

## DECISIONS DELEGATED TO OFFICERS

<b>Decision title:</b>	Oxford City Council Smoke Control Order 2024
<b>Decision date:</b>	13 March 2024
<b>Source of delegation:</b>	<p>Cabinet, <a href="#">on 13 September 2023</a> (agenda item 18 – ‘<a href="#">City-wide Smoke Control Area Declaration</a>’), resolved to:</p> <ol style="list-style-type: none"> <li>1. <b>Approve</b> plans to revoke Oxford’s existing 23 Smoke Control Orders and replace them with a single Smoke Control Order across the whole City, subject to the outcome of consultations and confirmation by the Secretary of State; and</li> <li>2. Subject to the outcome of the public consultation and confirmation by the Secretary of State, <b>delegate authority</b> to the Head of Corporate Strategy in consultation with the Cabinet Member for Zero Carbon Oxford and Climate Justice and the Head of Law and Governance, to make the order.</li> </ol>
<b>What decision was made?</b>	<p>The Head of Corporate Strategy has exercised delegated authority to approve the making of the new Smoke Control Order 2024, after consultation with the Cabinet Member for Zero Carbon Oxford and Climate Justice and the Head of Law and Governance, and after considering the <a href="#">results</a> of the Councils Public Consultation, which showed that the majority of Oxford City residents support these proposals.</p> <p>The order will be made under the Clean Air Act 1993 and the legislation requires that public consultation is carried out on the proposed measure and that if any objections are received and not withdrawn, the Council cannot make the order without first considering the objection. Therefore, in making his decision the Head of Corporate Strategy has considered the responses made during the public consultation period (4th December 2023 –31st January 2024). The consultation responses are set out in Appendix 1, the Smoke Control Area Consultation Report.</p> <p>The objections to the proposal that the Council received related to:</p> <ol style="list-style-type: none"> <li>1- Some of the residents perceiving the proposals as the introduction of a complete ban of wood burners;</li> <li>2- The fact that it was considered it could have a negative impact on the poor and the most vulnerable, and the fact that the proposals do not</li> </ol>

- include (or apply to) boaters and moored vessels.
- 3- The fact that the proposals do not address what is considered (by residents) to be the biggest source of air pollution in the city: road traffic emissions.
  - 4- Lack of adequate awareness raising, and/or air pollution data and studies to support this decision, and/or lack of communication being passed onto residents and the community.


The Council is able to dismiss each of those objections because:

- 1- The proposals do not include a complete ban of wood burners.
- 2- These proposals will deal with equality in its broadest sense, as they will allow for everyone to be covered by the same smoke nuisance legislation. At the moment, 48% of Oxford Administrative is already covered by Smoke Control legislation. One of the most vulnerable groups within the city (the boating community) was left outside of these proposals, precisely due to the need to find a way to adequately support these communities. With these proposals the poor and more vulnerable will also be more protected from the negative exposure to wood burning emissions inside their homes, as by burning the right fuel or using the right appliance, they will be exposed to less smoke inside their homes.
- 3- Contrary to what people might expect, Domestic combustion is already a bigger source of Particulate emissions (PM2.5 and PM10) than road traffic. According to [DEFRA](#), domestic emissions contributed 29% to total UK PM2.5 emissions and 15% to total UK PM10 emissions in 2022, with most emissions from this source coming from households burning wood in stoves and open fires. Road traffic emissions contributed to 18% of total UK PM2.5 emissions and 16% of total UK PM10 emissions in the same period.
- 4- These proposals have been widely advertised in the community (please refer to the “background” chapter in Appendix 1). Oxford City Council also launched last year a city-wide campaign “Do You Fuel Good?” to educate people and raise awareness of the negative impacts of wood burning. That campaign is still live and is supported by robust evidence and studies conducted by several reputable institutions which show the negative impacts to human health of exposure to PM2.5 emissions. The city has plans to continue to develop campaign materials

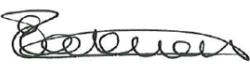
	<p>focused on the new Smoke Control Area proposals during the next 6 months, which is the period of latency that goes from the moment the secretary of state approved the proposals until the Smoke Control Area becomes active.</p> <p>Finally, 27% of the comments were catalogued as being of other nature, as they did not relate to or highlight any specific key concern from these proposals. They were just personal expressions of disapproval of the proposals.</p> <p>As soon as the Council has made the new Smoke Control Order it will need to be submitted to the Secretary of State for final approval.</p>
<p><b>Purpose:</b></p>	<p>The benefit of this proposal is to reduce the risk of harmful emissions from uncontrolled burning of solid fuels from open fireplaces and non-approved stoves and indoor burners in areas of Oxford currently not covered by smoke control legislation.</p> <p>The proposal will ensure consistency, minimise confusion and raise awareness of the controls in place for the burning of solid fuels across the city. It will also help to raise awareness of the health impacts of burning solid fuel.</p>
<p><b>Reasons:</b></p>	<p>Several <a href="#">research</a> studies now indicate how harmful particulate pollution emissions from the use of solid fuels at home are to human health: they increase pollution levels inside people’s homes (as these pollutants are released into the air when materials are burned), and contribute to an overall increase of particulate pollution levels in urban areas.</p> <p>PM2.5 is considered a particularly harmful pollutant with regard to human health. The tiny particles involved can travel deep into the respiratory tract leading to numerous health conditions including asthma, lung cancer, cardiovascular disease, dementia and pregnancy impairment.</p> <p>As a local authority, Oxford City Council has a statutory duty to set out air quality measures to bring its local areas into compliance with national air quality targets, and to take preventative action to improve the health of our residents and to deliver clean air.</p>
<p><b>Decision made by:</b></p>	<p>Mish Tullar, Head of Corporate Strategy</p>
<p><b>Other options considered:</b></p>	<p>To revoke all Smoke Control Orders and not replace and therefore have no restrictions. This option would go</p>

	<p>against the Council's objectives in relation to climate change and air quality.</p> <p>To leave the 23 Smoke Control Areas currently in place covering only 48% of the city. However, this would create inconsistencies and inequalities across the city and can be confusing for residents. This approach would also not be progressive in improving air quality in Oxford.</p>
<b>Documents considered:</b>	<p><a href="#">Appendix 1 – Smoke Control Area Consultation Report</a>  <a href="#">Appendix 2 -Smoke Control Area declaration Cabinet Report</a>  <a href="#">Appendix 3 – Draft Smoke Control Order 2024</a>  <a href="#">Appendix 4 – Notice of a proposal to make a Smoke Control Area</a></p>
<b>Key or Not Key:</b>	Key
<b>Wards significantly affected:</b>	All wards
<b>Declared conflict of interest:</b>	None
<b>This form was completed by:</b> <b>Name &amp; title:</b> <b>Date:</b>	<p>Pedro Abreu  Principal Air Quality Officer  11/03/2024</p>

### Approval checklist

<b>Approver</b>	<b>Name and job title</b>	<b>Date</b>
<b>Decision maker</b>	<p>Mish Tullar, Head of Corporate Strategy</p> 	13 March 2024

### Consultee checklist

<b>Consultees</b>	<b>Name and job title</b>	<b>Date</b>
<b>Head of Law and Governance</b>	<p>Emma Jackman, Head of Law and Governance</p> 	13 March 2024
<b>Cabinet Member</b>	<p>Councillor Anna Railton  Cabinet Member for Zero Carbon Oxford and Climate Justice</p>	11 March 2024