

Equality Impact Assessment [version 2.12]



Title: Environment Act 2021: Introduction of Penalty for emission of smoke in smoke control area	
<input checked="" type="checkbox"/> Policy <input type="checkbox"/> Strategy <input type="checkbox"/> Function <input type="checkbox"/> Service <input type="checkbox"/> Other [please state]	<input checked="" type="checkbox"/> New <input type="checkbox"/> Already exists / review <input type="checkbox"/> Changing
Directorate: Property, Assets, and Infrastructure	Lead Officer name: Kurt James
Service Area: Neighbourhood Enforcement and Street Scene	Lead Officer role: Neighbourhood Enforcement and Street Scene Manager

Step 1: What do we want to do?

The purpose of an Equality Impact Assessment is to assist decision makers in understanding the impact of proposals as part of their duties under the Equality Act 2010. Detailed guidance to support completion can be found here [Equality Impact Assessments \(EqIA\) \(sharepoint.com\)](#).

This assessment should be started at the beginning of the process by someone with a good knowledge of the proposal and service area, and sufficient influence over the proposal. It is good practice to take a team approach to completing the equality impact assessment. Please contact the Equality and Inclusion Team early for advice and feedback.

1.1 What are the aims and objectives/purpose of this proposal?

Briefly explain the purpose of the proposal and why it is needed. Describe who it is aimed at and the intended aims / outcomes. Where known also summarise the key actions you plan to undertake. Please use plain English, avoiding jargon and acronyms. Equality Impact Assessments are viewed by a wide range of people including decision-makers and the wider public.

<p>The aim of the paper is to seek approval to:</p> <ol style="list-style-type: none"> To seek approval for the introduction of a new financial penalty (civil) under the regulation of smoke in a Smoke Control Area. To set the rate of the financial penalty for breach under the regulation of smoke in a Smoke Control Area at £300. <p>This report seeks approval for a new £300 financial penalty under the regulation of smoke in Smoke Control Areas. This follows the government's updated Clean Air Strategy and amendments to the Clean Air Act 1993. Bristol City Council has a duty to develop a Clean Air Strategy, focusing on reducing particulate pollution levels. Solid fuel use increased by 35% between 2010 and 2020, accounting for 17% of PM2.5 emissions. Enforcement of regulations aims to target high-emitting polluters, supported by awareness campaigns. Financial penalties will be issued to those responsible for smoke emissions in Smoke Control Areas.</p>
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1.2 Who will the proposal have the potential to affect?

<input type="checkbox"/> Bristol City Council workforce	<input type="checkbox"/> Service users	<input checked="" type="checkbox"/> The wider community
<input type="checkbox"/> Commissioned services	<input type="checkbox"/> City partners / Stakeholder organisations	
Additional comments:		

1.3 Will the proposal have an equality impact?

Could the proposal affect access levels of representation or participation in a service, or does it have the potential to change e.g. quality of life: health, education, or standard of living etc.?

If 'No' explain why you are sure there will be no equality impact, then skip steps 2-4 and request review by Equality and Inclusion Team.

If 'Yes' complete the rest of this assessment, or if you plan to complete the assessment at a later stage please state this clearly here and request review by the Equality and Inclusion Team.

Yes **No** [please select]

This proposal is designed to improve quality of life through the improvement of air quality.

Step 2: What information do we have?

2.1 What data or evidence is there which tells us who is, or could be affected?

Please use this section to demonstrate an understanding of who could be affected by the proposal. Include general population data where appropriate, and information about people who will be affected with particular reference to protected and other relevant characteristics: [How we measure equality and diversity \(bristol.gov.uk\)](http://bristol.gov.uk)

Use one row for each evidence source and say which characteristic(s) it relates to. You can include a mix of qualitative and quantitative data e.g. from national or local research, available data or previous consultations and engagement activities.

Outline whether there is any over or under representation of equality groups within relevant services - don't forget to benchmark to the local population where appropriate. Links to available data and reports are here [Data, statistics and intelligence \(sharepoint.com\)](http://sharepoint.com). See also: [Bristol Open Data \(Quality of Life, Census etc.\)](http://bristol.gov.uk); [Joint Strategic Needs Assessment \(JSNA\)](http://bristol.gov.uk); [Ward Statistical Profiles](http://bristol.gov.uk).

For workforce / management of change proposals you will need to look at the diversity of the affected teams using available evidence such as [HR Analytics: Power BI Reports \(sharepoint.com\)](http://sharepoint.com) which shows the diversity profile of council teams and service areas. Identify any over or under-representation compared with Bristol economically active citizens for different characteristics. Additional sources of useful workforce evidence include the [Employee Staff Survey Report](http://bristol.gov.uk) and [Stress Risk Assessment](http://bristol.gov.uk)

Data / Evidence Source [Include a reference where known]	Summary of what this tells us				
<i>Quality of Life Survey</i>	<p>This data tells us that the proportion of residents who think air quality and traffic pollution is a problem locally is 70%, with 60% in the most deprived areas, and the percentage concerned about climate change is 87%, with 93.2% in the most deprived areas Microsoft Power BI</p> <p>The Quality of Life Survey also shows us that there are differences in the extent to which people burn solid fuel at least once a week, and are satisfied with the cost of heating their home, depending on their protected characteristics and other relevant circumstances:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="width: 70%;">Quality of Life Indicator</th> <th>% of people who burn solid fuel at least once a week</th> </tr> </thead> <tbody> <tr> <td>Bristol Average</td> <td>11.3</td> </tr> </tbody> </table>	Quality of Life Indicator	% of people who burn solid fuel at least once a week	Bristol Average	11.3
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Most Deprived 10%	4.2
16 to 24 years	6.3
50 years and older	10.5
65 years and older	7.4
Female	11.1
Male	11.6
Disabled	5.3
Black, Asian and minority ethnic	8.4
Asian/Asian British	9.8
Black/Black British	7.0
Mixed/Multiple ethnic groups	7.8
White	11.6
White Minority Ethnic	6.6
White British	12.4
Christian	9.8
Other religion	6.9
No religion or faith	12.4
Single parent	11.5
Two parent	19.4
No qualifications	2.3
Owner Occupier	16.2
Rented from housing association	1.3
Rented from the council	0.8
Rented from private landlord	2
Non degree qualifications	8.1
Degree qualifications	13.7
Part-time carer	12.8
Full-time carer	9.2

Carer (All)	12
Parents (All)	<u>18.4</u>
Lesbian, Gay or Bisexual	8.7

Quality of Life Indicator	% satisfied with the cost of heating their home
Bristol Average	34.7
Most Deprived 10%	37.0
16 to 24 years	26.3
50 years and older	42.0
65 years and older	45.9
Female	35.0
Male	34.5
Disabled	31.2
Black, Asian and minority ethnic	28.2
Asian/Asian British	27.1
Black/Black British	32.8
Mixed/Multiple ethnic groups	27.5
White	35.6
White Minority Ethnic	29.5
White British	36.6
Christian	40
Other religion	29.5
No religion or faith	32.5
Single parent	21.9
Two parent	27.3
No qualifications	42.6

	<table border="1"> <tr> <td>Owner Occupier</td> <td>38.0</td> </tr> <tr> <td>Rented from housing association</td> <td>37.4</td> </tr> <tr> <td>Rented from the council</td> <td>39</td> </tr> <tr> <td>Rented from private landlord</td> <td>24.9</td> </tr> <tr> <td>Non degree qualifications</td> <td>30.5</td> </tr> <tr> <td>Degree qualifications</td> <td>35.6</td> </tr> <tr> <td>Part-time carer</td> <td>36.4</td> </tr> <tr> <td>Full-time carer</td> <td>29.7</td> </tr> <tr> <td>Carer (All)</td> <td>34.7</td> </tr> <tr> <td>Parents (All)</td> <td><u>26.6</u></td> </tr> <tr> <td>Lesbian, Gay or Bisexual</td> <td>33.2</td> </tr> </table>	Owner Occupier	38.0	Rented from housing association	37.4	Rented from the council	39	Rented from private landlord	24.9	Non degree qualifications	30.5	Degree qualifications	35.6	Part-time carer	36.4	Full-time carer	29.7	Carer (All)	34.7	Parents (All)	<u>26.6</u>	Lesbian, Gay or Bisexual	33.2
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Census	<p>Respondents were asked to assess their general health on a 5-point scale: from “very good” to “very bad”. Census 2021 was conducted joined the coronavirus pandemic. This may have influenced how people perceive and rate their health and therefore may have affected how people chose to respond.</p> <p>In 2021, 46.7% of Bristol residents described their health as “very good”. The proportion of people in very good health increased by 2.8 percentage points from 43.9% in 2011. This increase was slightly more than in England and Wales as a whole which increased by 2.5 percentage points.</p> <p>Those describing their health as “good” fell from 34.4% to 33.5%. The proportion of Bristol residents describing their health as “very bad” was 1.5% (similar to 2011), while those describing their health as “bad” fell from 5.3% to 4.8% Microsoft Power BI</p>																						
JSNA	<p>6.1% of “all-cause adult mortality” in Bristol was considered attributable to “particulate air pollution” in 2020, higher than the England average of 5.6%.</p> <p>Black, Asian, and minoritised ethnic residents make up a larger proportion of the population living in the more polluted areas – the AQMA - than the city as a whole and therefore it is reasonable to assume that they experience greater exposure to air pollution. Successful interventions to improve air quality should contribute to improving the citywide health of minoritised ethnic groups. An equalities impact assessment in the final business case for the scheme summarised the equalities impact for the Clean Air Zone. JSNA Air Pollution (bristol.gov.uk)</p>																						

Additional comments:	

2.2 Do you currently monitor relevant activity by the following protected characteristics?

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Age | <input type="checkbox"/> Disability | <input type="checkbox"/> Gender Reassignment |
| <input type="checkbox"/> Marriage and Civil Partnership | <input type="checkbox"/> Pregnancy/Maternity | <input checked="" type="checkbox"/> Race |
| <input type="checkbox"/> Religion or Belief | <input checked="" type="checkbox"/> Sex | <input type="checkbox"/> Sexual Orientation |

2.3 Are there any gaps in the evidence base?

Where there are gaps in the evidence, or you don't have enough information about some equality groups, include an equality action to find out in section 4.2 below. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. If you are unable to fill in the gaps, then state this clearly with a justification.

For workforce related proposals all relevant characteristics may not be included in HR diversity reporting (e.g. pregnancy/maternity). For smaller teams diversity data may be redacted. A high proportion of not known/not disclosed may require an action to address under-reporting.

There are gaps in overall diversity data at a local and national level for some characteristics e.g., gender reassignment – especially where this has not historically been included in statutory reporting e.g., for sexual orientation. As council we rarely monitor marriage and civil partnership. There is a corporate approach to diversity monitoring for service users and our workforce, however the quality of available evidence across various council service areas is variable. Gaps in data will exist as it becomes out of date or is limited through self-reporting.

2.4 How have you involved communities and groups that could be affected?

You will nearly always need to involve and consult with internal and external stakeholders during your assessment. The extent of the engagement will depend on the nature of the proposal or change. This should usually include individuals and groups representing different relevant protected characteristics. Please include details of any completed engagement and consultation and how representative this had been of Bristol's diverse communities.

Include the main findings of any engagement and consultation in Section 2.1 above.

If you are managing a workforce change process or restructure please refer to [Managing a change process or restructure \(sharepoint.com\)](#) for advice on consulting with employees etc. Relevant stakeholders for engagement about workforce changes may include e.g. staff-led groups and trades unions as well as affected staff.

We have maintained a high media profile with Clean Air articles in Bristol Post, Bristol 24/7, and other media in the city. There is a rolling behaviour change twitter message programme being sent out by BCC and BWC on a regular basis, and we delivered the Slow the Smoke campaign across the city [SLOW THE SMOKE - Clean Air for Bristol](#)

The Community Marshals have also delivered Smoke Control leaflets and engaged with businesses selling solid fuels.

2.5 How will engagement with stakeholders continue?

Explain how you will continue to engage with stakeholders throughout the course of planning and delivery. Please describe where more engagement and consultation is required and set out how you intend to undertake it. Include any targeted work to seek the views of under-represented groups. If you do not intend to undertake it, please set out your justification. You can ask the Equality and Inclusion Team for help in targeting particular groups.

We will continue to deliver publicity campaigns and engagement activities to encourage Smoke Control behaviour change across the city.

Step 3: Who might the proposal impact?

Analysis of impacts must be rigorous. Please demonstrate your analysis of any impacts of the proposal in this section, referring to evidence you have gathered above and the characteristics protected by the Equality Act 2010. Also include details of existing issues for particular groups that you are aware of and are seeking to address or mitigate through this proposal. See detailed guidance documents for advice on identifying potential impacts etc. [Equality Impact Assessments \(EqIA\) \(sharepoint.com\)](http://sharepoint.com)

3.1 Does the proposal have any potentially adverse impacts on people based on their protected or other relevant characteristics?

Consider sub-categories and how people with combined characteristics (e.g. young women) might have particular needs or experience particular kinds of disadvantage.

Where mitigations indicate a follow-on action, include this in the 'Action Plan' Section 4.2 below.

GENERAL COMMENTS (highlight any potential issues that might impact all or many groups)	
<p>At this stage we have not identified any significant potential negative issues from this proposal because:</p> <ul style="list-style-type: none"> – Citywide street scene services and enforcement are required to be conducted without discrimination. – Based on the Quality of Life survey data, it is not expected that individuals from equalities communities will be disproportionately impacted due to their use of solid fuel (in fact people living in the most deprived areas of Bristol and from many equalities groups are less likely to use solid fuel). <p>However, we acknowledge that there are other existing disparities, particularly in areas affected by fuel poverty, which could lead some people to burn smoky fuels such as scrap furniture and green waste. It is also important to consider whether this policy should apply to vehicle or boat dwellers who use stoves.</p> <p>To ensure inclusivity, accessible communication will be provided about the fixed penalty so that individuals with communication barriers, including those who speak English as an additional language and Disabled people, are not unfairly impacted.</p>	
PROTECTED CHARACTERISTICS	
Age: Young People	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Age: Older People	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Disability	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Sex	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Sexual orientation	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Pregnancy / Maternity	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Gender reassignment	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Race	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	

Religion or Belief	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Marriage & civil partnership	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
OTHER RELEVANT CHARACTERISTICS	
Socio-Economic (deprivation)	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Carers	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Other groups [Please add additional rows below to detail the impact for any other relevant groups as appropriate e.g. asylum seekers and refugees; care experienced; homelessness; armed forces personnel and veterans]	
Potential impacts:	
Mitigations:	

3.2 Does the proposal create any benefits for people based on their protected or other relevant characteristics?

Outline any potential benefits of the proposal and how they can be maximised. Identify how the proposal will support our [Public Sector Equality Duty](#) to:

- ✓ Eliminate unlawful discrimination for a protected group
- ✓ Advance equality of opportunity between people who share a protected characteristic and those who don't
- ✓ Foster good relations between people who share a protected characteristic and those who don't

1. Advance equality of opportunity between people who share a protected characteristic and people who do not share it – i.e., access to better environmental quality for those who are over-represented in areas with higher littering rates
2. Foster good relations between people who share a protected characteristic and people who do not share it.

Step 4: Impact

4.1 How has the equality impact assessment informed or changed the proposal?

What are the main conclusions of this assessment? Use this section to provide an overview of your findings. This summary can be included in decision pathway reports etc.

If you have identified any significant negative impacts which cannot be mitigated, provide a justification showing how the proposal is proportionate, necessary, and appropriate despite this.

Summary of significant negative impacts and how they can be mitigated or justified:

Introducing the fixed penalty for Smoke Control breaches will not have a negative equality impact, but if there is a perception that equalities communities are disproportionately impacted through enforcement, we keep data on who has been issued with fixed penalty notices can be shared as an aggregate.

Summary of positive impacts / opportunities to promote the Public Sector Equality Duty:

Introducing the fixed penalty for Smoke Control breaches will not have a negative equality impact as this proposal is designed to deter people from burning unauthorised fuels or using appliances that are not

exempt, with the additional benefit that levels of pollution will be reduced particularly in the most polluted areas which have a larger proportion of Black, Asian, and minoritised ethnic populations

4.2 Action Plan

Use this section to set out any actions you have identified to improve data, mitigate issues, or maximise opportunities etc. If an action is to meet the needs of a particular protected group please specify this.

Improvement / action required	Responsible Officer	Timescale
Review the impact of the proposal on equalities communities.	Kurt James	31 March 2024


4.3 How will the impact of your proposal and actions be measured?

How will you know if you have been successful? Once the activity has been implemented this equality impact assessment should be periodically reviewed to make sure your changes have been effective your approach is still appropriate.

We keep data on the age, sex and ethnicity of people issued with fixed penalty notices. The findings from the review will be shared at the first available cabinet member briefing after 31 March 2024.

Step 5: Review

The Equality and Inclusion Team need at least five working days to comment and feedback on your EqIA. EqIAs should only be marked as reviewed when they provide sufficient information for decision-makers on the equalities impact of the proposal. Please seek feedback and review from the [Equality and Inclusion Team](#) before requesting sign off from your Director¹.

Equality and Inclusion Team Review: <i>Reviewed by Equality and Inclusion Team</i>	Director Sign-Off:  Peter Anderson Director, Property Assets & Infrastructure
Date: 25/4/2023	Date: 09/05/2023

¹ Review by the Equality and Inclusion Team confirms there is sufficient analysis for decision makers to consider the likely equality impacts at this stage. This is not an endorsement or approval of the proposal.