

Agenda

Environment and Licensing Committee

Date: **Tuesday 8 July 2025**

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 scrap 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

Page

- 1 **Apologies for Absence and Substitutions.**
- 2 **To approve, as a correct record, the minutes of the meeting held on 10 June 2025.** 7 - 9
- 3 **Declaration of Interests.**
- 4 **Borough Wide Smoke Control Area Declaration** 11 - 39
Report of Director of Place.
- 5 **Any other item which the Chair considers urgent.**
- 6 **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 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.
- 7 **Application for a three-year Joint Hackney Carriage/Private Hire Drivers Licence - AA** 41 - 43
Report of Director of Place.
- 8 **Application for a three-year Joint Hackney Carriage/Private Hire Drivers Licence - MA** 45 - 51
Report of Director of Place.

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MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 10 June 2025

Councillor Alison Hunt (Chair)

Present: Councillor Marje Paling Councillor Sue Pickering
Councillor Rachael Ellis Councillor Sam Smith
Councillor Roxanne Ellis Councillor Clive Towsey-Hinton
Councillor Julie Najuk Councillor Paul Wilkinson

Absent: Councillor Boyd Elliott, Councillor Alex Scroggie and Councillor Martin Smith

Officers in Attendance: T Adams, J Brough, L Chaplin, B Hopewell, K Nealon and R Towlson

93 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Elliott, Scroggie and Martin Smith. Councillor Sam Smith attended as substitute.

94 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 15 APRIL 2025.

RESOLVED:

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

95 DECLARATION OF INTERESTS.

None.

96 PROPOSED TAXI LICENSING FEES FOR 2025/26

The Community Protection Manager introduced a report, which had been circulated in advance of the meeting, which asked Members to consider the response to the consultation contained in Appendix 1, and the Finance Department response in Appendix 2, regarding the proposed taxi fees at Appendix 3 that were approved for advertisement in accordance with the Local Government (Miscellaneous Provisions) Act 1976 at the meeting held on 15th April 2025.

RESOLVED to:

- 1) Consider the response to the consultation on the taxi fees attached at Appendix 1 and the response of the Finance Department at Appendix 2; and
- 2) Approve that the fees currently in effect for 2024/2025 continue to be charged from 1st July 2025, until such time revised fees are brought forward for approval.

97 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

98 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 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.

99 CHANGE OF CIRCUMSTANCES OF JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - YC

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.

YC attended the meeting along with a family member and addressed the Committee.

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

RESOLVED:

- 1) To suspend YC licence for 14 days;
- 2) Issue a warning to YC that such conduct fell short of the expected standard for Hackney Carriage Drivers and that further such incidents should be reported immediately; and
- 3) YC was given 21 days to surrender his licence and was advised of his right to appeal against the decision of the Committee.

The meeting finished at 5.45 pm

Signed by Chair:

Date:

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Report to Environment and Licensing Committee

Subject: Borough Wide Smoke Control Area Declaration

Date: 8th July 2025

Author: Director of Place

Wards Affected

All wards

Purpose

To advise Members of the outcome of consultation regarding the revocation of all existing post 1980 smoke control orders, to update members on the confirmation from the Secretary of State regarding the revocation of all existing pre 1980 smoke control orders and for the post 1980 revocation order and the borough wide smoke control area orders to be made.

Key Decision

Yes, the decision will be significant in terms of its effect on communities living or working in an area comprising two or more wards.

Recommendation(s)

THAT Members:

- 1) Agree to make an Order (Appendix II) revoking all existing post 1980 smoke control orders to come into operation on the 1 February 2026**
- 2) Agree to make an Order (Appendix III) creating a Boroughwide Smoke Control Order to come into operation on the 1 February 2026**
- 3) Note the confirmation from the Secretary of State regarding the revocation of the pre 1980 smoke control orders with the order (Appendix I) to come into operation on the 1 February 2026**

1 Background

1.1 Members may recall that at the meeting of the 14th January 2024 members agreed to:

- 1) Make an Order (Appendix I) revoking all existing pre 1980 smoke control orders and authorise officers to undertake the relevant notification and publishing requirements and request confirmation from the Secretary of State.
- 2) Authorise officers to publish a notice in the Gazette and local newspaper for two weeks notifying of the council's intention to revoke all existing post 1980 smoke control orders, allowing six weeks for any objections to be received.
- 3) Receive a report to the next suitable meeting of the committee for a decision whether to make such an order revoking the existing post 1980 smoke control orders, having regard to any objections made which are not subsequently withdrawn.
- 4) Delegate authority to the Director of Place, in consultation with the Chair to make any minor amendments to the orders prior to their publication as may be deemed necessary.
- 5) Delegate authority to the Director of Place in consultation with the Chair, subject to no objections being received, to make the order revoking the post 1980 smoke control orders (Appendix II).
- 6) Subject to confirmation from the Secretary of State regarding the revoking of the pre 1980 smoke control orders and no objections being received regarding the revocation of the post 1980 smoke control orders, delegate authority to Director of Place, in consultation with the Chair to make the borough wide smoke control order attached at Appendix III to come into force in line with the revocations.

1.2 Smoke Control Orders can only be varied or revoked by the making of another Order. For the Orders made pre-1980 the decision whether to confirm the revocation order is made by the Secretary of State. A copy of the signed Revocation Order sent to the Secretary of State is included in **Appendix I**.

Any objection to the revocation of one or more of the existing orders detailed in the Schedule to the Order must be made to the Secretary of State (DEFRA) who will consider the objection and make a determination whether to confirm the Revocation Order with or without modification.

- 1.4 For the Orders made post-1980 the decision whether to confirm the revocation order is made by the Council. A copy of the draft Revocation Order is included at **Appendix II**

Any objection to the revocation of one or more of the existing orders detailed in the Schedule to the Order must be made to the Council who will consider the objection and make a determination whether to confirm the Revocation Order with or without modification.

- 1.5 If all previous orders are revoked the report proposes that the Council continue with the process to make a smoke control order to declare the whole Borough a smoke control area. A copy of the Draft Order is included at **Appendix III**.
- 2.14 Where the Council has the power to make any order it must first publicise its intention to make an order and invite objections, before considering whether to make it having regard to any objections
- 2.15 The purpose of this report is to feedback consultation responses and seek approval for the making of the revocation order regarding all existing post 1980 smoke control orders and to make the boroughwide smoke control order.

3 Results of the Public Consultations

- 3.1 The procedure to revoke the smoke control orders was carried out February / March 2025 with the statutory publishing requirements and consultation information on the Councils webpage.
- 3.4 **Appendix VI** includes details of the consultation results, and the comments made. One response was sent to DEFRA (which was forwarded on to the Council as the comments pertained to the revocation of all of the orders and the introduction of the borough wide order). An email response was sent to the consultee (included).

No further correspondence was received.

4 Pre 1980 Smoke Control Orders Revocation

- 4.1 Confirmation has been received from DEFRA regarding the revocation Order No.1 (Pre 1980 Smoke Control Orders Revocation). **See Appendix I**

5 Proposal

- 5.1 That Members make the Order attached at **Appendix II** revoking all existing post 1980 smoke control orders and make the order creating the Boroughwide Smoke Control Order (**Appendix III**).

Note the confirmation from the Secretary of State regarding the revocation order of the pre 1980 smoke control orders. With all orders to come into operation on the 1 February 2026.

6 Alternative Options

- 6.1 To not approve the revocation and creation of the Smoke Control Order covering the whole of the Borough. This would leave the current 40 orders in place. However, this will mean that 19% of the borough's residential addresses are not covered by smoke control areas.

7 Financial Implications

- 7.1 There are not considered to be any significant budget implications besides officer time in setting up the new order, revoking the existing orders advertising the new order and providing publicity around it. The publicity will predominantly be online using social media and the website in conjunction with the other LAs in Nottinghamshire.

Operationally any enforcement will be managed within the existing team budget.

8 Legal Implications

- 8.1 The Council has a discretion under Section 18(2A) of the Clean Air Act 1993 (the Act) whether to declare the whole, or any part of its area to be a smoke control area; by a smoke control order.
- 8.3 A smoke control order may be revoked or varied by a subsequent order.
- 8.4 Schedule 1 to the Act sets out the procedure which the Council must follow to make an Order, including publicising its intention to make an order and how objections may be made. If any objections are received and not withdrawn, the Council cannot make the order without first considering the objection. The Council has undertaken this exercise regarding the making of a new boroughwide order.
- 8.5 The Council, and its predecessors before the Council was created, made a number of orders covering various parts of the Borough. Some of those orders were made before 13th November 1980, when the requirements for the Secretary of State to confirm orders made by local authorities was removed. However, by Section 67(2) of, and Parts II and III of Schedule 5 to, the Act any revocation of a pre-13/11/80 order follows a modified procedure and must be confirmed by the Secretary of State.

- 8.6 Under the modified procedure the Council makes the order and then publicises its making and how objections to it may be made. The Secretary of State then considers the objections and may confirm the order with or without modification.
- 8.7 It is for this reason that the Council is proposing to make a new order declaring the whole of the Borough a smoke control area and two orders revoking all the existing smoke control orders (Pre and Post 1980).
- 8.8 On the basis that the Council exercises its powers in accordance with the relevant statutory provisions the risks are limited to either order being subject to objections which are not withdrawn and the costs of those objections being fully considered by the Council, or the Secretary of State before making, or confirming the orders, as appropriate, assuming the decision is to make or confirm the orders. There are the usual risks of further legal challenge.

9 Equalities Implications

- 9.1 People with certain protected characteristics (the old, young and those with certain disabilities) are more vulnerable to air pollution. People in vulnerable groups are also known to live in areas with more air pollution, so the proposal may have a differentially positive impact on these groups. **Appendix V.**
- 9.2 However, fuel poor households could be affected if using an open fire or burning cheap wood as a source of heating as opposed to potentially more expensive electricity, gas or oil.
- 9.3 The proposal would mean that people could only burn clean seasoned wood with the '*ready to burn*' logo in exempt appliances, or an authorised fuel. This could be more expensive for people who were reliant on foraging for wood as their main source of fuel.
- 9.4 Any Enforcement Policy will need to take into account issues relating to fuel poverty when making decisions on any enforcement action. A proportionate approach is one recommended by DEFRA and the Council would look to take action that is fair to both parties and ensure consistency of approach.
- 9.5 The Environmental Health and Technical Officers regulating this function have access to the information to refer residents for home energy efficiency and heating measures to mitigate any detrimental impacts on fuel poor households.
- 9.6 The proposal would not have any implications on the 81% of the Boroughs residential properties already covered by SCAs as they are already subject to the rules, the proposal just brings the rest of the Borough in line with this.

10 Carbon Reduction/Environmental Sustainability Implications

- 10.1 A Climate Impact Assessment is presented in **Appendix VI**.
- 10.2 Solid fuel can be burned sustainably if it is replaced like for like, although there are greener forms of heating should be encouraged over solid fuel. The proposal will encourage people not to burn solid fuel from unsustainable sources, helping to contribute to a net zero carbon Borough
- 10.3 Improving air quality in the borough will have co-benefits, such as the health & wellbeing and overall quality of life for residents. This declaration aligns with the Gedling Plan and the carbon management strategy by creating a cleaner greener and healthier Gedling.

11 Appendices

- 11.1 Appendix I - Revocation Order (Pre 1980 smoke control orders) signed and sent to the Secretary of State (DEFRA)

Confirmation from DEFRA
- 11.2 Appendix II – Proposed Revocation Order (Post 1980 smoke control orders)
- 11.3 Appendix III – Proposed Smoke Control Order 2026
- 11.4 Appendix IV - Consultation Response
- 11.5 Appendix V – Equalities Impact Assessment
- 11.6 Appendix VI – Climate Impact Assessment

12 Background Papers

- 12.1 None

13 Reasons for Recommendations

- 13.1 The Council has a duty to assess air quality and where necessary take appropriate action to protect the health of those living and working in the Borough.
- 13.2 Particulate pollution is closely associated with domestic burning. The smaller particles (PM2.5) in particular have a significant impact on human health: causing coughs, dizziness, inflamed airways and shortness of breath.

It increases the risk of pneumonia, COPD, dementia and lung cancer, as well as heart disease and stroke, leading to early death. It can also impact pregnancy and the development of children's lungs.

- 13.3 Smoke Control Areas can help to reduce PM2.5 emissions found in chimney smoke by requiring the use of either authorised fuel or by using DEFRA 'exempt appliances' for example certain burners and stoves. Unauthorised fuel must not be used in a smoke control area unless it is used in an exempt appliance.
- 13.4 Although a Borough wide smoke control area will not ban domestic solid fuel burning, it will require residents to take responsibility over the fuels they burn. In line with DEFRA policies the aim is to encourage residents to '*Burn Less and Burn Better*'. In addition, any new solid fuel stove installations are much more likely to be 'exempt appliances'. This is because reputable stove installers currently advise householders in Smoke Control Areas to install DEFRA 'exempt appliances' or 'Ecodesign' appliances which already meet stricter smoke emission standards.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

Appendix I

Revocation Order (Pre 1980 smoke control orders)
signed and sent to the Secretary of State (DEFRA)

Confirmation from DEFRA

Clean Air Act 1993

THE GEDLING BOROUGH COUNCIL SMOKE CONTROL ORDERS (REVOCATION) ORDER 2025

The Gedling Borough Council (the Council) makes this Order in exercise of the powers conferred by section 18 of, and Schedule 1 to, the Clean Air Act 1993 as modified by section 67(2) of, and parts II and III of Schedule 5 to, that Act:

Citation

1. This Order may be cited as Gedling Borough Council Smoke Control Orders (Revocation) Order No.1 - 2025.

Commencement

2. This Order shall come into operation on 1 February 2026, being not less than six months from the date of Secretary of State confirmation of this Order.

Revocation

3. (a) The smoke control orders specified in Schedule 1 to this Order; and
(b) any other smoke control orders made pursuant to section 11 of the Clean Air Act 1956, before 13th November 1980, by the Council, Arnold Urban District Council and Carlton Urban District Council are hereby revoked.

THE COMMON SEAL of GEDLING
BOROUGH COUNCIL

was hereunto affixed on this day

4th Day of June

of 2025 in the presence of:-

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120401



K. A. L. L.
[Signature]

Schedule 1 Revocations

Arnold Urban District Council

The Arnold (No. 1) Smoke Control Order 1965
The Arnold (No. 2) Smoke Control Order 1968
The Arnold (No. 3) Smoke Control Order 1969
The Arnold (No. 4) Smoke Control Order 1969
The Arnold (No. 5) Smoke Control Order 1972
The Arnold (No. 5A) Smoke Control Order 1972
The Arnold (No. 12A) Smoke Control Order 1973

Carlton Urban District Council

The Carlton (No. 1) Smoke Control Order 1961
The Carlton (No. 2) Smoke Control Order 1967
The Carlton (No. 2A) Smoke Control Order 1965
The Carlton (No. 3) Smoke Control Order 1967
The Carlton (No. 4) Smoke Control Order 1967
The Carlton (No. 5) Smoke Control Order 1968
The Carlton (No. 6) Smoke Control Order 1969
The Carlton (No. 8) Smoke Control Order 1970
The Carlton (No. 9) Smoke Control Order 1971
The Carlton (No. 10) Smoke Control Order 1971
The Carlton (No. 11) Smoke Control Order 1972

Gedling Borough Council

The Gedling (No. 1) Smoke Control Order 1974
The Gedling (No. 2) Smoke Control Order 1975
The Gedling (No. 3) Smoke Control Order 1975
The Gedling (No. 4) Smoke Control Order 1976
The Gedling (No. 5) Smoke Control Order 1977
The Gedling (No. 6) Smoke Control Order 1978
The Gedling (No. 7) Smoke Control Order 1979
The Gedling (No. 8) Smoke Control Order 1980



Department for Environment Food & Rural Affairs

Bill Parish on behalf of The Rt Hon Steve Reed OBE MP
Secretary of State Environment, Food & Rural Affairs

Seacole Building
2 Marsham Street
London
SW1P 4DF
T: +44 (0) 3459 335577
E: correspondence.section@defra.gov.uk
W: gov.uk/defra

Gedling Borough Council
Civic Centre,
Arnot Hill Park
Arnold, Nottinghamshire
NG5 6LU

26 June 2025

Dear Sir/Madam

I am writing to confirm Gedling Borough Council Smoke Control Orders (Revocation) Order No.1 – 2025, which revokes the list of smoke control orders contained in Schedule 1 to the Order (“Revocation Order”).

The Revocation Order has been confirmed in accordance with the transitional provisions in Part II and III of Schedule 5 to the Clean Air Act 1993, which require confirmation from the Secretary of State for smoke control orders which revoke or vary orders made under section 11 of the Clean Air Act 1956 before 13 November 1980.

Sincerely,

Dr Bill Parish
Deputy Director Air Quality and Industrial Emissions
Defra

Appendix II

Proposed Revocation Order (Post 1980 smoke control orders)

Clean Air Act 1993

THE GEDLING BOROUGH COUNCIL SMOKE CONTROL ORDERS (REVOCATION) ORDER 2025

The Gedling Borough Council (the Council) makes this Order in exercise of the powers conferred by section 18 of, and Schedule 1 to, the Clean Air Act 1993 as modified by section 67(2) of, and parts II and III of Schedule 5 to, that Act:

Citation

1. This Order may be cited as Gedling Borough Council Smoke Control Orders (Revocation) Order No.2 – 2025.

Commencement

2. This Order shall come into operation on 1st February 2026

Revocation

3. The smoke control orders specified in Schedule 1 to this Order are hereby revoked.

THE COMMON SEAL of GEDLING)
BOROUGH COUNCIL)
was hereunto affixed on this day)
of 2025 in the presence of:-)

Schedule 1

Revocations

Gedling Borough Council

The Gedling (No. 9) Smoke Control Order 1981
The Gedling (No. 10) Smoke Control Order 1982
The Gedling (No. 11) Smoke Control Order 1983
The Gedling (No. 12) Smoke Control Order 1984
The Gedling (No. 13) Smoke Control Order 1985
The Gedling (No. 14) Smoke Control Order 1986
The Gedling (No. 15) Smoke Control Order 1987
The Gedling (No. 16) Smoke Control Order 1988
The Gedling (No. 17) Smoke Control Order 1988
The Gedling (No. 18) Smoke Control Order 1990
The Gedling (No. 19) Smoke Control Order 1991
The Gedling (No. 20) Smoke Control Order 1992
The Gedling (No. 21) Smoke Control Order 1993
The Gedling (No. 22) Smoke Control Order 1993

Appendix III

Proposed Smoke Control Order 2025

Clean Air Act 1993

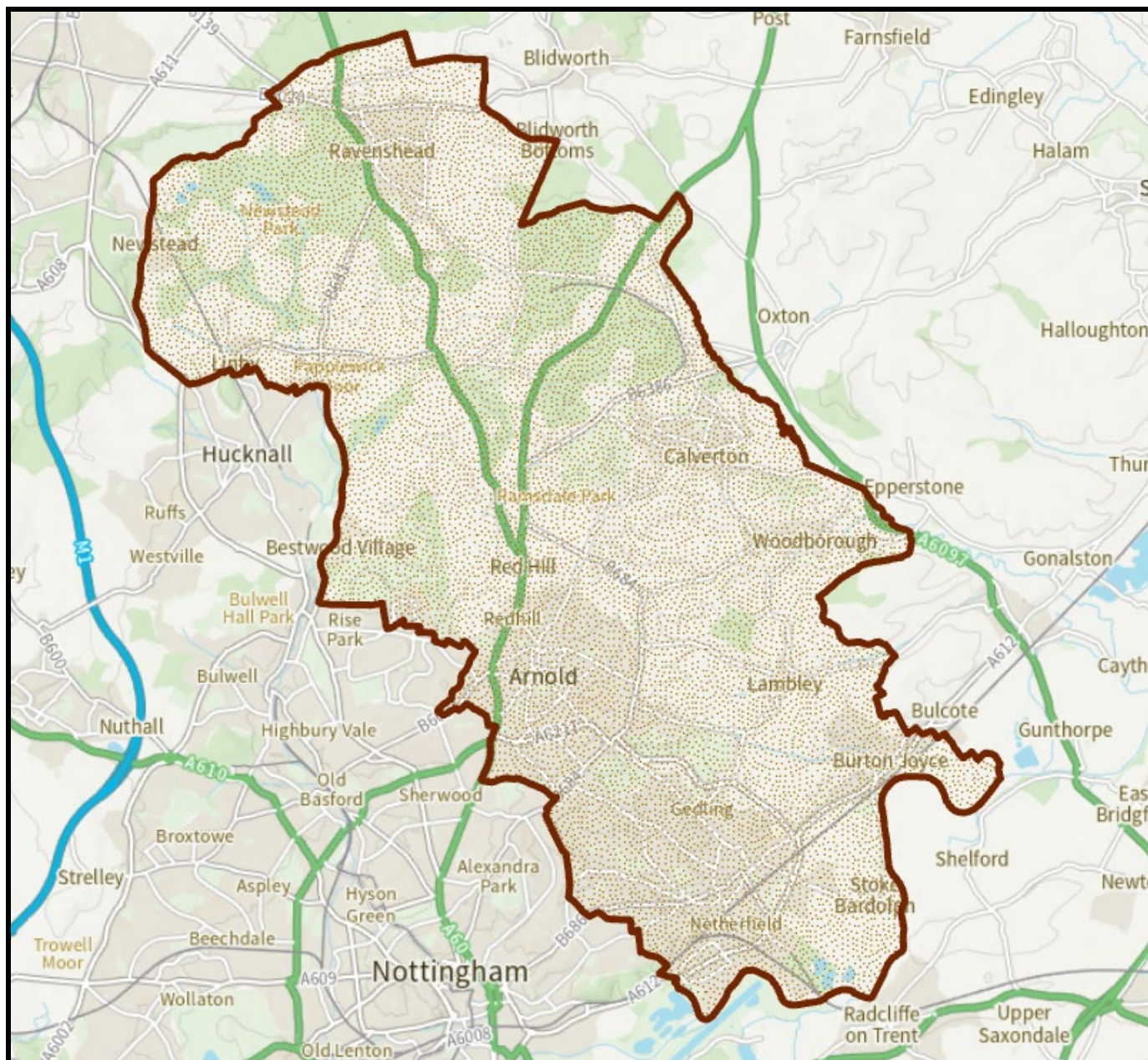
THE GEDLING BOROUGH COUNCIL SMOKE CONTROL ORDER 2025

Gedling Borough Council ("the Council") in exercise of its powers under section 18 and 44 of, and Schedule 1 to, the Clean Air Act 1993 (as amended), hereby make the following Order:

1. This Order may be cited as The Gedling Borough Council Smoke Control Order 2025 ("the Order"). This Order will come into operation not less than six months from the date this Order is made and shall continue in force until varied or revoked.
2. The Council declares the whole of the area within its boundary to be a Smoke Control Area for the purposes of the Clean Air Act 1993. The extent of the smoke control area is shown in the attached map. The order applies to all buildings, fireplaces, fixed boilers or industrial plants within the smoke control area unless otherwise excluded from the operation of Schedule 1A to the Clean Air Act 1993.
3. Other than moored vessels which are excluded, there are no buildings, fireplaces, fixed boilers, industrial plants that are exempt from the operation of Schedule 1A to the Clean Air Act 1993 under this Order.

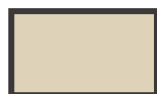
THE COMMON SEAL of GEDLING)
BOROUGH COUNCIL)
was hereunto affixed on this day)
of 2025 in the presence of:-)

MAP OF THE PROPOSED GEDLING BOROUGH COUNCIL
SMOKE CONTROL AREA 2025



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MAP



Area to be included in the Proposed Gedling Borough Smoke Control Area 2025

Appendix IV

Consultation Response

Comments submitted during the Consultation Exercise

ref	Consultation Comments	Response to issues raised
1	<p>I am writing in order to express my concerns about the revision of smoke control orders in order to place a blanket policy across the borough.</p> <p>1) Firstly, it is ludicrous to propose that the entire borough should be treat as a single entity for such a policy Gedling itself is hugely diverse in structure and to treat rural, suburban and urban areas as the same when it comes to smoke control is the wrong decision. We should be embracing the areas heritage and diversity by maintaining the differences which make each are unique rather than urbanising the entire borough with new laws and more housing. Gedling is slowing allowing itself to be swallowed up by Nottingham city at a great cost to ots community.</p> <p>2) In rural areas many people rely far more on log burning as a source of heat than they do so in other areas and in many cases this blanket change will cause so many people to suffer in the ongoing fuel price crisis or even require them to have extremely expensive heating systems installed to replace their current wood burning stoves agas etc, most cannot afford to do so.</p> <p>3) In such rural areas of the borough due to the lower population density the amount of emissions put out by those burning wood is much lower and while it is not good to allow this to be unregulated it is not necessary to restrict wood burning completely.</p> <p>4) The increased time to police such a large smoke control area is sure to cost the council far more than that of using the current 40 or so smoke control zones. Surely such money would be better spent on other matters such as keeping the water ways clean and prevent the severe flooding which has been hitting local communities due to poor infrastructure.</p> <p>I do hope these matters are taken in to true consideration and that the council keeps the vulnerable members of the community to mind when making this decision.</p> <p>Via email resident in Stoke Bardolph</p>	<p>I am just emailing to confirm that your recent email to DEFRA has been relayed back to us. I'm afraid making changes to smoke control orders is an unfortunate bureaucratic process and DEFRA are only concerned with part of the revocation process.</p> <p>I wanted to acknowledge your concerns and where I can hopefully reassure you as to the reasoning behind the changes.</p> <p>Firstly, in implementing the changes DEFRA have re-iterated to LAs that how they enforce is for each LA to decide, and 'local policies' are acceptable.</p> <p>One of things that came out of discussions with Cllrs and the consultation responses we received were, as you noted, concerns around rural fuel poverty and how/when we would enforce the rules.</p> <p>Currently, we have a two-tiered approach to what legislation we can use relating to complaints about smoke from chimneys: in the current areas we can use the Clean Air Act, outside of the current areas we use either Nuisance powers or we can use Anti-Social Behaviour powers.</p> <p>So, we already do deal with complaints about smoke from chimneys in the areas not covered currently, so one aim of the change is to treat everyone the same under the civil penalty regime (and use the criminal powers only in really extreme circumstances).</p> <p>Members were also concerned that we judge each complaint on a case by case basis, using a proportionate approach to enforcement, taking into account the circumstances in each case; as such we will be focusing on education and advice before we get to the stage of issuing any penalties, mirroring the Burn Better, Burn Less approach by DEFRA.</p> <p>We have a page here which indicates how the Council deals with complaints and points residents to what they should be doing...primarily we are trying to make sure people consider what they burn and how.</p> <p>Smoke control – Gedling Borough Council</p> <p>I hope that helps, please feel free to get in touch if you have any questions.</p>

Appendix V

Equalities Impact Assessment

Equality Impact Assessment



Name of project, policy, function, service or proposal being assessed:	Proposal to Declare the Whole of Gedling Borough as a Smoke Control Area (Revoking and replacing the existing 41 Smoke Control Areas)
The main objective of Proposal to Declare the Whole of Gedling Borough as a Smoke Control Area	<p>A new single Smoke Control Area would ensure that all properties in the borough are subject to the same legal requirements in relation to smoke control under the Clean Air Act 1993.</p> <p>The social and economic benefits of implementing a boroughwide Smoke Control Area are far reaching. By reducing exposure to harmful air pollutants and in particular PM2.5 this proposal will have a positive impact on public health.</p> <p>There is a potential cost impact for those who currently use unauthorised fuels for heating their homes as authorised fuels do cost more. There is therefore concern that this could push some households into fuel poverty at a time of high inflation and rising energy costs. However, the use of unauthorised fuels comes with a huge social-health related cost.</p> <p>Residents who are struggling with the cost of heating and are likely to face fuel poverty during the winter months; they will need help and advice on accessing financial and practical advice on keeping their homes warm. This includes providing information and advice not only where they can get practical and financial help, but also providing energy efficiency measures that are likely to provide year on year savings.</p>

Equality Impact Assessment



What impact will this (please insert the name) have on the following groups? Please note that you should consider both external and internal impact:

- External (e.g. stakeholders, residents, local businesses etc.)
- Internal (staff)

Please use only 'Yes' where applicable		Negative	Positive	Neutral	Comments
<u>Gender</u>	External			✓	
	Internal			✓	
<u>Gender Reassignment</u>	External			✓	
	Internal			✓	
<u>Age</u>	External		✓		Poor air quality disproportionately affects children and the elderly, so improving air quality via the Smoke Control Area will decrease this effect on the most vulnerable age groups, promoting equality. Chief Medical Officer's annual report 2022: air pollution - GOV.UK (www.gov.uk)
	Internal			✓	
<u>Marriage and civil partnership</u>	External			✓	
	Internal			✓	

Equality Impact Assessment



<u>Disability</u>	External		✓		Those with some disabilities are also disproportionately affected by poor air quality, that can be positively addressed by implementing a Smoke Control Area, improving health and quality of life for those with disabilities. https://link.springer.com/chapter/10.1007/5584_2014_11)
	Internal			✓	
<u>Race & Ethnicity</u>	External			✓	
	Internal			✓	
<u>Sexual Orientation</u>	External			✓	
	Internal			✓	
<u>Religion or Belief (or no Belief)</u>	External			✓	
	Internal			✓	
<u>Pregnancy & Maternity</u>	External		✓		Pregnant women are more likely to suffer from pregnancy complications, including stillbirths, low birth weight and pre-term birth, in areas of high particulate matter air pollution PM2.5, so implementing a Smoke Control Area across the whole of the Borough could reduce the risk to pregnant women and their unborn children. Chief Medical Officer's annual report 2022: air pollution - GOV.UK (www.gov.uk)
	Internal			✓	

Equality Impact Assessment



<p>Other Groups (e.g. any other vulnerable groups, rural isolation, deprived areas, low income staff etc.)</p> <p>Please state the group/s:</p> <p>Rural Poverty</p>	External	✓			<p>This proposal brings the more rural areas of the Borough under the same legislative rules as more urban areas. Residents use of non-exempt solid fuel appliances was identified during consultation and therefore some will have to change their fuel to smokeless fuels or purchase an alternative appliance.</p> <p>There is a potential cost impact for those who currently use unauthorised fuels for heating their homes as authorised fuels do cost more.</p> <p>There is therefore concern that this could push some households into fuel poverty at a time of high inflation and rising energy costs.</p>
	Internal			✓	

Equality Impact Assessment



Is there is any evidence of a high disproportionate adverse or positive impact on any groups?	Yes	No	Whilst there are potential negative impacts with regard to fuel poverty within rural areas the positive impacts to the health and well being of the groups mentioned above are considered to carry a greater social-health impact.
Is there an opportunity to mitigate or alleviate any such impacts?	Yes	No	Provision of information and advice to persons who are concerned about fuel poverty including advice and support about access to grants and home improvements. Supporting those on a low income and in receipt of government benefits is particularly important, for example many residents will be unaware that they are entitled to help towards home insulation and boiler replacement.
Are there any gaps in information available (e.g. evidence) so that a complete assessment of different impacts is not possible?	Yes	No	none
In response to the information provided above please provide a set of proposed action including any consultation that is going to be carried out:			
Planned Actions	Timeframe	Success Measure	Responsible Officer
Consultation	Autumn 2023	Consultation completed	Brendan Cox
Second Consultation	Summer/Autumn 2024	Consultation completed	Brendan Cox

Authorisation and Review

Completing Officer	Brendan Cox
Authorising Head of Service/Director	Mike Avery - Director of Place
Date	03/01/25
Review date (if applicable)	

Appendix VI

Climate Impact Assessment

Climate Impact Assessment



Name of project, policy, function, service or proposal being assessed:	Borough Wide Smoke Control Area Declaration			
The main objective of Borough Wide Smoke Control Area Declaration	To amend the existing smoke control areas; revoking the 40 existing and create one area covering the whole Borough.			
<p>What impact will the Smoke Control Area project have on the following: Please read guidance before completing. For each category, insert a tick/yes against the impact and include mitigation/comments for each category.</p>				
Category	Negative	Positive	No impact/ Negligible change	Mitigation/ Comments
Behaviour & Culture Change		<input checked="" type="checkbox"/>		The implementation of this project will require a communication strategy whereby the Council gets across the message of <i>Burning Less and Burning Better</i> . Improving air quality in the borough will have co-benefits, such as the health & wellbeing and overall quality of life for residents. This declaration aligns with the Gedling Plan and the carbon management strategy by creating a cleaner greener and healthier Gedling.
Built Environment			<input checked="" type="checkbox"/>	Generally, no real impact. However, imposing restrictions on wood burning may encourage the take up of opportunities to upgrade insulation, install low carbon heating etc.

Climate Impact Assessment



Transport			<input checked="" type="checkbox"/>	No impact in this area.
Energy, Natural Resources & Climate Change	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<p>Solid fuel can be burned sustainably if it is replaced like for like, although there are greener forms of heating, and these should be encouraged over solid fuel.</p> <p>Wood bought commercially can be shipped from all over the world and may not be sustainably sourced. The proposal will hopefully encourage people not to burn solid fuel from unsustainable sources.</p> <p>However, restricting burning of wood may come with the consequence of increased use of fossil fuel heating.</p>
Waste Reduction & Recycling			<input checked="" type="checkbox"/>	Generally, no impact in this area. Although restricting what is burnt may lead to an increase in waste wood that would otherwise be burnt going into landfill.
Blue-Green Infrastructure/Biodiversity		<input checked="" type="checkbox"/>		Restrictions should hopefully reduce the use of locally 'foraged' wood, found on the ground or removed (unsustainably) from local woods/forests. This should hopefully, benefit local ecosystems.
Procurement & Purchasing			<input checked="" type="checkbox"/>	No impact in this area.

Climate Impact Assessment



In response to the information provided above please provide if there is any proposed action including any consultation that is going to be carried out

Planned Actions	Timeframe	Potential Outcome	Responsible Officer
Revocation of existing orders	6 -12 months		Brendan Cox/ Legal Services
Creation of new smoke control order	6-12 months		Brendan Cox/ Legal Services

Authorisation and Review

Completing Officer	Brendan Cox
Authorising Head of Service/Director	Mike Avery - Director of Place
Date	03/01/25
Review date (if applicable)	

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