

Equality Impact Assessment / Equality Analysis

(Updated December 2022)

Item name	Details
Title of service or policy	Implementation of provisions introduced by the Environment Act 2021 to the Clean Air Act 1993
Name of directorate and service	Place Management; Public Protection and Building Control
Name and role of officers completing the EIA	Alexei Turner, Senior Officer (Environmental Monitoring)
Date of assessment	November 2024

Equality Impact Assessment (or ‘Equality Analysis’) is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The main aim is to identify any discriminatory or negative consequences for a particular group or sector of the community, and also to identify areas where equality can be better promoted. Equality impact Assessments (EIAs) can be carried out in relation to services provided to customers and residents as well as employment policies/strategies that relate to staffing matters.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis. **Not all sections will be relevant – so leave blank any that are not applicable.** It is intended that this is used as a working document throughout the process, and a final version will be published on the Council’s website.

1.1 Identify the aims of the policy or service and how it is implemented

Key questions	Answers / notes
<p>1.1 Briefly describe purpose of the service/policy e.g.</p> <ul style="list-style-type: none"> ● How the service/policy is delivered and by whom ● If responsibility for its implementation is shared with other departments or organisations ● Intended outcomes 	<p>This report aims to build upon the Government’s Clean Air Strategy in 2019 and introduces new enforcement provisions under the Environment Act 2021 that apply to premises that emit smoke from a chimney within Bath’s Smoke Control Areas. The provisions look to introduce new legal notices and financial penalties, ranging from £175 to £300.</p> <p>Domestic combustion is a major source of PM₁₀ and PM_{2.5} pollution within the UK, both of which lead to adverse public health conditions. This report aims to minimise particulates from domestic wood burning, contributing to the reduction of environmental concentrations of particulate matter and improving public health.</p> <p>Monitoring is undertaken for PM_{2.5} at one location within the district, this is located at Chelsea House on Snow Hill and measured 10 µg/m³ in 2023. The UK objective standard is 20 µg/m³ as an annual average, however, it is widely recognised that there is no safe level of exposure. The World Health Organisation guidelines set 5 µg/m³ as a standard to be aimed towards</p>

<p>1.2 Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> ● Is it a new service/policy or review of an existing one? ● Is it a national requirement?). ● How much room for review is there? 	<p>The current Smoke Control Areas within Bath are already existing; however, new provisions are being brought in under the Environment Act 2021 to the Clean Air Act 1993.</p> <p>The new provisions enable officers to adopt a staged approach to enforcement, consistent with the Public Protection Enforcement Policy. In terms of the financial penalty, the legislation states that this can be between £175 and £300. Statutory guidance states consideration ought to be given to how much to charge those responsible for smoke emissions, which may be based on how serious the offence is, and whether it is a repeat offence.</p>
<p>1.3 Do the aims of this policy link to or conflict with any other policies of the Council?</p>	<p>This plan incorporates a number of actions from strategies and plans across the council aimed at improving air quality and has no negative impacts or conflicts with other council policies.</p> <p>However, it will have a positive impact on the aims and objectives of the Council’s Corporate Strategy (2023-2027).</p>

2. Consideration of available data, research, and information

Key questions	Data, research, and information that you can refer to
<p>2.1 What equalities training have staff received to enable them to understand the needs of our diverse community?</p>	<p>As part of the Councils corporate training programme, all employees are required to complete the eLearning course on Equality, Diversity, and Inclusion.</p>
<p>2.2 What is the equalities profile</p>	<p>Information about the equalities profile of populations within the Smoke Control Areas in Bath</p>

of service users?	can be found at: https://beta.bathnes.gov.uk/strategic-evidence/document-library/bath-and-north-east-somerset-ward-profiles
2.3 Are there any recent customer satisfaction surveys to refer to? What were the results? Are there any gaps? Or differences in experience/outcomes?	No.
2.4 What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?	<p>Internal consultations were made with the following departments prior to the report being submitted:</p> <ul style="list-style-type: none"> • Climate and Engagement • Public Health and Prevention • Head of Service – Community and Compliance • Equalities Officer • Legal Services and Monitoring Officer • Finance Officer • S151 Officer
2.5 If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?	No formal public consultations proposed at this time.

3. Assessment of impact: ‘Equality analysis’

Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy:

- Meets any particular needs of equalities groups or could help promote equality in some way.
- Could have a negative or adverse impact for any of the equalities groups

Key questions	Examples of what the service has done to promote equality	Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this
3.1 Issues relating to all groups and protected characteristics	<p>The Council’s approach to air pollution is to identify and remove unacceptable risks to human health and the environment, and to ensure that the cost burdens are proportionate, manageable and economically sustainable.</p> <p>The implementation of measures under the Environment Act 21, to reduce the emissions emitted from domestic burning, will protect and improve the health of all residents equally.</p>	Particulate matter concentrations will continue to be monitored, and no adverse health impact is anticipated for anyone with or without a protected characteristic.
3.2 Sex – identify the impact/potential impact of the policy on women and men.	There is no evidence to suggest that the implementation of provisions under the Environment Act 2021 would have a differential potential impact on this protected characteristic.	This plan has no negative or adverse impacts on this protected characteristic.
3.3 Pregnancy and maternity	Emerging evidence suggests that air pollution can affected the growth of an	This plan has no negative or adverse impacts on this protected characteristic.

	<p>unborn baby and may be linked with premature birth (Impact of London's road traffic air and noise pollution on birth weight: retrospective population-based cohort study, British Medical Journal 2017). (RCPCH and RCP Report Every Breath We Take).</p> <p>Therefore, the implementation of provision under the Environment Act 2021 should have a positive impact on people within this protected characteristic group.</p>	
<p>3.4 Gender reassignment – identify the impact/potential impact of the policy on transgender people</p>	<p>There is no evidence to suggest that the implementation of provisions under the Environment Act 2021 would have a differential potential impact on this protected characteristic.</p>	<p>This plan has no negative or adverse impacts on this protected characteristic</p>
<p>3.5 Disability – identify the impact/potential impact of the policy on disabled people (ensure consideration both physical, sensory and mental impairments and mental health)</p>	<p>Some disabled people have chronic conditions which can be made worse by air pollution. Air pollution is recognised as a contributing factor in the early onset of heart disease and cancer and can cause a range of health impacts, including effects on lung function, exacerbation of asthma, increases in hospital admissions and mortality.</p> <p>Reducing domestic wood burning and the emissions associated with this should therefore have a beneficial impact on</p>	<p>This plan has no negative or adverse impacts on this protected characteristic</p>

	disabled people.	
3.6 Age – identify the impact/potential impact of the policy on different age groups	<p>Air pollution has a greater adverse effect on both and older and younger people.</p> <p>Reducing domestic burning and the emissions associated with this should therefore have a beneficial impact on people of all ages.</p>	This plan has no negative or adverse impacts on this protected characteristic
3.7 Race – identify the impact/potential impact on across different ethnic groups	There is no evidence to suggest that the implementation of provisions under the Environment Act 2021 would have a differential potential impact on this protected characteristic.	This plan has no negative or adverse impacts on this protected characteristic
3.8 Sexual orientation – identify the impact/potential impact of the policy on lesbian, gay, bisexual, heterosexual people	There is no evidence to suggest that the implementation of provisions under the Environment Act 2021 would have a differential potential impact on this protected characteristic.	This plan has no negative or adverse impacts on this protected characteristic
3.9 Marriage and civil partnership – does the policy/strategy treat married and civil partnered people equally?	There is no evidence to suggest that the implementation of provisions under the Environment Act 2021 would have a differential potential impact on this protected characteristic.	This plan has no negative or adverse impacts on this protected characteristic
3.10 Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.	There is no evidence to suggest that the implementation of provisions under the Environment Act 2021 would have a differential potential impact on this	This plan has no negative or adverse impacts on this protected characteristic

	protected characteristic.	
<p>3.11 Socio-economically disadvantaged* – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances (This is not a legal requirement but is a local priority).</p>	<p>The adverse impacts of poor air quality have a particular effect in the socio-economically disadvantaged as data informs us that areas of deprivation tend to have higher pollution.</p> <p>Air Quality and Social Deprivation in the UK: an environmental inequalities analysis (June 2006)</p> <p>Therefore, the reduction in nitrogen dioxide levels should have a positive impact on people within this protected characteristic group.</p>	<p>This plan may financially impact those who are socio-economically disadvantaged due to fuel poverty and the associated enforcement policy.</p> <p>To address this, educational workshops will be carried out to engage with this protected characteristic group who may be impacted by the plan. The workshops would aim to raise awareness on the health impacts of domestic burning and the use of alternative fuels.</p> <p>Additionally, if an offence is carried out with regards to a smoking chimney within the Smoke Control Area, an improvement letter will be issued first. If required, this may include a site visit by an authorised officer allowing an initial engagement and educational awareness opportunity with the individual/household.</p>
<p>3.12 Rural communities* identify the impact / potential impact on people living in rural communities</p>	<p>The Smoke Control Area does not cover rural communities. Therefore, there is no evidence to suggest that the implementation of provisions under the Environment Act 2021 would have a differential potential impact on this protected characteristic.</p>	<p>This plan has no negative or adverse impacts on this protected characteristic</p>
<p>3.13-Armed Forces Community **</p>	<p>There is no evidence to suggest that the</p>	<p>This plan has no negative or adverse</p>

<p>serving members; reservists; veterans and their families, including the bereaved. Public services are required by law to pay due regard to the Armed Forces Community when developing policy, procedures and making decisions, particularly in the areas of public housing, education, and healthcare (to remove disadvantage and consider special provision).</p>	<p>implementation of provisions under the Environment Act 2021 would have a differential potential impact on this protected characteristic.</p>	<p>impacts on this protected characteristic</p>
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*There is no requirement within the public sector duty of the Equality Act to consider groups who may be disadvantaged due to socio economic status, or because of living in a rural area. However, these are significant issues within B&NES and have therefore been included here.

** The Equality Act does not cover armed forces community. However, the Armed Forces Bill (which came in on 22 Nov 2022) introduces a requirement to pay 'due regard' to make sure the Armed Forces Community are not disadvantaged when accessing public services.

4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment/analysis. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when
<p>The financial impact of the plan on those who are within the socio-</p>	<p>Workshops will be carried out, particularly for those within this</p>			

economically deprived protected characteristic.	protected characteristic, to raise awareness on the health impacts of domestic combustion and smoke control behaviour change. These workshops will also aim to provide education on alternative fuel types that are compliant within the Smoke Control Area.			
The overall impact of the plan on those who are within the socio-economically deprived protected characteristic.	Enforcement under the Public Protection Enforcement Policy will ensure that no one is directly or indirectly discriminated against through the implementation of this provision introduced by the Environment Act 2021.			

5. Sign off and publishing

Once you have completed this form, it needs to be ‘approved’ by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team (equality@bathnes.gov.uk), who will publish it on the Council’s and/or NHS B&NES’ website. Keep a copy for your own records.

Signed off by: Chris Major

Date: 25/11/2024

(Divisional Director or nominated senior officer)