

Smoke Control Area Policy & Procedure

Stevenage Borough Council

2025

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Contents

1. Introduction	3
2. Purpose.....	3
3. Scope	4
4. Legal Framework	4
5. Equalities	4
6. Data Protection	5
7. Policy	5-10
8. Consultation	11
9. Monitoring and Review.....	11
10. References and Resources	11
11. Abbreviations and Definitions	11
12. Version History	12
13. Appendices	
Appendix 1 - The Stevenage Smoke Control Area	12-19
Appendix 2 – Determining the financial penalty charge	20
Appendix 3 – Equality Impact Assessment.....	21-29

1 Introduction

- 1.1 Smoke Control Areas are areas designated by a local authority which impose restrictions on emissions of smoke from chimneys serving buildings within that area. Only authorised fuels i.e. smokeless fuels can be burned within these areas, unless burned in an “exempt appliance” i.e. an appliance approved by the UK Government’s Department for Environment, Food and Rural Affairs (DEFRA).
- 1.2 Stevenage Borough Council made successive Smoke Control Orders during the 1970s and early 1980s; each Order applied to a specified area of the borough. For ease of reference these areas are referred to as a single ‘Stevenage Smoke Control Area’ (SSCA).

2 Purpose

- 2.1 This policy sets out how the Council will enforce the SSCA that applies to the majority of the borough, and which exists to restrict emissions of smoke from the chimneys of domestic and commercial premises, which may otherwise contribute to air pollution and may cause nuisance to neighbouring residents.
- 2.2 Prior to the Environment Act 2021, Smoke Control Areas were enforced through criminal sanctions. Under the Clean Air Act 1993, Local authorities could enforce the prohibition on emissions of smoke from a chimney of a building within a Smoke Control Area by prosecuting the person responsible.
- 2.3 The Environment Act 2021 amended the Clean Air Act 1993, replacing criminal sanctions with provisions for local authorities to issue civil financial penalties instead, in cases of non-compliance with the prohibitions in place under a Smoke Control Area.
- 2.4 The Clean Air Act also imposes restrictions on the acquisition and sale of controlled solid fuels within a Smoke Control Area and on emissions of dark smoke from industrial or trade premises. Local authorities have powers to prosecute a person or business for failing to comply with these restrictions. In relation to the wording of the offences relating to the acquisition and sale of controlled fuels, this was updated in the amendments to the legislation under the Environment Act 2021, but restrictions on acquisition and sale continued to apply in England under similar terms, although with increased fines for offences by retailers.
- 2.5 The purpose of this policy is therefore to set out how the Council will enforce the Stevenage Smoke Control Area and, in particular, how the provisions in the amended legislation to issue financial penalties will be applied.

3 Scope

- 3.1 This policy is specific to the Planning and Regulation business unit. The Council's Environmental Health and Licensing service will be responsible for administering the policy.
- 3.2 The policy affects residents of Stevenage who live within the SSCA, which covers the majority of the borough. It may also impact businesses within this area as prohibitions on smoke emissions also apply to fixed boilers or industrial plant on commercial premises as well as to domestic fireplaces or wood burners, with some limited exemptions.
- 3.3 While the sanctions available to the Council for enforcing the SSCA have changed with the amendment of the Clean Air Act, there has been no change to the existing boundaries of the SSCA, or the prohibitions imposed under it. The amended legislation under the Clean Air Act is effectively a change from an enforcement regime based on criminal sanctions to enforcement by means of civil penalties. The scope of this policy is accordingly limited and is intended primarily to provide consistency in how the amended provisions under the Clean Air Act will be enforced, in particular how the level of financial penalties will be determined in each case where a contravention of the legislation has occurred. The policy sets out the approach that officers investigating such cases will follow.
- 3.4 The extent and scope of the SSCA is specified in the original Order documents, which date from 1972 to 1982. A summary of the Order documents with maps indicating the extent of the areas covered is provided in Appendix 1.

4 Legal Framework

- 4.1 The SSCA was made under the Clean Air Act 1956. The Clean Air Act 1993 amended the previous legislation and contains the provisions for enforcement of local authority Smoke Control Areas. Section 55 of the Clean Air Act 1993 ('the Act') places a duty on local authorities to enforce the provisions of the Act.
- 4.2 This policy sets out how Stevenage Borough Council will enforce the SSCA and the provisions contained within Section 19A and Schedule 1A of the Act relating to financial penalties for smoke emissions.
- 4.3 The policy is consistent with the objectives of the Council's Air Quality Strategy which aims to reduce air pollution within the borough.

5 Equalities

- 5.1 Under the Equality Act (2010) the Council has a legal duty to fulfil the requirements of the Public Sector Equality Duty (PSED). Through this duty and in the application of this policy, the council will carry out its functions in a way that:
 - a. Removes discrimination, harassment, victimisation and any other conduct that is unlawful under the Equality Act (2010)

- b. Promotes equal opportunities between people who have a protected characteristic(s) and those who don't
- c. Encourages good relations between people who have a protected characteristic(s) and those who don't

5.2 Further information on the Council's fulfilment of the Equality Act (2010) is set out in the Equality, Diversity and Inclusion (EDI) Policy (2022) and Reasonable Adjustment Policy (2024).

5.3 See Appendix 3 – Equalities and Impact Assessment

6 Data Protection

6.1 The Council regards respect for the privacy of individuals and the lawful and careful treatment of personal information as very important to delivery of services.

6.2 The Council will ensure that it treats personal information lawfully and proportionately as set out in the General Data Protection Regulation (GDPR) and Data Protection Act (2018). For further information on the Council's approach to handling information please see [Data Protection Act \(stevenage.gov.uk\)](https://www.stevenage.gov.uk/data-protection-act)

7 Policy

Definitions

7.1 Schedule 1A of the Clean Air Act 1993 (as amended by the Environment Act 2021) sets out the provisions for issuing financial penalties.

7.2 The legislation applies to:

- **A chimney of any building.** A building means any structure with a roof and walls, this includes wooden structures such as sheds and summerhouses. Smoke from outdoor burning e.g. from chimineas, pizza ovens, smokers, garden fireplaces etc are not covered by the Smoke Control Area.
- **A chimney of a furnace or any fixed boiler or industrial plant**

7.3 A local authority can choose to make exemptions within a smoke control area e.g. certain buildings, fixed boilers and industrial plant. In Stevenage, limited exemptions – some of which are now obsolete – apply for certain types of appliances, as specified in the original Smoke Control Orders. See Appendix 1.

7.4 When smoke is emitted from a chimney in a smoke control area, the local authority can issue a financial penalty to the person responsible. Schedule 1A defines who is responsible for smoke emissions from a chimney – referred to as the 'person liable.' The 'person liable' in relation to emissions from a chimney means:

- If the chimney is the chimney of a building, the occupier of the building
- If the chimney serves a furnace or any fixed boiler or industrial plant, the person

having possession of the boiler or plant.

Investigation of Complaints

- 7.5 In investigating complaints and enforcing the SSCA, officers will have regard to the statutory guidance issued by DEFRA (published on 1st May 2022): *Smoke control area enforcement by local authorities in England*. Where this guidance is updated or superseded, officers will have regard to the updated/current guidance.
- 7.6 Where a complaint about smoke emissions from a chimney of a private dwelling or commercial premises is received, officers will first need to verify that the premises concerned falls within the SSCA – see Appendix 1.
- 7.7 If the premises falls within the SSCA then officers will need to investigate the matter to determine whether a potential breach of the restrictions under the SSCA has occurred. Initially, officers will need to establish whether any exemption applies including whether an authorised fuel or a DEFRA-approved appliance is being used. Where either is the case then – assuming any approved appliance is being used correctly – there should not be a requirement for formal action to be taken.

Statutory Nuisance

- 7.8 Schedule 12(25) of the Environment Act 2021 Act amended S.79(3)(i) of the Environmental Protection Act (EPA) 1990 with the effect that S79(1)(b) (in England) now applies to smoke emitted from a chimney of a private dwelling within a smoke control area.
- 7.9 Therefore, smoke emissions from a chimney of a dwelling – whether within or outside of the SSCA – may amount to a statutory nuisance. Officers investigating complaints about smoke emissions from chimneys will therefore need to consider whether the emissions amount to a statutory nuisance and, if satisfied that this is the case, an abatement notice must be served under Section 80 of the EPA 1990 on the person responsible for the nuisance, whether or not action is also taken under the financial penalty provisions of the Clean Air Act 1993.
- 7.10 Anonymous complaints of statutory nuisance from smoke emissions will not normally be investigated, as in these cases the effect of the smoke from the chimney of a premises will need to be assessed at an affected neighbour's property to determine whether the emissions amount to a statutory nuisance.

Decisions on Enforcement Action

- 7.11 In cases where an officer is satisfied that smoke emissions have taken place in contravention of the prohibitions under the SSCA, where the person liable is not known to have previously contravened these prohibitions a written warning, referred to in the statutory guidance as an 'Improvement Notice' will normally be issued in the first instance.
- 7.12 The written warning should include:
1. The date and time when the smoke was seen
 2. An explanation of how the person has broken smoke control area rules

3. Information about the negative impact on local air quality
4. Information about how the person can burn solid fuels without emitting smoke, including appropriate fuel to burn and which appliances to use
5. Details of what will happen if they do not follow the rules

- 7.13 Where an officer is satisfied on the balance of probabilities that on a particular occasion smoke has been emitted from a relevant chimney within the SSICA, and a written warning has previously been issued to the person liable, formal action will normally be taken unless there is considered to be good reason to justify a further informal approach and that this is likely to achieve compliance. The decision to take formal action or not will be dependent on the circumstances of each case including the length of time that has passed since a written warning was issued.
- 7.14 Where the issuing of a financial penalty is being considered, the officer investigating the case will refer the matter to an Environmental Health team manager, or in their absence a more senior manager, for approval to issue a financial penalty.
- 7.15 Where the decision is made to take formal action, the person liable must first be issued with a 'notice of intent.' A notice of intent must:
- Inform the person that the Council is satisfied that the contravention has taken place
 - Specify when the contravention took place
 - Inform the person that the Council proposes to impose a financial penalty under Schedule 1A of the Act, including the proposed amount of the penalty
 - Give details regarding the person's right to object to the imposition of a financial penalty.
- 7.16 The financial penalty amount will be determined in accordance with Appendix 2.
- 7.17 A person issued with a notice of intent may object in writing to the Council, within the period of 28 days beginning with the day after that on which the notice was given. Objections may be on the grounds that:
- There was no emission of smoke from the chimney on the occasion specified in the notice of intent
 - The chimney is not a chimney to which a smoke control order applies
 - They are not the person liable in relation to the chimney – in this case, they must provide the name and address of the person who was liable at the time (if they know)
 - There are other compelling reasons why the financial penalty should not be imposed.
- 7.18 Where the Council receives an objection in response to a notice of intent, the matter will be referred to the Head of Service for Environmental Health and Licensing or, in his/her absence, a more senior manager, who will determine whether the proposed financial penalty should be withdrawn, issued with a reduced penalty amount, or issued as specified in the notice of intent.

- 7.19 If the decision is made to withdraw the notice of intent or reduce the amount of the financial penalty, the officer must write to the person served with the notice to inform them of this decision.

Financial Penalties – Final Notices

- 7.20 Where the decision is made to impose a financial penalty, having issued the notice of intent and considered any objections in accordance with the above procedure, a final notice setting out this decision and the financial penalty amount must be issued.
- 7.21 A final notice must specify:
- The amount of the financial penalty
 - That the financial penalty is to be paid within the period of 28 days beginning with the day after that on which the notice was given
 - The reasons for imposing the penalty
 - Information about how to pay the penalty
 - The period for payment of the penalty
 - Information about rights of appeal
- 7.22 The final notice must be issued within the period of 56 days – either beginning with the day on which any objection was made or, if no objection was made, beginning with the day after the 28-day time period for objections ends.
- 7.23 Failure to issue the financial penalty within this time period will prevent it from being issued. The Council would then have to write to the person liable informing them that a financial penalty will not be imposed. Officers must therefore ensure that the time period specified above for issuing the financial penalty is complied with.
- 7.24 In the event that there are multiple contraventions of the SSCA carried out by the same person liable, a separate notice of intent can be served for each contravention.
- 7.25 A financial penalty is recoverable as a civil debt. On expiry of the period for an appeal against a final notice (see below), an invoice should be raised for the outstanding amount. Steps should then be taken to recover the debt, in conjunction with the Council's Finance and Estates team. Decisions to initiate legal proceedings to recover debt arising from an unpaid financial penalty will be made by an Environmental Health team manager, or more senior manager in their absence.

Service of notices

- 7.26 Notices served on persons liable under Schedule 1A may be served by:
- Handing it to the person
 - Leaving it at the person's address
 - Sending it by post to the person at their address
 - With the person's consent, sending it to them electronically.

Financial Penalties - Appeals

- 7.27 The person issued with a financial penalty may appeal to the First-tier Tribunal within 28 days beginning with the day after that on which the final notice was given. The grounds for an appeal are that the decision to impose the financial penalty was:
- based on an error of fact
 - wrong in law
 - unreasonable
- 7.28 An appeal has the effect of suspending the final notice until the appeal is finally determined or withdrawn.

Acquisition and sale of controlled solid fuel

- 7.29 Section 19B of the Act sets out the offence relating to the sale or purchase of solid fuel for use in a Smoke Control Area. Except where the solid fuel is to be burned in an exempt appliance, it is an offence to:
- Acquire controlled solid fuel
 - Offer controlled solid fuel for sale to be taken away by the purchaser without taking the steps to notify the potential purchaser that it is an offence to burn it in a Smoke Control Area
 - Deliver controlled solid fuel to a building
- 7.30 There is no option for local authorities to deal with contraventions of Section 19B by means of financial penalties. This is a criminal offence for which the Council may initiate prosecution proceedings. A person found guilty of an offence under this section of the Act is liable on summary conviction to a fine.
- 7.31 The Council will investigate allegations of the illegal sale or purchase of solid fuel. Decisions on enforcement action for offences under Section 19B will be made in line with the Council's general enforcement policy and the Regulator's Code.

Emissions of Dark Smoke from Industrial or Trade Premises

- 7.32 Part I of the Act prohibits (subject to limited exemptions) emissions of dark smoke from industrial or trade premises. Section 1 of the Act imposes prohibitions on emissions of dark smoke from the chimney of a building and from other chimneys serving the furnace of a fixed boiler or industrial plant. Section 2 of the Act imposes prohibitions on emissions of dark smoke from the burning of materials on such premises, i.e. bonfires.
- 7.33 There are limited exemptions: the legislation does not apply to any activity which is subject to a permit under the Pollution Prevention and Control Act 1999. It also does not apply to residential premises, unless waste materials arising from any trade or industrial process are then burnt on residential premises so as to cause dark smoke emissions.
- 7.34 The prohibition on dark smoke emissions is absolute, i.e. there are no permitted periods. Dark smoke is defined with reference to the Ringelmann chart (BS 2742:2009): dark smoke is that which appears to be as dark or darker than shade 2 on the chart.

- 7.35 In relation to materials burnt on industrial or trade premises other than in a furnace or industrial plant (i.e. bonfires), it is not necessary for officers to witness dark smoke emissions. In proceedings for an offence under Section 2, the Act specifies that *there shall be taken to have been an emission of dark smoke from industrial or trade premises in any case where material is burned on those premises and the circumstances are such that the burning would be likely to give rise to the emission of dark smoke* – e.g. the burning of materials such as tyres, paint or plastics. The burden of proof is then on the occupier (or any person who caused or permitted the burning) to show that no dark smoke was emitted.
- 7.36 There is a statutory defence for causing emissions of dark smoke from bonfires on industrial / trade premises where the alleged emission was inadvertent and all practicable steps had been taken to prevent or minimise the emission.
- 7.37 In relation to emissions from chimneys of buildings or boilers / other plant on industrial or trade premises, statutory defences under the legislation include:
- That the emission was solely due to the lighting up of a cold furnace and that all practicable steps had been taken to prevent or minimise the emission of dark smoke
 - That the emission was solely due to failure of a furnace, or of apparatus used in connection with a furnace, and that either:
 - the failure could not reasonably have been foreseen or prevented, or
 - action to remedy the failure could not reasonably have prevented the emission
 - That the emission was solely due to the use of unsuitable fuel and that:
 - suitable fuel was unobtainable and the least unsuitable fuel available was used; and
 - all practicable steps had been taken to prevent or minimise the emission
- 7.38 The person liable for an offence of emitting dark smoke is:
- Where dark smoke emissions are from a chimney of a building, the occupier of the building
 - For chimneys not forming part of a building but serving an industrial boiler or plant, the person having possession of the boiler or plant
 - In other cases (e.g. bonfires), the occupier of the premises and any person who causes or permits the emission
- 7.39 Offences under Sections 1 and 2 are summary offences. A person convicted of an offence under Section 1 of the Act is liable to an unlimited fine. Offences under Section 2 of the Act carry a maximum fine of £20,000.
- 7.40 The Council will investigate complaints of dark smoke emissions from industrial or trade premises. Decisions on enforcement action for offences under Section 1 or 2 of the Act will be made in line with the Council's general enforcement policy and the Regulator's Code.

8 Consultation

- 8.1 Public consultation was not considered necessary in the development of this policy. The Stevenage Smoke Control Area has existed in its current form since the last Smoke Control Order was made in 1982. There has been no change since then – and no change is proposed by this policy – to the boundaries of the SSCA, or the nature of the restrictions imposed on residents and businesses within the SSCA in relation to emissions of smoke, including the categories of premises that fall within its scope.
- 8.2 The change in the legislation in response to which this policy has been developed is the amendments made under Part 4 of the Environment Act 2021, which replaced the previous criminal offence under Section 20 of the Clean Air Act 1993 with civil sanctions i.e. financial penalties. The impact of the amended legislation is therefore considered to be limited, as it only affects the sanctions available to the Council for non-compliance rather than imposing new requirements or prohibitions on residents and businesses.

9 Monitoring and Review

- 9.1 This policy will be reviewed by the relevant Business Unit's Head of Service or Service Manager every 2 years (see page 1 for details of Business Unit) or earlier if there is a change in legislation. Where more than 10% of the policy content is changed the Assistant Director and appropriate Portfolio Holder will be required to decide if the policy needs to be formally reconsidered by the Executive or appropriate decision-making body.
- 9.2 Where there is a request for the content of the policy to be reviewed in response to a complaint, the relevant Business Unit's Assistant Director will be notified. If the Assistant Director agrees that a review of policy is required, this will be discussed with the appropriate Portfolio Holder. The Head of Service or Service Manager will be responsible for implementing a subsequent policy review.

10 References and Resources

- Clean Air Act 1993 (as amended by the Environment Act 2021) (www.legislation.gov.uk)
- DEFRA: *Exempt Appliances in England* (<https://smokecontrol.defra.gov.uk/exempt-appliances/england/>)
- DEFRA: *Authorised / Certified Fuels* (<https://smokecontrol.defra.gov.uk/fuels-php/>)
- DEFRA publication (1 May 2022): *Statutory guidance. Smoke control area enforcement by local authorities in England* (www.gov.uk/government/publications)
- Stevenage Borough Council – *Air Quality Strategy* (www.stevenage.gov.uk)

11 Abbreviations and Definitions

DEFRA	Department for Environment, Food and Rural Affairs
EDI	Equality, Diversity and Inclusion
EPA	Environmental Protection Act 1990
GDPR	General Data Protection Regulations
PSED	Public Sector Equality Dut

12 Version History

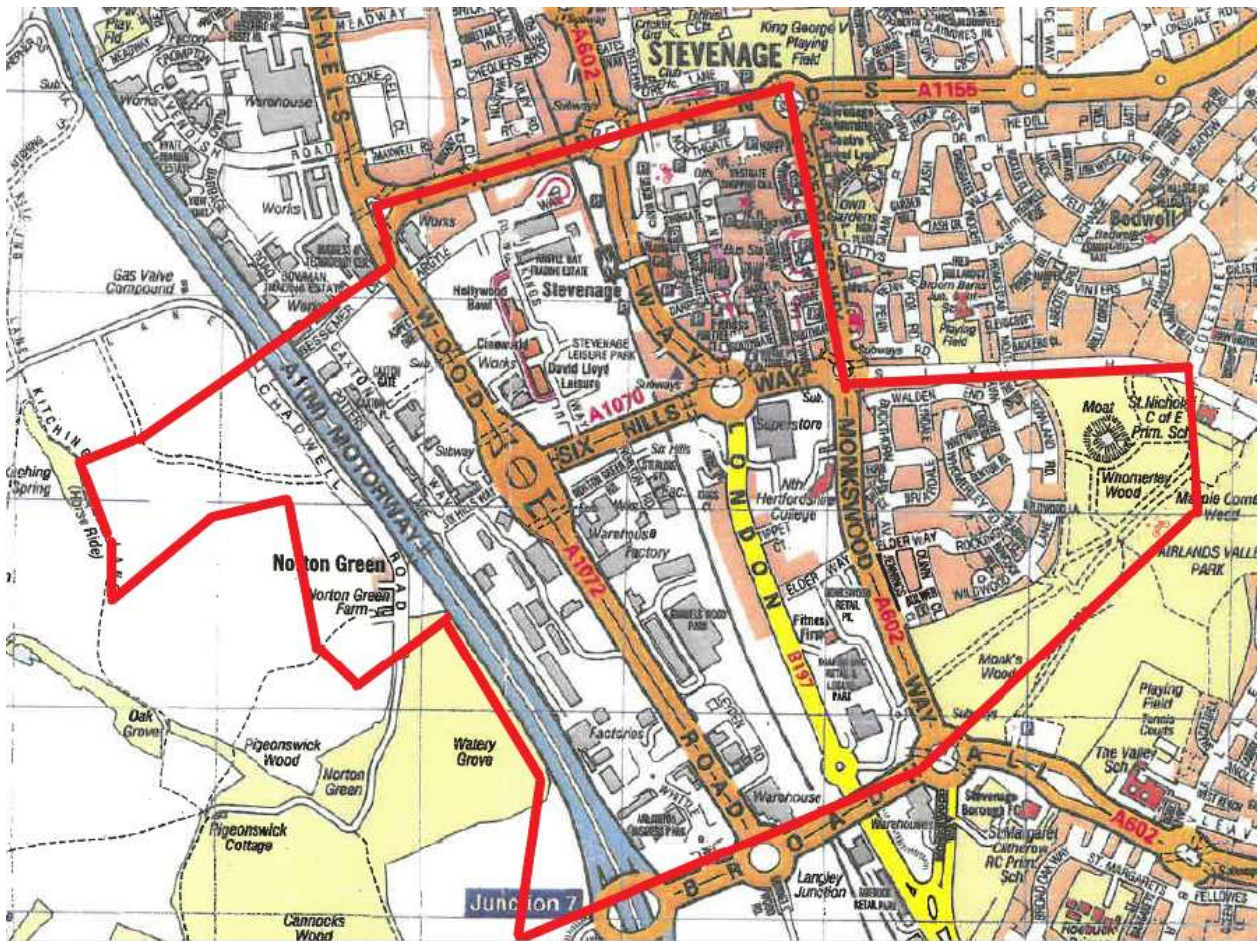
Date	Outlined Amendments	Author
31.03.2025	Original version	Geoff Hammond

13 Appendices

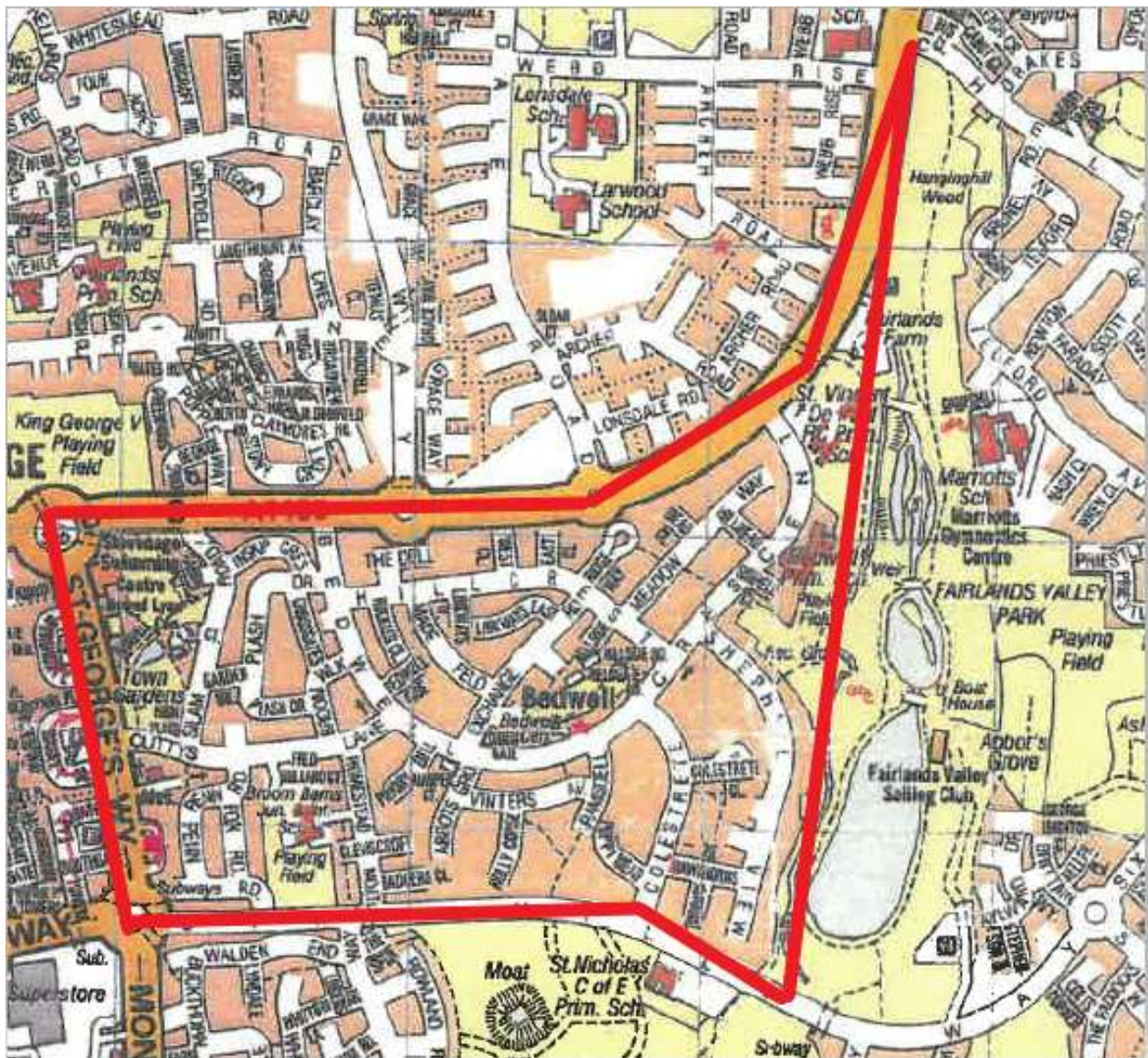
Appendix 1 – The Stevenage Smoke Control Area

1. The Stevenage Smoke Control Area (SSCA) is made up of seven separate Smoke Control Orders made between 1972 and 1982. These are numbered 1-8, excluding order no.3 – for reasons that are unclear the sequencing of the orders jumps from no.2 to no.4.
2. Each order declares a specified area of Stevenage – with reference to a sealed map – to be within the smoke control area and includes a schedule of exemptions for specified appliances, including on certain commercial premises that were in operation at the time.
3. The schedule of exemptions in each Order stipulates that fireplaces not connected to a gas supply which use authorised fuels as defined by the Clean Air Act (i.e. smokeless fuels) are permitted to be used.
4. It is further specified in each order that kindling sticks and paper may be used in such fireplaces. Therefore, provided an exempt appliance or authorised fuel is used, it would be acceptable for a small amount of smoke to initially be produced from the chimney of an appliance for a brief period, as a result of the use of these specified kindling materials when lighting a fire.
5. All of the borough was covered by the seven orders with the exception of the Chells Manor area which was developed after 1982. While this area of the borough could be made subject to a new Smoke Control Order so as to extend the scope of the SSCA, it is not proposed to do so at the present time. Given the age of the dwellings in this area, most or all of these properties would have been built without fireplaces and therefore the potential for emissions of smoke from the chimney of a building in this area would generally be limited to cases where wood burners are installed in new extensions or annexes to existing buildings. Where emissions of smoke from chimneys to buildings situated outside of the SSCA are alleged to be causing a problem, the Council can still investigate the matter under the statutory nuisance provisions of the EPA 1990.
6. Below are maps which indicate the area covered by each Smoke Control Order. These maps, while reasonably accurate in indicating the area that each Order covers, do not confirm the exact position of the boundaries of each Smoke Control Order.
7. If there is doubt as to whether any premises falls within the SSCA then officers may need to refer to the original Order documents. Copies of the Order documents are held by the Environmental Health team and by the Land Charges team.

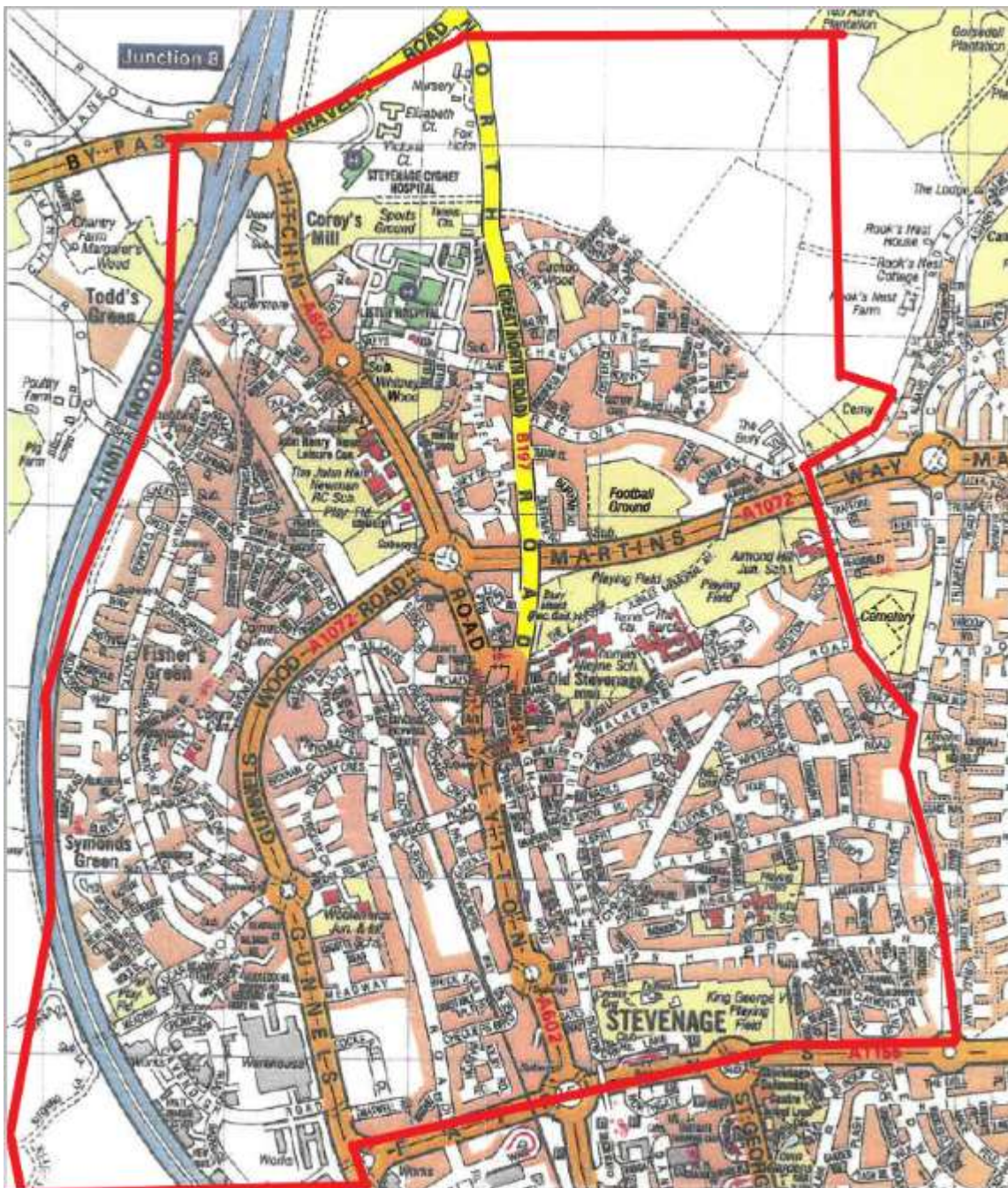
Approximate boundaries of the Area 1 Smoke Control Order



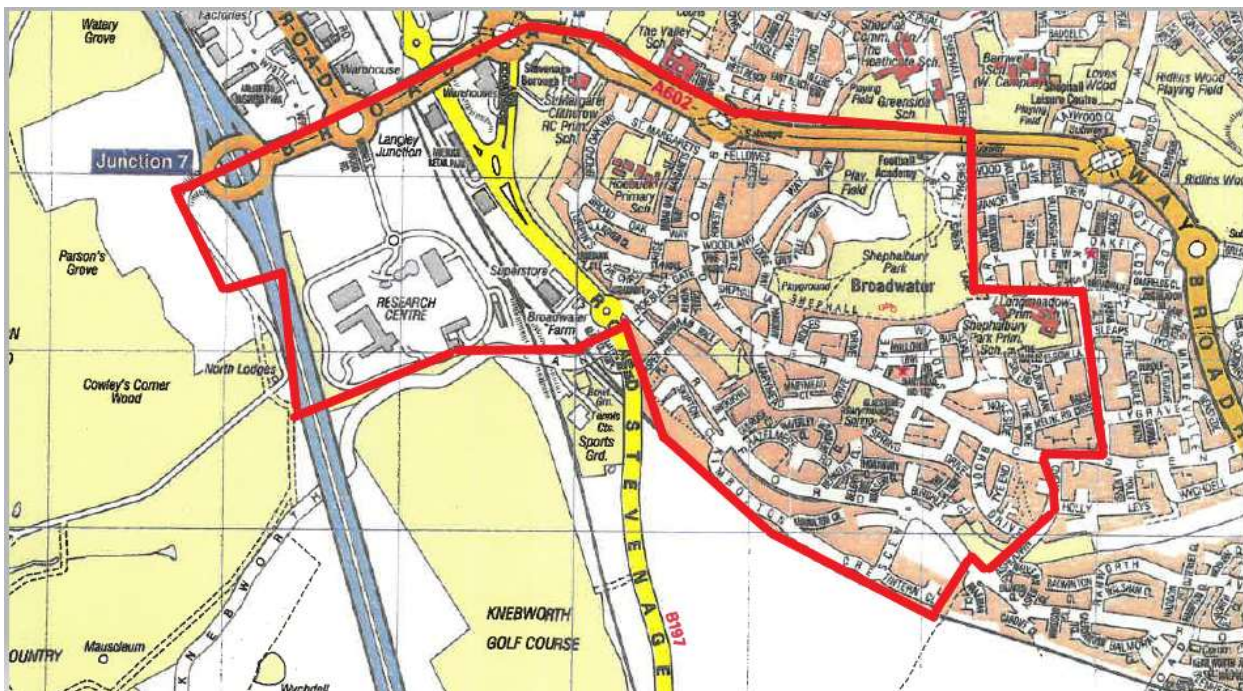
Approximate boundaries of the Area 2 Smoke Control Order



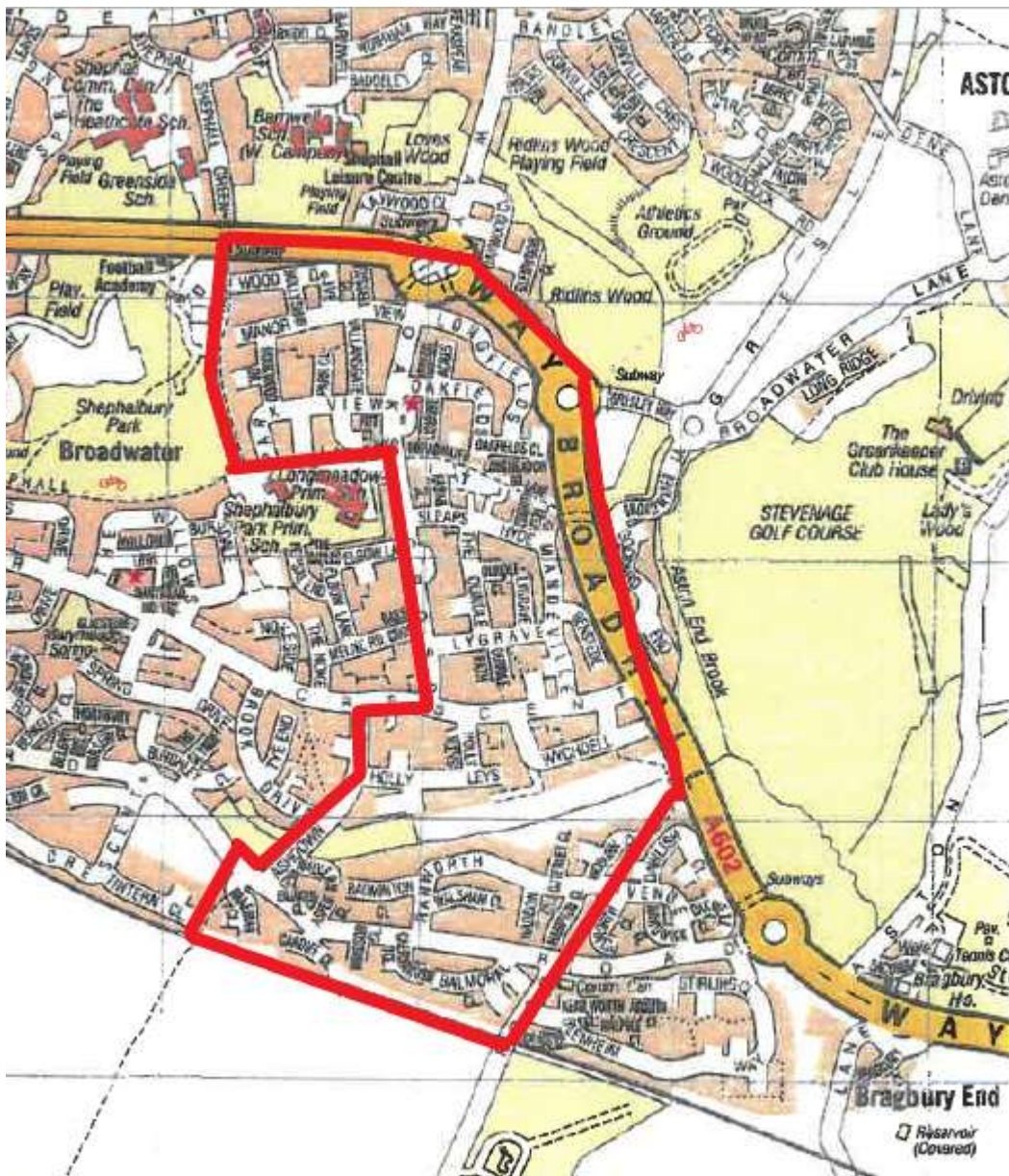
Approximate boundaries of the Area 4 Smoke Control Order (no 'Area 3' Order exists)



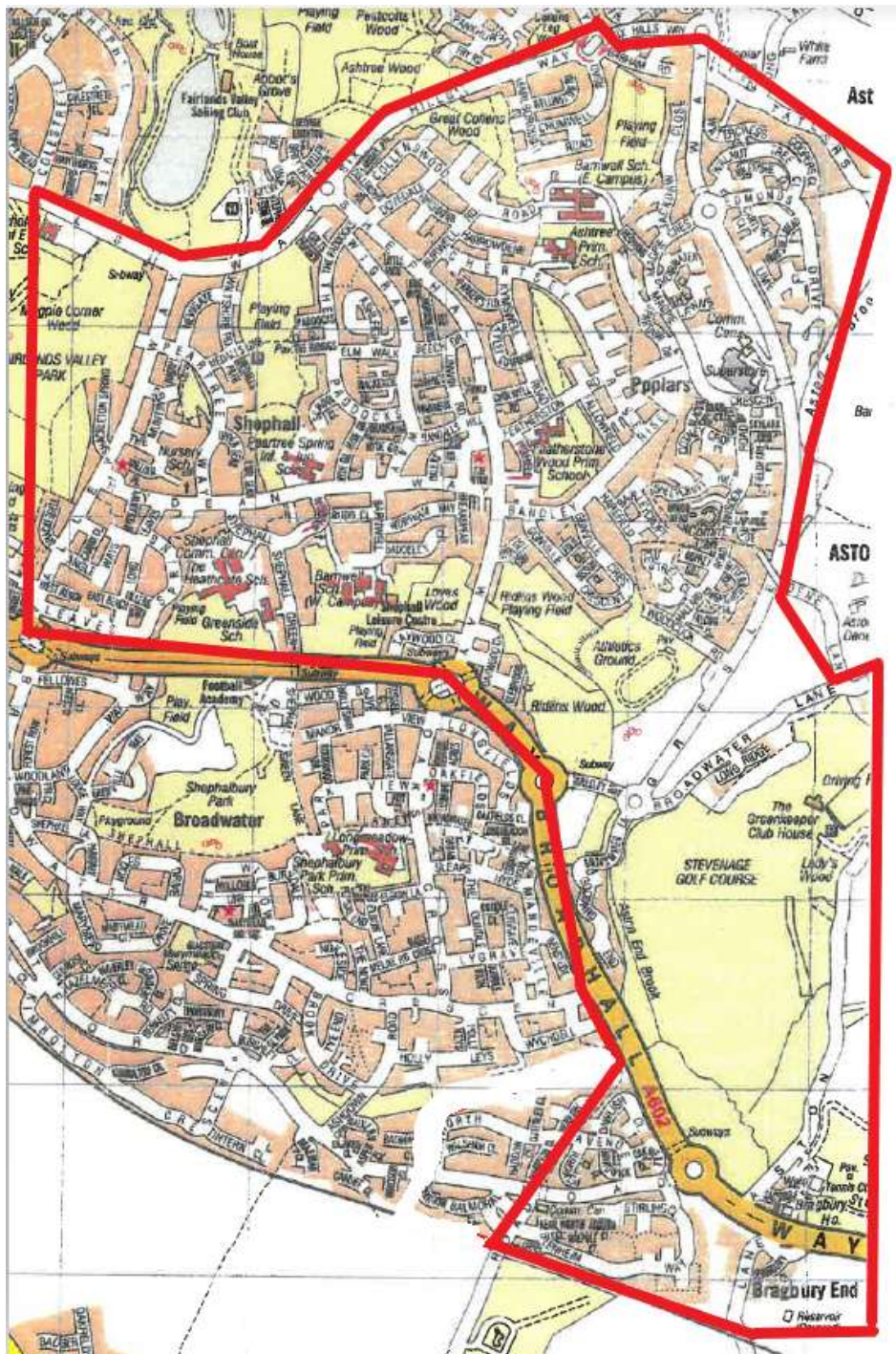
Approximate boundaries of the Area 5 Smoke Control Order



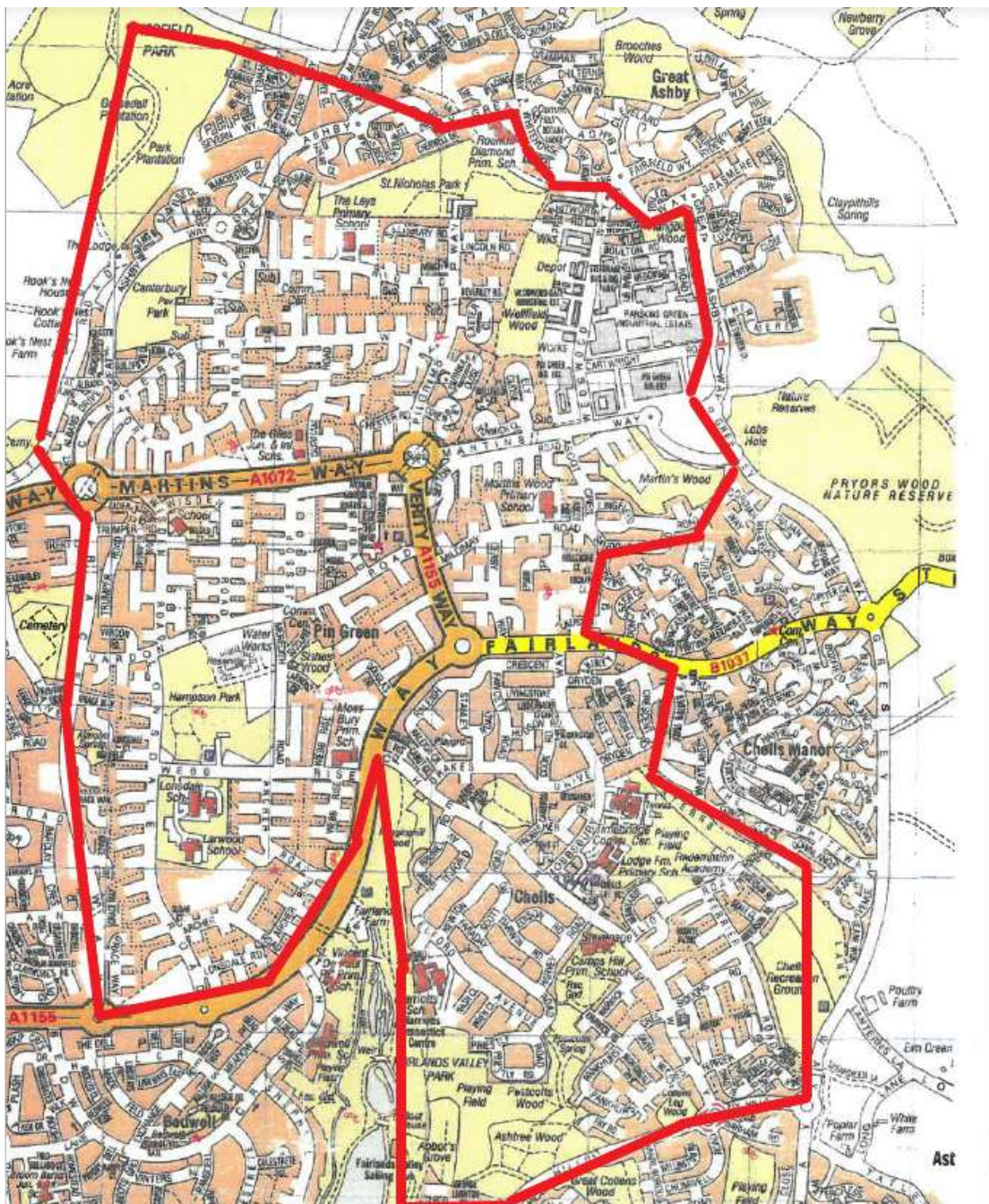
Approximate boundaries of the Area 6 Smoke Control Order



Approximate boundaries of the Area 7 Smoke Control Order



Approximate boundaries of the Area 8 Smoke Control Order



Appendix 2 – Determining the financial penalty charge

1. The primary aims of financial penalties are to:
 - Demonstrate the importance of maintaining good air quality within the area of Stevenage
 - Eliminate any financial gain or benefit from non-compliance with the SSCA
 - Educate persons liable for chimneys on the associated risks of non-compliance
 - Be proportionate to the nature of the breach of legislation and the risk posed
 - Aim to prevent future non-compliance
2. Schedule 1A of the Clean Air Act 1993 specifies that the minimum financial penalty that a local authority can issue for each contravention of a Smoke Control Order is £175, while the maximum amount is £300.
3. The statutory guidance for local authorities states that local authorities should put in place their own policy on how much to charge those responsible for smoke emissions, which may be based on:
 - How serious the offence is
 - Whether it is a repeat offence
4. In each case, the Council will determine the financial penalty amount as set out in the table below:

Level of Fine	Criteria	Amount of Fine
Level 1	First Offences, except those which are considered to be serious*	£175
Level 2	1. First offences which are considered to be serious* 2. Repeat offences	£300

*Assessing the seriousness of the offence:

The factors that the Council may take into consideration in assessing whether or not an offence should be considered as serious include, but are not limited to, any available information about the following:

- The duration of the emissions
- The frequency of the emissions
- The severity of the impact on adjacent premises
- The size of the area / number of premises affected
- The material being burned – toxicity, debris/ash deposits
- Whether the emissions were a result of activity carried out in the course of a business

Appendix 3 – Equality Impact Assessment

Equality Impact Assessment Form

For a policy, project, strategy, staff or service change, or other decision that is new,

What is being assessed?		Smoke Control Area Policy & Procedure			
Lead Assessor	Geoff Hammond			Assessment team	Environmental Health and Licensing
Start date	March 2025	End date	March 2027		
When will the EqIA be reviewed? (Typically every 2 years)		March 2027, unless the policy to which it relates requires review at an earlier date.			

Who may be affected by the proposed project?	All residents and businesses within Stevenage situated within the boundaries of the Stevenage Smoke Control Area.
What are the key aims of the proposed project?	To provide information and guidance on the approach that the Council will take to enforcing the Stevenage Smoke Control Area, in particular how the Council will implement the financial penalty regime which replaced the criminal sanctions under the Clean Air Act 1993.

What positive measures are in place (if any) to help fulfil our legislative duties to:					
Remove discrimination & harassment	N/A	Promote equal opportunities	N/A	Encourage good relations	The policy aims to ensure consistency and transparency in enforcement and thereby give confidence to residents and businesses.

What sources of data / information are you using to inform your assessment?	The legislation, namely the Clean Air Act 1993 and related statutory guidance
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In assessing the potential impact on people, are there any overall comments that you would like to make?	The purpose of the Council's Smoke Control Area Policy & Procedure is to set out the approach that the Council will take to enforcement of the Stevenage Smoke Control Area, in particular how the Council will implement the financial penalty regime brought in by amendments to the Clean Air Act 1993, which replaced the previous statutory powers to institute criminal prosecutions with civil fines. The policy sets out how the Council will decide on the level of fines to impose in cases where unlawful smoke emissions occur. The Stevenage Smoke Control Area has existed in its current form since the last Smoke Control Order was made in 1982. There has been no change since then – and no change is proposed by the policy – to the boundaries of the SSCA, or the nature of the restrictions imposed on residents and businesses within the SSCA in relation to emissions of smoke, including the categories of premises that fall within its scope. The impact of the policy is therefore considered to be limited, as: • It relates to the change in the sanctions available to the Council for non-compliance, rather than imposing new requirements or prohibitions on residents and businesses • The maximum amount of any financial penalty that can be issued is relatively low (limited by the legislation to £300 at the time of writing Version 1 of the policy).
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Evidence and Impact Assessment

Explain the potential impact and opportunities it could have for people in terms of the following characteristics, where applicable:

Age					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to	No differential impact.				

Age			
support this assessment			
What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A

Disability e.g., physical impairment, mental ill health, learning difficulties, long-standing illness					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to support this assessment	No differential impact.				
What opportunities are there to promote equality and inclusion?	N/A		What do you still need to find out? Include in actions (last page)	N/A	

Gender Reassignment					
Positive impact		Negative impact		Unequal impact	

Gender Reassignment			
Please evidence the data and information you used to support this assessment	No differential impact.		
What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A

Marriage or Civil Partnership					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to support this assessment	No differential impact.				
What opportunities are there to promote equality and inclusion?	N/A		What do you still need to find out? Include in actions (last page)	N/A	

Pregnancy & Maternity					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to	No differential impact.				

Pregnancy & Maternity			
support this assessment			
What opportunities are there to promote equality and inclusion?	N/A	What do you still need to find out? Include in actions (last page)	N/A

Race					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to support this assessment	No differential impact.				
What opportunities are there to promote equality and inclusion?	N/A		What do you still need to find out? Include in actions (last page)	N/A	

Religion or Belief					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to support this assessment	No differential impact.				
What opportunities are there to promote equality and inclusion?	N/A		What do you still need to find out? Include in actions (last page)	N/A	

Sex					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to support this assessment	No differential impact.				
What opportunities are there to promote equality and inclusion?	N/A		What do you still need to find out? Include in actions (last page)	N/A	

Sexual Orientation e.g., straight, lesbian / gay, bisexual					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to support this assessment	No differential impact.				
What opportunities are there to promote equality and inclusion?	N/A		What do you still need to find out? Include in actions (last page)	N/A	

Socio-economic¹ e.g., low income, unemployed, homelessness, caring responsibilities, access to internet, public transport users, social value in procurement					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to support this assessment	No differential impact: There is anecdotal evidence to suggest an increase in recent years – in line with substantial rises in energy prices – in lower-income households relying on wood burners for affordable heating, particularly in dwellings which do not use gas as the main source of heating (an estimated 7% of dwellings in Stevenage according to the Council's Private Sector Stock Condition Survey 2024). However, the policy – which gives effect to the legislation under the Clean Air Act 1993 and which Councils have a statutory duty to enforce – does not preclude the use of such appliances as sources of space heating, provided that they are either 'exempt appliances' as defined by DEFRA or that fuels specified as 'authorised fuels' by DEFRA (i.e. smokeless fuels) are used.				
What opportunities are there to promote equality and inclusion?	N/A		What do you still need to find out? Include in actions (last page)	N/A	

Additional Considerations Please outline any other potential impact on people in any other contexts					
Positive impact		Negative impact		Unequal impact	
Please evidence the data and information you used to support this assessment	N/A				
What opportunities are there to promote equality and inclusion?			What do you still need to find out? Include in actions (last page)		

Consultation Findings

Document any feedback gained from the following groups of people:

¹Although non-statutory, the council has chosen to implement the Socio-Economic Duty and so decision-makers should use their discretion to consider the impact on people with a socio-economic disadvantage.

Staff?	N/A	Residents?	N/A
Voluntary & community sector?	N/A	Partners?	N/A
Other stakeholders?	N/A		

Overall Conclusion & Future Activity

Explain the **overall findings** of the assessment and **reasons for outcome (Please choose one)**

1. No inequality, inclusion issues or opportunities to further improve have been identified		The policy gives effect to the Council’s statutory duty to enforce the provisions of the Clean Air Act 1993 and aims to set out a clear, consistent and transparent approach to enforcement, in particular how the amendments to the legislation will be enforced, which replace the former criminal offence for contravening a Smoke Control Order with a power to issue financial penalties in such cases. The policy sets out a consistent approach to determining the level of fine that will be issued when enforcement action is taken. The amended legislation to which this policy relates does not impose new requirements or prohibitions on residents or businesses and affects only the type of sanction available to the Council where contraventions of the Stevenage Smoke Control Area occur. The legislation – and the approach to enforcing it set out in the policy – applies equally to all residents and business operators situated within the Stevenage Smoke Control Area and there is no evidence to indicate that any particular group with the characteristics set out in this EqIA would be disproportionately or unequally affected. Any enforcement will be in line with the principles promoted within the Regulators’ Code.
Negative / unequal impact, barriers to	2a. Adjustments made	N/A

inclusion or improvement opportunities identified	2b. Continue as planned	N/A
	2c. Stop and remove	N/A

Detail the **actions that are needed** as a result of this assessment and how they will help to **remove discrimination & harassment, promote equal opportunities** and/or **encourage good relations**

Action	Will this help to remove, promote and / or encourage?	Responsible officer	Deadline	How will this be embedded as business as usual?
N/A				