

APPENDIX 5

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate: **Chief Executives**

Lead officer responsible for EIA: **Chief Environmental Health Officer**

Name of the policy or function to be assessed: **Proposal to declare the whole of Broxtowe as a Smoke Control Area (revoking and replacing the existing 21 SCA's). Smoke Control Enforcement Policy – Introduction of Financial Penalties for Smoke Control Order Offences.**

Names of the officer undertaking the assessment: **Chief Environmental Health Officer**

Is this a new or an existing policy or function?

Existing 21 Smoke Control Orders.

Existing function to deal with smoke control offences (criminal) – new policy to apply a financial penalty (civil matter) for breaches.

1. What are the aims and objectives of the policy or function?

Broxtowe Borough Council has a duty to assess air quality and where necessary take appropriate action to protect the health of those living and working in the Borough. 2/3rds of wood and solid fuel burning takes place in urban areas which are more populated. Reducing population exposure is key to reducing health impacts.

To include an option of financial penalties for breaches of Smoke Control Orders to enable a staged approach to enforcement including financial penalties for repeat offenders.

2. What outcomes do you want to achieve from the policy or function? **An improvement in Local Air Quality, especially in urban areas and a reduction in detriment to those most harmed by smoke and particulates in the air, especially those with heart and respiratory conditions.**

3. Who is intended to benefit from the policy or function? **All residents and visitors.**

4. Who are the main stakeholders in relation to the policy or function? **Residents of the Borough but particularly those that use open fires/multi-fuel burners or use solid fuels and those that have health conditions made worse by poor air quality. Local Businesses. Nottinghamshire County Council. DEFRA.**

5. What baseline quantitative data do you have about the policy or function relating to the different equality strands? **Information included in the annual air quality status report identifies those that are most at risk of adverse effects from poor air quality. Domestic combustion accounted for 16% of PM10 and 27% of PM2.5 emissions in 2021, mostly from households burning wood on open fires or closed stoves and which increased 124% from 2011. Of that 25% of PM2.5 emissions, 75% is estimated to be from domestic wood burning. We have historical evidence of concerns about wood burning impacting on neighbours**

6 What baseline qualitative data do you have about the policy or function relating to the different equality strands?

Broxtowe currently has 21 separate Smoke Control Areas. This means that some residents can use unauthorised fuels (such as wood and coal) and use non exempted appliances but other residents cannot and not all of the residents of the Borough are protected against smoke emissions. The proposed new single Smoke Control Area will address this inequality by ensuring that all premises within the Borough will fall under the requirements of a Smoke Control Area.

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact? **A public consultation was carried out between June and August 2023 via publications in the local papers, namely the Beeston News and the Eastwood and Kimberley Advertiser, The London Gazette, social media and via the Canal and Rivers Trust media channels.**

The cost of living crisis and financial hardship of canal boat owners was identified as an impact which specifically adversely affected this community. It was identified that there are residents with non-exempt solid fuel appliances – these would have to change to smokeless fuel or change to an alternative appliance. Authorised fuels can cost more and there is some concern that some households could be pushed into fuel poverty at a time of high inflation and rising energy costs. Those already using smokeless fuels as required though, are both disadvantaged by complying and exposure to smoke form those using non smokeless fuels. Residents who are struggling with the cost of heating and are likely to face fuel poverty will be signposted to advice on accessing financial and practical advice on keeping their homes warm. The consultation identified that stakeholders are concerned about air quality.

There is no requirement to consult on the use of the powers to impose financial penalties for breaches as this is an option available in the legislation.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? **Any policy with a financial penalty has the potential to affect lower income households disproportionately. However, not enforcing the requirements does not address the need to minimise the main contributors to poor air quality and disadvantages those that pay more for smokeless or ready to burn fuels or have multi-fuel burners installed in accordance with the relevant regulations. The policy advocates a staged approach to fixed penalty issue and warnings will have been issued in the first instance. Higher penalties will only apply if repeat offending occurs.**

Does the policy or function target or exclude a specific equality group or community? **The policy targets people and businesses that use solid fuels and wood for burning. It does not ban these fuels from being used – just that they are either smokeless, ready to burn or used in appliances which minimise smoke. It does not target specific equality groups.**

Does it affect some equality groups or communities differently? If yes, can this be justified?

Not really. A mixture of people using solid fuels for burning.

Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?

Yes, improvements in air quality will benefit everyone.

Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function? **No.**

Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?

See below.

What further evidence is needed to understand the impact on equality?

None.

On the basis of the analysis above, what actions, if any, will you need to take in respect of each of the equality strands?

Age: **Poor air quality disproportionately affects the children and the elderly, so improving air quality via the Smoke Control Area will help these groups and promote equality in these groups.**

Disability: **Those with some disabilities are also disproportionately affected by poor air quality and this policy will help to improve their quality of life.**

Gender: **None**

Gender Reassignment: **None**

Marriage and Civil Partnership: **None**

Pregnancy and Maternity: Pregnant women are more likely to suffer from pregnancy complications including low birth weight and pre-term birth in areas of high air pollution, particularly high levels of PM2.5. Implement a whole Borough Smoke Control Area could slightly reduce the risks to pregnant women and their unborn children.

Race: Poor air quality disproportionately affects those of black or minority ethnic communities (BAME), this is because they are often exposed to higher levels of air pollution where they live. It has been suggested that BAME communities may be more likely to tolerate a legacy of poorer area quality for the benefits of living closer to friends and family in a community that they feel safe and comfortable in. In addition, these communities often have local facilities that serve their specific needs for example shops and religious facilities, so that even when they can afford to move to less polluted areas they choose to stay. Therefore, by implementing a Smoke Control Area across the whole of Broxtowe we want to help to reduce this inequality within our BAME communities' by reducing their exposure to poor air quality.

[\(https://www.imperial.ac.uk/news/163408/ethnic-minorities-deprived-communities-hardest-pollution/\)](https://www.imperial.ac.uk/news/163408/ethnic-minorities-deprived-communities-hardest-pollution/)

Religion and Belief: None

Sexual Orientation: None

Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment:

Signature of Head of Service:

