

Agenda

Environment and Licensing Committee

Date: **Tuesday 5 November 2024**

Time: **4.15 pm**

Place: **Council Chamber**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3844

Environment and Licensing Committee

Membership

Chair Councillor Alison Hunt

Vice-Chair Councillor Marje Paling

Councillor Boyd Elliott
Councillor Rachael Ellis
Councillor Roxanne Ellis
Councillor Julie Najuk
Councillor Sue Pickering
Councillor Alex Scroggie
Councillor Martin Smith
Councillor Clive Towsey-Hinton
Councillor Paul Wilkinson

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Responsibility of Committee:

- 1) All non-executive functions of the Council with regard to:
 - a) Environmental health
 - b) Health and safety at work (other than the exercise of the functions of the Council in the capacity of employer)
 - c) Food hygiene and safety
 - d) Animal health and hygiene
- 2) The determination of applications for licences, approvals, consents, permission or registration or direct regulation of any person or the enforcement of any such licence, approval, consent, permission or regulation with regard to the functions in relation to contaminated land, control of pollution, air quality and noise and statutory nuisance listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

- a) All non-executive functions of the Council with regard to licensing and registration of:
 - 1) Caravan sites
 - 2) Hackney Carriages and Private Hire Vehicles, drivers and operators
 - 3) Entertainments
 - 4) Betting, gaming and lotteries
 - 5) Theatres and cinemas
 - 6) Street trading and markets
 - 7) All other licensing functions listed in Part B of Schedule 1 to the Regulations other than those relating to streets and highways.
- b) Any function relating to contaminated land
- c) The discharge of any function relating to the control of pollution or the management of air quality.
- d) The service of an abatement notice in respect of a statutory nuisance
- e) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
- f) The inspection of the authority's area to detect any statutory nuisance
- g) The investigation of any complaint as to the existence of a statutory nuisance.

1. Power to issue licences authorising the use of land as a caravan site.
2. Power to license the use of movable dwellings and camping sites.
3. Power to license Hackney Carriages and Private Hire Vehicles.
4. Power to license drivers of Hackney Carriages and Private Hire Vehicles.
5. Power to grant permits in respect of premises with amusement machines.
6. Power to register societies wishing to promote lotteries.
7. To consider applications for hazardous substances consent.
8. Power to grant permits in respect of premises where amusements with prizes are provided.
9. Power to consider and determine applications for public entertainment licences.
10. Power to license sex shops and sex cinemas.
11. Power to license performances of hypnotism.
12. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis.
13. Power to license markets and street trading.
14. Power to license night cafes and take away food shops.
15. Power to license dealers in game and the killing and seeking of game.
16. Power to register and license premises for the preparation of food.
17. Power to license scraps yards.
18. Power to license premises for the breeding of dogs.
19. Power to license pet shops and other establishments where animals are kept or bred for the purposes of carrying on a business.
20. Power to license dangerous wild animals.
21. Power to license knackers' yards.
22. Power to license persons to collect for charitable and other causes.
23. Power to approve meat product premises and to approve premises for the production of minced meat or meat preparations.
24. Power to approve dairy establishments and egg product establishments.
25. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling both raw meat and ready to eat foods.
26. To keep a register of food business premises.
27. Power to register food business premises.
28. Power to issue arena and theatre licences.
29. Power to license zoos.
30. To consider and determine applications for public entertainment licences.

31. The functions of the Council under the following legislation:

- I. House to House Collections Act 1939 as amended by the Local Government Act 1972;
- II. Betting, Gaming and Lotteries Act 1963 - 1971 as amended by the Gaming and Lotteries (Amendment) Act 1980.
- III. Gaming Act, 1968 as amended by the Lotteries and Amusement Act 1976.

32. Power to fix those fees and charges falling within the remit of the Committee.

AGENDA

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- 1 **Apologies for Absence and Substitutions.**
- 2 **To approve, as a correct record, the minutes of the meeting held on 1 October 2024.** 7 - 10
- 3 **Declaration of Interests.**
- 4 **Application for Street Trading consent for Arnold Christmas Market** 11 - 27
Report of the Director of Place.
- 5 **Revocation of Gedling No: 2 Air Quality Management Order 2011 (Nitrogen Dioxide)** 29 - 43
Report of the Director of Place.
- 6 **Any other item which the Chair considers urgent.**
- 7 **Exclusion of the Press and Public.**
To move that under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting during consideration of the ensuing report on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 8 **Application for a one year Joint Hackney Carriage/Private Hire Drivers Licence LJ** 45 - 67
Report of the Director of Place.
- 9 **Application for a one-year Joint Hackney Carriage/Private Hire Drivers Licence IA** 69 - 80
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- 10 **Change of Circumstance of Joint Hackney Carriage / Private Hire Drivers Licence WA** 81 - 83
Report of the Director of Place.

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MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 1 October 2024

Councillor Alison Hunt (Chair)

Present: Councillor Marje Paling Councillor Julie Najuk
Councillor Boyd Elliott Councillor Alex Scroggie
Councillor Rachael Ellis Councillor Paul Wilkinson

Absent: Councillor Roxanne Ellis, Councillor Sue Pickering, Councillor Martin Smith and Councillor Clive Towsey-Hinton

Officers in Attendance: J Brough, R Towlson, C Allcock, E McGinlay and Gamble

30 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Roxanne Ellis, Pickering, Smith, and Towsey-Hinton.

31 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 03 SEPTEMBER 2024.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

32 DECLARATION OF INTERESTS.

None.

33 APPLICATION FOR STREET TRADING CONSENT AT EAGLE SQUARE ARNOLD

Consideration was given to a report of the Director of Place, which had been circulated in advance of the meeting, regarding an application made by Gedling Borough Council for a Street Trading Consent for the Arnold Market to trade in a consent street in Arnold and sought approval for the consent to be for a period until the end of December 2026.

RESOLVED to:

- 1) Approve the application made by Gedling Borough Council for a Street Trading Consent for the Arnold Market to trade in a consent street in Arnold as shown attached to the report; and

- 2) Approve a departure from the Council's Street Trading Policy and that the consent be until the end of December 2026.

34 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

35 EXCLUSION OF THE PRESS AND PUBLIC.

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the reports involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

36 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE NO WA

Consideration was given to a report of the Director of Place, which had been circulated in advance of the meeting, regarding a change of circumstances following information received about the holder of a Joint Hackney Carriage/ Private Hire Driver's Licence.

WA was unable to attend the meeting.

RESOLVED:

To defer the decision until the next available meeting.

37 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE AE

Councillor Hunt left the meeting.

Vice-Chair Councillor Paling assumed the Chair.

Consideration was given to a report of the Director of Place, which had been circulated in advance of the meeting, regarding a change of circumstances following information received about the holder of a Joint Hackney Carriage/ Private Hire Driver's Licence.

AE attended the meeting and addressed the Committee.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

RESOLVED:

To revoke the Hackney Carriage/Private Hire Driver's Licence held by AE, giving him 21 days to surrender the licence.

AE was advised of the right of appeal against the decision of the Committee.

38 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE DA

Consideration was given to a report of the Director of Place, which had been circulated in advance of the meeting, regarding a change of circumstances following information received about the holder of a Joint Hackney Carriage/ Private Hire Driver's Licence.

DA attended the meeting and addressed the Committee.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

RESOLVED:

To suspend DA licence for 30 days.

DA was given 21 days to surrender his licence and was advised of his right to appeal against the decision of the Committee.

39 APPLICATION FOR A THREE-YEAR JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE MR

Councillor Hunt joined the meeting.

Councillor Hunt assumed the Chair.

Consideration was given to a report of the Corporate Director of Place, which had been circulated prior to the meeting, regarding an application for a three year joint Hackney Carriage/Private Hire Driver's Licence for MR.

MR attended the meeting and addressed the Committee.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

RESOLVED:

To refuse MR's application for a Joint Hackney Carriage/Private Hire Driver's Licence.

MR was advised of the right of appeal against the decision of the Committee.

The meeting finished at 7.31 pm

Signed by Chair:
Date:

Report to Environment and Licensing Committee

Subject: Application for Street Trading consent for Arnold Christmas Market

Date: 5th November 2024

Author: Director of Place

Purpose

To consider an application made by Natalee Onyeche of Skin Solace for a Street Trading Consent for an Arnold Christmas Market to trade in a consent street in Arnold on 22nd November 2024 (Appendix 1).

Recommendation(s)

That Members:

Approve the application made by Natalee Onyeche of Skin Solace for a Street Trading Consent for an Arnold Christmas Market to trade in a consent street in Arnold on 22nd November 2024 as shown attached to the report.

1 Background

1.1 Schedule 4 of The Local Government Miscellaneous Provisions Act (1982) gives District Councils the power to designate any street as either

- 'a prohibited street' (all street trading is prohibited);
- 'a licence street' (street trading is prohibited without a licence from the council); or
- 'a consent street' (street trading is prohibited without the consent of the council).

This designation then gives the council the power to control street trading on that street. The Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 on 6th June 1983.

- 1.2 In 2012 the Environment and Licensing Committee approved that the Front Street area of Arnold and portions of the streets that branch off it, be re-designated from a 'prohibited street' to a 'consent street'. This was due to the activities in town centres changing allowing for more markets, fairs and other events to take place whilst balancing the control of such events by the Council by way of a policy to monitor the type of trading and events that take place.

This has allowed for the Arnold town centre to have craft fairs and a Christmas market over the last few years whilst protecting the interests of the Arnold Market traders.

- 1.3 At the meeting held on 1st December 2020 the Environment and Licensing Committee resolved to delegate the approval and refusal of all Street Trading Consent applications to Director level. The exception to this was if any application was made by the Council this would still need to be referred to the Committee for consideration.

The application referred to in this report has been made by the owner of a local business. Although the Council has not made the application directly the proposed Christmas Market is being arranged in conjunction with the Council's Arnold Christmas light switch on event and is being supported by the Council. As such in the interests of openness and transparency it is considered appropriate to refer the matter to Committee for Members consideration.

2 Proposal

- 2.1 To consider an application made by Gedling Borough Council for a Street Trading consent for the Arnold Market to trade in a consent street in Arnold (Appendix 1).

3 Alternative Options

3.1	To not allow the application which would result in the Christmas Market not taking place during the light switch on which would potentially have a detrimental affect on this community event.
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4 Financial Implications

- 4.1 None

5 Legal Implications

- 5.1 None

6 Equalities Implications

- 6.1 None

7 Carbon Reduction/Environmental Sustainability Implications

7.1 None

8 Appendices

8.1 Appendix 1 – Application made by Gedling Borough Council for Street Trading consent.

Appendix 2 – Site plans provided by the applicant.

Appendix 3 – General Street Trading Policy

Appendix 4 – Map of the Street Trading Consent area

9 Background Papers

9.1 None

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Application for a Street Trading Consent

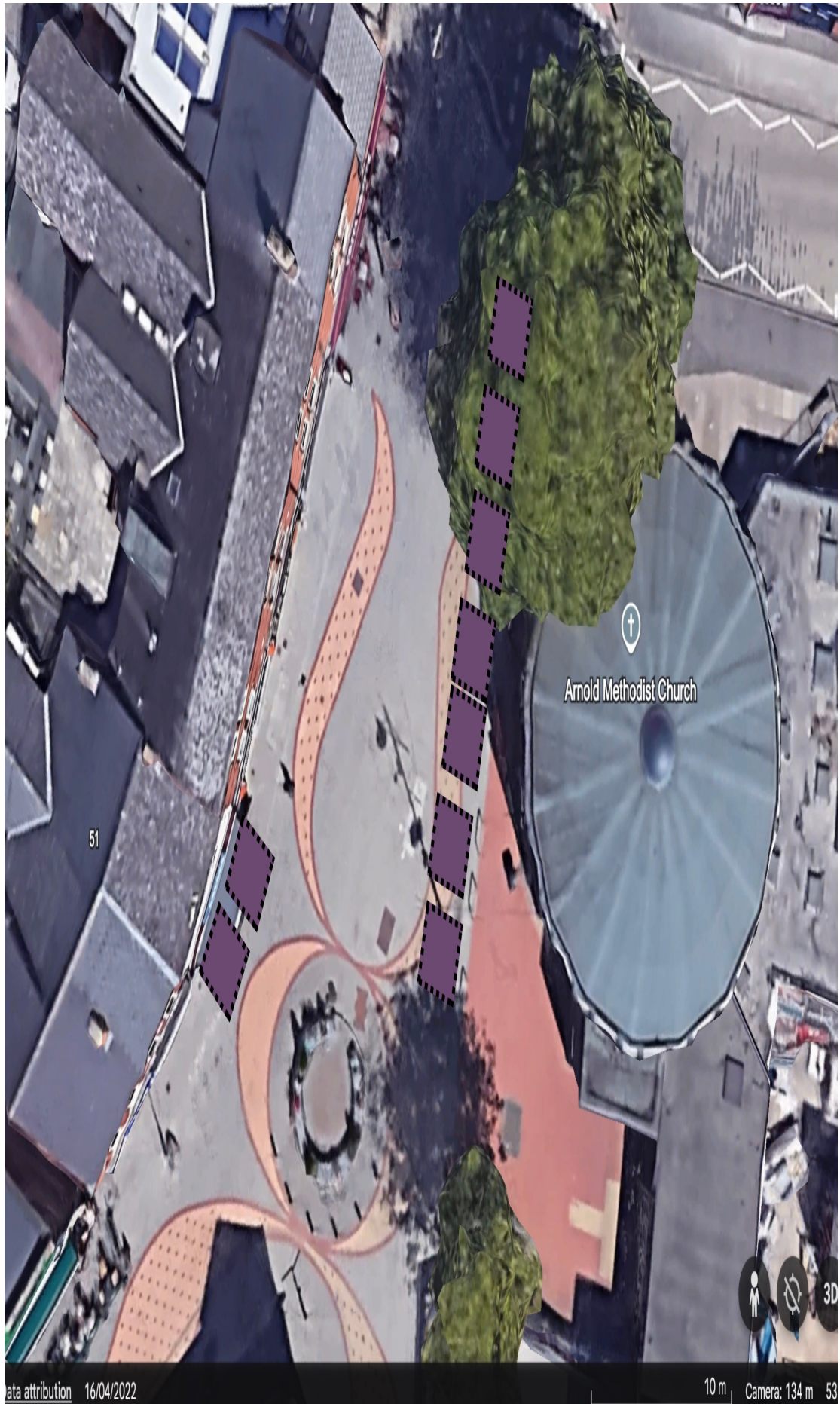
Local Government (Miscellaneous Provisions) Act 1982

Full name	Mr/Mrs/Miss/Ms Mrs Natalee Onyeche.....
Full address11 Market Place Arnold Nottingham Post code...NG5 6ND.....
Telephone number	07830022308
Email addressenquiries@skinsolace.co.uk
Description of stall and number of stalls	... up to 30 stalls in 3x3 and 2x2 gazebos
Description of goods being traded	A variety of traders selling, food, jewellery, house hold items, skincare, clothing, etc
Have you ever had a Street Trading Licence or Consent revoked before – please give details	...No
Please detail the dates and times you would like to trade under a ConsentFriday 22 nd November 10am until 7:30pm
Checklist (please tick)	I enclose a plan showing the location I intend the trade from Y <input type="checkbox"/> I enclose the correct fee <input type="checkbox"/>

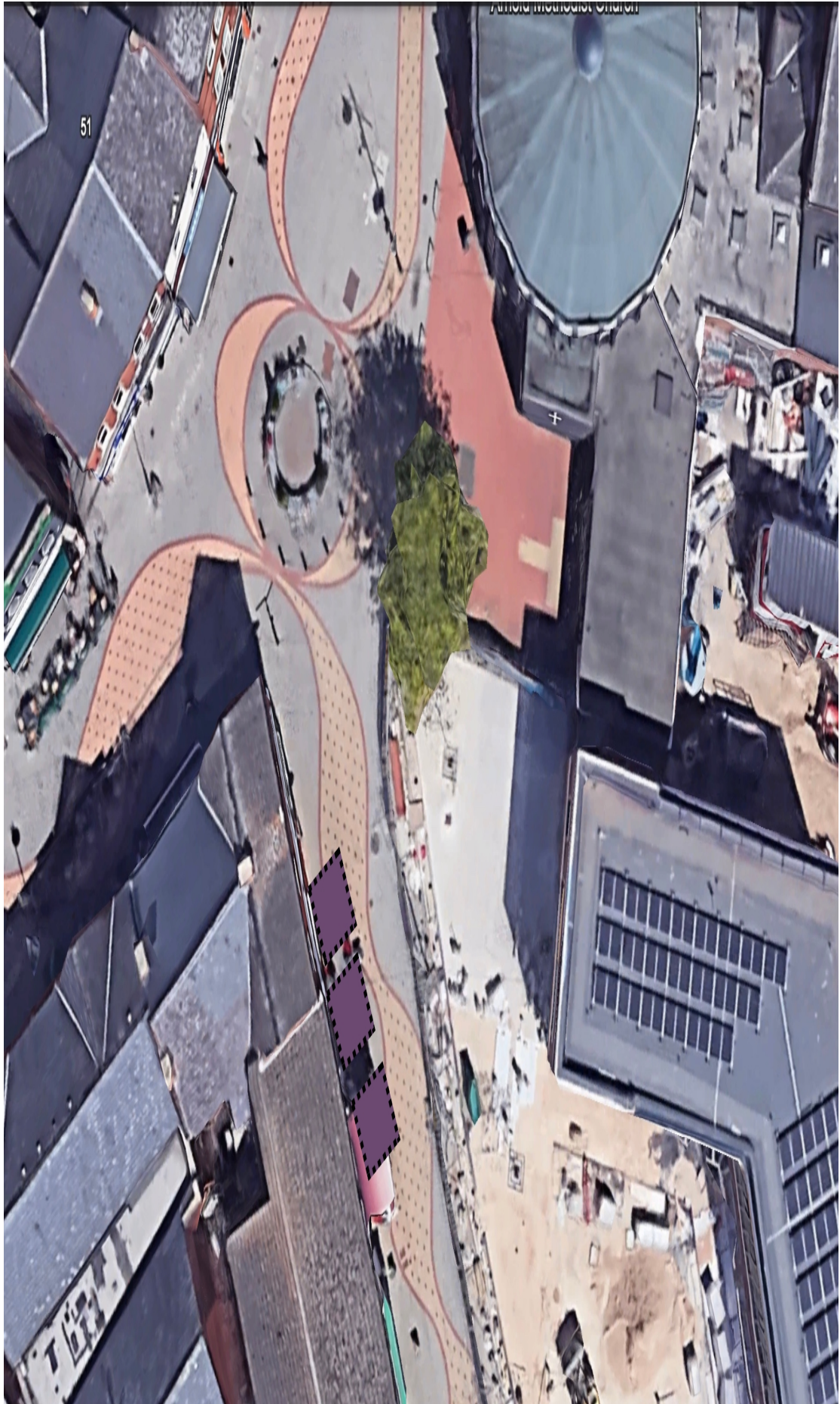
	<p>I enclose a copy of my Public Liability Insurance <input type="checkbox"/> Y</p> <p>I confirm that I have satisfied the requirements of Nottingham City Council's Market Charter <input type="checkbox"/> Y</p>
<p>Declaration of applicant</p> <p>Signed</p> <p>Dated</p>	<p>I have read the Council's Policy regarding Street Trading Consents</p> <p>I declare that the information in this application is true to the best of my knowledge and belief and I understand that any information given which is subsequently found to be incorrect may result in the revocation or refusal of any Consent.</p> <p>I confirm that my Public Liability Insurance is valid and in date</p> <p>...Natalee Onyeche</p> <p>...28th August 2024.....</p>



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General Policy on Street Trading in Arnold

1	Purpose of the Policy Statement This statement sets out the Council's policy framework for the management of street trading in Arnold Town Centre. The purpose of the Policy is to ensure a high quality street trading provision in the Centres, allowing for markets and fairs to contribute to a thriving shopping environment.
2	Background/Definition of Street Trading The Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 on 6 th June 1983. This entitles the Council to manage street trading in its area by designating streets as 'consent streets', 'license streets' or 'prohibited streets'. 'Street Trading' is defined in the Schedule as 'the selling or exposing or offering for sale any article (including a living thing) in a street'. A 'street' includes any road, footway or other area to which the public have access without payment. A map showing the streets is attached as Appendix A.
3	Application Procedure Applications must be received by the Council's Licensing Section no less than fourteen days prior to the proposed date of the consent coming into effect. The application must be accompanied by the appropriate fee and a plan showing the exact location at which the applicant wishes to trade. All plans should be 1:1250 scale and should show all residential and commercial premises within a 100m radius of the proposed site. Upon receipt of an application, the Council will consider each application on its merits taking account of the General Policy provisions and objectives.

4	Terms of the Street Trading Policy
4.1	In order to fit within the council's aims around the promotion of vibrant town centres, this policy is defined by a clear set of principles: The Council will not grant consent to trade from a stationary van, cart, barrow or other vehicle. In addition, consent will not be given to the following trades: <ul style="list-style-type: none">• Obscene or undesirable publications or articles• Goods or articles manufactured on the stall (except for small scale

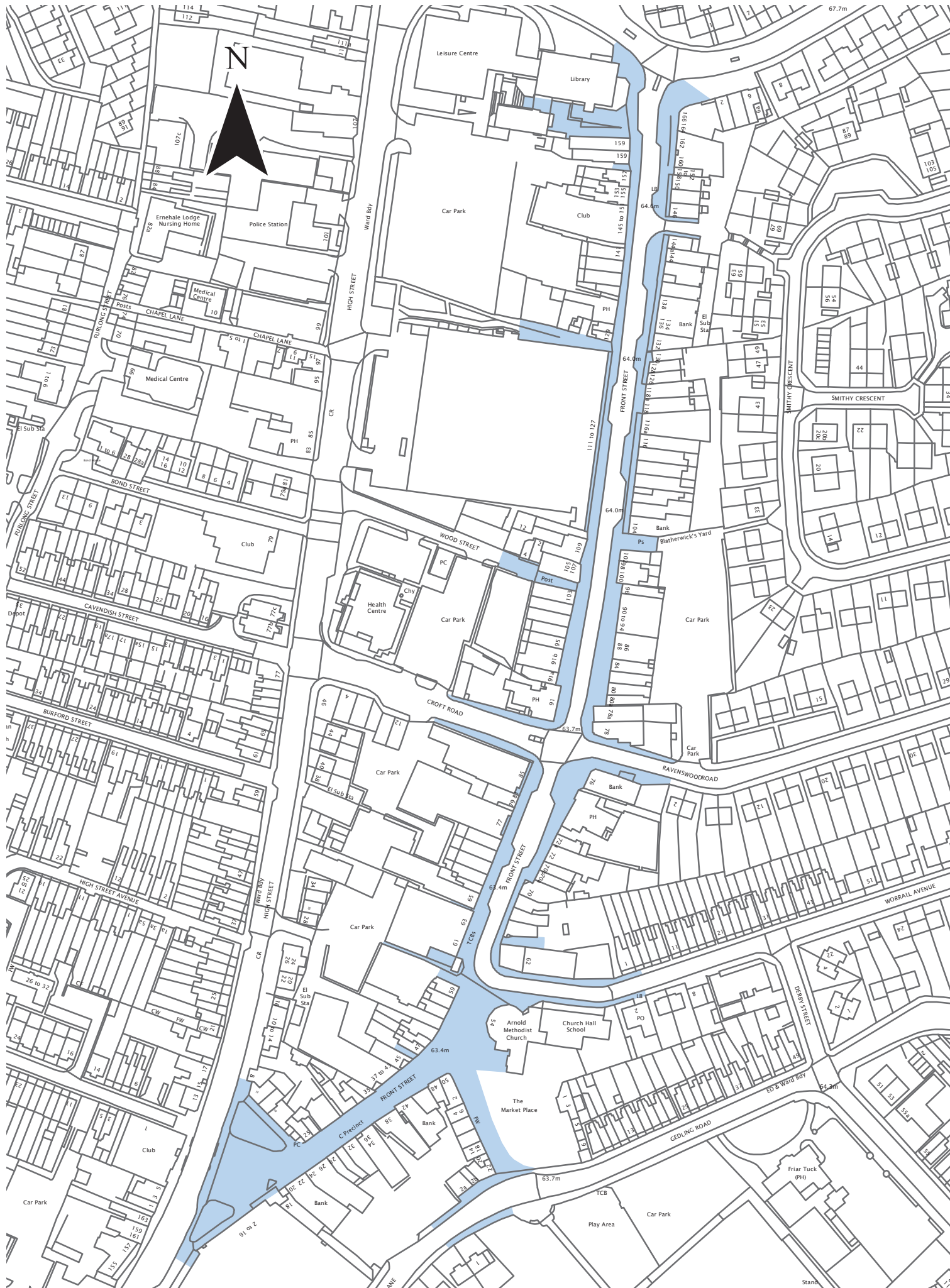
	<p>arts and crafts)</p> <ul style="list-style-type: none"> • Any goods with alcoholic content • Goods or articles deemed not to comply with appropriate Environmental Health or Trading Standards legislation • Any live animals • Any trade which is likely to cause a nuisance to residents or to give rise to, or encourage, public disorder <p>However, this list is not exhaustive.</p>
4.2	The Council will only grant consent for street trading that supports events to boost trade in the town/district centres.
4.3	The Council does not have any fixed street trading locations or specific number limitations within those areas designated as consent streets. However, applications will only be granted where it is considered that the trader will add to existing amenities and be of benefit to the residents of and visitors to Gedling borough. It is unlikely that applications for locations close to existing street traders or where they could obstruct busy pedestrian routes or access to or from nearby premises will be granted. Also, where there are waiting and loading restrictions in place, appropriate waivers or consents to use that location must be obtained where necessary.
4.4	<p>All applications must meet all the following objectives:</p> <ul style="list-style-type: none"> • To support the local economy, businesses and retailers by increasing footfall within the centres. • To attract new visitors, residents and shoppers to the centres. • To create a welcoming atmosphere for visitors, residents and shoppers. • To provide an opportunity to trade for local businesses. • To complement existing retailers and businesses within the centres. • To provide a diverse and alternative offer of products to residents, visitors and shoppers. • To build a programme of successful town centre events to support local traders.
4.5	The council will not grant permission for any trader to operate for any more than 16 days within a calendar year.

5	Standard Conditions The following conditions will be attached to all consents issued by Gedling Borough Council.
5.1	The consent holder shall be in possession of current public liability insurance with a minimum level of £5 million pounds.
5.2	The consent holder shall only trade from the stall at the location approved in writing by the Council. The stall shall not be altered, adapted or replaced without the prior written consent of the Council.
5.3	It is the responsibility of the consent holder to satisfy all fees and requirements to do with Nottingham City Council's Market Charter rules and must be able to produce evidence on request. For more information on whether your event would be subject to any fees, please visit the Nottingham Markets website - Run your own market - Nottingham Markets
5.4	The consent holder shall maintain the stall in a clean state and in good repair and condition.
5.5	The consent holder shall only trade from the authorised stall and shall not place any additional stalls, free standing signs or storage boxes upon the public highway.
5.6	No waste material shall be discharged onto the highway or any other property and must be taken away and disposed of in the proper manner.
5.7	The consent holder shall conduct his business in such a manner as to ensure that they do not:- <ul style="list-style-type: none"> • cause a nuisance or danger to users of the street; • cause an obstruction to other vehicles or pedestrians or users of the street; or • prohibit access for loading or unloading.
5.8	The consent holder shall take adequate precautions to prevent the risk of an outbreak of fire at their stall. Where a power source or heating appliance is present, e.g. a generator or bottled gas container, a suitable fire extinguisher must be provided.
5.9	The consent holder shall display the street trading consent permit issued by the Council at all times whilst trading.
5.10	When requested to do so by an authorised officer of the Council or Police officer, the consent holder shall produce the consent for inspection.
5.11	The consent is not transferable and is personal to the consent holder.

5.12	The street trading consent does not imply or give any other permission, consent or authorisation to trade in any other products other than those previously granted on application or renewal.
5.13	The consent holder shall immediately notify the Council of any change to their name or address.
5.14	The consent holder should not fail, without reasonable cause, to trade at the location for which consent has been given at all times authorised by the consent.
5.15	The stall holder will remove the stall without undue delay upon the request of a Police Officer or Council Officer.
5.16	Failure to comply with any of these conditions may result in the revocation of the consent to trade.

6	Fees and Charges No current fee charged
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7	Enforcement and Monitoring Stalls may be inspected by authorised officers of the Council and officers from Nottinghamshire Police during hours of operation. Any non-compliance with statutory requirements or conditions of consent will be investigated with a view to taking appropriate remedial action and will also be taken into account upon receipt of an application to renew or modify consent to trade.
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Report to Environment and Licensing Committee

Subject: Revocation of Gedling No: 2 Air Quality Management Order 2011 (Nitrogen Dioxide)

Date: 5th November 2024

Author: Director of Place

Wards Affected

Daybrook, Ernehale, Redhill and Woodthorpe

Purpose

To seek approval to:

1. Make an Order under the Environment Act 1995 to revoke Gedling No: 2 Air Quality Management Order 2011 (Nitrogen Dioxide) along the A60 Mansfield Road due to yearly Nitrogen Dioxide (NO₂) results being lower than the Air Quality Objective since 2019.

Key Decision

This is not a key decision

Recommendation(s)

THAT Members:

1. **Make an Order under the Environment Act 1995 to revoke the Gedling No: 2 Air Quality Management Order 2011 (Nitrogen Dioxide), a draft of which is attached at Appendix II of this report.**

1 Background

- 1.1 Local Air Quality Management (LAQM) is set out in Part IV of the Environment Act (1995) which places an obligation on all local authorities to regularly review and assess air quality in their area to determine whether or not the air quality objectives are likely to be achieved. Where an exceedance is considered likely the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.

- 1.2 An Annual Status Report (ASR) is sent to Defra for approval. The report details the results from the previous year's monitoring, and any measures that have been implemented to improve air quality.
- 1.3 Gedling Borough currently has one Air Quality Management Area. The A60 Mansfield Road which was declared in 2011 for exceedances of the annual average Nitrogen Dioxide (NO₂) air quality objective (which is 40 µg/m³). The extent of the Gedling No: 2 Air Quality Management Order 2011 management area is shown highlighted in red on the plan at **Appendix II**.
- 1.4 Gedling Borough has been working closely with both Nottinghamshire County and Nottingham City Councils Highways departments to deliver actions found in the Air Quality Action Plan, to improve air quality along the A60 Mansfield Road.
- 1.5 Some of the measures to help reduce the pollution levels have included:
 - Marketing and promotion of sustainable transport alternatives
 - Assisting in the development of the Go-Ultra Low programme
 - County working with bus providers to retrofitting exhaust technology
 - County Highways effective network management
 - Workplace Travel Plans
 - County Highways project of personal travel planning with residents in the AQMA.
 - School Travel Toolkits
 - ECOSTars Fleet Recognition Scheme, which ran from 2012 until 2020. At close the scheme membership stood at 139 members operating over 8000 commercial vehicles around the Borough.
 - Installation of 16 EV points covering 32 bays under OZEV On-Street Residential Charging Scheme.
 - Assisting in the development of the Nottinghamshire Air Quality Strategy

2 Reasons for Proposed Revocation

- 2.1 DEFRA Air Quality Technical Guidance (LAQM.TG22) makes a number of points when guiding Councils on the issues relating to revoking an AQMA:
 - There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive **five-year** period.
 - The revocation of an AQMA should be considered following **three consecutive years** of compliance with the relevant objective as evidenced through monitoring.

- Where NO₂ monitoring is completed using diffusion tubes, to account for the inherent uncertainty associated with the monitoring method, it is recommended that revocation of an AQMA should be considered following three consecutive years of annual mean NO₂ concentrations being lower than 36µg/m³ (i.e. within 10% of the annual mean NO₂ objective).
- Finally, before revoking an AQMA on the basis of measured pollutant concentrations, the authority needs to be reasonably certain that any future exceedances (that might occur in more adverse meteorological conditions) are unlikely.

2.3 **Appendix I** contains an extract from the Annual Status Report 2024 – ‘*Information to Support the Revocation of the AQMA*’ which gives an in depth look at the results and argument for the revocation.

To conclude:

1. Data from the reference NO_x analyser within the A60 has been consistently well below the objective **for 6 years** (not including 2020).
2. Diffusion tube data within the AQMA in the **last 3 reporting years** has been below the 36µg/m³ level.
3. Trends in levels measured by the reference analyser and diffusion tubes are declining.
4. Early raw data collection for 2024 does not indicate any significant changes in levels within the AQMA.

3 Consultation with DEFRA and other stakeholders

3.1 The Environment Act (1995) provides the statutory basis for consultation and liaison in respect of LAQM. DEFRA is the key statutory consultee under LAQM, Schedule 11 of the 1995 Act also requires local authorities to consult the following:

- Environment Agency;
- National Highways;
- The Mayor of London (for London Boroughs only);
- All local authorities neighbouring the local authority in question;
- The County Council;
- Any National Park authority as appropriate;
- Other public authorities as appropriate; and
- Bodies representing local business interests and other organisations as appropriate.

3.2 DEFRA (through the LAQM helpdesk) have confirmed that:

‘that the compliance reported in the ASR supports your decision to revoke the AQMA. The statement of revocation decision in ASR is considered as consultation of revocation decision with Defra. As the 2024 Gedling ASR is approved, you can go ahead to proceed with the revocation.’

- 3.3 Consultation exercise was carried out via email with the following, over a period of 4 weeks from 27th August 2024:

Nottinghamshire County Local Transport Plans & Programme Development Team
Nottinghamshire County Council Public Health Team
Environment Agency
Nottingham City Council Transport Team
Other LA Environmental Health Teams within Nottinghamshire
Ward Members for Daybrook, Ernehale, Redhill and Woodthorpe

No objections have been received from the statutory consultees.

4 Proposal

- 4.1 That Members approve the revocation of Gedling No: 2 Air Quality Management Order 2011 (Nitrogen Dioxide)
- 4.2 As part of the conclusions and consultation with DEFRA it was agreed that we will continue to measure both using the NO_x analyser and diffusion tubes along the A60 to ensure continued compliance.

5 Alternative Options

- 5.1 Having an AQMA does bring with it some advantages: it does bring air quality considerations to the attention during development, and highways planning, it can secure grant funding for projects within the AQMA and generally it highlights the issues around air pollution with residents.
- 5.2 However, DEFRA have stated that “*Keeping AQMAs in place longer than required would risk diluting their meaning and impacting public trust in LAQM.*”
- 5.3 Members could decide to leave the AQMA in place. This would however be against guidance and DEFRA's advice.

6 Financial Implications

- 6.1 None

7 Legal Implications

- 7.1 Section 83(2)(b) of the Environment Act 1995 empowers the local authority to, by order, revoke a previous order if it appears that on subsequent air quality review that the air quality standards and objectives are being achieved, and are likely throughout the relevant period to be achieved, within the designated area.
- 7.2 Under section 90 of the Environment Act 1995 it is a statutory requirement for the local authority to consult before revoking a previously made order, as discussed in section 3 of this report. Members should have consideration to the consultation responses in coming to its decision.

8 Equalities Implications

8.1 None

9 Carbon Reduction/Environmental Sustainability Implications

9.1 The reduction in nitrogen dioxide tail pipe emissions along the A60 is likely to also have a positive impact from a carbon reduction perspective.

10 Appendices

10.1 Appendix I - extract from the Annual Status Report 2024 – ‘Information to Support the Revocation of the AQMA’

10.2 Appendix II – Draft Revocation Order

11 Background Papers

11.0 None

12 Reasons for Recommendations

12.1 Air quality data indicates that the criteria set by DEFRA for the revocation of the AQMA has been met.

12.2 Statutory consultees, including DEFRA, have concurred with the recommendation to revoke the AQMA.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

Appendix I

Extract from the Annual Status Report 2024 – ‘Information to Support the Revocation of the AQMA’

Information to Support the Revocation of the AQMA

The Air Quality Management Area (AQMA) is not a large geographic area and is confined to an area directly fronting the A60. As such it was not considered necessary to carry out modelling study and the proposal to revoke the AQMA is taken using both results from the NO_x analyser (which is within the AQMA) and diffusion tube monitoring data.

LAQM Technical Guidance 2022 (LAQM.TG22) makes a number of points when guiding LAs on the issues relating to revoking an AQMA:

- There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive **five-year** period.
- The revocation of an AQMA should be considered following **three consecutive years** of compliance with the relevant objective as evidenced through monitoring.
- Where NO₂ monitoring is completed using diffusion tubes, to account for the inherent uncertainty associated with the monitoring method, it is recommended that revocation of an AQMA should be considered following three consecutive years of annual mean NO₂ concentrations being lower than 36µg/m³ (i.e. within 10% of the annual mean NO₂ objective).

Keeping AQMAs in place longer than required would risk diluting their meaning and impacting public trust in LAQM.

On the issue of using data impacted by the COVID-19 lockdowns:

“It is not advisable for the revocation of an AQMA to be based solely upon compliance in a year not representative of long-term trends. For example, compliance being reached in 2020 may not be representative of long-term trends in pollutant concentrations due to the change in activity observed across the UK as a result of COVID-19 and associated lock down measures.

Where 2020 is one of many consecutive years of compliance, this may be considered for revocation.”

Finally, before revoking an AQMA on the basis of measured pollutant concentrations, the authority needs to be reasonably certain that any future exceedances (that might occur in more adverse meteorological conditions) are unlikely.

Figure E.1 – NO2 Chemiluminescence Analyser data long term trends 2002 - 2023

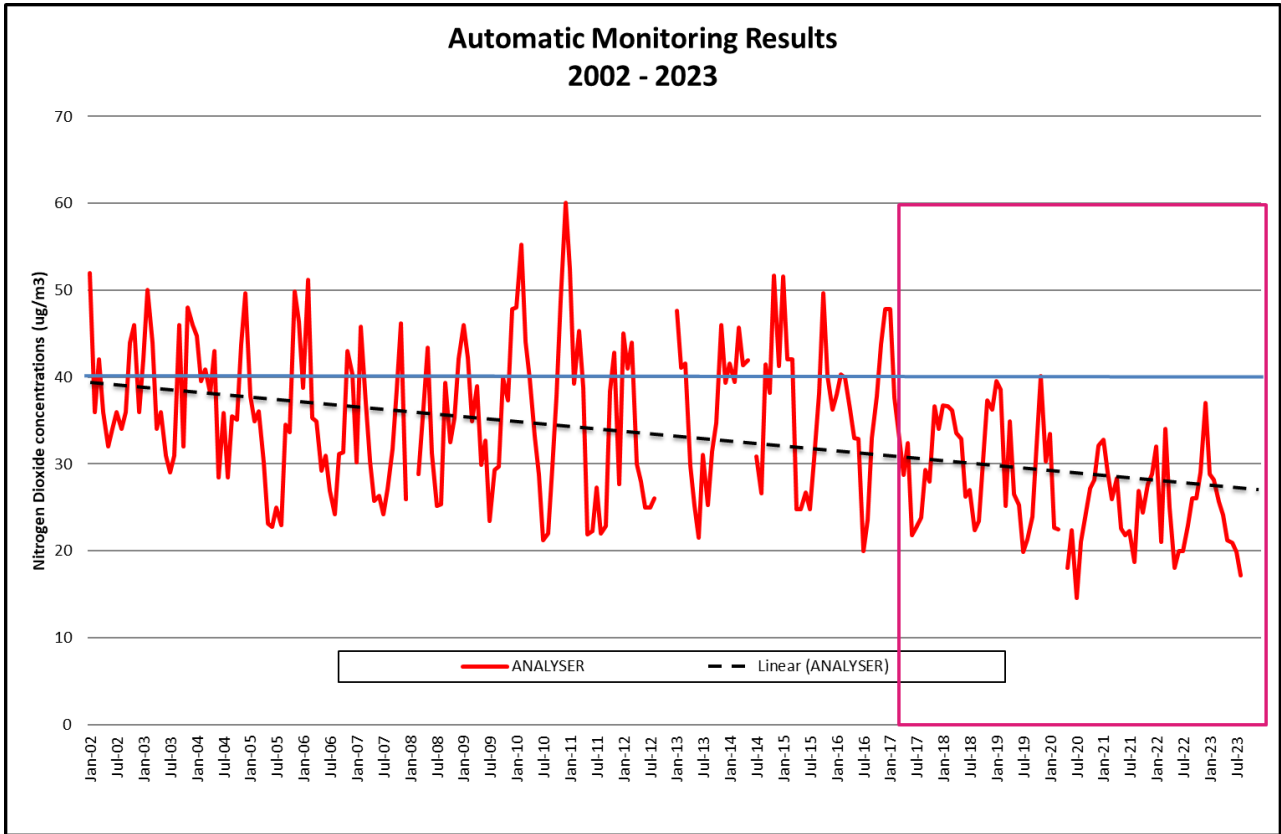
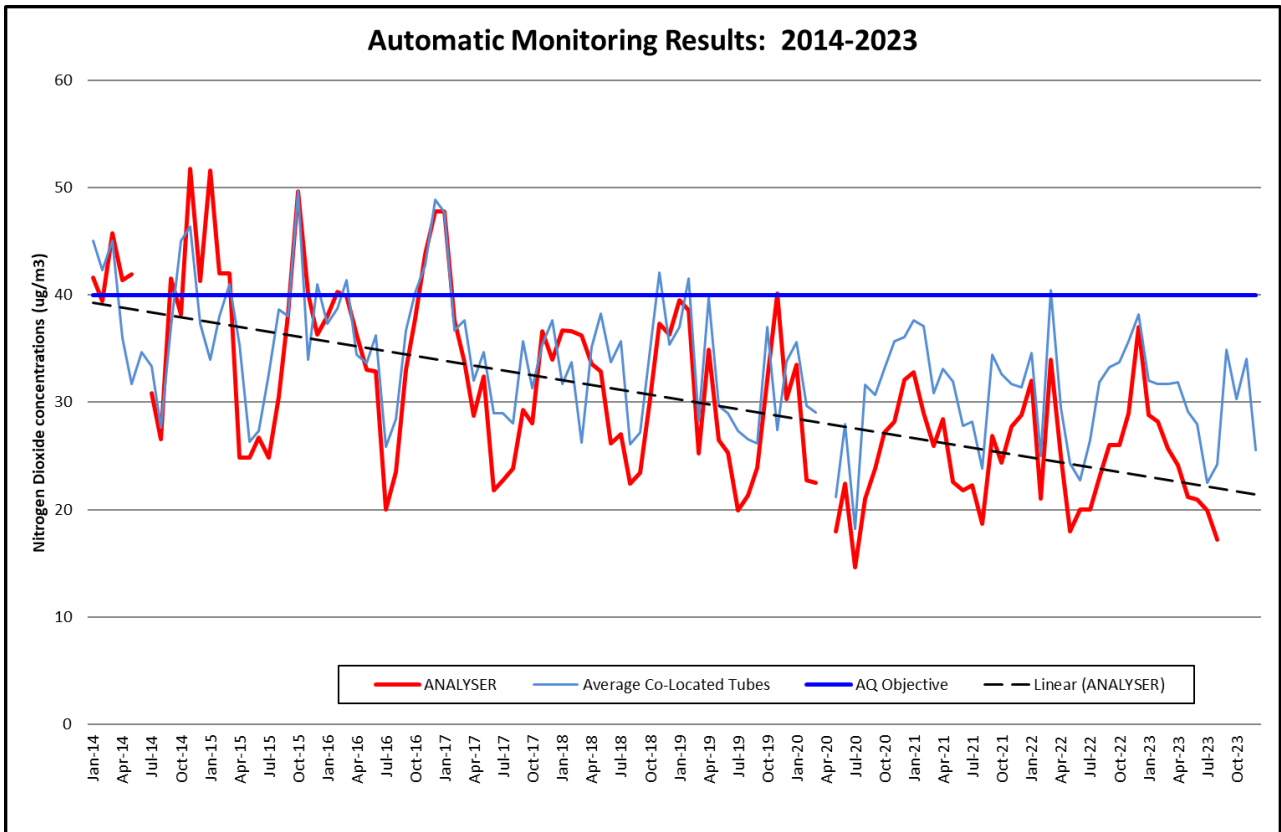


Figure E.2 – NO2 Chemiluminescence Analyser/raw co-located diffusion tube data 10 year (2014 – 2023)



Reference Analyser Data

Table E1 shows the annual averages over the past 7 years (inc.2020). Whilst the analyser is within the AQMA it is not particularly close (due to siting restrictions) to critical receptors. However, levels have been consistently low and falling as can be seen in graphs Figures E.1 and E.2. Figure E.1 also indicates that (purple box) since 2017 the levels recorded have not exceeded the objective.

Diffusion Tube Data within the AQMA

There are 13 NO₂ diffusion tubes around the AQMA (11 inside the AQMA) Table E.1 presents the annual averages (adjusted for bias and annualised as required). Figures E.3 and E.4 present tube data in a graphic form.

Table E.1 – NO₂ Diffusion tube data AQMA (concentrations presented in µg/m³)

Diffusion Tube ID	Location	Site Type	2017	2018	2019	2020	2021	2022	2023
82492	Grove PH Daybrook Sq	Roadside	34.0	29.0	30.0	24.1	26.5	26.6	24.5
87398	Morley Mills Building	Roadside	31.0	30.0	31.0	22.9	24.4	24.9	22.4
87399	Mansfield Road, Redhill	Roadside	23.0	23.0	24.0	17.9	19.6	19.0	16.8
87400	Daybrook Dental Surgery	Roadside	31.0	30.0	28.0	22.9	25.8	23.9	22.4
87403, 87404, 87405	Daybrook Analyser co-located tubes	Roadside	31.0	31.0	31.0	23.6	26.6	26.0	24.0
87407	The Vale PH Thackerays Lane	Roadside	35.0	33.0	28.0	25.1	27.4	27.4	24.6
88005**	Mansfield Road, Redhill North	Roadside	-	-	33.0	28.9	32.4	30.4	27.6
87410**	Civic Centre, Arnold	Urban Backgrnd	18.0	16.0	16.0	12.0	13.4	13.0	11.7
87412	Daybrook Fish Bar	Roadside	43.0	39.0	39.0	28.5	32.4	33.3	29.0
87413	T&S Heating	Roadside	41.0	37.0	36.0	27.0	31.4	30.7	29.4
87414	Frank Keys	Roadside	26.0	23.0	30.0	24.3	26.7	25.7	23.5
GBC1	Daybrook NO _x Analyser	Roadside	31.4	31.6	29.8	24.2	25.8	26.1	24.9

Data presented is bias adjusted and annualised where applicable.

** Tubes **not** inside the AQMA

Table E.1 shows data for the last 7 years which is the last year where the objective was exceeded in the AQMA. It can be seen that generally diffusion tube data is below the 36µg/m³ level.

The two tubes of non-compliance in 2017 have not exceeded the 36µg/m³ level in the last three years of reporting: four years if including 2020.

Figure E.3 – NO2 Diffusion Tube data AQMA - (2019 – 2023)

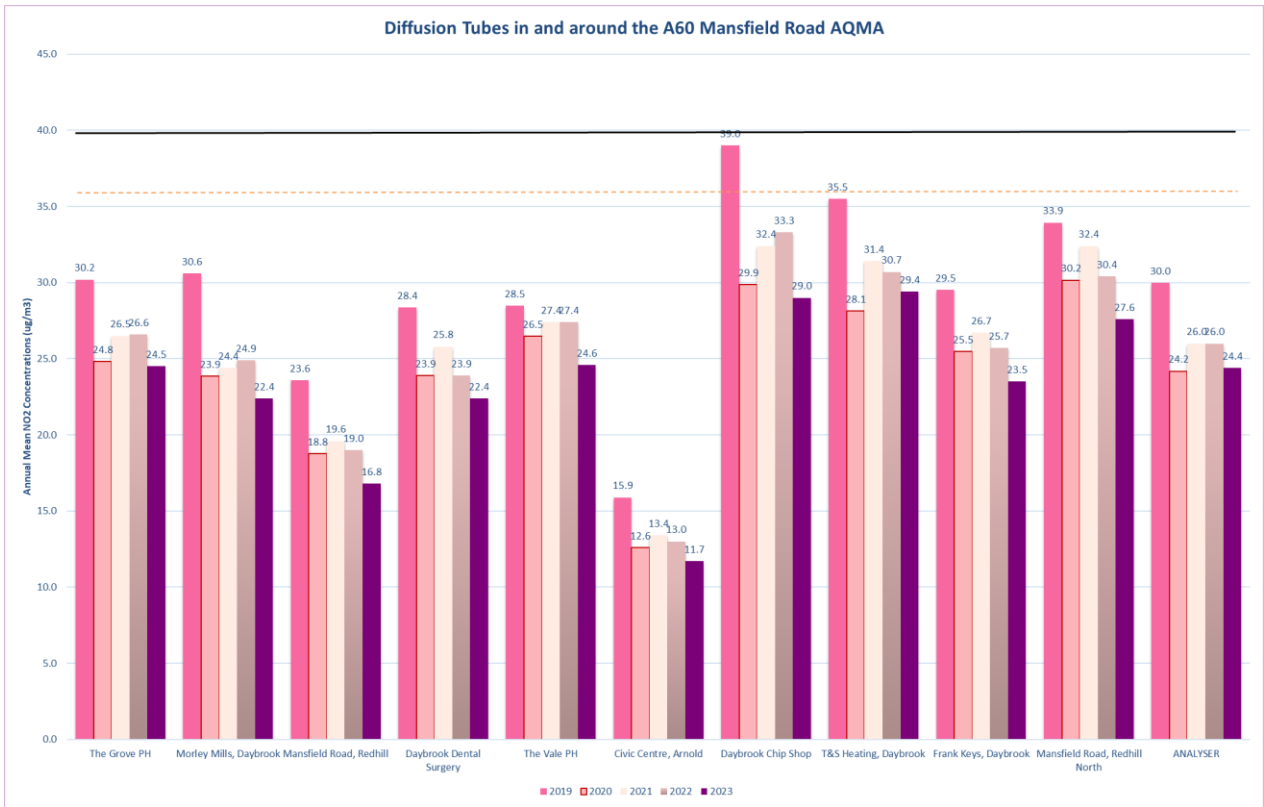
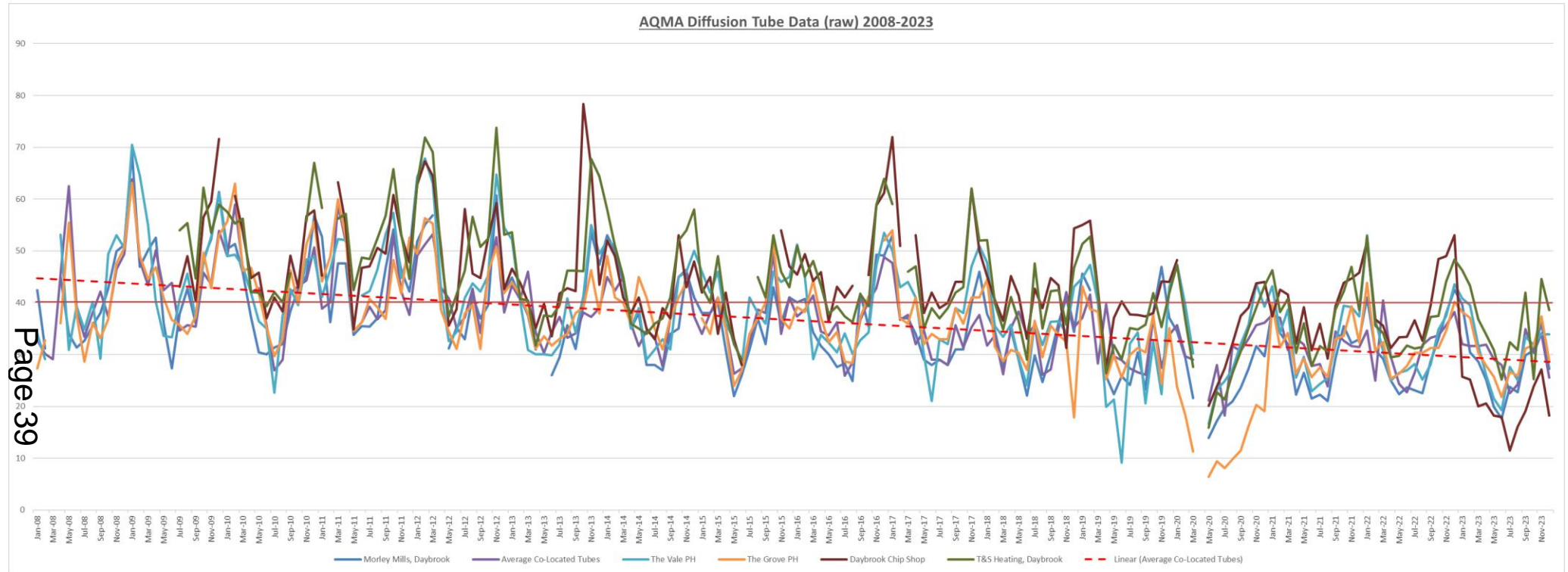


Figure E.4 shows long term trends in the diffusion tube measurements within the AQMA. The trendline (red dotted) is that of the average of the co-located tubes, this shows the long-term declining trend in NO₂ levels over the last 16 years.

Figure E.4 – NO2 Diffusion Tube Data (raw data) 2008 - 2023



Conclusions

1. Data from the reference NO_x analyser within the A60 has been consistently below the objective.
2. Diffusion tube data within the AQMA in the last 3 reporting years has been below the 36µg/m³ level.
3. Trends in levels measured by the reference analyser and diffusion tubes are declining.
4. Early raw data collection for 2024 does not indicate any significant changes in levels within the AQMA.

Gedling Borough Council therefore propose to revoke the Air Quality Management Area along the A60 Mansfield Road.

We will continue to measure both using the NO_x analyser and diffusion tubes along the A60 to ensure continued compliance.

Appendix II
Draft Revocation Order

Environment Act 1995
Part IV Section 83(2)(b)

GEDLING BOROUGH COUNCIL
ORDER REVOKING AN AIR QUALITY MANAGEMENT ORDER

The Gedling Borough Council (the Council), in exercise of the powers conferred upon it by Section 83(2)(b) of the Environment Act 1995, hereby makes the following Order:-

1. This Order shall revoke the area known as Gedling No: 2 Air Quality Management Area (AQMA) designated by Order on 16th March 2011 (Nitrogen Dioxide) for Nitrogen Dioxide (Annual Mean) objective as specified in the Air Quality Regulations (England) (Wales) 2000. The AQMA to be revoked is found below edged in red.
2. This Order shall come into force on ****/11/2024.**

THE COMMON SEAL of
GEDLING BOROUGH
COUNCIL

was hereunto affixed on this day
****** November 2024
in the presence of:

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