidence and consultation feedback have you used to help understand the impact of the proposal on equality rights and human rights?	
	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.	
	Source of data / supporting evidence	Reason for using this source
	Information from schools submitted through the expressions of interest process	The schools have a good understanding of the difficulties that children and young people face which links to the physical environment in each school.
	Visits to schools	The feasibility of the expressions of interest was evaluated through joint visits to schools made by members of the council's SEND and capital projects teams.
	School demographic and performance data	A review of school data was used to evidence the potential impact of the projects on meeting predictable needs in each school community e.g. linked to prevalence of primary need, number of education, health and care plans, attendance data etc.

Step 3 – Screening the impacts or effects.

3.1	Equality-related obligations derive from the Equality Act of 2010 and the Human Rights Act of 1998.
	<p>Once you have engaged with stakeholders you will need to identify how this proposal impacts on their human rights and equalities.</p> <p>Although table one looks complex, its purpose is to facilitate an initial screening of equalities and human rights impacts of your proposal.</p> <p>Many human rights and equalities will not be affected by the decision you are seeking Executive or Council approval for and so can be left blank. The aim here is to identify pressure points regarding human rights and equalities that require attention.</p> <p>Please see the Appendix for details of the protected characteristics and human rights to consider</p> <p>The rights listed below in the first column are the relevant ones from the Human Rights Act, and the York Human Rights City Network Indicator Report (non-discrimination, education, health and social care, housing, a decent standard of living). The human rights in the Indicator Report were selected by residents of York as their priority rights. In the first row the protected characteristics under the Equality Act are listed, to which 'Everyone' has been added to capture impacts that affect everyone without distinction.</p>

Step 3.1 Table 1 – Screening the impacts or effects

<div style="text-align: center;">Equalities</div> <div style="text-align: center;">Human Rights</div>	Everyone	Age inc financial, digital exclusion impacts	Disability inc financial, digital exclusion impacts	Gender	Gender reassignment inc Trans, Non-binary, Intersex	Marriage & civil partnership	Pregnancy and maternity	Race	Religion and belief	Sexual orientation	Carers inc financial, digital exclusion impacts	Low-income groups: financial, digital exclusion impacts	Veteran, armed forces community	Other – Those with experience of Care
Right to life*														
Prohibition of torture*														
Prohibition of slavery and forced labour*														
Right to liberty, movement and security (including freedom of movement)***														
Right to a fair trial*														
No punishment without law*														
Right to private and family life***														
Freedom of thought, conscience, and belief***														
Freedom of expression***														
Freedom of assembly***														
Right to marry***														
Right to property***														
Right to education***	x													
Right to free elections***														
Right to housing***														

Step 3.2 Table 2 – Assessing the impact of your proposal

Here you will need to record the details on all the impacts identified for both Human Rights and those with Protected Characteristics.

Where you have identified an impact on a protected characteristic/human right in the table above, please indicate whether this is positive or negative and give a description of this impact. If you run out of rows, please add as necessary.

Rights clashes and restrictions

Where rights clash or are being restricted, you will need to explain how the decision has been taken, that the limitation on human rights is provided by law, for a legitimate purpose (justified), and proportionate (the minimum necessary restriction on rights).

Use the following guidance to inform your responses:

First, think about what equalities or rights might be engaged by the proposal, and describe the likely impact of the proposal, and provide an evaluation.

Use the following questions to inform your responses if human rights or equalities are limited or qualified in any way:

- Why are a person's rights being restricted?
- What is the problem being addressed by the restriction on someone's rights?
- Will the restriction lead to a reduction in the problem?
- Does that restriction involve a blanket policy, or does it allow for different cases to be treated differently?
- Does a less restrictive alternative exist?
- Has sufficient regard been paid to the rights and interests of those affected?
- Do safeguards exist against error or abuse?

Table 2

Characteristic or Human Right affected	Positive or Negative impact	Impact Description	Evaluation or Justification
Right to education	Positive	The delivery of projects to increase inclusion in mainstream and to meet sufficiency of specialist places will improve access to education for children and young people with additional needs	The projects will focus on adaptations to address sensory needs and to create accessible indoor and outdoor learning areas. This objectives are to remove barriers to learning which impact on school attendance and mean that some children are unable to learn in their local school.

Step 4 – Gaps in data and knowledge

4.1	What are the main gaps in information and understanding of the impact of your proposal?	
	<p>When conducting your screening, you may have discovered gaps in data or knowledge that make it difficult to assess whether your proposal had a positive or negative impact on human rights/equalities.</p> <p>Please indicate actions you will take to resolve this gap.</p> <p>As your proposal progresses you may be able to resolve this knowledge gap –please indicate when it was resolved.</p>	
	Gaps in data or knowledge	Action to deal with this
		Date resolved

Step 5 - Maximising positive impacts

5.1

What has been done to optimise opportunities to advance equality / human rights or foster good relations?

Work with schools and multi-academy trusts to develop projects which will improve school environments related to identified needs. The projects are supporting the delivery of the city's Inclusion and Belonging Strategy and this was developed through extensive co-production.

Step 6 – Recommendations and conclusions of the assessment

6.1	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.	
	Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column. There are four main options you can take:	
	No major change to the proposal	The HREAT demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality / human rights and foster good relations, subject to continuing monitor and review.
	Adjust the proposal	The HREAT 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
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.	

	Option Selected	Conclusion / justifications
	Option 1	There is proposal is focused on all opportunities to advance equality/human rights through a focus on projects to improve the accessibility of mainstream education and provide additional specialist places, which will meet current identified sufficiency needs.

Step 7 – Summary of agreed actions resulting from the assessment

7.1	What action, by whom, will be undertaken as a result of the impact assessment.			
	List below the actions or mitigations that have been identified and who will be responsible to carrying them out. Add as many lines as you need.			
	Impact / Issue	Actions to be taken	Person Responsible	Timescale

Step 8 - Monitor, review and improve

8.1	How will the impact of your proposal be monitored and improved upon going forward?
	Consider how will you identify the impact of activities on protected characteristics, other marginalised groups and human rights going forward? How will any learning and enhancements be capitalised on and embedded?
	The success of each scheme will be monitored to identify improvements in attendance and attainment, parental confidence in mainstream through engagement with parent/carer voice. The success of adaptations will be used to inform future capital schemes.

Appendix A

Equity, Diversity & Inclusion (EDI): Protected characteristics

Under the public sector duties introduced by the Equality Act 2010 public bodies must have due regard for the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act, such as the failure to make reasonable adjustments for disabled people
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

These duties relate to the nine protected characteristic groups defined by the Equality Act 2010 (outlined in the table below).

The Council recognises that a person's socio-economic background and whether they live in a rural or urban location can be important factors in determining fair access to services, employment and treatment. When carrying out analysis, you must also consider socio-economic issues and rural / urban location issues. In addition to the nine protected characteristic the HREAT includes the following equality groups:

- Carers
- Low income groups
- Veterans, armed forces community
- Experience of care/Other (other groups that are impacted)

Human rights differ from equalities in two main ways:

- First, human rights apply to everyone and not just groups with protected characteristics.
- Second, they allow for the balancing of rights, priorities, and risks. Many rights are not absolute and can be limited or qualified in particular circumstances.

The following guidance identifies which rights are most likely to be engaged by proposals in certain policy areas. This doesn't mean that you should not consider whether other rights might be engaged.

There are three types of human rights in the Human Rights Act:

Absolute rights: Cannot be breached in any circumstances e.g. right to life and to protection from torture and inhuman or degrading treatment.

Limited rights: can only be restricted in specific situations e.g. a person can be deprived of their liberty if they are convicted of an offence and imprisoned.

Qualified rights: human rights can be restricted if it is in the interests of the wider community or to protect other people's rights e.g. freedom of movement and assembly were restricted during the Covid-19 pandemic in the interests of public health.

As limited and qualified rights are not absolute, they sometimes have to be balanced in decision making. In Table 1, absolute rights are indicated with an *; limited rights with a **; and qualified rights with a ***.

Right	Description	Focus Area
Right to life	<p>Nobody, including the Government, can take someone's life away. Public authorities must take appropriate measures to safeguard life including by protecting people whose life might be in danger.</p> <p>Public authorities should also consider the right to life when making decisions that might endanger or affect life expectancy.</p> <p>When public officials may be involved in an instance when someone died, public authorities must investigate.</p>	<ul style="list-style-type: none"> • Benefits and money • Births, deaths and marriages • Children and families • Environment and animals • Health and social care • Housing • Planning and building • Waste and recycling
Right to liberty and security	<p>It focuses on protecting individuals' freedom from unreasonable detention, as opposed to protecting personal safety. However, there is case law from other jurisdictions where this right also covers personal safety in conditions other than detention.</p>	<ul style="list-style-type: none"> • Right to liberty and security

Freedom from torture and inhuman or degrading treatment	<p>Torture consists in causing very serious and cruel physical or mental pain or suffering.</p> <p>Inhuman treatment or punishment is treatment which causes intense physical or mental suffering. Degrading treatment means treatment that is extremely humiliating and undignified.</p> <p>Inhuman or degrading treatment could include:</p> <p>serious physical assault; very severe detention conditions or restraints; serious physical or psychological abuse in a health or care setting.</p>	<ul style="list-style-type: none"> • Children and families • Health and social care
Right to marry and start a family	<p>Right of men and women of marriageable age to marry and to start a family.</p>	<ul style="list-style-type: none"> • Births, deaths and marriages
Prohibition of slavery and forced labour	<p>Slavery is when someone owns someone else like a piece of property.</p> <p>Servitude is when someone provides services to a person for no reward and is unable to stop due to coercion.</p> <p>Forced or compulsory labour is when someone is forced to do work to which they have not agreed to, under the threat of punishment.</p>	<ul style="list-style-type: none"> • Children and families • Jobs, training and volunteering • People and communities
Right to a fair trial	<p>This right is triggered when someone is charged with a criminal offence and have to go to court, or</p> <p>a public authority is making a decision that has an impact on someone's civil rights or obligations.</p>	<ul style="list-style-type: none"> • Environment and animals • Health and social care • People and communities • Streets, roads and pavements
No punishment without law	<p>No one can be charged with a criminal offence for an action that was not a crime when it was committed.</p> <p>Public authorities must explain clearly what counts as a criminal offence so that people know when they are breaking the law.</p>	<ul style="list-style-type: none"> • Environment and animals • People and communities • Streets, roads and pavements

Right to property	<p>No public authority, without very good reason can take away one's property, which may include things like land, houses, objects, shares, licences, leases, patents, money, pensions and certain types of welfare benefits. This right applies to companies as well as individuals.</p>	<ul style="list-style-type: none"> • Benefits and money • Business • Council tax • Environment and animals • Housing • Planning and building • Travel and transport • Streets, roads & pavements • Waste and recycling
Right to private and family life, home and correspondence	<p>This includes one's right to determine their sexual orientation, lifestyle, and the way one looks and dresses. It also includes the right to control who sees and touches one's body. It further covers one's right to develop their personal identity and to forge friendships and other relationships, the right to participate in essential economic, social, cultural and leisure activities. In some circumstances, public authorities may need to facilitate the enjoyment of one's right to a private life, including their ability to participate in society.</p> <p>It also means that personal information about anyone (including official records, photographs, letters, diaries and medical records) should be kept securely and not shared without their permission, except in certain circumstances.</p>	<ul style="list-style-type: none"> • Benefits and money • Births, deaths and marriages • Children and families • Health and social care • Jobs, training and volunteering • Parking and permits • Planning and building • Schools and education • Sports and leisure
Right to free elections	<p>Public authorities must support the right to free expression by holding free elections at reasonable intervals. These elections must enable anyone to vote in secret.</p>	<ul style="list-style-type: none"> • Births, deaths and marriages • People and communities

Freedom of thought, conscience and belief	<p>This may include the right to change religion or beliefs, the right to put one's thoughts and beliefs into action, for example by exercising the right to wear religious clothing, the right to talk about one's own beliefs or take part in religious worship. Public authorities cannot stop anyone from practising their religion, without very good reason.</p> <p>This right protects a wide range of non-religious beliefs including atheism, agnosticism, veganism and pacifism.</p> <p>This includes the right to express views aloud (for example through public protest and demonstrations) or through published articles, books or leaflets, television or radio broadcasting, works of art, the internet and social media. It further protects the right to receive information from other people by, for example, being part of an audience or reading a magazine.</p>	<ul style="list-style-type: none"> • Business • Schools and education
Freedom of expression	<p>This includes the right to express views aloud (for example through public protest and demonstrations) or through published articles, books or leaflets, television or radio broadcasting, works of art, the internet and social media. It further protects the right to receive information from other people by, for example, being part of an audience or reading a magazine.</p>	<ul style="list-style-type: none"> • Business • Environment and animals • People and communities • Schools and education • Sports and leisure
Freedom of assembly and association	<p>This encompasses the right to form and be part of a trade union, a political party or any another association or voluntary group. Nobody has the right to force anyone to join a protest, trade union, political party or another association.</p>	<ul style="list-style-type: none"> • Environment and animals • Jobs, training and volunteering • People and communities • Travel and transport • Streets, roads and pavements

Right to education	<p>This right protects one's right to an effective education within the UK's existing educational institutions. It relates to primary, secondary, and higher education. Parents have a right to ensure that their religious and philosophical beliefs are respected during their children's education.</p>	<ul style="list-style-type: none"> • Children and families • Environment and animals • Jobs, training and volunteering • People and communities • Schools and education • Sports and leisure
Right to housing	<p>Adequate housing must provide more than four walls and a roof. For housing to be adequate, it must, at a minimum, meet the following criteria:</p> <p>Security of tenure, that is legal protection against forced evictions, harassment and other threats; availability of services, materials, facilities and infrastructure; affordability, which means that housing is not adequate if its cost threatens or compromises the occupants' enjoyment of other human rights; Habitability, which relates to physical safety or adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards; accessibility, in that it must accommodate the specific needs of disadvantaged and marginalised groups; location, which means that it must not be cut off from employment opportunities, health-care services, schools, childcare centres and other social facilities, or it must not be located in polluted or dangerous areas; cultural adequacy, which means that it must respect and take into account the expression of cultural identity.</p>	<ul style="list-style-type: none"> • Benefits and money • Housing • People and communities • Planning and building • Waste and recycling



Meeting:	Executive Member Decision Session
Meeting date:	14 April 2026
Report of:	Director of Environment and Regulatory Services; and Director of Housing and Communities
Portfolio of:	Councillor Michael Pavlovic, Executive Member for Housing, Planning and Safer Communities

Decision Report: Public Protection and the Healthy and Sustainable Homes Service’s Formal Enforcement Action (January to December 2025), new single use vape enforcement provisions, and Renters Rights Act enforcement provisions

Subject of Report

1. In accordance with the City of York Council Enforcement Policy, the purpose of this report is to enable the Executive Members to review the formal enforcement action undertaken by:-
 - Public Protection (Environmental Health, Trading Standards and Licensing teams).
 - National Trading Standards Regional Investigation and eCrime teams
 - Healthy and Sustainable Homes Service
2. The report also asks the Executive Member to consider approving an updated enforcement policy, a new ‘fixed monetary penalty notices’ and other ‘compliance notice’ provisions as ‘formal enforcement action’ to help tackle the sale of illegal single use vapes, and a new housing civil penalties notice policy for offences from 1 May 2026 onwards considering the Renters’ Right Act 2025.

Benefits and Challenges

3. Under the council's constitution, officers may only take enforcement action in line with an approved enforcement policy. The Public Protection team and the Healthy and Sustainable Homes Service follow the City of York Council Enforcement Policy which was revised and approved by Members in 2024. The National Trading Standards team have a separate enforcement policy which was approved by Members in 2017.
4. These enforcement policies are published for transparency and act as a guide to ensure officers take a consistent approach for the benefit of businesses and other organisations, residents and visitors. In the case of the National Trading Standards team in particular, consumers and businesses across the country benefit from the enforcement activity taken by the team.
5. The approach taken ensures the council is meeting its obligations under the Regulators' Code. It is designed to overcome challenges (legal or otherwise) that action taken by officers is unfair and/or is otherwise in accordance with principles agreed by Members. It is becoming increasingly common for our cases to be challenged on the decisions taken rather than the weight of evidence in the case.

New vape legislation

6. The new vape legislation which this report refers to has been introduced to help reduce the *environmental* impact of vaping by banning single use (or disposable) vapes. A vape is single-use if it either:
 - has a battery you cannot recharge
 - is not refillable
7. Please note this new legislation is *not aimed at the public health considerations* in relation to vapes. Therefore, it is not concerned with age restrictions, the amount of nicotine vapes may contain and/or the tank size which is aimed at limiting consumption.
 - The new Regulations effectively require vapes to be re-usable. NB The law also requires retailers to make provision for the recycling of vapes although this particular aspect is not enforced by Local Authorities. The benefit of the legislation is that it has significantly

reduced the availability of single use vapes, at least in terms of those vapes that meet the legal definition. The challenge however is that vape manufacturers have been able to redesign the products to fit within the legal definition without impacting the price at which they are available. There has therefore been very limited impact on consumer behaviour, and there are widespread concerns that in practice vapes are still being used as 'single-use' (it is also noted that many vapes have also been redesigned to overcome the maximum tank size restrictions). The Government has recently announced a 'call for evidence' in relation to whether the vape legislation is effective in achieving its intended outcomes and it is anticipated that the law may change in due course including potential for a licensing regime for vapes. A vaping products duty will be in force from October. The proposals outlined in this report are effectively preparation for any law changes because almost all vapes on sale now do technically comply with the way the legislation is currently drafted.

New Renters' Right Act 2025 legislation

8. The Renters' Rights Act 2025 legislation, which this report also refers to, has been introduced to create a fairer, more secure private rented sector in England by ending "no-fault" Section 21 evictions, introducing open-ended tenancies, banning rental bidding wars, limiting annual rent increases, and enhancing property standards with Awaab's Law and a Decent Homes Standard, all while establishing a Landlord Ombudsman and database for increased transparency and accountability for both tenants and landlords.
9. The Renters' Rights Act 2025 also places a greater emphasis on enforcement, making it a duty under section 107 of the Act for Local Authorities (LAs) to enforce landlord legislation, with enforcement action defined as imposing a financial penalty or instituting proceedings against a person for an offence in their area.
10. The act also gives local authorities new investigatory powers, tools to tackle rogue landlords, and requires performance reporting.

Policy Basis for Decision

11. The City of York Council Enforcement Policy sets out the general principles Public Protection officers and officers within the Healthy and Sustainable Homes Service will apply to achieve compliance.
12. As a general rule, officers will seek to ensure compliance through advice and guidance. However, the policy sets out instances where 'formal enforcement action' may be considered more appropriate, even in the first instance. These instances include the sale of illegal vapes, and offences and breaches created under the Renters' Rights Act 2025.
13. For the purpose of this report, 'formal enforcement action' includes 'serving a legal notice e.g. an improvement, suspension, prohibition, fixed penalty or abatement notice... consumer law civil penalties... the seizure of goods, suspension or revocation of a licence, a 'simple caution', prosecution or other court action...'
14. The National Trading Standards team have a separate enforcement policy as they are 'tasked' investigations into scams and other rogue trading which are causing detriment to consumers across the Yorkshire and Humber Region and beyond. They are typically cases where the local trading standards service has been unable to achieve compliance or widespread frauds where advice and guidance is not appropriate.
15. The Environmental Protection (Single use Vapes) (England) Regulations 2024 (the Regulations) ban the sale of single use vapes otherwise known as disposable vapes. Single use vapes are not designed or intended for reuse. A vape is single use if it either:
 - has a battery you cannot recharge
 - is not refillable
16. The Regulations introduce new enforcement provisions to officers including the ability to issue fixed monetary penalties i.e. fines of £200. This is reduced to £100 for payment within 28 days. The regulations also introduce 'compliance notices' to help ensure compliance, and 'stop notices' to prevent people from breaching the legislation in a way which is impacting the environment. There are various routes of appeal and cost recovery provisions which apply.
17. The Renters' Rights Act 2025 significantly empowers local authorities to issue Civil Penalty Notices (CPNs) for landlord non-compliances, increasing fines to up to £40,000 for offences (like illegal evictions, misusing possession grounds, or failing to join the

database) and up to £7,000 for breaches, bypassing court for faster action.

18. A wide range of new offences and breaches, whereby a Civil Penalty Notice can be issued, are created under the Renters' Rights Act, including
 - Unlawful eviction and harassment of occupier as defined under the Protection from Eviction Act 1977
 - Failure to give a written statement of terms under section 16D of the Housing Act 1988
 - Failure to give an existing tenant information about changes made by the Renters' Rights Act under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025
 - Attempting to let a property for a fixed term under section 16E of the Housing Act 1988
 - Attempting to end a tenancy orally or by service of a notice to quit under section 16E of the Housing Act 1988
 - Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988
 - Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988
 - Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988
 - Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988
 - Reletting or remarketing a property before expiry of the 12 month no-let period after using the moving and selling grounds under sections 16E and 16J of the Housing Act 1988
 - Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004
 - Offences in relation to licensing of houses in multiple occupation (HMOs) under section 72 of the Housing Act 2004
 - Offences in relation to licensing of other houses under section 95 of the Housing Act 2004

- Contravention of an overcrowding notice under section 139 of the Housing Act 2004
- Failure to comply with management regulations in respect of houses in multiple occupation under section 234 of the Housing Act 2004
- Breach of a banning order under section 21 of the Housing and Planning Act 2016
- Discriminating against prospective tenants during the letting process on the grounds that those tenants are in receipt of benefits or have children under sections 33 and 34 of the Renters' Rights Act 2025
- Marketing a letting without stating the proposed rent under section 56 of the Renters' Rights Act 2025
- Inviting or encouraging any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025
- Accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025
- Offences under The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, as amended by The Electrical Safety Standards in the Private Rented Sector (England) (Amendment) (Extension to the Social Rented Sector) Regulations 2025.

Financial Strategy Implications

19. There are no financial strategy implications associated with this report, in relation to the new vape legislation. Whilst there is income associated with fixed penalty notices and costs, compliance and not income is the driver for enforcement activity. Please note that the fixed penalty amounts are set by the legislation and costs are sought on a cost recovery basis.
20. For offences under the Renters' Rights Act 2025, the financial strategy implications are unknown currently, as the impact and required levels of enforcement are unclear. However, it is anticipated that in the longer term the level of enforcement required will increase and so additional resources to manage demand will be required.

21. Whilst there is income associated with civil penalty notices and costs, compliance and not income is the driver for enforcement activity. However, any income received from civil penalty notices under the Renters' Rights Act must be used by local housing authorities to meet costs and expenses incurred in or associated with their private rented sector enforcement functions, and so any increased staffing required would be covered through receipts from enforcement activities undertaken.

Recommendation and Reasons

22. The Executive Member is asked to approve Option 1.

Reason: To ensure enforcement activity undertaken by Public Protection, the National Trading Standards teams, and the Healthy and Sustainable Homes Service, has been reviewed in accordance with the council's enforcement policy and enable officers to issue fixed monetary penalty notices and the other enforcement provisions to help prevent the sale of illegal single use vapes and enable offices to issue civil penalty notices for new offences under the Renters' Rights Act 2025, in addition to those already used by the Healthy and Sustainable Homes Service under the Housing and Planning Act 2016, Housing Act 1988, Protection from Eviction Act 1977, and The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 and The Electrical Safety Standards in the Private Rented Sector (England) (Amendment) (Extension to the Social Rented Sector) Regulations 2025.

Background

Public Protection

23. Public Protection officers undertake the majority of the council's environmental health, trading standards and licensing duties and as such are responsible for enforcing over a hundred Acts of Parliament and thousands of underpinning Regulations. Each year, officers carry out a detailed 'strategic assessment' of the issues most affecting residents, visitors and businesses and use the Council Plan to identify 'priorities' around which most of the enforcement activity will be focussed. The current priorities are:

Health and wellbeing: A health generating city, for children and adults.

- Reducing problematic alcohol, tobacco and vape supplies.

- Ensuring food safety and standards.
- Keeping York safe through effective licensing and tackling nuisance including identifying problems from short term lets. Work towards a more integrated service to tackle environmental complaints.
- Meet our health and safety enforcement obligations.

Economy and good employment: A fair, thriving, green economy for all.

- Help good businesses thrive through advice and promotion.
- Tackling unfair trading with particular focus on 'crime in the home' (including cold calling and property repairs/maintenance), 'used car crime' and 'scams' where complaint levels are highest.
- Work with members to create an approved street trading policy.

Transport: Sustainable accessible transport for all

- Delivering Air Quality Action Plan 4, taking bold action to reduce air pollution beyond national health based objectives and aim to meet World Health Organisation targets.
- Encourage taxis to be sustainable accessible transport for all.
- Action to prevent unnecessary idling.

Sustainability: Cutting carbon, enhancing the environment for our future.

- Reduce air pollution from transport and domestic heating.

24. Please note, none of the above is of greater priority than any another.

National Trading Standards teams

25. The National Trading Standards teams based at the City of York Council comprise of:

- i) the Yorkshire & the Humber Regional Trading Standards Investigations team (there is one in each region of the country) and,
- ii) the National eCrime enforcement team.

26. The teams are grant funded by the Department for Business and Trade. Their purpose is to tackle wide-scale scams and complex

cases of fraud perpetrated on consumers and/or businesses on a regional and national basis. The national e-crime team – as the name suggests – focuses on trading standards crimes on the internet. As mentioned previously, these teams investigate individual cases and practices referred to them by local authority trading standards services and sometimes other public bodies. They do not take on cases directly from members of the public.

Healthy and Sustainable Homes Service

27. The Healthy and Sustainable Homes Service undertake a wide range of enforcement activities within the privately owned housing stock, with the aim to ensure that properties are safe for occupation and that occupants can live healthy lives.
28. This involves the use of legislation to deal with complaints about conditions, to ensure that homes are free from hazards and meet the minimum legal standards, regulating the private rented sector including licensing of Houses in Multiple Occupation (HMOs).
29. Under the Renters' Rights Act 2025, The Healthy and Sustainable Homes Service will also take on new enforcement activities relating to tenancy matters within the private housing sector.

Formal Enforcement Action

30. This report details the results of formal enforcement action taken between January and December 2025 by the above teams. Each case is considered on its merits before legal proceedings or other types of formal enforcement action such as a 'simple caution', fixed penalty notices, or civil penalty notices are initiated.
31. **Appendix A** summarises the formal enforcement action taken.
32. Whilst carrying out all of this work, officers share intelligence on serious organised crime with appropriate organisations and make safeguarding referrals when necessary.

Single use vapes

33. The Regulations require the council to issue guidance setting out the background to the offences and the various fixed monetary penalty notices and other compliance notices that may be issued. **Appendix C** contains an example of the guidance proposed to be issued by CYC if approved.

34. In summary, it is proposed that where a business is found to be selling single use vapes a fixed monetary penalty (£200, which reduces to £100 if paid within 28 days) will be issued unless there are mitigating or aggravating circumstances. Mitigating circumstances might for example be where there are very low quantities i.e. only one on sale. In cases where there are mitigating circumstances, a 'compliance notice' and as outlined in the guidance may be taken. Aggravating factors may be where there are more than 20 on sale. NB This is on the basis that single use vapes typically cost around £5 and so it should not be more cost effective to sell illegal items and pay the fixed monetary penalty i.e. £100 if paid within 28 days. In the case of aggravating factors, officers may consider other forms of formal enforcement action such as an 'enforcement undertaking' (in accordance with the process set out) or the current methods including caution or prosecution. Where other steps are taken, officers may also consider imposing costs on a cost recovery basis. The Regulations also have provisions for a 'stop notice' where a the trader is about to do something in relation to single use vapes which is harmful to the environment such as not disposing of them correctly for example.

Renters' Rights Act 2025

35. Statutory guidance, issued by the Government, gives a framework for the provision of civil penalty notices, by local authorities under the Renters' Rights Act 2025, and requires local authorities to develop their own policy on determining the appropriate levels for civil penalties.
36. The guidance also details factors to consider in the civil penalty policy including
- Severity of offence
 - Culpability and track record of the offender
 - The harm caused
 - Ensuring fair punishment of the offender
 - Deter the offender from repeating the offence
 - Deter other from committing similar offences
 - Remove any financial benefit the offence may have obtained as a result of committing the offence

<https://www.gov.uk/government/publications/civil-penalties-under-the-renters-rights-act-2025-and-other-housing-legislation/civil-penalties-under-the-renters-rights-act-2025-and-other-housing-legislation>

37. The Healthy and Sustainable Homes Service currently have a Housing Civil Penalties Policy which was previously approved and can be found at <https://www.york.gov.uk/housing/housing-civil-penalties-policy>, which will continue to remain in place for offences committed up to 30 April 2026.
38. For offences from 1 May 2026 onwards a new Housing Civil Penalties Policy has been produced, as shown in **Appendix D**, with this being based on the statutory guidance for the Renters' Rights Act and the previous policy. This new policy will operate in parallel to the existing Housing Civil Penalties Policy, which will cover any offences committed up until the 30 April 2026.

Consultation and Analysis

Vape consultation

39. In relation to the vape enforcement, a consultation was carried out between 9 September and 7 October 2025 on the proposed new measures. The consultation was posted on the City of York Council consultation page, there was social media coverage and officers encouraged all the shops selling vapes that were visited during this period to participate.
40. There were 15 responses in total. All respondents agreed with the aggravating factors which made it appropriate to consider formal enforcement action. Some 81% of respondents who answered the question (9 out of 11) agreed that a large quantity should be more than 20 vapes. Of the respondents who answered the question, 72.1% (8 out of 11) agreed that a low quantity should be just one vape. In total, 90.9% of respondents who answered the question (10 out of 11) agreed that there should be a 'zero tolerance approach' with a fixed penalty ticket being the default position unless there are aggravating or mitigating circumstances. The same number agreed with using 'stop notices' in a situation where there may be harm to the environment and that this may be in conjunction with other forms of action. All respondents who answered the question (11 out of 11) thought the full cost recovery rate should be applied when recovering any costs associated with

enforcing the legislation. NB This rate is published on the CYC website. The 2025/6 rate is £81 per hour for a trading standards officer.

41. Seven respondents provided equalities information. There was a spread of age range between 16 and 65+ with the 40-55 age category having the largest number of respondents (3 out of 7). Most of the respondents were male (5 out of 7) compared to female (2 out of 7). Most respondents said they were white British (5 out of 7), white other (1 out of 7) and the other respondent 'preferred not to say'. In most cases the respondents said they were 'not disabled' (5 out of 7), two respondents. Most respondents who gave information said they had 'no religion' (4 out of 7), Christian (2 out of 7), were heterosexual (4 out of 7), were not a care leaver (all 7 out of 7) and were not carers (6 out of 7).

Renters' Rights Act 2025 consultation

42. In relation to the Renters' Rights Act 2025, no formal consultation has been undertaken by the Healthy and Sustainable Homes Service, as the new legislation brings in new mandatory duties, rather than discretionary duties, on the Council and advocates the further use of civil penalty notices for a wide range of housing offences.
43. However, as part of the development and implementation and of the Renters' Right Act 2025, extensive national consultation was undertaken by the Government, including with landlords, tenants, landlord associations etc. In addition, the Healthy and Sustainable Homes Service will undertake landlord education and training prior to the implementation date of 1 May 2026, and work alongside the York Residential Landlord Association.

Enforcement action

44. Extensive consultation was undertaken prior to the council's enforcement policy being revised and update in 2024. In addition, we also routinely survey our customers and the results over the last three years are as follows:-

Measures	2025	2024	2023
% customers satisfied with the overall level of service provided	88%	72.3%	82.8%
% of customers who felt our help or advice improved their situation	65.7%	60%	68.5%
% of customers reporting that they were treated fairly	89.6%	88%	90.3%

Options Analysis and Evidential Basis

Option 1

- Note the enforcement action undertaken by Public Protection, the National Trading Standards teams, and the Healthy and Sustainable Homes Service in Annex A.
- Approve the updated enforcement policy to include offences under the new single use vapes and renters' right legislation Annex B.
- Approve the use of fixed monetary penalty notices and the other enforcement provisions in relation to single use vapes in line with the guidelines in Annex C.
- Approve the use of fixed penalty notices and the other enforcement provisions in relation to the Renters' Rights Act 2025, Protection from Eviction Act 1977, Housing Act 1988, Housing Act 2004, Housing and Planning Act 2016, The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, and The Electrical Safety Standards in the Private Rented Sector (England) (Amendment) (Extension to the Social Rented Sector) Regulations 2025, in line with the new Housing Civil Penalties Policy for offences on or after 1 May 2027 in Annex D.

Option 2

- Note the enforcement action undertaken by Public Protection, the National Trading Standards teams, and the Healthy and Sustainable Homes Service in Annex A.

- Not approve the updated enforcement policy to include offences under the new single use vapes and renters' right legislation Annex B.
- Not approve the use of fixed monetary penalty notices and the other enforcement provisions in relation to single use vapes in line with the guidelines in Annex C.
- Not approve the use of fixed penalty notices and the other enforcement provisions in relation to the Renters' Rights Act 2025, Protection from Eviction Act 1977, Housing Act 1988, Housing Act 2004, Housing and Planning Act 2016, The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, and The Electrical Safety Standards in the Private Rented Sector (England) (Amendment) (Extension to the Social Rented Sector) Regulations 2025, in line with the new Housing Civil Penalties Policy for offences on or after 1 May 2027 in Annex D.

Option 3

45. Note the enforcement action undertaken by Public Protection, the National Trading Standards teams, and the Healthy and Sustainable Homes Service in Annex A.
46. Approve or not approve any of the following items
 - i. the updated enforcement policy to include offences under the new single use vapes and renters' right legislation Annex B.
 - ii. the use of fixed monetary penalty notices and the other enforcement provisions in relation to single use vapes in line with the guidelines in Annex C.
 - iii. the use of fixed penalty notices and the other enforcement provisions in relation to the Renters' Rights Act 2025, Protection from Eviction Act 1977, Housing Act 1988, Housing Act 2004, Housing and Planning Act 2016, The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, and The Electrical Safety Standards in the Private Rented Sector (England) (Amendment) (Extension to the Social Rented Sector) Regulations 2025, in line with the new Housing Civil Penalties Policy for offences on or after 1 May 2027 in Annex D.

Organisational Impact and Implications

47. The various implications of this report are summarised below.

Financial

48. As stated previously, with regard to the new legislation related to vapes, fixed penalty notices are to be set nationally, and any costs incurred will be recovered from the income.
49. MHCLG is providing new burdens funding in 2025/26 and 2026/27 to enable local authorities to enforce the requirements of the Renters Rights Act. The funding must be used to cover the costs of preparing for and implementing the requirements of the Act. The volume of fixed penalty notices is unknown at present and income received will also be used to cover expenses incurred for enforcement activities.

Human Resources (HR)

50. There are no HR implications contained within this report.

Legal

51. Pursuant to the Legislative and Regulatory Reform Act 2006, Local Authorities must have regard to the Regulator's Code when developing policies and procedures that guide their regulatory activities. The principles of the Act are that regulatory activities should be carried out in a way which is a) transparent, accountable, proportionate and consistent; and b) targeted only at cases in which action is needed. This report demonstrates the council is abiding by those principles.

Procurement

52. Whilst there are no direct procurement implications, where services such as Animal Health inspections are outsourced, all works and/or services are procured via a compliant, open, transparent, and fair process in accordance with the council's Contract Procedure Rules and where applicable, the Public Contract Regulations 2015 (soon to be Procurement Act 2023).

Health and Wellbeing

53. One of the City of York Council's Enforcement Policies aims is to 'help people to live healthier lives by preventing ill health and harm, and promoting public health'. The effective enforcement of policies which reduce tobacco use and prevent the uptake of smoking and vaping in non-smokers (particularly children and young people) is in line with the Tobacco Control Plan for York and the Health and Wellbeing Strategy 2022-2032

Environment and Climate action

54. One of the City of York Council's policies aims is to 'protect the environment for future generations, including tackling the threats and impacts of climate change'. The additional enforcement powers in relation to vapes are aimed at supporting that aim and the objectives of the Climate Change Strategy which relate to waste: Reduce the amount of waste; Increase reuse, repair and recycling rates; Move towards a circular economy. It is, however, recognised that the current provisions have not had the impact intended.

Affordability

55. Many of the examples of formal enforcement action will have a positive impact on affordability and low income groups in a number of ways. In particular the action against scams by the National Trading Standards team.

Equalities and Human Rights

56. An equalities impact assessment was undertaken as part of the decision to revise the enforcement policy in 2024. This included the positive impact of taking formal enforcement action for the sale of illegal vapes even in the first instance. There is no change to that assessment as a result of any of the options in this report.

Data Protection and Privacy

57. The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.

Communications

58. Communications implications include ensuring this policy is communicated to council staff and, where relevant, referring to it in public information following court cases / sentencing.

Economy

59. One of the council enforcement policy's aims is to 'support economic growth, especially in local businesses, by ensuring a fair, responsible and competitive trading environment'. When consulted in the past, businesses have indicated strongly that they wish enforcement to be fair and consistent and see the action that the Council takes to ensure a level playing field a a positive measure.

Property

60. There are no property implications associated with this report.

Risks and Mitigations

61. There are no material risks identified with any of the options in this report – they are all green risks when scoring is applied on the scoring matrix.

Wards Impacted

62. All wards are impacted by the enforcement action and the extension of the sanctions in relation to the sale of illegal single use vapes.

Contact details

For further information please contact the author of this Decision Report.

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Date:	31/03/2026

Background papers

Links to enforcement policies:

<https://www.york.gov.uk/downloads/download/38/environmental-health-and-trading-standards-enforcement-policies>

Annexes

Annex A: Formal Enforcement Action

Annex B: City of York Council Enforcement Policy (Updated)

Annex C: Guidance on the use of Fines, Notices and other Civil Sanctions by City of York Council when enforcing the Environmental Protection (Single-use Vapes) (England) Regulations 2024.

Annex D: Housing Civil Penalties Policy for breaches or offences committed on or after 1 May 2026

List of Abbreviations Used in this Report:

CYC	City of York Council
DPIA	Data Protection Impact Assessment

Annex A

Summary of Formal Enforcement Action (January-December 2025)

Public Protection

Prosecutions

Defendant	Legislation	Nature of Case	Penalty	Costs
Emrah Aktas	Licensing Act 2003	Sale of alcohol without a licence	Fine = £2000 Victim surcharge = £800	£2547.28
Zaid Saleem	Town Police Clauses Act 1847	Unlawful plying for hire	Fine = £90 Victim surcharge = £36	£3200

Please note that there are cases which commenced in 2005 relating to unfair trading (including aggressive practices in relation to guttering repairs), food hygiene offences and unlawful plying for hire ongoing

Simple Cautions

Number of cautions per case	Nature of case
2	Sale of a knife to a person under the age of 18
2	Sale of a vape to a person under the age of 18.
1	Sale of cigarettes to a person under the age of 18
1	Street trading without consent
3	Burning construction material and causing dark smoke

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

Enterprise Act undertakings

Number	Nature of case
2	Undertaking to CYC not to trade unfairly in relation to the sale of second hand vehicles (included £800.14 in compensation to customers)
1	Undertaking to CYC not to trade unfairly in relation to motor vehicle repairs/renovations

Fixed penalties and similar

Number in total	Nature of case
2	Fixed penalty ticket for smoking in public places

Licence revocations and suspensions

Total Number	Nature of case
3	Revoked on medical grounds
2	Refused due to convictions
1	Refused due to medical grounds
1	Revoked due to conduct
30	Suspended on medical grounds or DBS etc

Goods seized

Total Number	Nature of goods
239 packets (4790 sticks)	Illegal cigarettes
52 pouches (1.45kg)	Illegal hand rolling tobacco

255	Illegal vapes
-----	---------------

Other enforcement activity of note not reported elsewhere e.g. Food Service Plan report

Activity	Target	2025	2024	2023
% of all underage sales visits	Less than 10% of visits result in sales	66% 3 visits 2 sales (of which 1 x vape, 1 x knife)	14.8% 27 visits 4 sales (of which 1 x vape, 2 x knives 1 x spray paint)	12.5% 8 visits 1 sale (vape)

1 x 'website takedown' initiated for unfair trading.

National Trading Standards

Prosecution results

Defendant	Legislation	Nature of Case	Penalty	Costs
Sunny Kanda	Fraud Act 2006	Sale of illegal streaming devices	2 years imprisonment	£21,506.95
Suhaib Sirajudin	Fraudulent Trading contrary to S993 of the Companies Act 2006	Director of an emergency plumbing business which excessively overcharged consumers, caused deliberate damage to consumer's properties, carried out unnecessary work, carried out poor quality work, used aggressive and intimidating behaviour to gain payment, and failed to honour refunds.	4 years imprisonment	£30,000
Jordan Coalby	Money laundering (S.327) Proceeds of	Double glazed window and home improvement company which pressured consumers into contracting.	community order for a period of 2 years with 150 hours of unpaid work.	£0

	Crime Act 2002			
Geraldine Emery	Money laundering (S.327) Proceeds of Crime Act 2002	Director of a business which purported to provide remote computer services to consumers, which were unnecessary and overcharged. The defendant laundered the proceeds of the money from the offending.	30 months imprisonment	£0
Philip Foster	Conspiracy to defraud contrary to common law	Involved in a photographic studio business. Customers of photographic studios were told they had the potential to be professional models, and as a result paid substantial amounts of money for poor quality, digital photographs that stood no real chance of landing them professional jobs.	8 years 6 months imprisonment	£100,000 (but not paid)
Michael Foster	Conspiracy to defraud contrary to common law	As above	3 years 6 months imprisonment	£0
Jamie Peters	Conspiracy to defraud contrary to common law	As above	2 years imprisonment, suspended.	£23,000
Lisa Foster	Conspiracy to defraud contrary to common law	As above	18 months prison sentence, suspended.	£1,000
Emily Newell	Conspiracy to defraud contrary to common law	As above	10 months imprisonment, suspended	£0
Atif Qadar	Conspiracy to defraud contrary to common law	As above	12 months imprisonment, suspended.	£18,000
Paul Fleury	Conspiracy to defraud	As above	18 months imprisonment, suspended	£19.673

	contrary to common law			
Paul Evans	Money laundering (S.327) Proceeds of Crime Act 2002	As above	3 years 6 months imprisonment	£250,000
Aslihan Foster	Money laundering (S.327) Proceeds of Crime Act 2002	As above	18 months imprisonment, suspended.	£10,000
Thomas Gall	Fraudulent Trading contrary to the Fraud Act 2006	Director of a business which consumers paid for services like Dartford Crossing, ULEZ, fishing rod licences and Mersey Flow tolls, thinking they were contracting with the official supplier of those services. A number of the consumers did not get the service they paid for and were then fined / given penalty charge notices as a result.	2 years 3 months imprisonment	£0
Shezad Parvez	Fraudulent Trading contrary to the Fraud Act 2006	Director of a business which consumers paid for services like Dartford Crossing, ULEZ, fishing rod licences and Mersey Flow tolls, thinking they were contracting with the official supplier of those services. A number of the consumers did not get the service they paid for and were then fined / given penalty charge notices as a result.	2 years imprisonment, suspended	£0

Simple Cautions

Number	Nature of case
1	Involved in a photographic studio business. Customers of photographic studios were told they had the potential to be professional models, and as a result paid substantial amounts of money for poor quality, digital photographs that stood no real chance of landing them professional jobs.

Enterprise Act undertakings

Number	Nature of case
2	Involved in a photographic studio business. Customers of photographic studios were told they had the potential to be professional models, and as a result paid substantial amounts of money for poor quality, digital photographs that stood no real chance of landing them professional jobs.

Healthy and Sustainable Homes Service

Civil Penalty Notices Served

Property	Legislation	Nature of Case	Penalty	Result
Shipton Street	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £8,810.10	Paid
Vyner Street	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £5,404	Paid
Prospect Terrace	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £9,850.28	Paid
Fifth Avenue	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £6,097.07	Paid
Kirkham Avenue	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £3,404.16	Paid
Herbert Street	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £5,618.02	Paid

Property	Legislation	Nature of Case	Penalty	Result
Balmoral Terrace	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £5,941.10	Paid
Balmoral Terrace	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £6,161.44	Paid
Sutherland Street	Housing Act 20004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £6,438.10	Paid
Sutherland Street	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £6,225.44	Paid
Cromer Street	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £5,404	Paid
Hull Road	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £9,300	Paid
Arnside Place	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £14,784	Paid
Eldon Terrace	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £4,021.33	Paid
Cosmo Avenue	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £30,000	Debt recovery
Main Avenue	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £18,000	Debt recovery
Heslington Road	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £18,000	Debt recovery
Barbican Road	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £5,650.57	Paid
Gillygate	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £8,819.36	Paid

Property	Legislation	Nature of Case	Penalty	Result
Lansdowne Terrace	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £1,333.32	Paid
Hope Street	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £4,285.62	Paid
Baker Street	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £6,482.63	Paid
Huntington Road	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £18,750	Debt recovery
Horseman Avenue	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £3,196.13	Paid
Moss Bank Court	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £4,170.30	Paid
Pottery Lane	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice Confirmed by First Tier Tribunal £17,250	Debt recovery
Wycliffe Avenue	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice Confirmed by First Tier Tribunal £20,625	Debt recovery
Bishopthorpe Road	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £4250	Awaiting Tribunal Hearing
Mallard Way	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £15,462.84	Paid
Wigginton Road	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £5447.48	Paid
Duncombe Place	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £6,583.43	Paid
Abbotsford Way	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £10,954.66	Paid

Property	Legislation	Nature of Case	Penalty	Result
Walmgate	Housing Act 2004	Operating House in Multiple Occupation without a licence	Civil Penalty Notice £4,540.34	Paid

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Annex B: City of York Council Enforcement Policy (Updated)



Enforcement Policy

1.0 Introduction

This document is the enforcement policy for the City of York Council. It sets out the general principles officers will apply when using formal enforcement action* to achieve compliance with the legislation they enforce and help ensure a consistency of approach. The services it does not apply to are in Appendix 1.

When required, formal enforcement action will be taken against businesses, other organisations, and individuals. Formal enforcement action will be taken to promote and protect the interests of York's residents, visitors and/or businesses and this will be construed in its widest possible terms.

In taking formal enforcement action, the council aims to achieve the following outcomes:

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

- Ensure a safe, healthy and sustainable food chain for the benefits of consumers and the rural economy.
- To improve housing conditions and raise the standard of management in the private rented sector.
- To provide safer, healthier, affordable and warmer homes in the private sector
- To ensure vulnerable children are safe, and children and young people have childhoods in which they enjoy and achieve
- To safeguard vulnerable adults
- To achieve compliance with highway regulations for the benefit of all road users and pedestrians enabling safe access to public highways and free flowing traffic
- To recover non-payment of council tax, business rates, sundry debts including housing benefit overpayment and adult social care and recovery of government grant (revenues)

This policy helps ensure that, where applicable, officers adhere to the principles of good enforcement set out in the Regulators' Code (2014) and other relevant codes of practice including those concerned with the investigation of offences or the prosecution of offenders.

All formal enforcement activity undertaken under this policy will also have regard to the Equality Act 2010, Human Rights Act 1998 and the European Convention of the Protection of Human Rights and Fundamental Freedoms.

*For the purpose of this policy 'formal enforcement action' includes serving a legal notice e.g. an improvement, suspension, prohibition, fixed penalty or abatement notice, the carrying out of works in default and remedial action, management orders, consumer law civil penalties and civil penalty notices to letting agents and landlords, the seizure of goods, suspension or revocation of a licence, a 'simple' caution, prosecution or other court action. It also includes the issuing of civil penalty charge notices to any vehicle for road traffic contraventions.

2.0 Supporting compliance

We will carry out our activities in a way that encourages and promotes compliance, and we recognise that formal enforcement action is only one of the tools available in this regard.

We want to help the businesses we regulate comply and grow, remembering that it is important to maintain a level playing field for all businesses to thrive.

We will consider the impact our actions and regulatory activities may have including consideration of costs, effectiveness and perceptions of fairness. We will only adopt a particular approach if the benefits justify the costs and in doing so will endeavour to try to keep any burdens to a minimum. We will consider how we can best improve confidence in compliance and provide certainty whilst ensuring compliance with equalities legislation.

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

We will ensure officers have the necessary knowledge and skills to support compliance.

3.0 Engagement

We have taken on board the views of residents, businesses, partner organisations and key stakeholders including other enforcement agencies as well as any other relevant considerations in the development of this policy.

4.0 Advice and Guidance

We recognise that prevention is better than cure and will actively work to advise on and assist with compliance. We will provide details of how to obtain appropriate advice and guidance on our website york.gov.uk.

We will ensure that:

- Legal requirements are made available and communicated on the web site and any specific cases are dealt with within the legislative timescales officers work to.

- The information we provide will be in clear, concise and accessible language.
- Advice will be confirmed in writing where necessary.
- We will clearly distinguish between legal requirements and guidance aimed at improvements above minimum standards.
- We will signpost towards additional support services where appropriate.

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

5.0 Inspections and visits

All inspections and visits to ensure compliance will be undertaken after consideration of the risk posed by failing to comply with the law, where a visit has been requested or where intelligence/information suggests that a visit is appropriate for example to bring about a swift resolution to an issue.

- Where we carry out inspections/visits (other than when enforcing a debt) we will give written feedback on what the officer has found; this will include positive feedback to encourage and reinforce good practice.
- Where practicable we will co-ordinate inspections/visits with other regulators, particularly to minimise the burden on businesses and other organisations.
- Random inspection will be undertaken where government guidelines/ policies or a condition of a licence requires us to do so. A small amount of random inspections may also be undertaken to test our risk assessments or the effectiveness of any action we have taken or public awareness campaigns.
- Our findings and reports may be released into the public domain in response to Freedom of Information or Environmental Information requests.

6.0 Non-compliance

We will carry out all of our enforcement duties in a fair, equitable and consistent manner. Whilst officers (including enforcement contractors) exercise judgement in individual cases, we will have arrangements in place to promote consistency including liaison with other agencies and authorities.

Where non-compliance is identified we will clearly explain what the non-compliance is and the action required giving the reason(s). There will be an opportunity for discussion. However, this will not apply if immediate action is required e.g. to prevent the destruction/loss of evidence or there is an imminent risk to the environment, public health or health and safety. Any discussion may also be in the form of an interview under caution if a prosecution is being considered.

We will provide the opportunity for further dialogue about the proportionality or consistency of our action upon request.

Please note that the opportunity for discussion and dialogue described in the paragraphs above will not apply in the case of low level fixed penalties and similar sanctions such as, but not limited to, those issued for illegal parking (Penalty Charge Notices), school absences, littering, smoking in public places and anti-idling enforcement which are designed to facilitate a swift resolution to a matter.

We will inform parties when matters are closed, apart from debt recovery cases where final payment will conclude the matter.

7.0 Formal enforcement action

We recognise that most businesses, other organisations and individuals wish to comply with the law and we will take a staged approach to enforcement with advice and warnings generally given in the first instance. However, firm action – including formal enforcement action - will be taken in appropriate circumstances.

Examples of situations that may result in formal enforcement action, even in the first instance are included in Appendix 2.

Formal enforcement action will also be considered where previous advice or warnings have been ignored or in other situations where the Director of Governance (in discussion with the relevant officer) considers it appropriate. This will include, but is not limited to, those who appear to

be deliberately breaking the law or acting irresponsibly and it is in the public interest to take such an approach.

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

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

When formal enforcement action is taken:

- Where there are rights of appeal against formal enforcement action, notification of the appeal mechanism will be clearly set out in writing at the time the action is taken.
- Clear reasons will be given for any formal enforcement action taken

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

- The seriousness of the alleged offence
- The history of the party concerned
- The willingness of the business or the individual to prevent a recurrence of the problem and co-operate with officers

- Whether it is in the public interest to prosecute
- The realistic prospect of conviction
- Whether any other action (including other means of formal enforcement action) would be more appropriate or effective
- The views of any complainant and other persons with an interest in prosecution.

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

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

8.0 Activity based on risk

We will allocate resources, including our officers, to where they will be most effective in addressing the risk concerned. The greater the impact of non-compliance, the greater the risk will be. In relation to businesses, previous history of compliance, external validation of procedures and other publicly available information and data will be used to help assess the risk of non-compliance.

9.0 Sharing information

We will only ask for information that is necessary after considering the cost and benefit to obtaining the information. Where possible we will share this information with our partners (taking account of data protection) to prevent the need for providing the information more than once. Details of our privacy policies including who we share information with is on our website york.gov.uk

10.0 Transparency

- We will provide details of our service standards on our website york.gov.uk. This includes how we can be contacted, any fees and charges that apply and links to this enforcement policy.

- We provide opportunities for feedback on our service and make the results publicly available
- Officers will be courteous, fair and efficient at all times, and will identify themselves by name or officer identification and, where appropriate, show their identity card.
- Any complaints about the way you have been treated will follow the City of York Council's complaints procedure. A copy of the complaints procedure can be obtained from our website at www.york.gov.uk

11.0 Application of our enforcement policy

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

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

12.0 Review

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

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

Dated: 14 April 2026

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 جا سکتی ہیں۔ (Urdu)

 (01904) 551550

Appendix 1

This enforcement policy does not apply to cases involving:

- Fraud against the council – Any fraud committed against the council is covered by the council's Counter Fraud and Corruption Policy
- National Trading Standards

Appendix 2

Examples of situations in which formal action may be taken, even in the first instance:

Animals

Cruelty to animals

Failing to meet licensing obligations

Dog attacks

Failing to comply with requirements relating to farming and livestock

Children and education

Children persistently or severely absent from education

Unauthorised leave of absence in term time including for family holidays or trips overseas

Failing to licence children working at a business

Illegal sales of age restricted products

Environmental Health

Failing to take steps to ensure food safety

Non-compliance with warnings about food allergens

Failing to meet health and safety obligations

Disease outbreaks

Smoking in public places

Environmental Protection

Noise and other nuisance such as smoke and odours

Clean air offences such as dark smoke, cable burning and smoke control breaches.

Failing to have appropriate pollution prevention and control measures in place

Unnecessary vehicle idling

Highways

Failing to comply with pavement café licence conditions
A-boards obstructing the highway
Failing to manage street works
Failing to keep public rights of way accessible
Blue badge and parking permit fraud
Illegal parking
Illegal use of bus lanes and mandatory cycle lanes
Moving traffic enforcement

Housing

Poor health and safety in private rented homes
Where the council has a duty to serve a notice or take specified action to meet minimum legal requirements/actionable hazards
Licensing evasion
Illegal Evictions and Harassment
Breaches and Offences under the Renters' Rights Act 2025
Breaches of banning orders under the Housing and Planning Act 2016
Breaches and Offences of the Housing Act 1988
Offences under The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, and The Electrical Safety Standards in the Private Rented Sector (England) (Amendment) (Extension to the Social Rented Sector) Regulations 2025
Failing to meet minimum energy standards in private rented homes
Non-compliance with laws relating to tenant's fees and/or failing to belong to a redress scheme
Long term empty properties

Licensing

Unlicensed licensable or regulated activities
Failing to comply with conditions relating to the sale of alcohol
Illegal street trading
Failure to run events safely

Neighbourhood Enforcement

Unauthorised traveller encampments
Fly tipping
Littering and dog fouling offences
Street urination

Planning

Works and alterations to, and the demolition of listed buildings
Changes of use including to houses in multiple occupation
Non-compliance with planning conditions and approved plans

Felling works to trees in a conservation area or protected by a tree preservation order

Harm to residential amenity through noise and disturbance

On-going development

Taxis

Unlicensed drivers

Unsafe taxis

Drivers and Operators who fail to comply with the required standards

Illegal plying for hire

Trading Standards and Consumer Protection

Fraudulent, aggressive or otherwise unfair trading practices targeting consumers or businesses

Scams or otherwise cheating consumers at home

Supply of unroadworthy vehicles

Sale of cheap and illegal tobacco, alcohol and vapes

Supply of counterfeit goods and other intellectual property crime

Supplying products that fail to meet safety standards

Version control: Updated version January 2026 to take account of Renters' Rights Act 2025

Annex C:

Guidance on the Use of Fines, Notices and other Civil Sanctions by City of York Council

When Enforcing the Environmental Protection (Single-use Vapes) (England) Regulations 2024.

Introduction

City of York Council is a regulator for the purposes of enforcing the Environmental Protection (Single-use Vapes) (England) Regulations 2024 (referred to as ‘the Regulations’ in this guidance). As a regulator the council is required to publish guidance on our use of the fines, notices and other penalties contained in the Regulations.

This guidance should be read in conjunction with the Regulations and with City of York Council enforcement policy.

https://www.york.gov.uk/downloads/file/12341/cyc_public_protection_ho_using_and_community_safety_enforcement_policy

The Criminal Offence of Supplying a Single-Use Vape.

If a person, as a business, supplies a single-use vape they commit a criminal offence. A single-use vape is a vape which is not intended to be re-used. A legal vape must be refillable and rechargeable and the coil (heating element) must be able to be replaced by the consumer. The government guidance to the Regulations provides more detail on what each of these terms mean - [Single-use vapes ban - GOV.UK](#)

‘Supply’ includes giving such vapes away. It is also an offence for a person to offer to supply such vapes or for a person to have them in their possession ready to supply’.

In line with our enforcement policy City of York Council may take legal action against a person who supplies, offers to supply or possesses for supply a single-use vape. Legal action may include, but is not limited to, prosecuting someone in the magistrates’ court, issuing a caution, applying to review a premises licence under the Licensing Act 2003 or using the penalties explained in this guidance.

NB Prosecution would tend to be used as a tool in cases where there are aggravating factors such as for example the supply of a single-use vape to a child, if someone commits a second offence or where a person is in possession of a 'large quantity' of single-use vapes. There is no definition of a 'large quantity', but as a working guide an amount over 20 illegal vapes may be considered as such.

The Criminal Offence of Failing to comply with an enforcement requirement

If a person without reasonable excuse, fails to comply with any requirement imposed in the exercise of an enforcement officer's powers or otherwise obstructs an enforcement officer in the exercise of powers under the Regulations, they are guilty of an offence.

In line with our enforcement policy City of York Council may take legal action against a person who fails to comply with an enforcement requirement. Legal action may include, but is not limited to, prosecuting someone in the magistrates' court, applying to review a premises licence under the Licensing Act 2003 or using the penalties explained in this guidance.

Publication of Information About Enforcement Action.

Where we use the penalties under these Regulations, we must from time to time publish details of the cases in which the penalties have been used.

Withdrawing or Amending a Notice

Penalties in the Regulations include the use of various notices. The council may at any time withdraw a notice, reduce the amount of any penalty in a notice or change the steps in a notice required to ensure compliance. Where we do this, we will do so in writing.

FIXED MONETARY PENALTIES (FINES) AND COMPLIANCE NOTICES

Fixed Monetary Penalties (fines)

Where a person commits an offence under these regulations City of York Council may issue a fixed penalty notice. **This is a fine issued by the council and is a penalty of £200.** Details of how to pay the fine are included in the notices.

When will we issue a fine?

City of York Council has a zero-tolerance approach to the supply of single-use vapes. Unless there are aggravating circumstances we will issue a penalty where there is evidence to show that a person has committed an offence under these Regulations, even if it their first offence. As noted above, where there are aggravating circumstances we might take other action, including prosecution, even for a first offence. Examples of aggravating factors are given above.

We will not issue a fine where a business can show it has taken all reasonable steps to avoid committing an offence. We will not issue a fine where we have issued a compliance notice (see below) and the business have carried out the tasks detailed in that notice.

When will we issue a Compliance Notice?

Where there are mitigating circumstances, such as for example very low quantities on sale by mistake, then the City of York Council may consider issuing a compliance notice. There is no guidance on low quantities but as a working guide we may consider one illegal vape to be a low quantity. This is a notice that we may issue to a person telling them what action they must take to ensure that no further offences are committed. The notice will tell the person how long they have to comply with our instructions. A compliance notice will be used where the authority considers it the most appropriate way to ensure further offences are not committed. Failure to comply with a notice will lead to a person being issued with a fine or the authority may take legal proceedings against them.

Notice of Intent

If we are considering issuing a fine or a compliance notice on a person we must issue them with a notice of intent. This tells the person what action we propose to take and why we intend to take it. The notice must include either the value of the fine or, in the case of a compliance notice, the details of the action we require the business to take.

A person who is given a notice of intent may offer to put right any damage or compensate another person who has been affected by the offence. This is known as a third-party undertaking. City of York Council will consider whether to accept any offer of such an undertaking on a case-by-case basis. We must consider any third-party undertakings made before we issue any final notices.

Rights to Make Representations and Objections.

A person who is issued with a notice of intent has 28 days to make any objections or representations. These should be made in writing to Head of Public Protection, City of York Council. Hazel Court Eco Depot, YO10 3DS.

In the case of a fine a person can clear their liability by paying £100 with 28 days of the issue of the notice.

Final Notice.

28 days after we issue the notice of intent, and having considered any objections or representations, we must decide whether or not to issue the fine or compliance notice. The notice will include the grounds for imposing the penalty, the amount to be paid, how payment may be made and the period within which payment must be made. It will also include how to appeal and the consequences of failing to pay the fine or comply with the notice.

Right to Appeal.

The person receiving the final notice may appeal against it if they think we made an error in the facts, we didn't apply the law properly or that our decision was unreasonable. Anyone wishing to appeal a final decision should do so in writing to The First Tier Tribunal General Regulatory Chamber

Failure to pay the fine or to take the action detailed in the compliance notice will result in consideration of further action. Details of how to pay a fine are detailed in the final notice.

STOP NOTICES

In any situation where City of York Council considers it appropriate, we may serve a stop notice on any person who we reasonably believe is carrying on an activity that is an offence under these Regulations and which is causing, or where there is a significant risk of it causing, serious harm to the environment (including the health of animals). We can also issue a Stop Notice if the activity will involve or will be likely to involve the commission of an offence under Regulations. An example might be where a business is not disposing of illegal vapes correctly. For the avoidance of doubt, this may be in addition to any of the other courses of action outlined.

The notice must explain the steps required to remove or reduce the harm or risk of harm to the environment. It must also include the reasons why we've issued the notice, how a person can appeal the notice and the consequences of failing to comply with the notice.

Failure to comply with a Stop Notice is a criminal offence punishable by up to 2 years in prison.

Completion Certificates

Once we are satisfied that the person issued with a Stop Notice has taken the steps specified in the notice, we must issue a certificate confirming this. This is called a "completion certificate". Once we have issued this the stop notice ends. A person who has been given a stop notice can ask us for a certificate at any time and we must decide as to whether to issue one within 14 days. We must give a written answer to the person if we decide not to issue the certificate.

Appeals Against Stop Notices & Completion Certificates

The person receiving the stop notice may appeal against it if they think we made an error in the facts, we didn't apply the law properly, that our decision was unreasonable or that they had not committed an offence under the Regulations. Anyone wishing to appeal a final decision should do so in writing to The First Tier Tribunal General Regulatory Chamber

Compensation

If the stop notice is later withdrawn or amended by us because the decision to issue it was unreasonable or any step specified in the notice was unreasonable or the person successfully appeals against the stop notice because the issue of the notice was unreasonable we must compensate that person. If we unreasonably refuse to issue a Completion Certificate we must also compensate that person.

Appeal against compensation decision

A person may appeal against a decision not to award compensation or the amount of compensation awarded on the grounds that our decision was unreasonable or that that the amount we offer is incorrect.

ENFORCEMENT UNDERTAKINGS

Where we think a person has committed an offence under these Regulations they can offer to take some action to ensure offences are not committed in the future. They can also offer to act to put right any damage caused to another person or to compensate them for that damage. They can also offer to correct any damage caused to the environment by their actions. This offer is known as an Enforcement Undertaking. City of York Council will consider whether to accept any offer of such an undertaking on a case-by-case basis.

If we have accepted an enforcement undertaking, we cannot prosecute for the offence to which it relates nor can we issue a fine for that offence.

Completion Certificates

Once we are satisfied that the person has taken the steps specified in the undertaking, we must issue a certificate confirming this. This is called a “completion certificate”. A person who has given an undertaking can ask us for a certificate at any time and we must decide whether to issue one within 14 days. We must give a written answer to the person if we decide not to issue the certificate.

Appeals Against a Decision to not Issue a Completion Certificate.

A person may appeal against our decision to refuse a completion certificate if they think we made an error in the facts, we didn't apply the law properly or that our decision was unreasonable. Anyone wishing to appeal a decision should do so in writing to The First Tier Tribunal General Regulatory Chamber.

Non-compliance with an Enforcement Undertaking.

If a person does not take the action agreed in the undertaking we can either take action to issue any of the other notices in the regulations, we can issue a fine or we can prosecute the person. If a person has complied partly but not fully with an enforcement undertaking we must consider this before we take any further action.

NON-COMPLIANCE PENALTIES

If a person fails to comply with a compliance notice, a third party undertaking or an enforcement undertaking, City of York Council may recover any costs from that person by issuing them with a penalty.

We will seek 100% of all costs incurred by City of York Council of fulfilling the remaining requirements including any costs of clean up or disposal costs. Where more than one person has been identified as being responsible for the non-compliance City of York Council will treat all persons as being jointly and individually liable for all of the costs.

The council must issue the person with a notice which tells them why we are imposing the penalty, the amount to be paid, how payment may be made, the period in which payment must be made and their right to appeal. It must also tell them the consequences of non-payment and the circumstances in which the council might reduce the amount of the

penalty. The costs will be in accordance with the cost recovery for court fees published on the City of York Council website.

<https://www.york.gov.uk/HealthAndSafetyTradingStandardsFoodSafetyFees>

If the requirements of the compliance notice or the third-party undertaking is complied with before the deadline for payment is reached then the penalty will be cancelled.

Appeals against non-compliance penalties

A person may appeal against our decision to issue a penalty if they think we made an error in the facts, we didn't apply the law properly, that our decision was unreasonable or that the amount of the penalty was unreasonable. Anyone wishing to appeal a decision should do so in writing to The First Tier Tribunal General Regulatory Chamber.

ENFORCEMENT COST RECOVERY NOTICES

In addition, the City of York Council may serve a notice (an "enforcement cost recovery notice") on a person on whom a compliance or stop notice has been served which requires that person to re-pay what it has cost the City of York Council to enforce the law before the notice is issued.

There is no limit on what types of costs apply but they will include investigation costs, administration costs and the costs of obtaining expert advice (including legal advice). We can only recover costs that were necessary for us to enforce the law.

The enforcement cost recovery notice must tell a person how payment may be made, the amount required to be paid, the period in which payment must be made, why the notice has been issued, how a person can appeal and what the consequences of a failure to comply with the notice might be. The person can ask the council to provide a detailed breakdown of the amount.

Appeals Against Enforcement Cost Recovery Notice.

The person required to pay the costs may appeal against the Council's decision to require them to pay costs or against their decision about the amount of those costs. Anyone wishing to appeal a decision should do so in writing to The First Tier Tribunal General Regulatory Chamber

How we enforce payments.

City of York Council may choose to recover unpaid penalties as a civil debt (by registering a claim in court) or by applying to a court for an order so we can enforce the payment through:

- a warrant of control, allowing a county court bailiff to take control of goods or money to the value of the amount being recovered
- a charging order, placing a charge on property so that the debt due is paid from the proceeds of sale before the debtor receives them
- a third party debt order, requiring a third party to pay the outstanding debt directly to the creditor from the debtor's money. Court fees can also be recovered from the debtor.

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Annex D: Housing Civil Penalties Policy for breaches or offences committed on or after 1 May 2026



Housing Civil Penalties Policy for breaches or offences committed on or after 1 May 2026

1.0 Introduction and the Civil Penalty Notice Procedure

- 1.1 Under section 107 of the Renters' Rights Act 2025 Local Housing Authorities are under a duty to enforce the landlord legislation, with enforcement including imposing a financial penalty or instituting proceedings against a person for an offence in their area.
- 1.2 This Civil Penalty Policy has been written following Statutory guidance for Civil Penalties under the Renters' Rights Act 2025 and other housing legislation, which requires a Local Housing Authority to have a policy basis to guide their decisions on when to prosecute and when to issue a civil penalty notice in relation to offences and breaches of the Renters' Rights Act 2025 and other housing legislation.
- 1.3 Any decision made by City of York Council, 'the Council', in relation to breaches of legislation and offences which occur on or after 1 May 2026 will be considered on a case-by-case in line with this policy. For offences which occur prior to the 1 May 2026, the previous Housing Civil Penalties Policy will be used on a case-by-case basis.

2.0 Civil Penalty Notice Offences

- 2.1 The Housing and Planning Act 2016 and Renters' Rights Act 2025 introduced a number of amendments to the Housing Act 2004, Housing Act 1988, and Protection from Eviction Act 1977, in relation to establishing the legal basis for imposing civil penalties as an alternative to prosecution for specific breaches and offences.
- 2.2 The legislation does not permit local authorities to impose a civil penalty and prosecute for the same offence.
- 2.3 If a person has been convicted (or acquitted) or is currently being prosecuted, the local authority cannot impose a civil penalty in respect of the same

offence. Conversely, if a civil penalty has been imposed, a person cannot then be convicted for the same offence.

- 2.4 Where the Council is satisfied that a breach or offence has been committed with the consent or connivance of, or (in most cases) is attributable to any neglect on the part of any officer of a body corporate, a civil penalty may be imposed on them individually as well as, or instead of, the body corporate.
- 2.5 Where more than one person is liable for the same breach or offence, the Council may impose a civil penalty on more than one person. The amount of penalty imposed on each person may differ depending on the circumstances of the case.
- 2.6 Alternatively, in the case of breaches and offences relating to the duties of landlords under assured tenancies and breaches relating to rental discrimination and rental bidding, the Council may impose a single penalty on more than one person. Where they do so, those persons are jointly and severally liable to pay it.
- 2.7 Under Section 249A of the Housing Act 2004 and Section 23 of the Housing and Planning Act 2016, civil penalties are an alternative when a landlord fails to comply with:
 - Section 30: failure to comply with an improvement notice
 - Section 72: licensing of HMO
 - Section 139: failure to comply with an overcrowding notice
 - Section 234: breach of management regulations in respect of HMOs
- 2.8 For the above offences, committed on or after 1 May 2026, the maximum financial penalty is £40,000.
- 2.9 The Renters' Rights Act 2025 also introduces new breaches and offences whereby a civil penalty notice may be given under this Act, the Protection from Eviction Act 1977, or the Housing Act 1988, for which the maximum financial penalty for breaches is £7,000, and £40,000 for offences.
- 2.10 The term 'breach' is used to refer to non-compliance by landlords where the local authority may impose a civil penalty of up to £7,000 and there is not an option to prosecute.
- 2.11 The term 'offence' is used to refer to non-compliance by landlords where a local authority may either prosecute or impose a civil penalty of up to £40,000

3.0 Standard of Proof

- 3.1 The Council are exercising a quasi-judicial function when imposing a civil penalty. Before doing so, we must be satisfied by credible, reliable and sufficient documentary or other evidence to the appropriate standard of proof that the person has breached the relevant statutory requirement or committed the relevant offence.

- 3.2 Breaches relating to discrimination against prospective tenants in the lettings process and to rental bidding require a civil standard of proof, that is the breach must be established “on the balance of probabilities”. The Council will need to be satisfied that, based on the evidence provided, a breach is more likely to have occurred than not.
- 3.3 For all other breaches and offences covered by this Housing Civil Penalty Policy, a criminal standard of proof is required, that is, the breach or offence must be proved “beyond reasonable doubt”. This is because there is the alternative option to prosecute, either in the first instance, or where the breach continues or is an element of a repeat breach offence.
- 3.4 Before imposing a civil penalty for a breach or offence which needs to be proved to the criminal standard, the Council must satisfy itself that if the case were to be prosecuted in the magistrates’ court, there would be a realistic prospect of conviction. Local housing authorities are to consider the Crown Prosecution Service Code for Crown Prosecutors for this purpose.

4.0 Determining the level of civil penalty

- 4.1 In determining the level of civil penalty to be issued, the Council will use the following four-step process, as detailed in Statutory Guidance of Civil Penalty Notices under the Renters’ Rights Act 2025 and other housing legislation.

Step 1: Determining the seriousness of the breach or offence

- 4.2 The seriousness, or the severity, of the breach or offence reflects the level of potential (or, in some cases, actual) harm that is intrinsic to the category of breach or offence. For example, this will be higher for a failure by a landlord to take safety measures than to provide required information to a tenant. Case-specific potential or actual harm is not directly relevant to determining the seriousness of the breach or offence. Local housing authorities may wish to take this into account when considering aggravating and mitigating factors under step 2 below.
- 4.3 Seriousness also reflects intrinsic culpability. For example, this will tend to be higher for an offence which arises from a continuing or repeated breach rather than a single breach of the relevant legislation. Again, case-specific factors are not directly relevant to determining the seriousness of the breach or offence. For example, whilst those renting out or managing properties should understand how to comply with their legal obligations, a higher degree of professionalism is likely to be expected of landlords with significant portfolios who let properties as their business than those for whom letting one or two properties is a subsidiary and, potentially, unplanned activity. Local housing authorities may wish to take factors, such as the profile of the landlord, into

account when considering aggravating and mitigating factors under step 2 below.

- 4.4 The Council has adopted the national civil penalty notice starting points for offences, as shown in table 1 and based on Statutory Guidance, due to the similarities between national average figures and local average figures for rental and property values. No reduction is, therefore, proposed but any significant variations in values on a case-by-case basis will be considered within the Civil Penalty Notice assessment.

Table 1: Starting points for civil penalty fines

Legislation	Offence	Civil Penalty Starting Point	Maximum Civil Penalty
Protection from Eviction Act 1977	Unlawful eviction and harassment (s1(2) and (3))	£35,000	£40,000
Housing Act 1988	Attempting to let the property for a fixed term (s16E(1)(a))	£4,000	£7,000
	Attempting to end the tenancy by service of a notice to quit (s16E(1)(b))	£6,000	£7,000
	Attempting to end the tenancy orally, or require that it is ended orally (s16E(1)(c))	£6,000	£7,000
	Serving a possession notice that attempts to end the tenancy outside of the prescribed section 8 process (s16E(1)(d))	£6,000	£7,000
Legislation	Offence	Civil Penalty Starting Point	Maximum Civil Penalty
Housing Act 1988	Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession (s16E(1)(e))	£6,000	£7,000

Housing Act 1988	Failing to provide a tenant with prior notice that a ground which requires it may be used (s16E(1)(f))	£3,000	£7,000
	Failing to issue a written statement of terms within 28 days of an assured tenancy coming into existence (s16D)	£4,000	£7,000
	Failing to provide an existing tenant with prescribed information about changes made by the Renters' Rights Act (paragraph 7 of schedule 6 to the Renters' Rights Act 2025)	£4,000	£7,000
	Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would (s16J(1))	£30,000	£40,000
	Reletting or remarketing a property within the 12 month no-let period after using the moving or selling grounds (s16J(2))	£25,000	£40,000
Housing Act 1988	Continuing breach, or repeat breach committed within 5 years of receiving a penalty for first breach (s16J(3) and (4))	Double the starting level for the two constituent breaches added together	
Legislation	Offence	Civil Penalty Starting Point	Maximum Civil Penalty
Housing Act 2004	Failure to comply with an improvement notice (s.30(1))	£25,000	£40,000
	Mandatory HMO unlicensed (s.72(1))	£17,000	£40,000

	Additional HMO unlicensed (s72 (1))	£17,000	£40,000
	Knowingly permitting over-occupation of an HMO (s.72(2))	£20,000	£40,000
	Breaches of licensing conditions under sections 72(3) of the Housing Act 2004	£17,000 *	£40,000
	Failure to comply with an overcrowding notice (s.139(7))	£20,000	£40,000
Housing Act 2004	Breach of HMO management regulations (SI 2006/372 and SI 2007/1903 (in respect of s257 HMOs) made under s234(1))		
	Failure to provide information to the occupier (s3)	£3,000	£40,000
	Failure to take safety measures (s4)	£20,000	£40,000
	Failure to maintain water supply and drainage (s5)	£10,000	£40,000
	Failure to supply and maintain gas and electricity or supply gas safety certificate (s6)	£12,000	£40,000
	Failure to maintain common parts (s7)	£7,000	£40,000

Legislation	Offence	Civil Penalty Starting Point	Maximum Civil Penalty
Housing Act 2004	Failure to maintain living accommodation (s8)	£7,000	£40,000
	Failure to provide adequate waste disposal facilities (s9)	£7,000	£40,000

Housing and Planning Act 2016	Breach of a banning order (s.21(1))	£35,000	£40,000
The Electrical Safety Standards in Private Rented and Social Sector (England) Regulations 2020	Failure to comply with Regulation 3: (3)(b), (3)(d), (3)(e). Regulation 3D: (a), (b), (c), (f)	£5,000	£40,000
	Failure to comply with Regulation 3: (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (3)(ca), (5)(b), (5)(c). Regulation 3B: (1)(a), (1)(b), (1)(c). Regulation 3C: (1), (2)(a). Regulation 3D: (d), (e)	£12,500	£40,000
	Failure to comply with 3: (4), (5a), (6). Regulation 3C: (2)(b), (4)	£20,000	£40,000
Renters' Rights Act 2025	Discrimination against those on benefits or with children in the lettings process (s.33 and s.34)	£6,000	£7,000
	Failure to specify proposed rent within a written advertisement or offer (s.56(2))	£3,000	£7,000
Renters' Rights Act 2025	Inviting, encouraging or accepting any offer of rent greater than the advertised rate (s.56(3))	£4,000	£7,000

* The starting point for this offence has been determined locally by The Council, as prescribed by the Statutory Guidance for Civil Penalties under the Renters' Rights Act 2025 and other housing legislation.

Further offences will be added as new phases of the implementation of the Renters Rights Act 2025 take place.

Step 2: Apply aggravating and mitigating factors

4.5 The Council will consider whether there are factors specific to the individual breach or offence which mean that the starting point for the civil penalty is adjusted upwards or downwards, these determinations will be based on case-specific considerations of culpability and harm.

4.6 This may include the following consideration,

Aggravating Factors

1) Number of rental properties an offender owns or manages?

1 property:	0.0% addition
2 to 5 properties:	2.5% addition
6 to 9 properties:	5.0% addition
10 or more properties:	7.5% addition

2) Any previous history of non-compliance by offender in last 2 years?

None	0.0% addition
1 incident	2.5% addition
2 to 4 incidents	5.0% addition
5 or more incidents	7.5% addition

3) Offence motivated by financial gain?

No	0.0% addition
Yes	7.5% addition

4) Deliberate concealment of the activity/evidence?

No	0.0% addition
Yes	7.5% addition

5) The level of risk to the safety and wellbeing of tenants?

None	0.0% addition
Low	2.5% addition
Medium	5.0% addition
High	7.5% addition

6) Whether the risk has materialised?

No	0.0% addition
Yes	7.5% addition

7) The vulnerability of tenants?

None or Unknown	0.0% addition
One	2.5% addition
Two	5.0% addition
Three or more	7.5% addition

8) Obstruction of the investigation?

No	0.0% addition
Yes	7.5% addition

Mitigating Factors**1) Any admission of guilt?**

No	0.00% reduction
Yes partially	3.75% reduction
Yes fully	7.50% reduction

2) Whether and how quickly the offender has remedied the non-compliance

Yes, within 1 week	12.50% reduction
Yes, within 2 weeks	10.00% reduction
Yes, within 1 month	5.00% reduction
No or longer than 1 month	0.00% reduction

3) Cooperation with the investigation, for example turns up for the PACE interview

No	0.00% reduction
Partially	5.00% reduction
Yes fully	10.00% reduction

4) Health reasons preventing reasonable compliance - mental health, unforeseen health issues, emergency health concerns

None/ Not Known	0.0% reduction
Slight Health Issues	5.0% reduction
Medium Term Health Issues	7.5% reduction
Long Term Severe Health Issues	10.0% reduction

5) vulnerable individuals where their vulnerability is linked to the commission of the offence

No Vulnerability	0.0% reduction
Slight Vulnerability	5.0% reduction
Medium Vulnerability	7.5% reduction
Highly Vulnerable	10.0% reduction

6) Offender diminished culpability? e.g. joint landlord with less control, only became landlord as a result of unforeseen circumstances

No/Not Relevant	0.0% reduction
Partially	5.0% reduction
Yes	10.0% reduction

- 4.8 Representations can be made against any of the above factors but appropriate and satisfactory documentary evidence to support any submission must be provided. Unsupported assertions, or failure to provide such evidence, partial disclosure, or selective provision of information will not be given weight..
- 4.9 This approach will ensure that The Council is fair and consistent in the administration of civil penalties.

Step 3: Cost of Compliance and Financial Gain

- 4.10 This step will enable the Council to consider whether the civil penalty amount arrived at through steps 1 and 2 meets in a fair way the objectives of punishment, deterrence and removal of financial benefit.
- 4.11 The Council may consider whether the civil penalty arrived at through the steps 1 and 2 above is sufficient to act as an effective deterrent to future non-compliance.
- 4.12 Where the Council has sufficient reliable evidence of rental income from and/or asset value of the offender's housing business, during the period of offence, they may decide to increase the amount of the penalty.
- 4.13 Any profit identified from the offending behaviour can, in general, be regarded as establishing a minimum level for the penalty. Taking other factors into account, the final penalty will usually be significantly higher.
- 4.14 When determining the cost of compliance and financial gain as a result of the breach or offence, the council may take into account the following issues:
- cost of the works required to comply with the legislation
 - any licence fees avoided
 - additional rent which the landlord received while the property was operating without an HMO licence (Thurrock Council v Khalid Daoudi 2020UKUT 209 (LC))
 - any other factors resulting in a financial benefit as determined by City of York Council
- 4.15 In the absence of such information, or where the Council is not satisfied that it has been given sufficiently reliable information, it should draw the inference that they are able to pay the civil penalty.
- 4.15 Sections 114 and 115 of the Renters' Rights Act 2025 provide new investigatory powers to require information from persons for the purposes of determining the amount of a civil penalty.

Step 4: Ability to Pay and Totality

- 4.16 As a final step before issuing final financial penalty notices, the Council will consider the ability of the offender to pay, and also any other civil penalties being issued against the same offender at the same time to reach an aggregate amount that is just and proportionate.

Ability to Pay

- 4.17 Financial circumstances will ordinarily be considered after any written representations have been received and as part of the determination of any final notice.
- 4.18 Where a landlord seeks to rely on a strained or limited financial position as a basis for reducing the level of a civil penalty, that position must be supported by appropriate and verifiable evidence sufficient to enable the Council to assess the landlord's financial position consistently, objectively, and transparently. Unsupported assertions, partial disclosure, or selective provision of information will not be given weight.
- 4.19 At a minimum, and where such information exists, the following should be provided as part of any written representations:
- The last three full tax years full self-assessment tax returns filed with HMRC, including all additional and supplemental pages;
 - The last three full tax years' SA302 documents & tax year overviews;
 - The last three months' payslips;
 - The last three years P60 certificates;
 - The last twelve months' Universal Credit payment statements;
 - A list of all property assets owned or jointly owned (not limited to rental properties), together with corresponding Land Registry title documents
 - A list of all property assets owned, or held on a long lease, by any corporate entity in which the landlord has a beneficial interest, together with corresponding Land Registry documentation;
 - The most recent annual mortgage statement for each property, or the last twelve months' mortgage statements where the mortgage has been in place for less than twelve months;
 - Valuation statements for all ISAs held;
 - Statements from any cryptoasset exchange accounts showing balances and valuations;
 - A list of all shareholdings;
 - Recent bank statements for any account holding a balance in excess of £5,000;
 - Recent statements for all secured and unsecured loans;
 - Bankruptcy orders and official notifications of bankruptcy.
- 4.20 Where the Council is not satisfied that it has been provided with sufficiently reliable, complete, and accurate information to assess the landlord's financial

position, the Council may draw the inference that the landlord is able to pay the civil penalty as imposed.

- 4.21 A claimed inability to pay will not, of itself, outweigh the need to ensure effective deterrence or to remove any financial benefit obtained as a result of the breach or offence.

Totality

- 4.22 The Council will have regard to the totality principle to ensure that the overall outcome of its enforcement action is just and proportionate. In exceptional cases and having regard to the particular circumstances of the case, the Council may take account of totality at an earlier stage by deciding not to pursue a civil penalty in respect of a specific breach or offence where doing so would render the overall outcome disproportionate.
- 4.23 In general, however, the application of the totality principle will form the final step in the Council's decision-making process, undertaken after any written representations have been considered and before final notices are issued, once the level of each individual civil penalty has been assessed in accordance with this policy.
- 4.24 As a final step before issuing final notices, the Council will consider whether multiple civil penalties being imposed under this policy against the same landlord at the same time result in an aggregate amount that is just and proportionate. Where the Council concludes that the aggregate amount would not be just and proportionate, it will consider whether a proportionate reduction of the penalties is appropriate.
- 4.25 The totality principle does not operate across different legal persons who are separately liable in law, nor does it operate across civil penalties imposed at different times. In general, it applies only to multiple civil penalties imposed under this policy on the same person at the same time. Where, however, legislation provides that an officer of a body corporate, or a person concerned in its management, may be separately liable in relation to the same conduct as the body corporate, and that officer also holds a shareholding interest in the body corporate, the Council will, where civil penalties are imposed at the same time on both the body corporate and the officer arising from that same conduct, consider whether the combined outcome results in punitive duplication and is therefore not just and proportionate.
- 4.26 Where a reduction is applied under the totality principle, the Council will ordinarily do so by applying a uniform percentage reduction across all relevant civil penalties being issued at the same time, being those civil penalties that form part of the same totality assessment. Where, however, the application of the totality principle is required to address punitive duplication arising from a shared economic interest between a body corporate and an officer, the Council may apply a differential adjustment to ensure that the overall outcome is just and proportionate.

- 4.27 This approach reflects the statutory guidance on the application of the totality principle and is intended to promote consistency, transparency, and proportionality, while avoiding arbitrary or selective adjustment of individual penalties.
- 4.28 In accordance with the statutory guidance, any rent repayment orders made in respect of the same breach or offence will be disregarded for the purposes of assessing the totality of civil penalties under this policy.

5.0 Discounts

- 5.1 The Council may offer a reduction of a third of the civil penalty notice amount if at the first opportunity the landlord admits guilt for the offence and immediately remedies any outstanding issues. This is in line with the Sentencing Guidelines and will only be available for the first offence and will not be less than the minimum level of penalty.
- 5.2 Any subsequent offence will not be subject to any reduction, however each case will be judged on its own merit.
- 5.3 The discount will only be applied to the landlord when the council serves the Notice of Decision to issue a civil penalty notice when the following criteria are met:
- the payment is made within the 28 days of the date of the decision to impose a financial penalty
 - the payment is made in full
- 5.4 At any point after 28 days of service of the decision to impose a financial penalty there will be no further offer of any reduction in the level of penalty.

6.0 Process for Imposing a Civil Penalty

- 6.1 Where it has been determined by the council that a financial penalty is the most appropriate action as an alternative to prosecution, the council will follow the process set out below.
- 6.2 A “Notice of Intent” will be served on the person suspected of committing the offence. The Notice will specify:
- a. The amount of any proposed financial penalty
 - b. The reasons for proposing the financial penalty
 - c. Information about the right to make representation to the council
- 6.3 The person to whom the notice relates will be given 28 days to make written representation to the council about the proposal to impose a financial penalty.

7.0 Representations

- 7.1 Representations can be made against any element of the proposed action. If the landlord challenges the level of the civil penalty, it will be for them to

provide appropriate and satisfactory documentary evidence to support their submission. Failure to provide such evidence will mean that the council will not be able to consider any representation against the level of penalty imposed.

- 7.2 Representations can only be made by the recipients served with a Notice of Intention. No other parties have an automatic right to make representations; the council will consider any such information on a case-by-case basis.
- 7.3 Following the 28-day period the council will review any representations made and decide:
 - a. Whether to impose a financial penalty on the person, and;
 - b. The value of any such penalty imposed
- 7.4 If the council decides to impose a financial penalty, a final notice imposing a financial penalty will be issued. The final notice will specify:
 - a) the amount of the financial penalty
 - b) the reasons for imposing the penalty
 - c) information about how to pay the penalty
 - d) the period for payment of the penalty (28 days from the date of the final notice)
 - e) information about rights of appeal to the First Tier Tribunal
 - f) the consequences of failure to comply with the notice
- 7.5 The council can at any time withdraw either the Notice of Intent or the Final Notice Imposing a Financial Penalty or reduce the level of penalty imposed. This will be in the form of a written notice to the person on whom the notice has been served.
- 7.6 If the council decides to withdraw a civil penalty, it has the right to pursue a prosecution against the landlord for the original offence for which it was imposed. Each case will be considered on its merits and be in the public interest.

8.0 Recording of the decision

- 8.1 A record of each decision and the reasons for the financial penalty will to be made by an officer and how the amount of the penalty was obtained and the reasons for imposing it.

9.0 Appeals

- 9.1 The person who has been served a Final Notice has the right of appeal to a First Tier Tribunal. In the event of an appeal against the council decision the penalty will be suspended until the decision has been determined.
- 9.2 An appeal will involve a re-hearing by the First-tier Tribunal of the Council's decision to impose a civil penalty. The Tribunal may also have regard to matters of which the Council was unaware when the decision to impose a civil penalty was made.
- 9.3 The Tribunal can dismiss an appeal if it is satisfied that the appeal is frivolous, vexatious or an abuse of process, or has no reasonable prospect of success.

- 9.4 The Tribunal has the power to confirm, vary (increase or reduce) the size of the civil penalty imposed by the Council, or to cancel the civil penalty. If the Tribunal decides to increase the penalty, it may only do so up to the statutory maximum for each breach or offence of £7,000 or £40,000 as applicable.
- 9.5 The appellant or local authority may seek permission to appeal the decision of the First-tier Tribunal to the Upper Tribunal (Lands Chamber).

10.0 Collecting civil penalty debt

- 10.1 Collecting civil penalty debt may include the recovery of any additional costs to the council from having to undertake such action. This process will be in accordance with the council's civil debt recovery policies and procedures for the collection of such debt including pursuance of the debt via the county courts if appropriate.
- 10.2 A certificate signed by the chief finance officer of the local authority which states that the amount due had not been received by a specified date will be treated by the courts as conclusive evidence of that fact.
- 10.3 Potential routes to recover the debt are:
- a) Warrant or writ of control :** This commands court enforcement agents to take goods from the debtor's home or business to satisfy the judgment debt.
 - b) Attachment of earnings order:** This allows deductions to be made from the person's salary by their employer and paid to the creditor.
 - c) A third-party debt order:** This means that money in a debtor's bank or building society account can be frozen for the benefit of the creditor.
 - d) A charging order:** This prevents the person or organisation from selling an asset, usually a property, without paying the amount due under the charging order. This could also allow the chargee to recover the debt by enforcing the sale of the asset.

11.0 Bankruptcy proceedings

- 11.1 This entails a creditor petitioning the court to make a bankruptcy order following which the trustee-in-bankruptcy collects the debtor's assets and distributes them amongst the bankrupt's creditors in accordance with insolvency law. The amount of the debt must be at least £5,000.
- 11.2 The Council may consider the circumstances of the debtor and the amount of the debt before deciding on how best to collect it. Obtaining a charging order on a property may, for example, be most effective where this is a rental property owned by the debtor and is free of other charges, increasing the likelihood both of the local authority being able to enforce a sale and there being sufficient equity to meet the debt.

12.0 Consequences of a Civil Penalty

- 12.1 Financial Penalties are an alternative to criminal proceedings and unless withdrawn and the council determines that in the public interest a prosecution for the ordinal offence is the preferred option, then a landlord cannot be

prosecuted for the same offence once the penalty has been paid and the matter concluded.

- 12.2 Should a civil penalty be imposed on a landlord it will not automatically prevent the council from granting a licence under Part 2 or 3 of the Housing Act 2004. The council will consider each case on its merits including the reasons for the penalty and the extent of the person's involvement in any property under consideration.
- 12.3 Where a person has received two financial penalties under this legislation in any 12-month period, irrespective of the locality to which the offences were committed, a council will consider making an entry on the national database of rogue landlords and property agents. When considering making an entry, a council will have regard to any guidance issued by the Secretary of State and best practice available.

13.0 Publicising civil penalties

- 13.1 The Council may, where a landlord or property agent receives two or more civil penalties over a 12-month period, and where these are offences for which a banning order may be sought, include the person's details in the database of rouge landlords and property agency.
- 13.2 The Council may also publicise the number of civil penalties issued, and detail of actions against offenders, as part of increasing the deterrent effect of the penalties.

14.0 Income from civil penalties

- 14.1 Income received from civil penalties must be used by local housing authorities to meet costs and expenses incurred in or associated with their private rented sector enforcement functions. Income that is not used for this purpose must be paid to central government.