

## OFFICER DECISION

**Decision:**

To approve the making of an order to designate the whole of CYC’s administrative area a Smoke Control Area (SCA), to come into effect on a date not less than 6 months after the date of making the order.

**Decision Date:** 14/04/2026

<b>Type of Decision:</b>	Key		Non-Key	X
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**Portfolio Area that decision relates to:**

Leader (incl. Corporate Services, Policy, Strategy & Partnerships)		Environment and Climate Emergency	X
Economy & Transport		Finance, Performance, Major Projects & Equalities	
Children, Young People and Education		Housing, Planning & Safer Communities	
Health, Wellbeing and Adults Social Care			

**Background / Decision Summary:**

A report was provided to [Executive on 3 March 2026](#) that outlined the results of public consultation on proposals to further reduce emissions of fine particulate matter (PM<sub>2.5</sub>) and other pollutants from solid fuel burning, through a York-wide Smoke Control Area (SCA).

Executive:

- Considered the consultation summary (Annex C to the report) and full comments (Annex D to the report) received in relation to the public consultation on a draft order to expand the SCA to cover the whole of CYC’s administrative area (and associated revocation of historical orders covering the existing area).
- Delegated authority to the Director of Environmental and Regulatory Services, in consultation with the Director of Governance, to approve the making of the ‘City of York Council Smoke Control Order (2025)’ (as drafted at Annex F to the report) to come into effect on a date not less than 6 months after the date of making the order (Option A as set out in the report) – **the subject of this officer decision**

**Options Considered:**

- Approve the making of a new order (*as drafted at Annex F to the Executive report*) to designate the whole of CYC’s administrative area a Smoke Control Area (and the revocation of existing orders).

**Options Rejected:**

- Approve the making of a new order (*as drafted at Annex F to the Executive report*) with modifications that may include the exact geographic boundary, or any exemptions in terms of classes of building or fireplace
- Do not approve the revocation of CYC’s existing SCAs and a new order to designate the whole of CYC’s administrative area a SCA.

## Consultation Process:

Schedule 1 of the Clean Air Act 1993 outlines the process for implementing a new SCA. In summary, this involves publication of a notice stating that the local authority proposes to make the order (and outlining its general effect) and specifying where a copy of the order can be obtained. The notice must be published in the London Gazette and in a local newspaper for two consecutive weeks. The consultation period shall not be less than 6 weeks from the date of the last publication of the notice. Throughout the consultation period, copies of the notice should be placed in several places in the relevant area(s) to ensure people who are affected are aware of the proposal.

Any objections received must be considered during the consultation process. If any objections are received and not withdrawn, the council cannot make the order without first considering the objection. In the event that the council resolves to make the new smoke control order it cannot come into effect for at least 6 months after the order is made. This date may be postponed, subject to a resolution to that effect being passed and suitable publicity in line with that set out in Schedule 1. When a local authority in England has made an order, the authority must inform the Secretary of State that it has done so.

The Clean Air Act 1993 sets out the individual process for revoking existing orders and creating new orders. CYC Legal Services were consulted in the preparation of the draft order, the process for revoking existing orders and in terms of the consultation process to ensure compliance with statutory guidance and legislation.

## Implications

Crime & Disorder		Equalities		Highways
Human Resources		Legal	X	ICT
Financial		Affordability		Property
Climate Change	X	Health	X	Other
Environment	X	Human Rights		

## Implications Contact:

**Legal contact:** Jodi Ingram, CYC Solicitor

**Environment:** Dave Atkinson, Director of Environmental and Regulatory Services

**Level of Risk:** Low

## Wards Affected:

All Wards	X	Fishergate		Holgate		Rural West York	
Acomb		Fulford & Heslington		Hull Road		Strensall	
Bishopthorpe		Guildhall		Huntington & New Earswick		Westfield	
Clifton		Haxby & Wigginton		Micklegate		Wheldrake	
Copmanthorpe		Heworth		Osbalwick & Derwent			
Dringhouses & Woodthorpe		Heworth Without		Rawcliffe & Clifton			

**Comments/Observations:**

**Decision:** Director of Environmental and Regulatory Services, in consultation with the Director of Governance, to approve the making of the 'City of York Council Smoke Control Order (2025)

**Decision Made by:** Dave Atkinson, Director of Environment and Regulatory Services

**In consultation with**

**Bryn Roberts, Director of Governance**

**Contact Details:** [dave.atkinson@york.gov.uk](mailto:dave.atkinson@york.gov.uk)

**Environmental and Regulatory Services Directorate, West Offices, Station Rise, YO1 6GA**

**On behalf of:**

**To be implemented by:** Mike Southcombe,  
Environmental Protection  
Manager

**On Completion – Signed off by:**

**Date:**



**Bryn Roberts, Director of Governance**

**14 April 2026**