

Single Member Cabinet Decision

Executive
Forward Plan
Reference**Environment
Act 2021
E3603**

Decision maker/s	Cllr Warren, Cabinet Member for Climate Emergency and Sustainable Travel
The Issue	Implementation of provisions introduced by the Environment Act 2021 to the Clean Air Act 1993 including Financial Penalty for emitting smoke in a Smoke Control Area
Decision Date	7th March 2025
The decision	<p>The Cabinet Member agrees that:</p> <ol style="list-style-type: none">1. Officers are authorised under the Environment Act 2021 to enforce provisions that apply to buildings that emit smoke from a chimney within a Smoke Control Area.2. Support the introduction of Financial Penalties set at £175 for a first offence, and £300 for subsequent offences. There will be no reduction in the amount of the fine, if paid early.3. Authorise relevant team manager and/or service manager responsible for the function, the discretion to review and vary the amount of the financial penalty upon consideration of objections received to the 'Notice of Intent to issue a financial penalty'.
Rationale for decision	<p>Building upon the governments Clean Air Strategy in 2019, The Environment Act 2021 Part 4, Section 73 introduced new enforcement provisions that applies to buildings that emit smoke from a chimney within a Smoke Control Area.</p> <p>The City of Bath is a designated Smoke Control area, meaning it is illegal to burn smoky fuels or in a non-approved wood burning or multi fuel stove.</p> <p>Considering that domestic combustion is a major source of particulate matter emissions and exposure can have short- and long-term health impacts amplified in vulnerable groups.</p> <p>Enforcement of the provisions will enable officers to adopt a staged approach to enforcement consistent with the Enforcement policy.</p>
Financial and budget implications	No additional capital expenditure is required and there is revenue funding for the posts.

Issues considered	Equality (age, race, disability, religion/belief, gender, sexual orientation); Health & Safety; Impact on Staff; Other Legal Considerations
Consultation undertaken	Stakeholders/Partners; Section 151 Finance Officer; Chief Executive; Monitoring Officer
How consultation was carried out	No formal consultation with other stakeholders
Other options considered	<p>One option is to expand the Smoke Control Area within Bath to include moored vessels (boaters). The effectiveness of this option in reducing particulate matter concentrations and delivering public health benefits would need to be further understood, as well as undertaking a public consultation. Therefore, at this time, the Environmental Protection team will continue to review this option following implementation of the act and associated financial penalties.</p> <p>A second option is to review and expand the Smoke Control Areas across the whole district, including moored vessels (boaters). The effectiveness of this option in reducing particulate matter concentrations and delivering public health benefits across the district would need to be further understood, as well as undertaking a public consultation. Therefore, at this time, the Environmental Protection team will continue to review this option following implementation of the act and associated financial penalties.</p>
Declaration of interest by Cabinet Member(s) for decision:	None
Any conflict of interest declared by anyone who is consulted by a Member taking the decision:	None

Name and Signature of Decision Maker/s	Cllr Sarah Warren , Cabinet Member for Climate Emergency and Sustainable Travel
Date of Signature	07/03/2025

Subject to Call-in until 5 Working days have elapsed following publication of the decision

