

# ENVIRONMENT & INFRASTRUCTURE

## ENVIRONMENTAL PROTECTION

### SANDWELL METROPOLITAN BOROUGH COUNCIL

#### CLEAN AIR

#### PROPOSAL FOR A BOROUGH WIDE SMOKE CONTROL ORDER TO BE MADE UNDER

#### SECTION 18 OF THE CLEAN AIR ACT 1993

1. Notice is hereby given that Sandwell Metropolitan Borough (“the Council”) of Oldbury Council House, Freeth Street, Oldbury, B69 3DE proposes to make an Order in the exercise of its powers, under Section 18, Schedule 1 of the Clean Air Act 1993 (“the Act”) as amended. The proposed Order will revoke previous Smoke Control Orders as listed in Schedule 1 in so far as they apply to the area of the Borough of Sandwell and will declare its whole area to be a Smoke Control Area.

2. The proposed Order entitled the ‘Sandwell Metropolitan Borough Smoke Control Order 2022’ and shall come into operation on a date not less than six months after it is made.

3. The proposed Order will revoke all earlier Smoke Control Orders and replace them with a single Order.

4. The area covered by the proposed Order is the whole of the Metropolitan Borough of Sandwell.

5. If, on any day after the proposed Order comes into operation, smoke is emitted from a chimney of any building or vessel moored within Sandwell Metropolitan Borough, the occupier of that building or moored vessel will be guilty of an offence and liable to a fine, unless he proves that the emission of smoke was caused by the use of any authorised fuel or the use of an exempted fireplace. The authorised fuels and exempted fireplaces for the purposes of Section 20 and 21 of the Act are those published in lists by the Secretary of State and are available on the Defra website at [www.gov.uk](http://www.gov.uk).

6. If, on any date after the proposed Order comes into operation, any person acquires for use in a fireplace other than an exempted fireplace, or sells by retail for delivery, unauthorised fuel within the area covered by the Order, he will be guilty of an offence and liable to a fine, unless, in the case of an offence consisting of the sale of unauthorised fuel for delivery, he proves he believed and had reasonable grounds for believing that the fuel was acquired for use in an exempted fireplace.

7. The minimum amount of a financial penalty that may be imposed for offences referred to in Paragraph 5 is £175 and the maximum financial penalty is £350.

8. The offences referred to in paragraph 6 carry a fine on summary conviction up to level 3 on the standard scale (currently £1000)

9. Copies of the proposed Order and accompanying plan may be inspected free of charge during normal office hours from 9 May 2022 to 20 June 2022 at Oldbury Council House, Freeth Street, Oldbury, B69 3DE between the hours 9am to 5pm Monday to Friday.

The proposed Order is also available to view on the Council’s website: [www.sandwell.gov.uk/SmokeControlArea/](http://www.sandwell.gov.uk/SmokeControlArea/)

Within this period (9 May 2022 to 20 June 2022), any person who will be affected by the proposed Order may object to the making of the proposed Order by 20 June 2022 by giving notice in writing to:

Sandwell Metropolitan Borough Council, Pollution Control Team, Oldbury Council House, Freeth Street, Oldbury, West Midlands, B69 3DE. Email: [pollution\\_control@sandwell.gov.uk](mailto:pollution_control@sandwell.gov.uk).

#### SCHEDULE TO THE NOTICE

##### List of Smoke Control Orders to be revoked

The Smethwick No. 1 Smoke Control Order, 1958

Smethwick No. 2 Smoke Control Order, 1959

Smethwick No. 3 Smoke Control Order, 1960

Smethwick No. 4 Smoke Control Order, 1961

Smethwick No. 5 Smoke Control Order, 1962

Smethwick No. 6 Smoke Control Order, 1963

Smethwick No. 7 Smoke Control Order, 1965

Oldbury No. 1 (Brandhall) Smoke Control Order, 1961

The Oldbury No. 2 (Cakemore) Smoke Control Order, 1962

Tipton No. 1 Smoke Control Order, 1963

Warley No. 1 Smoke Control Order, 1968

Warley No. 2 Smoke Control Order, 1968

Warley No. 3 Smoke Control Order, 1968

Warley No. 4 Smoke Control Order, 1968

Warley No. 5 Smoke Control Order, 1968

Warley No. 6 Smoke Control Order, 1968

Warley No. 7 Smoke Control Order, 1968

Warley No. 8 Smoke Control Order, 1968

Warley No. 9 Smoke Control Order, 1969

Warley No. 10 Smoke Control Order, 1972

Warley No. 11 Smoke Control Order, 1973

The Borough of Wednesbury No. 1 Smoke Control Order, 1961

The Borough of Wednesbury No. 2 Smoke Control Order, 1962

The County Borough of West Bromwich Smoke Control Order No. 1, 1957

The County Borough of West Bromwich Smoke Control Order No. 2, 1958

The County Borough of West Bromwich Smoke Control Order No. 3, 1958

The County Borough of West Bromwich Smoke Control Order No. 4, 1959

The County Borough of West Bromwich Smoke Control Order No. 5, 1959

The County Borough of West Bromwich Smoke Control Order No. 6, 1959

The County Borough of West Bromwich Smoke Control Order No. 7, 1961

The County Borough of West Bromwich Smoke Control Order No. 8, 1962

The County Borough of West Bromwich Smoke Control Order No. 9, 1961

The County Borough of West Bromwich Smoke Control Order No. 10, 1962

The County Borough of West Bromwich Smoke Control Order No. 11, 1962

The County Borough of West Bromwich Smoke Control Order No. 12, 1963

The County Borough of West Bromwich Smoke Control Order No. 13, 1963

The County Borough of West Bromwich Smoke Control Order No. 14, 1964

The County Borough of West Bromwich Smoke Control Order No. 15, 1965

The County Borough of West Bromwich Smoke Control Order No. 16, 1966

The County Borough of West Bromwich Smoke Control Order No. 17, 1967

The County Borough of West Bromwich Smoke Control Order No. 18 - 1970

The County Borough of West Bromwich No. 18 Smoke Control (Variation) Order - 1973

The County Borough of West Bromwich Smoke Control Order No. 19 - 1970

The County Borough of West Bromwich No. 19 Smoke Control (Variation) Order - 1973

The County Borough of West Bromwich Smoke Control Order No. 20 - 1972

The County Borough of West Bromwich Smoke Control Order No. 21 - 197

2 The County Borough of West Bromwich Smoke Control Order No. 22 - 1972

The County Borough of West Bromwich Smoke Control Order No. 23 - 1972

The County Borough of West Bromwich Smoke Control Order No. 24 - 1972

The County Borough of West Bromwich Smoke Control Order No. 25 - 1973

The County Borough of West Bromwich Smoke Control Order No. 26 - 1973

The County Borough of West Bromwich Smoke Control Order No. 27 - 1974

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