

Details of the Legislative Process and a Summary of Steps for Implementation of a Borough-wide Smoke Control Order in Sandwell

Smoke Control Area – The Legislative Process

The process of declaring a Borough-wide Smoke Control Area would be an Executive Decision through the Leader and Cabinet to be implemented by Portfolio Holder /Officer.

The current Scheme of Delegation from May 2021 authorises the Director of Borough Economy to act and authorise others to act on his/her behalf to perform all functions under the Clean Air Act 1993 (see page 24 out of 201 in the Scheme of Delegation)

Section 18 of the Clean Air Act 1993 allows the authority to declare the whole of the Borough a Smoke Control Area with common requirements/standards Borough-wide (though the right to retain some variations /exceptions is retained).

This would be achieved by revoking all existing Smoke Control Orders and replacing them with the Borough-wide one, in in one process. Section 18 (3) of the Act allows for Smoke Control Orders to be revoked. The process itself is set out in schedules 1 and 5 respectively and is described below.

The Schedules to the Act deal with what is required before making the order and what to do on implementation of the Order and are dealt with in Schedule 1 and Schedule 5 Part III respectively. There is also the issue of due registration of Smoke Control Orders as a Local Land Charge.

1. Before the proposed order is made the council is required to publish in the London Gazette (once) and for two successive weeks in some newspaper circulating in the area to which the order will relate (e.g. Express and Star, Birmingham Evening Mail) a Notice –

Stating that the Local Authority propose to make the order(s) and its general effect (dealing with both revocation and implementation)

Specifying a place in the District where a copy of the order and any map or plan referred to in it may be inspected by any person free of charge at all reasonable times during a period of not less than 6 weeks from the last publication of the notice and stating that within that period any person who will be affected by order may by notice in writing to the local authority object to the making of the Order.

2. Besides publishing such a Notice, the local authority shall post and keep posted throughout the period mentioned in paragraph 1 copies of the Notice in such number of conspicuous places within the area to which the order will

relate to them necessarily for the purpose of bringing the proposal to make the order to the notice of persons who will be affected.

3. If objection is duly made to the Local Authority within the period mentioned in paragraph 1 and is not withdrawn the local authority shall not make the order without first considering the objection.
4. Subject to paragraphs 5 and 6 an Order shall come into operation on such date not less than six months after it is made, as may be specified in it
5. An Order varying a previous Order so as to exempt specified buildings or classes of Buildings or Fireplaces from the Operation of Section 20 (Prohibition of smoke emissions in Smoke Control Areas) may come into operation on, or any time after the date upon which it was made.
6. This allows for Postponements of the Order coming into operation if one is required

SCHEDULE 5 PART III

This deals with the confirmation and coming into operation of Control Orders

12. After an Order is made the council shall publish in the London Gazette and in some newspaper circulating in the area to which the Order relates to a notice stating that the order has been made and its general effect.

Specifying a place in the District of the Local Authority where a copy of the Order and any map referred to may be inspected by any person free of charge at all reasonable times during a period of not less than 6 weeks from the date of the last publication of the Notice **and**

Stating within that period any person who will be affected by the Order may by notice in writing to the Secretary of State object to the confirmation of the Order

13. Besides publishing a notice as required by paragraph 12 the Local Authority who have made the Order shall post and keep posted throughout the period mentioned in that paragraph, copies of the Notice in such number of conspicuous places within the area to which the Order relates as to appear to them necessary for the purpose of bringing the Order to the notice of persons affected.
14. If no objection is duly made to the Secretary of State within the period mentioned in Paragraph 12 (b) or if every objection so made is withdrawn, the Secretary of State if he thinks fit confirm the Order either way with or without modifications.
15. In any other case the Secretary of State shall before confirming the order either-
 - (a) Cause a local enquiry to be held or

(b) Afford any person by whom an objection has been duly made in accordance with paragraph 12 (c) and not withdrawn an opportunity of appearing before and being heard by him for the purpose and after considering the objection and the report of the inquiry or the person so appointed, confirm the order with or without modifications.

16. If such an inquiry is held Section 250 of the Local Government Act 1972 applies-i.e. the usual powers to summons documents/witnesses before the inquiry.

Paragraphs 17-19 below deal with the confirmation of the Order, Postponements or Modifications

17. Subject to paragraphs 18 and 19, an order when confirmed shall come into operation on such date as may be specified in the order, not being earlier than six months from the date of the confirmation.

18. An order varying a previous order so as to exempt specified buildings or classes of building or specified fireplaces or classes of fireplace from the operation of section 18 may come into operation on, or at any time after, the date of its confirmation.

19. (1) If, before the date on which an order is to come into operation, the local authority—

(a) pass a resolution postponing its operation; and

(b) publish a notice stating the effect of the resolution in the London Gazette and also once at least in each of two successive weeks in some newspaper circulating in the area to which the order relates;

the order shall, unless its coming into operation is again postponed under this paragraph, come into operation on the date specified in the resolution.

(2) A local authority shall not without the consent of the Secretary of State exercise their power under sub-paragraph (1) of postponing the coming into operation of an order for a period of more than twelve months or for periods amounting in all to more than twelve months.

Cost of Living – Information and Advice

Sandwell Council has a website page at www.sandwell.gov.uk/costoflivinghelp that is dedicated to providing residents with links to a wide variety of resources to help residents now facing significant increases in energy costs.

Cost of Living Help



We're determined to do everything we can at a local level to support people as the cost of living rises. Here you'll find links to useful information, advice and support from the council, DWP and other organisations.

 <p>Money saving help</p>	 <p>Energy Bills Rebate</p> <p>Get the Energy Bills Rebate</p>	 <p>ENERGY SAVING TIPS</p> <p>Cut your bills by saving energy</p>
 <p>CONTACT WELFARE RIGHTS</p> <p>Get benefits advice</p>	 <p>Help finding work</p>	 <p>Cost of Living Payment</p> <p>DWP Cost of Living Payment</p>
 <p>Get help with debt</p>	 <p>Help with food</p>	 <p>Financial help in an emergency</p>
 <p>Holiday activities and food</p> <p>Holiday Activities and Food</p>	 <p>Free childcare places</p>	 <p>Free school meals</p> <p>Free school meals</p>
 <p>UC Universal Credit</p> <p>Help to claim Universal Credit</p>	 <p>citizens advice Sandwell & Walsall</p> <p>Contact Citizens Advice</p>	 <p>Wellbeing</p> <p>Look after your wellbeing</p>
 <p>Household Support Fund</p> <p>The Household Support Fund</p>	 <p>Pension Credit</p> <p>How to claim Pension Credit</p>	 <p>Council Tax Reduction</p> <p>Council Tax Reduction</p>
 <p>Resilient Residents</p> <p>Help and advice for everyone</p>	 <p>LEAP LOCAL ENERGY ADVICE PARTNERSHIP</p>	

- The most recent Government UK resources including the [Cost of Living Payment - GOV.UK \(www.gov.uk\)](https://www.gov.uk) providing detailed help for households and costs of living payments will also be made available on Sandwell's Smoke Control Area website page.

Cost of living payments and resources in brief:

- All residents on means-tested benefits will receive a payment of £650 this year, made in two instalments. This includes all eligible households receiving at least 1 pence on the qualifying date of the following benefits; **Universal Credit, Income-based Jobseekers Allowance, Income-related Employment and Support Allowance, Income Support, Pension Credit, Working Tax Credit and Child Tax Credit**
- **The first payment of £326** will be made to **households in payment of a qualifying benefit between April 26 and May 25 from July 14**, with a further £324 to be paid from September – totaling £650. For eligible households on tax credits only, the first payment will be made in the autumn and the second in the winter.
- **There will also be a £150 payment** made to people on qualifying disability benefits which can be in addition to the above due to be paid **in September**
- **There will also be an extra £300** for pensioner households paid as an increase to their winter fuel payment to be paid from mid-November
- **In addition to these payments, there is also the Energy Bills Support Scheme** which will see all domestic energy customers receive a one-off rebate of £400 paid by their energy providers. This money will not need to be paid back
- Households liable for Council Tax in Bands A-D in England have received a £150 Council Tax Rebate to help with the rising cost of bills
- And the government has also extended the Household Support Fund until March 2023, providing an extra £421million of local support in England.