

A meeting of the **LICENSING AND PROTECTION COMMITTEE** will be held in the **CIVIC SUITE (LANCASTER/STIRLING ROOMS), PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN** on **THURSDAY, 25 JANUARY 2024** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

AGENDA

APOLOGIES

1. MINUTES (Pages 5 - 10)

To approve as a correct record the Minutes of the meetings of the Licensing and Protection Committee held on 27th September 2023.

Contact Officer: Democratic Services - (01480) 388169

2. MEMBERS INTERESTS

To receive from Members declarations as to disclosable pecuniary, other registerable and non registerable interests in relation to any Agenda Item. See Notes below.

Contact Officer: Democratic Services - (01480) 388169

3. AIR QUALITY REVIEW AND ASSESSMENT (Pages 11 - 78)

To consider progress with the statutory regime known as 'Local Air Quality Management' and to seek authority for the revocation of three of the four Air Quality Management Areas (AQMAs).

Contact Officer: C Braybrook - (01480) 388284

4. REVIEW OF FIXED PENALTY NOTICES 2023/24 (Pages 79 - 86)

To review the current fixed penalty for offences relating to littering, fly tipping and household waste duty of care.

Contact Officer: A Dolling - (01480) 388102

5. MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS (Pages 87 - 96)

To consider the monitoring report on the delivery of Service Plans for Quarters 2 and 3.

Contact Officer: K Penn - (01480) 388302

6. LICENSING AND PROTECTION COMMITTEE - SCHEME OF DELEGATION TO OFFICERS (Pages 97 - 124)

a) To consider a report by the Community Services Manager seeking approval of an updated Scheme of Delegation to Officers to reflect amendments in the Environment Health, Community Protection and Enforcement service.

b) To consider a report by the Interim Licensing Manager seeking approval of an updated Scheme of Delegation to officer to reflect small legislative changes and changes in the management of the licensing service.

Contact Officer: C Deeth - (01480) 388233 / M Bishop - (01480) 387075

7. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

To receive a verbal update on the update of the Hackney Carriage and Private Hire Licensing Policy.

Contact Officer: M Bishop - (01480) 387075

8. SUSPENSION & REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES (Pages 125 - 126)

To consider a report on actions taken under the powers delegated by the Licensing and Protection Committee.

Contact Officer: Licensing Team - (01480) 387075

16th day of January 2024

Michelle Sacks

Chief Executive and Head of Paid Service

Disclosable Pecuniary Interests and other Registerable and Non-Registerable Interests.

Further information on [Disclosable Pecuniary Interests and other Registerable and Non-Registerable Interests](#) is available in the Council's Constitution

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Please contact Democratic Services, Tel: 01480 388169 / email: Democratic.Services@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the [District Council's website](#).

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

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HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING AND PROTECTION COMMITTEE held in the CIVIC SUITE (LANCASTER / STIRLING ROOMS), PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN on Wednesday, 27 September 2023

PRESENT: Councillor B S Banks – Chair.

Councillors S Bywater, A E Costello, S J Criswell, S A Howell, P Kadewere and C H Tevlin.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors M L Beuttell, J Clarke, S W Ferguson, P A Jordan and D Terry.

11 MINUTES

The Minutes of the meeting held on 28th June 2023 were approved as a correct record and signed by the Chair.

12 MEMBERS INTERESTS

No declarations were received.

13 PUBLIC SPACES PROTECTION ORDER - DOG CONTROL

The Committee considered a report by the Community Resilience Manager (a copy of which is appended in the Minute Book) regarding the options for the renewal of a Public Space Protection Order (PSPO) for the control of dogs for Huntingdonshire.

Members were reminded that in 2017 all pre-existing Dog Control Orders had been converted into a single PSPO for Huntingdonshire. This had been extended in 2020 until October 2023. The maximum period that a PSPO could be in operation for is 3 years and consideration now needed to be given to renewal of this Order.

A public consultation had been held during the summer period with statutory consultees and individuals who may be affected. The responses had indicated strong support for retaining the existing controls, details of which were outlined in Appendix 2 to the report.

Attention was then drawn to the option's which were available to the Committee as set out in Section 3.1 of the report and Members were advised that it was recommended that the PSPO should be reinstated with additional conditions to ensure that a dog is not out of control or damaging or destroying another animal, causing alarm or distress or being allowed to repeatedly stray. It was also suggested that the requirement for the lead length to be kept at 1.5 meters be

removed. Enforcement of the Order would continue to be carried out by officers from the Community Protection and Enforcement Team.

The Committee were advised that it would be possible for the Council to adopt a “do nothing” position and allow the PSPO to lapse. However, this was not recommended because of the potentially serious impact that a small number of irresponsible and inconsiderate dog owners could have on the wider community. The number of complaints related to dog control had increased since the previous year, although it was difficult to definitively evidence the cause and effect of this.

Having sought clarification with regards to the minor amendments that the Community Services Officer might be permitted to make to the conditions and scope of the Order should the recommendations within the report be approved, the Committee were advised that these related to the minor amendments which had already been referred to.

Whereupon it was

RESOLVED

- a) that the making of a new Public Spaces Protection Order covering the control of dogs as detailed in Appendix 1 to this report; and
- b) that authority be delegated to the Community Service Manager, after consultation with the Executive Councillor for Customer Services to make minor amendments to the conditions and scope of the PSPO.

14 MONITORING REPORT ON THE DELIVERY OF THE FOOD LAW ENFORCEMENT AND HEALTH AND SAFETY SERVICE PLANS

With the assistance of a report by the Environmental Health Service Manager (a copy of which is appended in the Minute Book), the Committee received an update on progress made against the delivery of work on the Council’s Food Law Enforcement and Health and Safety Plans during the first quarter of the year. The Committee were reminded that the Service Plans had been approved by Committee at their meeting on 28th June 2023.

With regards to the Food Law Enforcement Plan, the Committee were advised that the main focus of the Plan is the planned routine inspections of food businesses. During quarter 1, 185 food hygiene inspections had been conducted, the majority of these being overdue category D premises which had not formed part of the Food Standard Agency’s recovery plan. It was explained that a number of these premises had not been inspected since 2018 and the aftereffects of the pandemic, the energy crisis and staffing shortages had in some cases resulted in a drop in standards. Officers were working to support these businesses to ensure the food they are producing was safe for consumers. In response to a question from a Councillor P Kadewere, officers reported that the Authority were on target to complete all Category D inspections this year.

Inspections of those premises categorised under the Alternative Enforcement Strategy remained at Red and Members were reminded that such Category E businesses were the Authorities lowest risk premises. Work had now started to

review the status of these premises to determine which were still operating and needed inspecting.

The Committee were also informed that the Authority had continued to participate in the UK Health Security Agency's sampling study during the quarter. The topics had been 'Ready to Eat Salad and salad components from Retail and Catering' and 'Hygiene in Catering Premises'.

Members were informed that 55 new food business registrations had been received in Quarter 1, which was in line with expectations. There had also been a higher than anticipated number of rescore requests within the quarter, which officers considered might reflect the results of a number of the Category D inspections being undertaken.

With regards to Health and Safety activity during the quarter, it was noted that five accidents out of seven reported had been investigated during the quarter and 39 other service requests responded to. The majority of these were licence consultations. A range of health and safety advice has also been given to event organisers through the Safety Advisory Group.

It was also reported that Environmental Health had now taken over the administration of skin piercing registrations within the District. Thirteen applications for registration had been received within this quarter.

Having noted that the number of premises inspections and interventions was less than anticipated and in response to a question by a Member of a Committee, it was explained that these are driven by service requests and whether an inspection or intervention would be considered proportionate in line with the Health and Safety Executive's Guidance. The number of inspections predicted for 2023/4 was based upon the numbers undertaken in previous years.

15 BUSINESS AND PLANNING ACT 2020 - PAVEMENT LICENCES

Pursuant to Minute No. 22/17 and with the assistance of a report by the Interim Licensing Manager (a copy of which is appended in the Minute Book) the Committee received a further update on the extension of the Business and Planning Act and the implications for the issue of Pavement Licences.

The Committee were advised that since the last update, Parliament had made a further extension to the current Business and Planning Act 2020 to allow the current streamlined provisions for businesses to secure a licence to place furniture on the highway to be in place until 30th September 2024.

The report sought approval for the original delegation (Appendix A) concerning the determination of applications to be extended until 30th September 2024 and for the introduction of a £100 fee for all applications for the same period. The Committee were advised that the cost of these applications had been absorbed by the Local Authority since 2020, however this was no longer sustainable, and the proposed fee was comparable with the charges levied by neighbouring authorities.

Members were also advised that Parliament were currently considering new legislation through the 'Levelling Up process' to permanently introduce pavement licences which will fall to the local authority to administer and enforce.

In response to a question as to whether the Authority received many complaints regarding the way the issue of licences was currently operating, the Interim Licencing Manager explained that the number relating to licences issued by the Authority was minimal. However, complaints were often received regarding businesses who had not applied for a licence, but the enforcement provisions currently still sat with the County Council's Highways Team.

Arising from a question as to the revenue this was expected to generate, the Committee were informed there were currently 20 licences across the District and work would be undertaken to encourage applications.

With reference to Huntingdon Town Centre, Councillor C H Tevlin enquired whether it was possible to keep track of anti-social behaviour and community safety issues and it was agreed that future updates would be helpful for Members of the Committee.

Whereupon it was

RESOLVED

- (a) that the fee for applications be charged at the set amount of £100 for all licences issued with an expiry date of 30th September 2024.
- (b) the original delegation / decision notice agreed on 24th July 2020 (Appendix A) be further extended until 30th September 2024.

16 SUSPENSION AND REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES

With the assistance of a report by the Licensing Team (a copy of which is appended in the Minute Book) the Committee received and noted the details of actions which have been taken under delegated authority during the period 9th June to 11th September 2023.

Arising from the report and having clarified that the number of cases listed was no larger than usual, clarification was also sought and provided that it was the vehicle and not the driver that was suspended following an accident for safety reasons.

In response to a comment which was made about a member's recent experience with overcharging and whether it would be useful to publish the tariff of fares, the Licencing Managing explained that a copy of the Taxi Fares was published on the District Council's website but that this was only applicable to Hackney Carriage Vehicles and not Private Hire Vehicles.

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Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Air Quality Review and Assessment

Meeting/Date: Licensing and Protection Committee – 25 January 2024

Executive Portfolio: Executive Councillor for Customer Services – Cllr S Ferguson

Report by: Claire Braybrook – Environmental Health Officer

WARD(S) AFFECTED: PARTS OF FENSTANTON WARD, GODMANCHESTER & HEMINGFORD ABBOTS WARD, HEMINGFORD GREY & HOUGHTON WARD, BRAMPTON WARD, ST NEOTS EYNESBURY WARD AND ST. NEOTS PRIORY PARK & LITTLE PAXTON WARD.

Executive Summary:

The purpose of this report is to advise members of progress with the statutory regime known as 'Local Air Quality Management' and to seek authority for the Environmental Health Manager to revoke three of the four Air Quality Management Areas (AQMAs).

Huntingdonshire District Council (HDC) has a statutory duty to review and assess local air quality and determine whether specified legal objectives are likely to be achieved. Where this is not occurring an AQMA must be designated. The main benefits of an AQMA are that applicants who propose developments within or near to these designated areas have to assess the potential impact to ensure they do not cause an increase in air pollution levels to exceed the objectives. The designation should also provide the council with more influence for transport layout and infrastructure considerations.

HDC currently has four AQMA's, all declared due to Nitrogen Dioxide (NO₂):

- Huntingdon (declared in 2005 – not currently proposed for revocation)
- St Neots (declared in 2005)
- Brampton (declared in 2006), and
- Hemingford to Fenstanton (declared in 2006)

There has been a steady decline in the levels of NO₂ measured around the district, with three of the four AQMA's meeting the air quality objectives for several years. Defra advise that where there have been no exceedances for the past five years, local authorities must proceed with plans to revoke the AQMA.

The impact of revocation is considered minimal, air quality monitoring will continue and if air quality deteriorates following the removal of the AQMA status, leading to breaches of the objectives, HDC would have a statutory duty to again declare an AQMA covering the relevant area. The requirements for air quality impact assessments will still be feasible under local and national policies within the planning regime.

The risk of not revoking the three compliant AQMA's is that developers may query the council's requirements, and applicants for smaller developments are currently required to provide details that could be viewed as excessive. Defra is also likely to view any retention as both an unnecessary control and inaccurate information for their reporting on air quality, as the objectives are not being breached.

The following recommendations are therefore advised.

Recommendation(s):

The Committee is **RECOMMENDED** to authorise the Environmental Health Manager to take appropriate steps to:

- a) Revoke the St Neots AQMA
- b) Revoke the Brampton AQMA, and
- c) Revoke the Hemingford to Fenstanton AQMA

1. PURPOSE OF THE REPORT

- 1.1 This report has been completed in order to review the Air Quality Management Areas (AQMA's) within the district of Huntingdonshire; provide information where ongoing compliance is being achieved; and to request authority for the Environmental Health Manager to revoke three of the four AQMAs.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The air quality objectives set out in the Air Quality (England) Regulations 2000, as amended by the Air Quality (England) (Amendment) Regulations 2002, provide the statutory basis for the air quality objectives under the Local Air Quality Monitoring (LAQM) regime in England. Under Part IV of the Environment Act 1995, Section 82 requires local authorities to review and assess local air quality and determine if the objectives are likely to be achieved, and where this is not occurring, or not likely to occur, Sections 83 & 83A of the Environment Act 1995 require local authorities to designate an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the pollution reduction measures to improve local air quality in order to achieve the objectives.

- 2.2 HDC currently has four AQMA's, all declared due to Nitrogen Dioxide (NO₂), primarily due to vehicle emissions:

- Huntingdon (declared in 2005 – not currently proposed for revocation)
- St Neots (declared in 2005)
- Brampton (declared in 2006), and
- Hemingford to Fenstanton (declared in 2006)

- 2.3 Since declaration, extensive monitoring has demonstrated a reduction in NO₂. The relevant NO₂ air quality objectives are:

- o Annual mean air quality objective of 40 µg/m³
- o 1 hour mean air quality objective of 200 µg/m³, not to be exceeded more than 18 times per year.

When comparing the current monitoring results within the AQMA's to the above objectives there have been no exceedances for more than 10 years at any monitoring location within three of the four AQMA's.

- 2.4 Defra guidance states that the revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective as evidenced through monitoring, and that there should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period. In their response to our air quality Annual Status Report (ASR), Defra are in full support of revoking compliant AQMA's.

- 2.5 Improvements in the air quality in these areas is likely due to the following measures:

- o Improvements to the transport sector including the introduction of stricter European emission standards and turnover of vehicles, resulting in the gradual removal of older more polluting vehicles from the roads.

- Low NOx boilers and stricter industrial emission limits.
- In St Neots, strategic highway improvements have been completed, including the introduction of a smart traffic lighting system, which have led to improved traffic movement and subsequent reduction in air pollution.
- The relocation of the A14 has improved the air quality in the Huntingdon, Brampton and Fenstanton AQMA's.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 A full assessment of the monitoring data over the last 12 years has been completed. This information is included within the appendices, entitled '*Review of Air Quality Management Areas*' dated 2023. An additional report was completed for St Neots in 2017, both are appended and provide detailed information.
- 3.2 The overwhelming evidence demonstrates a good level of compliance for a significant amount of time within three of the four AQMA's.
- 3.3 There are currently no concerns that the objectives will be or are likely to be breached in the future.

4. KEY IMPACTS / RISKS

- 4.1 The main benefits of having an AQMA in place are that applicants who propose developments within or near to these designated areas have to assess the potential impact to ensure they do not cause an increase in air pollution levels to exceed the objectives. The designation should also provide the council with more influence regarding transport layout and infrastructure considerations, for example, changes to the traffic light system in St Neots and the A14 realignment, highway improvements which have reduced the air quality issues at those locations.
- 4.2 However, with the continued and ongoing substantial compliance at three of the four AQMA's there is a risk developers may query the council's requirements, and applicants for smaller developments are required to provide details that could be viewed as excessive.
- 4.3 The proposed Local Plan for Huntingdonshire to the year 2036 contains the Council's requirements regarding air quality which is dealt with through policy LP38. This is discussed in more detail in the appended review document. In addition to local policy, it should also be noted that both national government and other guidance (such as Land-Use Planning & Development Control: Planning for Air Quality by IAQM & EPUK) also provide advice on when the impact of development requires a more detailed assessment in respect of air quality impacts.
- 4.4 Therefore, whilst keeping the Orders in force could offer a greater check on developments that have the potential to significantly impact on air quality, this can be addressed through the planning regime as these

developments should have to demonstrate that they would not lead to unacceptable levels of air pollution or a breach in air quality objectives.

- 4.5 If air quality worsens after removal of the AQMA status, and breaches of the objectives occur, HDC would have a statutory duty to declare an AQMA covering the appropriate area. Consequently, the risk of non-revocation is deemed higher than that associated with revocation.

5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 5.1 If authority is given to the Environmental Health Manager to revoke the three AQMAs, the revocations will be completed officially by means of an AQMA Revocation Order. Defra will be informed once this has been completed and our website updated accordingly to inform residents.

6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

- 6.1 The local air quality management regime is a statutory obligation and therefore this largely sits under Priority 3 - Delivering good quality, high value-for-money services with good control and compliance with statutory obligations. It is within our statutory obligations to revoke the AQMAs in the same way that we declared them.

7. CONSULTATION

- 7.1 No consultation has been undertaken, the guidance on the AQMA revocation process provided by Defra does not state there is a requirement for consultation.

8. RESOURCE IMPLICATIONS

- 8.1 No changes are proposed to the air quality monitoring regime if the AQMAs are revoked. Therefore no resource implications have been identified.

9. HEALTH IMPLICATIONS

- 9.1 Due to the substantial compliance with the national objectives and ongoing monitoring, no health implications have been identified. The request to revoke the AQMA's is because the air quality is compliant with national air quality objectives showing the air quality is good. This is discussed in more detail in the appended review document.

10. ENVIRONMENT AND CLIMATE CHANGE IMPLICATIONS

- 10.1 It is considered there will not be any adverse impact on the environment or any climate change implications from revoking the AQMAs. For the reasons discussed earlier, and in more depth within the appended review, the air quality is good and pollutants well below national objective levels.

There are measures in place to continue to monitor air quality within the district and as highlighted previously, if pollution levels were to increase dramatically and either breach or be likely to breach the air quality objectives, HDC would have a duty to declare an AQMA covering the appropriate area and would produce an Air Quality Action Plan to detail how we would look to reduce pollutant levels.

11. REASONS FOR THE RECOMMENDED DECISIONS

- 11.1 Following continued compliance with air quality objectives, a review of HDC's AQMA's has been completed. This document is appended to this report and concluded three of the four AQMA's should be revoked due to evidence demonstrating national air quality objectives have been met for in excess of 10 years. In order to comply with government requirements, revocation is proposed for the St Neots, Brampton and Hemingford to Fenstanton AQMA's.
- 11.2 Data for the Huntingdon AQMA will continue to be assessed over the next couple of years and if the AQMA is to remain in place an updated more focussed Air Quality Action Plan will be prepared. If the pollution levels are such that this is put forward in future for revocation, an Air Quality Strategy will be developed in line with government guidance.
- 11.3 All of the AQMA's have been in place for over 15 years. There is significant supporting evidence to revoke the three AQMA's mentioned above and still have an alternative method of control in place. If an AQMA is revoked, our air quality duties do not end, there is a need to ensure the downward trend in air pollution continues, and air quality impacts are minimised as far as possible with the use of clever and innovative design and mitigation measures for new development when going through the planning regime. An Air Quality Strategy could be introduced to ensure air quality impacts remain a high-profile issue, and an Action Plan may be required for the Huntingdon AQMA.

12. LIST OF APPENDICES INCLUDED

Appendix 1 - Review of Air Quality Management Areas Huntingdonshire District Council, 2023

Appendix 2 - Air Quality Modelling for St Neots, Final report Prepared for Huntingdonshire District Council 11th August 2017.

CONTACT OFFICER

Name/Job Title: Claire Braybrook
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Review of Air Quality Management Areas

Huntingdonshire District Council

2023

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1. Introduction

This report has been developed in order to review the Air Quality Management Areas (AQMA's) within the district of Huntingdonshire; demonstrate where compliance is being achieved; and consider action to be taken.

1.1 Local Air Quality Management (LAQM)

The air quality objectives set out in the Air Quality (England) Regulations 2000 (SI 928), as amended by the Air Quality (England) (Amendment) Regulations 2002 (SI 3043), provide the statutory basis for the air quality objectives under the LAQM regime in England. A summary of the air quality objectives in England can be seen in table 1 below:

Table 1 – Summary of Air Quality Objectives in England:

Pollutant	Objective	Averaging Period
Nitrogen Dioxide - NO ₂	200 µg/m ³ not to be exceeded more than 18 times/year	1-hour mean
	40 µg/m ³	Annual mean
Particles - PM ₁₀	50 µg/m ³ not to be exceeded more than 35 times/ year	24-hour mean
	40 µg/m ³	Annual mean
Sulphur Dioxide (SO ₂)	266 µg/m ³ not to be exceeded more than 35 times/year	15 minute mean
	350 µg/m ³ not to be exceeded more than 24 times/year	1 hour mean
	125 µg/m ³ not to be exceeded more than 3 times/year	24 hour mean

The units are in micrograms of pollutant per cubic metre of air (µg/m³).

Source: Defra Policy Guidance (PG22) available at: [LAQM-Policy-Guidance-2022.pdf \(defra.gov.uk\)](https://www.defra.gov.uk/policy-guidance/2022/01/laqm-policy-guidance-2022.pdf)

These are the same as the limit values specified within the Air Quality Standard Regulations 2010 (as amended), which transposed the European Union's (EU) Directive on ambient air quality and cleaner air for Europe (2008/50/EC).

Under Part IV of the Environment Act 1995, Section 82 requires local authorities to review and assess local air quality and determine whether or not the objectives are likely to be achieved. The LAQM programme places a duty on local authorities to report their progress regarding this on an annual basis to the Department for Environment, Food and Rural Affairs (DEFRA). This is referred to as the Annual Status Report (ASR) and Huntingdonshire District Councils' can be viewed here [Air Quality - Huntingdonshire.gov.uk](http://AirQuality-Huntingdonshire.gov.uk).

Where air quality objectives are not being achieved, or are not likely to be achieved, Sections 83 & 83A of the Environment Act 1995 require local authorities to designate an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the pollution reduction measures to improve local air quality in order to achieve the objectives.

2. Monitoring

Huntingdonshire District Council (HDC) undertake air quality monitoring across the district using both automatic air quality monitoring and passive diffusion tube sampling methods in line with government guidance to enable the results to be utilised for LAQM reporting purposes.

2.1 Automatic Monitoring

Huntingdonshire District Council operate a static road-side Air Quality Monitoring Station (AQMS) located on the Huntingdon ring road, within the Huntingdon AQMA. The location was chosen in an attempt to monitor the worst level of pollution, whilst considering access, land availability and service requirements.

The AQMS monitors both Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀ and PM_{2.5}) and the analysers are regularly serviced and audited by external independent specialists. A review of the equipment took place in 2018, resulting in replacement of the analysers in April 2019 to ensure improved accuracy and reliability in the monitoring data.

2.2 Non-automatic NO₂ diffusion tube monitoring

Huntingdonshire District Council currently undertakes non- automatic (passive) monitoring of NO₂ at 58 sites across the district, with the use of Diffusion Tubes, many of which are located within the AQMA's, as shown in Figures 1 – 4 below.

Funding for additional Diffusion Tubes in 2017 and 2019 increased the number of original monitoring sites, in order to assist in assessing the impact of relocating the A14. These are a requirement under the A14's Development Consent Order (DCO) and will remain in place until at least early 2025.

A further internal review of the diffusion tube network in 2018 identified an additional 7 sites and removal of 2. These were deployed in January 2019, bringing the total to 58 with the inclusion of the additional A14 tubes.

Whilst diffusion tubes are not able to provide an hourly mean for comparison with the hourly mean objective, government guidance¹ states:

'A study carried out on behalf of Defra and the Devolved Administrations identified that exceedances of the NO₂ 1-hour mean are unlikely to occur where the annual mean is below 60µg/m³. Analysis of data in more recent years has shown local authorities should continue to use this assumption where NO₂ 1-hour mean monitoring data are not available (typically if monitoring NO₂ using passive diffusion tubes). It should be noted that this relationship is based upon observations made predominantly at roadside and kerbside monitoring sites where road traffic is the primary source of emissions'

Therefore, if the annual mean is less than 60µg/m³ it can be assumed that an exceedance of the 1-hour mean objective for NO₂ was unlikely to have occurred.

The monitoring results from the diffusion tubes are bias adjusted and distance corrected where necessary, in line with Defra guidance. More details regarding this can be found in the ASR at [Air Quality - Huntingdonshire.gov.uk](http://AirQuality-Huntingdonshire.gov.uk).

¹ DEFRA Local Air Quality Management Technical Guidance 2022 Section 7.97

3. Huntingdonshire District Council's Air Quality Management Area's (AQMA's)

Huntingdonshire currently has four Air Quality Management Areas.

1. Huntingdon,
2. St Neots,
3. Brampton, and
4. A14 Hemingford to Fenstanton.

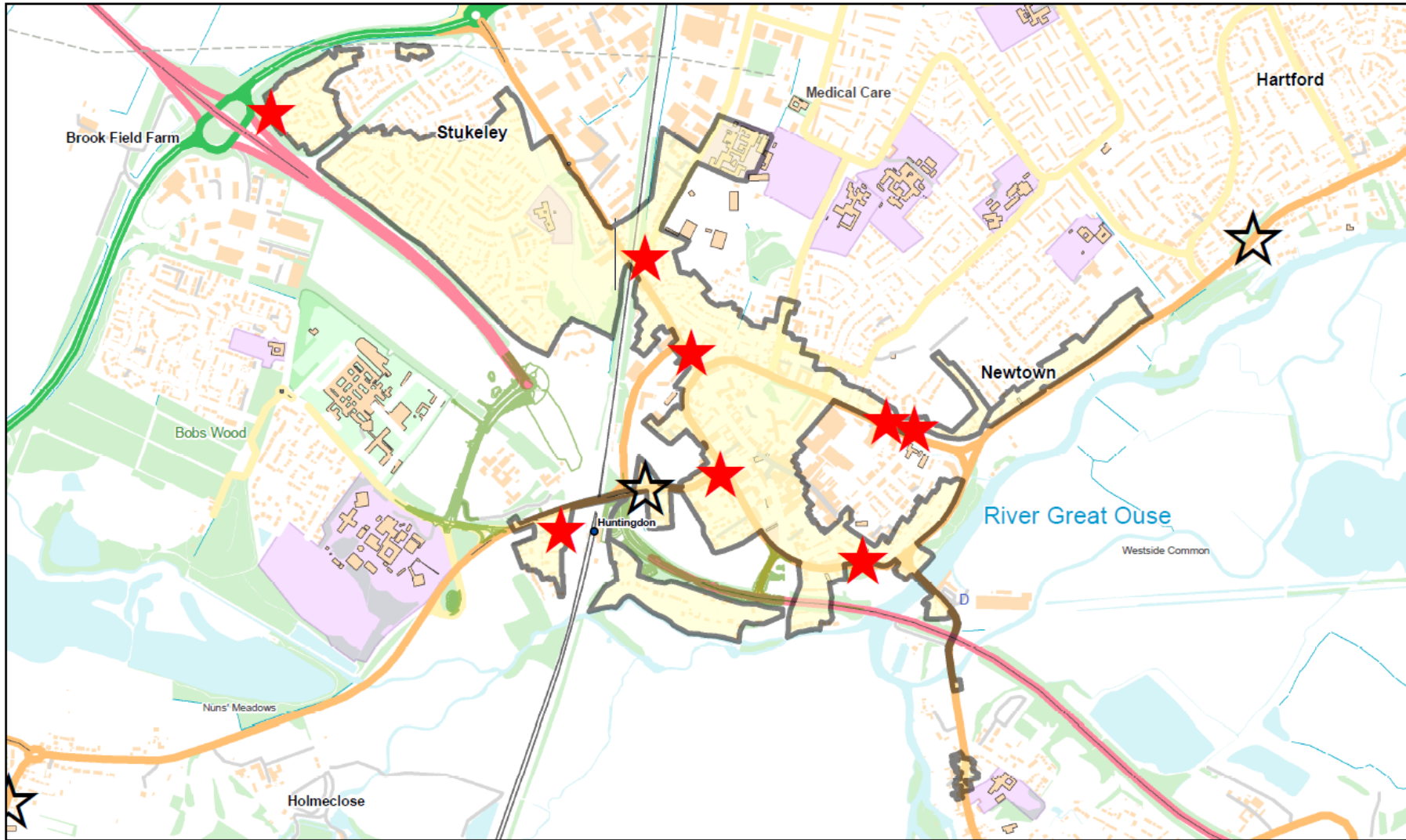
Table 2 below provides a summary regarding these areas and Figures 1 - 4 identify the locations and monitoring points. All four AQMAs were declared due to Nitrogen Dioxide (NO₂), primarily due to vehicle emissions.

Table 2: Information regarding Huntingdonshire District Council's Air Quality Management Area's:

AQMA Name	Date of Declaration	Pollutants and Air Quality Objectives	City / Town	Description	Level of Exceedance (maximum monitored/modelled concentration at a location of relevant exposure (RE))	
					At Declaration	Most recent year (2022)
HDC Air Quality Management Area Order No. 1 (Huntingdon: Nitrogen Dioxide)	16th November 2005 - amended 29th October 2007	NO ₂ Annual Mean 40 µg/m ³	Huntingdon	An area encompassing approximately 2831 domestic properties affected by the A14, A141, B1044, B1514 and Huntingdon Inner Ring Road.	50.2 µg/m ³ (2004) At 96 Orthwaite	28.2 µg/m ³ at Pathfinder House*
HDC Air Quality Management Area Order No. 2 (St Neots: Nitrogen Dioxide)	16th November 2005 - amended 29th October 2007	NO ₂ Annual Mean 40 µg/m ³	St Neots	An area encompassing approximately 115 domestic properties affected by local traffic in the town centre.	45.2 µg/m ³ (2004) At 26 High Street	23.2 µg/m ³ At 8-10 High Street (St Neots 5)
HDC Air Quality Management Area Order No. 3 (Brampton)	1st September 2006 - amended 29th October 2007	NO ₂ Annual Mean 40 µg/m ³	Brampton	An area encompassing approximately 82 domestic properties affected by the A14.	37.2 µg/m ³ (2004) At 16 Wood View	14.7 µg/m ³ At 1 Laws Crescent (Brampton 3) *
HDC Air Quality Management Area Order No. 4 (Hemingford to Fenstanton: Nitrogen Dioxide)	1st September 2006	NO ₂ Annual Mean 40 µg/m ³	Fenstanton	An area encompassing approximately 62 domestic properties affected by the A14.	46.2 µg/m ³ (2004) Slipway, Huntingdon Road	13 µg/m ³ at Hilton Road (Fenstanton 1)




* Not calculated to RE point, which would therefore be even lower than the figure shown

Figure 1 Huntingdon AQMA and monitoring locations



Huntingdon AQMA and monitoring locations

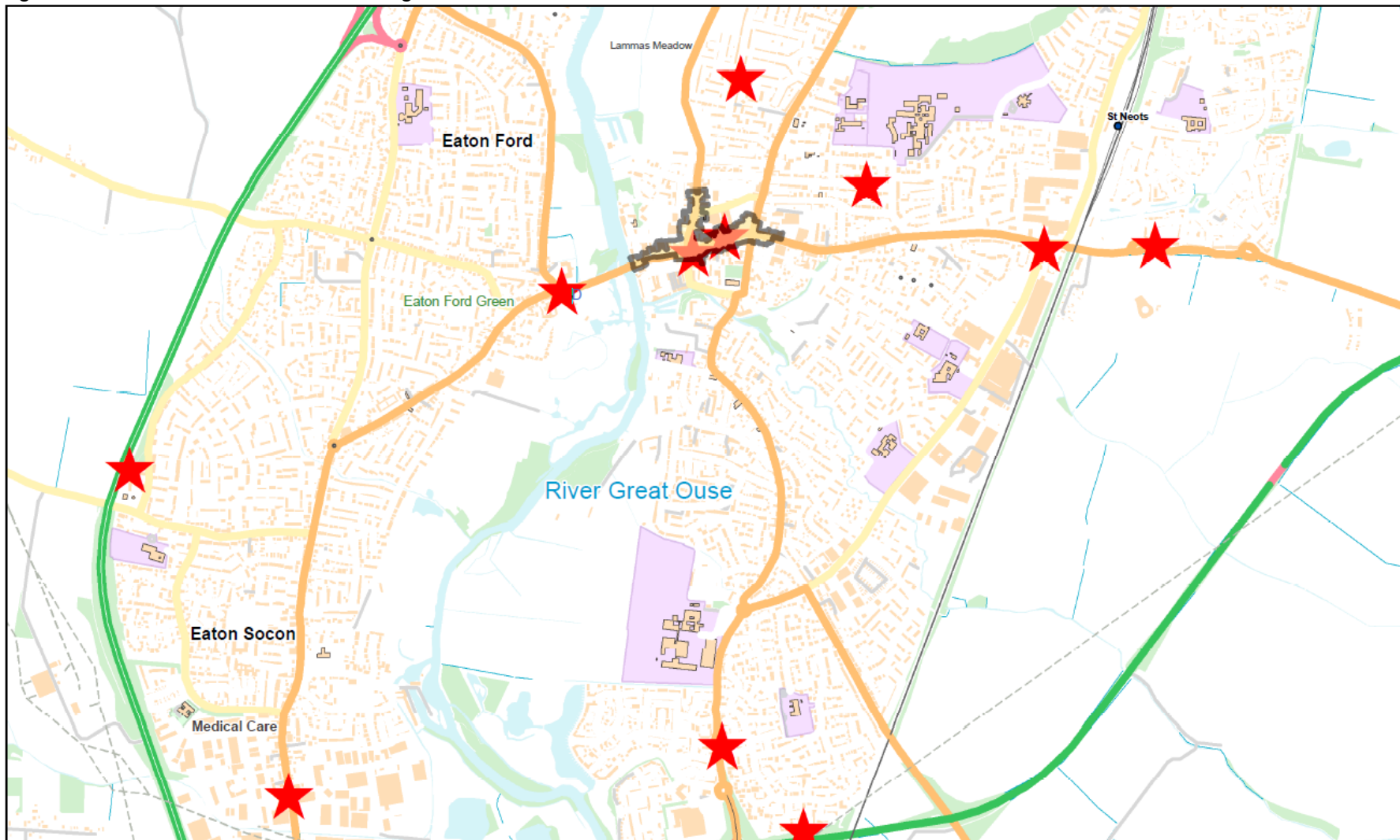
N Scale = 1:15,000
Date Created: 21/06/2023

AQMA 
Monitoring Point  A14 Monitoring Point 


Huntingdonshire
DISTRICT COUNCIL

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Figure 2 St Neots AQMA and monitoring locations



St Neots AQMA and monitoring locations

N
Scale = 1:17,000
Date Created: 21/06/2023

AQMA 
Monitoring Point 


Huntingdonshire
DISTRICT COUNCIL

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Figure 3 Brampton AQMA and monitoring locations

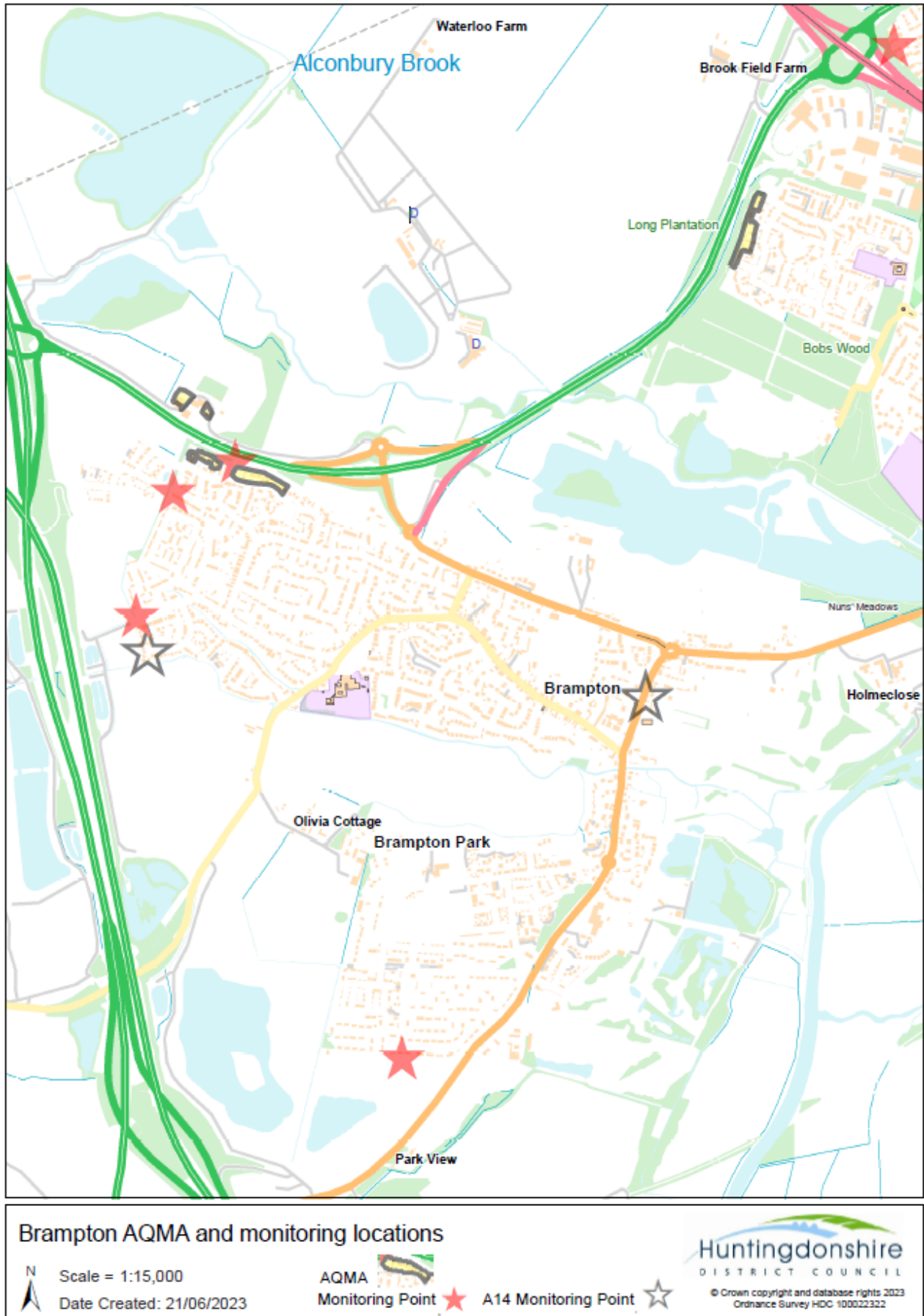
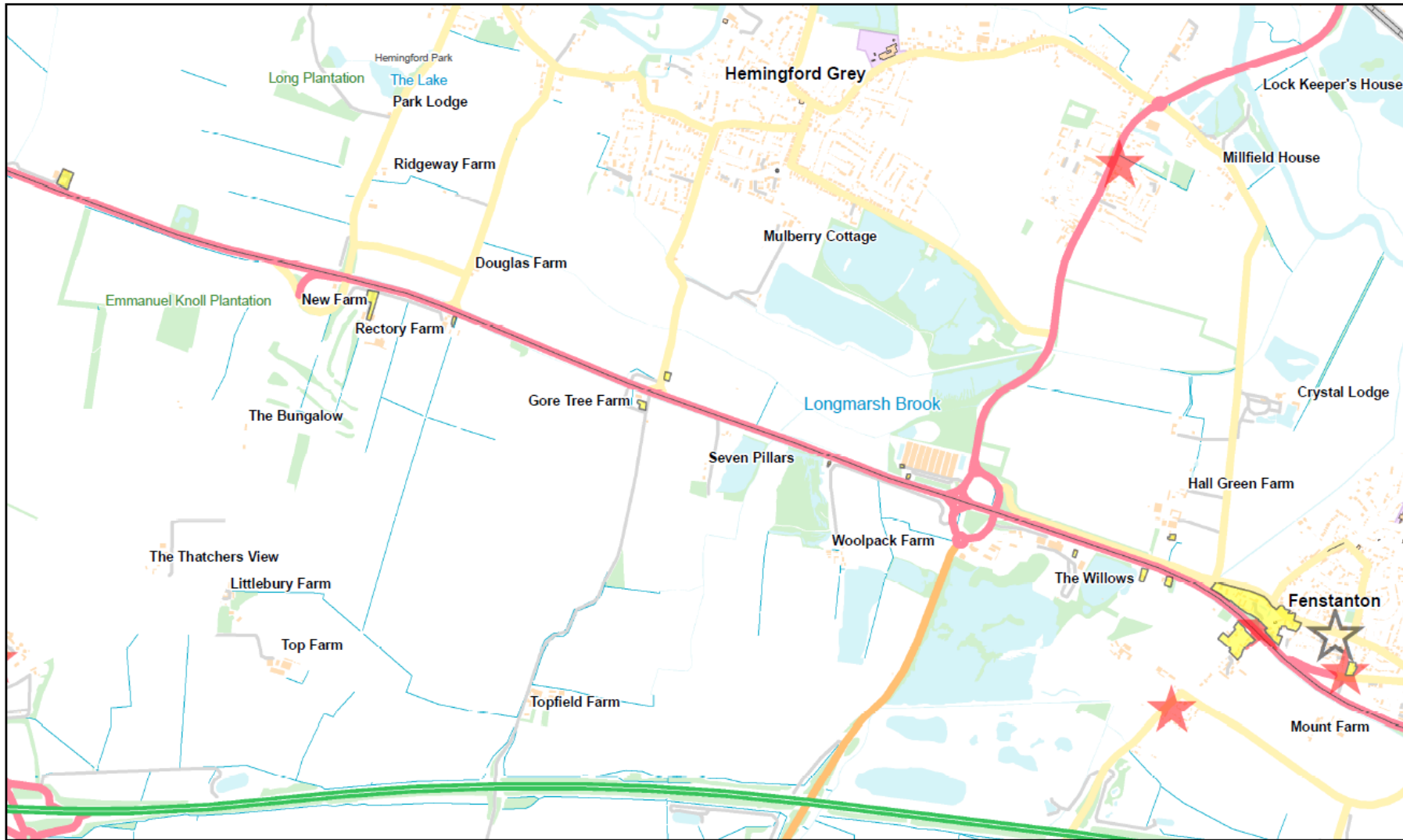





Figure 4 Fenstanton AQMA and monitoring locations



Fenstanton AQMA and monitoring locations

N
Scale = 1:20,000
Date Created: 22/06/2023

AQMA 
Monitoring Point  A14 Monitoring Point 


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4. Current situation

4.1 Huntingdon

Historically the main sources of pollution within the Huntingdon AQMA were traffic on the A14 and the ring road. Works for re-routing the A14 resulted in a new section of road opening at the end of 2019, taking the majority of heavy traffic away from Huntingdon. This coincided with the impacts of the Covid pandemic and various lock downs in 2020 and 2021, which affected traffic figures. The A14 works to remove the viaduct within Huntingdon centre and fully open the A1307 were completed in May 2022 with all associated traffic restrictions lifted on the 30th of that month, marking the end of the A14 relocation project. Therefore, traffic levels may have been impacted during the first few months of 2022, as roadworks could have influenced drivers' behaviour. This, coupled with the likelihood that peoples travelling habits may have changed since the pandemic, makes it difficult to assess the impact of the relocation of the A14, however, it is considered it has had a beneficial impact on pollution levels within Huntingdon.

Air quality monitoring results from previous years have been in line with national trends and shown a predominantly year on year reduction in Nitrogen Dioxide (NO₂), however following the expected dip in pollution levels during 2020, due to control measures associated with Covid-19, overall results slightly increased in 2021 and this trend has continued into 2022, with another slight increase at the majority of sites.

The highest concentrations measured by diffusion tube within the whole district during 2022 were at Pathfinder House (PFH) with the mean result of the triplicate tubes at 28.2µg/m³. This compares to a figure of 27µg/m³ in 2021 and remains well within the objective. Whilst the overall trend this year and last year has been an increase, all of the sites remain below the levels measured in 2019, before Covid and the completion of the A14 works.

The data demonstrates that in 2022 all sites met the NO₂ objective of 40µg/m³ and the continuing low trend is likely due to the relocation of the A14 and a change in travel behaviour.

Following completion of the A14 works, data is being gathered during 'normal' traffic flows and the AQMA in Huntingdon will be reviewed over the next few years in line with LAQM Technical Guidance (TG22). Due to the works in Huntingdon on the viaduct removal and the A1307 impacting the earlier part of 2022 it is considered 2023 will be the earliest year to commence using data to assess this. In line with paragraph 3.57 of TG22 if compliance is achieved for three consecutive years, revocation will be considered. This may result in an AQMA with more than 5 years consecutive compliance, which is against the guidance, however this would ensure a robust assessment.

Additional information regarding the diffusion tubes can be found in Appendix C of the most recent ASR located here: [Air Quality - Huntingdonshire.gov.uk](https://www.huntingdonshire.gov.uk/AirQuality).

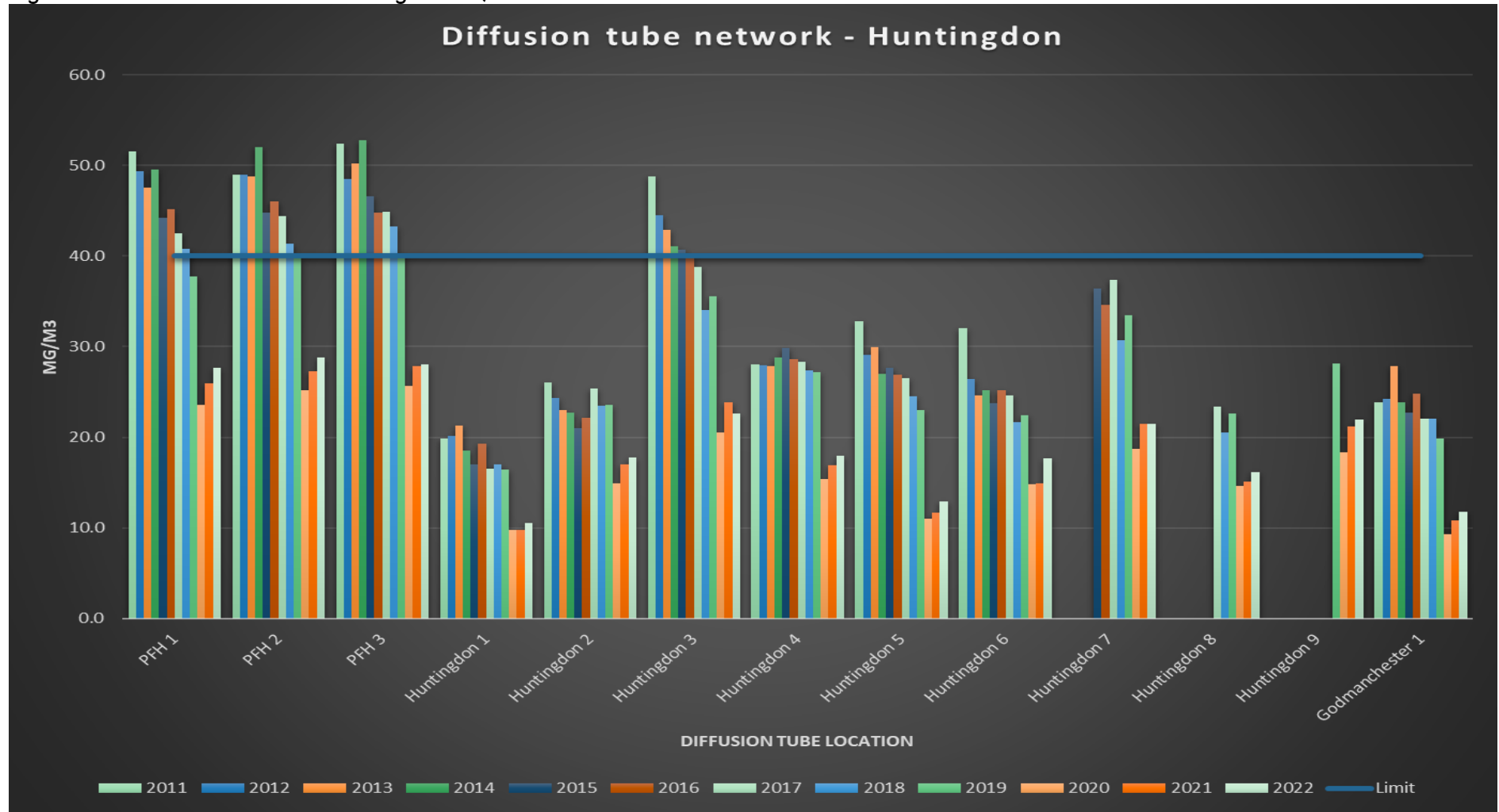
The trend in air quality within the Huntingdon AQMA can be seen in Figure 5 on the following page.

When assessing the results with regard to the air quality objectives, the information demonstrates that there have been no breaches of the 40µg/m³ NO₂ limit within the Huntingdon AQMA since 2019.*

There were no annual means greater than 60µg/m³, indicating that an exceedance of the 1-hour mean objective was unlikely.

* Whilst there have not been any breaches since 2019 it is not currently proposed to revoke the Huntingdon AQMA see Section 10 below for further information.

Figure 5 Annual mean trend in Huntingdon AQMA



Full results can be seen in Appendix A.

4.2 St Neots

Monitoring within the AQMA has demonstrated that the air quality objectives are not being breached in St Neots. The highest level monitored in 2022 was 23.2µg/m³ on the High Street. Further to the diffusion tube monitoring that continues to take place, in 2017 an independent detailed modelling assessment of NO₂ concentrations was completed confirming air quality limits were not being breached. This can be viewed on our website at: [Air Quality Modelling for St Neots - Final Report \(huntingdonshire.gov.uk\)](https://www.huntingdonshire.gov.uk/Air-Quality-Modelling-for-St-Neots-Final-Report).

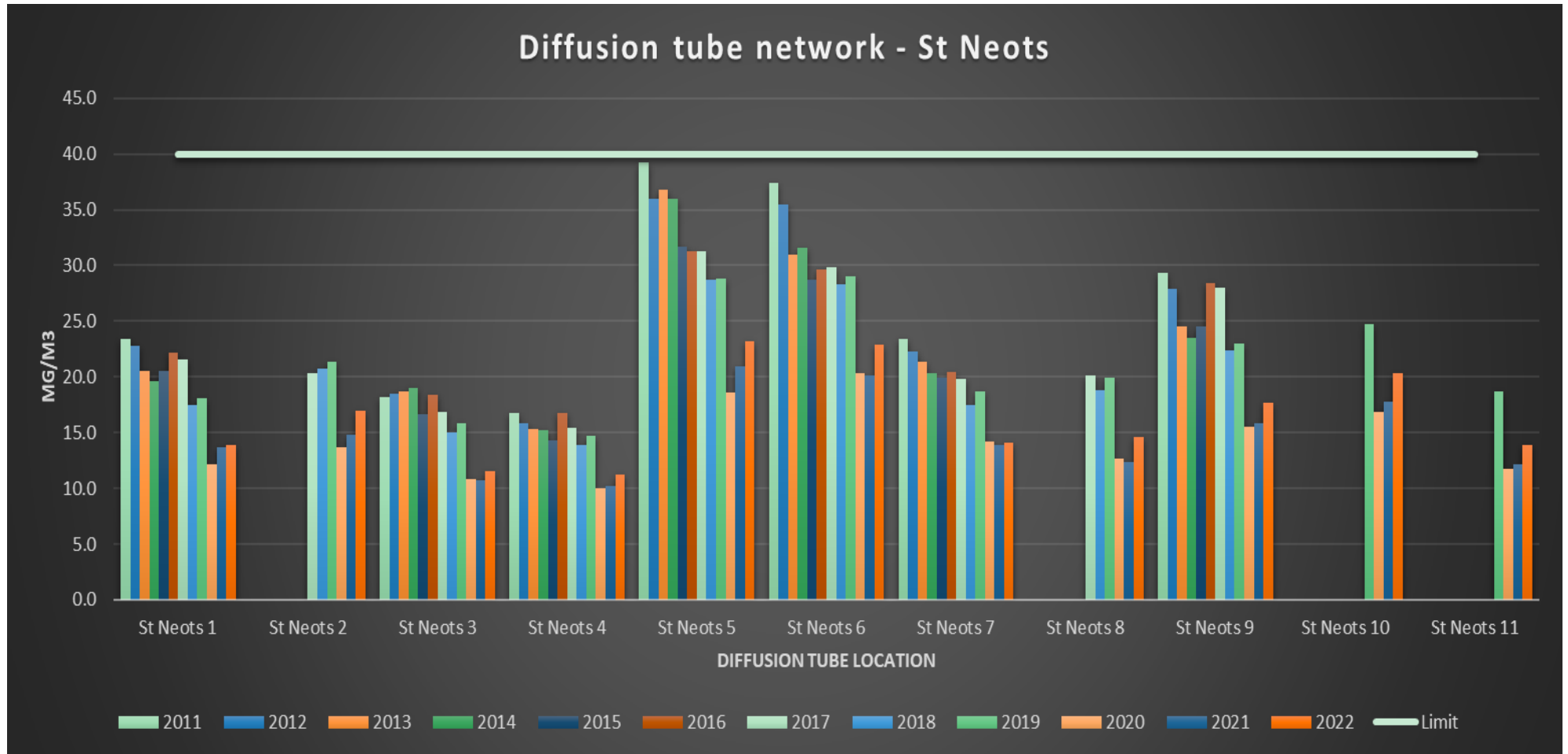
Large scale development is taking place within St Neots and whilst the impacts of these developments were assessed through the planning process, Huntingdonshire District Council have introduced two new diffusion tube locations in order to ensure any potential impact is being monitored and assessed.

The trend in air quality within the St Neots AQMA can be seen in Figure 6 on the following page.

When assessing the results with regard to the air quality objectives, the information demonstrates that there have been no breaches of the 40µg/m³ NO₂ limit for more than 10 years at any location.

There were no annual means greater than 60 µg/m³, indicating that an exceedance of the 1-hour mean objective was unlikely.

Figure 6 Annual mean trend in St Neots AQMA



Full results can be seen in Appendix A.

4.3 Brampton

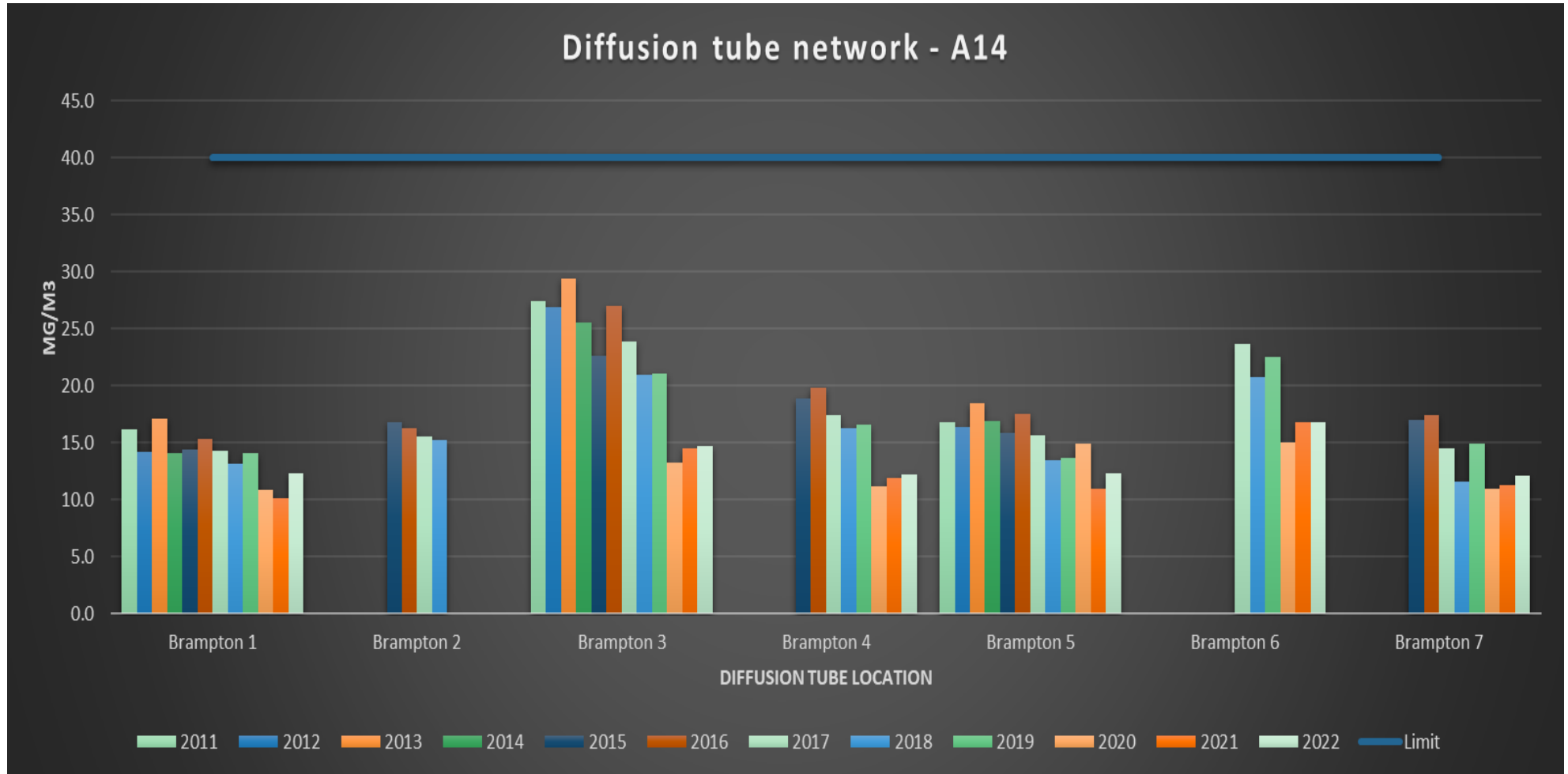
Monitoring within Brampton demonstrates that NO₂ levels are well within the air quality objectives. Levels reduced during Covid, and have increased slightly during 2021 and 2022, however the highest level monitored in 2022 within the AQMA was 14.7µg/m³. Air quality is likely to have improved with the relocation of the A14.

The trend in air quality within the Brampton AQMA can be seen in Figure 7 on the following page.

When assessing the results with regard to the air quality objectives, the information demonstrates that there have been no breaches of the 40 µg/m³ NO₂ limit in more than 10 years at any location.

Annual means are substantially below 60 µg/m³, indicating that an exceedance of the 1-hour mean objective was highly unlikely.

Figure 7 Annual mean trend in Brampton AQMA



Full results can be seen in Appendix A.

4.4 Fenstanton

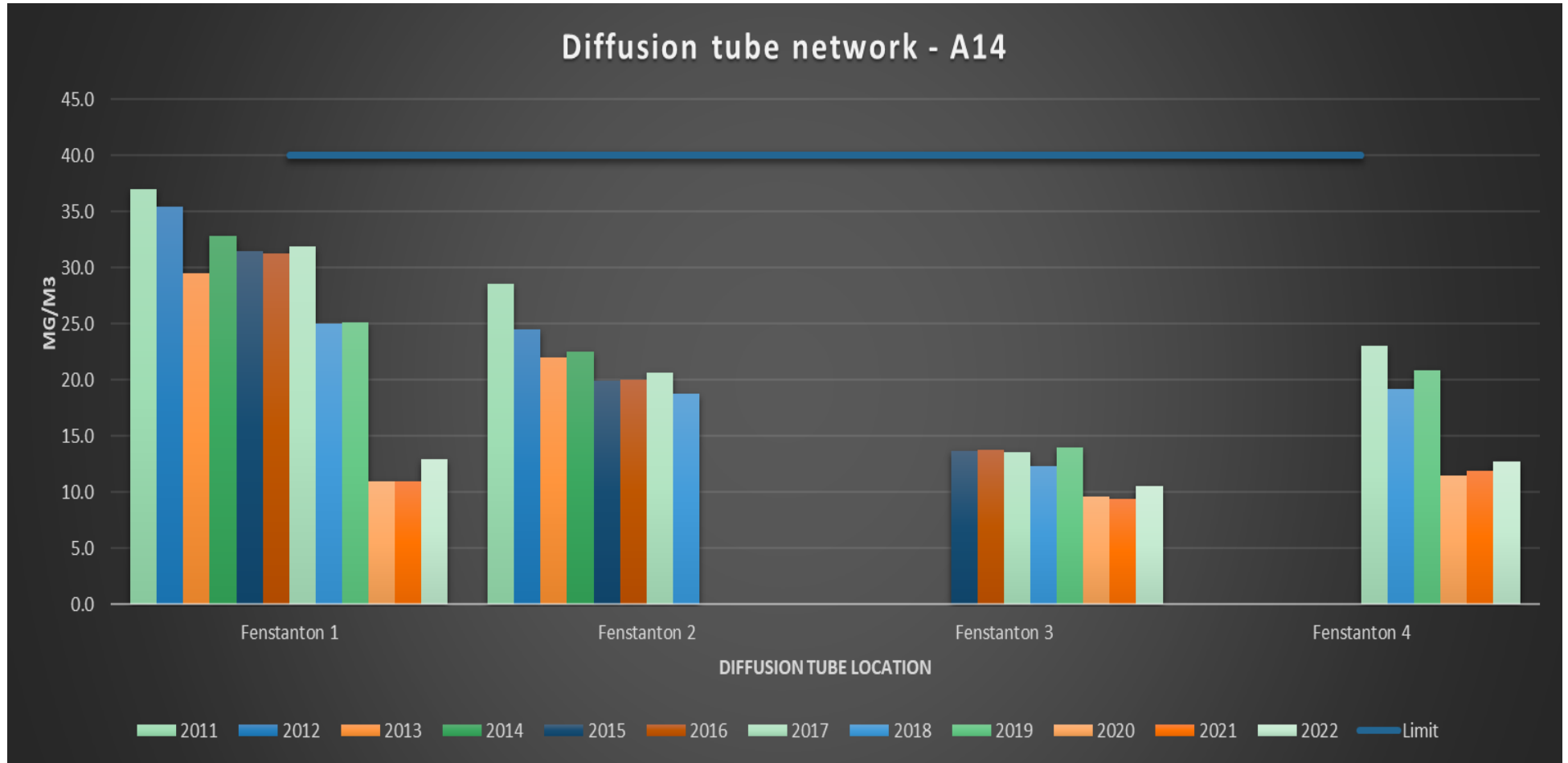
The trend over the last few years has been primarily a reduction in NO₂ and monitoring demonstrates good compliance in this area of the district. Pollution levels are likely to have reduced due to the relocation of the A14. The highest level monitored within the AQMA in 2022 was 13µg/m³.

The trend in air quality within the Fenstanton AQMA can be seen in Figure 8 on the following page.

When assessing the results with regard to the air quality objectives, the information demonstrates that there have been no breaches of the 40 µg/m³ NO₂ limit in more than 10 years at any location.

Annual means are substantially below 60 µg/m³, indicating that an exceedance of the 1-hour mean objective is highly unlikely.

Figure 8 Annual mean trend in A14 Fenstanton AQMA



Fenstanton 2 ceased in 2018, Fenstanton 3 commenced in 2015 and Fenstanton 4 commenced in 2017.

Full results can be seen in Appendix A.

5. Reasons for improvement

All four AQMA's were designated due to pollution from road traffic. The government recognises that emissions of pollutants to air from the transport sector have shown a consistent decline over time, most likely due to the introduction of stricter European emission standards and turnover of vehicles, resulting in the gradual removal of older more polluting vehicles from the roads. This has been acknowledged in the UK Informative Inventory Report on Atmospheric Emissions 1990 – 2021 published in March 2023² which shows reducing trends in emissions across the UK sectors, indicating a steady decline in emissions from NO_x (as NO₂) amongst others. Low NO_x boilers and stricter industrial emission limits have also assisted in reducing overall NO₂ levels.

With regard to the AQMA in St Neots, strategic highway improvements have been completed, including the introduction of a smart traffic lighting system, which have led to an improvement in traffic movement and subsequent reduction in air pollution.

The relocation of the A14 has improved the air quality in the Huntingdon, Brampton and Fenstanton AQMA's.

6. Huntingdonshire District Council's Air Quality Action Plan (AQAP)

A joint Air Quality Action Plan was completed in 2009 between South Cambs, Cambridge City and Huntingdonshire District Council with the aim to consider air quality impacts collaboratively over the broader local area and enable consideration of schemes with a wider impact. The action regarding highway improvements in St Neots and the relocation of the A14 were aims within the AQAP, and both have been implemented. The AQAP document requires updating and HDC aims to provide a new AQAP or alternative, once the future of the AQMA's within the district has been determined, to ensure the most appropriate action is taken.

² [UK IIR 2023 Submission \(defra.gov.uk\)](https://www.defra.gov.uk/uk-ir-2023-submission)

7. Requirements for revoking an AQMA

Three of the four AQMA's have been meeting the air quality objectives for a number of years. Defra has been advising Huntingdonshire District Council that these should be revoked, within their feedback on the Annual Status Report.

Under the Environment Act 1995 a local authority does not necessarily have a duty to revoke an AQMA once the air quality objectives are met. It is at that Local Authorities discretion to revoke if following a review, it is considered air quality objectives are likely to be met and will continue to do so.

The process for revoking an AQMA is outlined in the DEFRA Local Air Quality Management Policy and Technical Guidance 2022 (LAQM.PG(22) & LAQM.TG(22)). The main points are highlighted in the following table:

Table 3: Process for revoking an AQMA:

Guidance	Section	Requirement	HDC compliant?
LAQM PG(22)	4.10	Air quality objectives are being met and will continue to do so. Compliance with objectives should be for 3 or more years.	Compliant < 3 years data for St Neots, Brampton and Fenstanton
	4.11	Publicise the revocation to ensure the public and local businesses are aware of the situation	Required Can be placed on website
	4.12	Following a revocation, (where this would result in that local authority no longer having any AQMA) a local air quality strategy should be put in place to ensure air quality remains a high-profile issue and enable a quick response should there be any deterioration in condition.	Not formally required Unless the Huntingdon AQMA is also revoked

Guidance	Section	Requirement	HDC compliant?
LAQM TG(22)	3.53	The decision to amend or revoke an AQMA should only be taken following a detailed study, which should set out in detail all the available information used to reach the decision, with the same degree of confidence as was provided for the original declaration.	Compliant Completed for St Neots
	3.55	In some instances, if compelling evidence exists, detailed modelling to support the decision to amend/revoke an AQMA may not be necessary and an AQMA may be amended or revoked following a screening assessment or on the basis of robust monitoring evidence	Compliant Completed for Brampton and Fenstanton
	3.56	Pollutant concentrations may vary significantly from one year to the next, due to the influence of meteorological conditions. Therefore, before revoking an AQMA based on measured pollutant concentrations, the authority needs to be reasonably certain that any future exceedances (that might occur in more adverse meteorological conditions) are unlikely. For this reason, it is expected that authorities will need to consider measurements carried out over several years, national trends in emissions, and local factors that may affect the AQMA, including measures introduced as part of the Air Quality Action Plan, together with information from national monitoring on high/low pollution years.	Compliant No breaches in over 10 years in St Neots, Brampton and Fenstanton AQMA's

Guidance	Section	Requirement	HDC compliant?
	3.57	The revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective as evidenced through monitoring. Where NO ₂ 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 NO ₂ concentrations being lower than 36µg/m ³ (i.e. within 10% of the annual mean NO ₂ objective).	Compliant < 3 years data showing good compliance in St Neots, Brampton and Fenstanton AQMA's
	3.57	There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period.	Not compliant St Neots, Brampton and Fenstanton have demonstrated compliance for more than 5 years.

Therefore, in order to revoke any AQMA, Huntingdonshire District Council will need to provide either:

- A screening assessment with robust monitoring evidence over several years to demonstrate current and future year compliance, or
- A detailed measurement and modelling assessment similar to that undertaken to declare the AQMA

This document details robust monitoring evidence over a number of years to demonstrate current compliance for three of the AQMA's.

Detailed modelling has also been completed for the St Neots AQMA.

In Defra's previous responses to Huntingdonshire District Council's Annual Status Report they have stated that AQMA's 2, 3 and 4 (St Neots, Brampton and Fenstanton) should be revoked as soon as possible, as these AQMAs have recorded results far below objective limits for in excess of the last 5 years.

8. Impact of revoking an AQMA

The main benefits of having an AQMA in place are that applicants who propose developments within or near to these designated areas have to assess the potential impact to ensure they do not cause an increase in air pollution levels to exceed the objectives. The designation should also provide the council with more influence with regard to transport layout and infrastructure considerations, for example, highlighting hotspots and working in partnership with highways to ensure improvements, such as the St Neots change to the traffic light system and strategic highway improvements which have reduced the air quality issues at that location, and the A14 realignment.

However, with the continued compliance at three of the four AQMA's there is a risk developers may query the council's requirements and applicants for smaller developments are required to provide details that could be viewed as excessive. It should also be noted that large scale developments are often accompanied with Air Quality Impact Assessments and if considered appropriate, officers would ask for this information during the planning process.

The proposed Local Plan for Huntingdonshire to the year 2036 contains the Councils requirements regarding air quality which is dealt with through policy LP38 as follows:

LP 38**Air Quality**

A proposal will need to be accompanied by an Air Quality Assessment where:

- a. it is for large scale major development, defined in the 'Glossary';
- b. it would potentially conflict with an Air Quality Action Plan;
- c. any part of the site is located within 50m of an Air Quality Management Area (AQMA) or a Clean Air Zone (CAZ);
- d. a significant proportion of traffic generated would go through an AQMA or a CAZ; or
- e. any part of the site is located within 100m of a monitoring site where the annual mean level of nitrogen dioxide exceeds $35\mu\text{g}/\text{m}^3$.

An Air Quality Assessment should be proportionate to the nature and scale of the proposal and the level of concern about air quality, but should assess:

- f. the existing state of air quality surrounding the site;
- g. how the proposal could affect air quality during construction and operational phases;
- h. the extent to which people could be exposed to poor air quality; and
- i. how biodiversity could be affected by changes in air quality as a result of the proposal.

A proposal will need to be accompanied by a low emissions strategy where the air quality assessment shows that the proposal would:

- j. have a significant adverse effect on air quality;
- k. have an adverse effect on the air quality factors that led to the affected AQMA being designated;
- l. cause a significant increase in the number of people that would be exposed to poor air quality; or
- m. lead to a designated nature conservation site or protected species that is sensitive to poor air quality being adversely affected by changes in air quality.

The low emissions strategy will include measures that mitigate the impacts of the proposed development by contributing to the improvement of air quality and/ or the reduction of emissions relating to the designation of the affected AQMA/ CAZ, prioritising actions identified in relevant Air Quality Action Plans/ CAZ action plans or equivalent documents.

In other circumstances, where identified as necessary based on a transport assessment/ statement, measures to reduce air pollution arising from traffic and traffic congestion may also be required.

The removal of AQMA's would impact on the number of sites potentially having to provide an assessment under this policy under sections c. and d., however section e. ensures where NO_2 figures are close to the objective an assessment would be required to make sure the impact can be fully assessed. It should also be noted that section a. covers higher risk sites and both national government and other guidance (such as Land-Use Planning & Development Control: Planning for Air Quality by IAQM & EPUK) also provide advice on when the impact of development requires a more detailed assessment in respect of air quality impacts.

Provision of infrastructure for electric vehicles is covered within the *‘Parking provision and vehicle movement’* section on page 79 of the Local Plan, as paragraph 5.60 states: *‘It is suggested that at least one charging point for an electric vehicle should be provided where a proposal includes 20 or more parking spaces and that 1 charging point is provided for every 50 spaces’.*

Improving air quality is a priority for Government. Poor air quality results in adverse health impacts, as well as wider costs to society for instance to the National Health Service and environmental impacts threatening habitats and biodiversity. Air quality continues to be an indicator for the Public Health Outcomes Framework and this ensures that it will remain high on the agenda with an emphasis on partnership working to minimise air quality impacts.

Therefore whilst keeping the Orders in force could offer a greater check on developments that have the potential to significantly impact on air quality, this can be addressed through the planning regime as these developments should have to demonstrate that they would not lead to unacceptable levels of air pollution or a breach in air quality objectives.

It should also be noted that if air quality worsens after removal of the AQMA status and breaches of the objectives occur, we would have a statutory duty to declare an AQMA covering the necessary area.

9. The future

If an AQMA is revoked, our air quality duties do not end:

- Monitoring for nitrogen dioxide will continue at locations around the district, including areas that are currently within an AQMA.
- NO₂, PM₁₀ & PM_{2.5} will be monitored by the analysers located at Pathfinder House.
- Other monitoring provisions will continue to be explored to ensure we gain the best information possible.
- Annual reports containing monitoring data will continue to be published on the council’s website and submitted to Defra.

- Air quality will remain a consideration in planning policy and future planning permissions across the district.
- Data for the Huntingdon AQMA will continue to be assessed, and if the AQMA is to remain in place an updated more focussed Air Quality Action Plan will be prepared. If the pollution levels are such that this is put forward in future for revocation, an Air Quality Strategy will be developed in line with government guidance³.
- As well as pollution from road vehicles other pollution aspects will continue to be considered including pollution from industry, particulates from wood burning stoves and construction etc.

9.1 Emerging Issues

- Relocation of the A14 – Additional monitoring has been introduced in areas where traffic levels may increase following the realignment of the A14. This will enable an assessment of the general impact in areas such as Hilton, Brampton, Edison Bell Way and around the Huntingdon ring road.
- Monitoring has increased in St Neots and future monitoring provisions are being investigated.
- National Highways will be commencing development of the A428 improvements which run south of St Neots and directly affects traffic flows within St Neots. Works are programmed to commence this year and officers at Huntingdonshire District Council have been involved in the air quality aspects of this and will continue to assess construction impacts to ensure these are minimised as far as possible.

³ [LAQM-TG22-August-22-v1.0.pdf \(defra.gov.uk\)](#)

10. Summary & Recommendation

When comparing the current AQMA's to the NO₂ air quality objectives:

- Annual mean air quality objective of 40 µg/m³
- 1 hour mean air quality objective of 200 µg/m³, not to be exceeded more than 18 times per year.

Overall it can be seen from Figures 5 – 8 there has been a steady decline in the levels of NO₂ measured around the district, with 3 of the 4 AQMA's meeting the air quality objectives for a number of years and Defra advise where there have been no exceedances for the past five years, local authorities must proceed with plans to revoke the AQMA.

10.1 *St Neots Recommendation:*

Revoke but have an air quality strategy to ensure developers are aware of Huntingdonshire District Council's requirements and air quality impacts are considered and mitigated as far as reasonably possible. Continue liaising with National Highways regarding the A428 and consider any construction impacts and mitigation. Continue monitoring and investigate alternative methods of monitoring within the town.

10.2 *Fenstanton Recommendation:*

Revoke – Objectives are being met, and with the relocation of the A14 they will continue to be met.

10.3 *Brampton Recommendation:*

Revoke. Defra have stated they would support a revocation of this AQMA in line with the others due to monitoring of NO₂ concentrations which have been consistently well below objective levels for a number of years, demonstrating continued compliance.

10.4 *Huntingdon Recommendation:*

Do not revoke. Continue to review data over the next 3-5 years. If pollution levels increase and the AQMA needs to remain in place, the Air Quality Action Plan will require updating. If the levels continue to remain well within the objectives and the data gained meets the requirements of the government guidance, the AQMA should be put forward for revocation and

an Air Quality Strategy completed. Traffic on the ring road will remain a focus within any future action plan/strategy and partnership working with Highways and Public Health will be required to consider what actions can be taken to minimise the impact.

All of the AQMA's have been in place for over 15 years. There is significant supporting evidence to revoke 3 of the 4, and still have an alternative method of control in place. There is a need to ensure the downward trend in air pollution continues, and air quality impacts are minimised as far as possible with the use of clever and innovative design and mitigation measures for new development when going through the planning regime. An Air Quality Strategy could be introduced to ensure air quality impacts remain a high-profile issue, and an Action Plan may be required for the Huntingdon AQMA.

Appendix A – Annual Mean NO₂ Monitoring Results:

Site ID	Site Type	Monitoring Type	Valid Data Capture for Monitoring Period (%) ⁽¹⁾	Valid Data Capture 2022 (%) ⁽²⁾	NO ₂ Annual Mean Concentration (µg/m ³) ⁽³⁾				
					2018	2019	2020	2021	2022
PFH	Roadside	Automatic	73.7	73.7	28	37	25	27	28.2
St Neots 1	Kerbside	Diffusion Tube	100.0	100.0	17.5	18.1	12.2	13.7	13.9
St Neots 2	Roadside	Diffusion Tube	100.0	100.0	20.7	21.4	13.7	14.8	17.0
St Neots 3	Urban Background	Diffusion Tube	91.7	91.7	15.0	15.8	10.9	10.8	11.5
St Neots 4	Urban Background	Diffusion Tube	100.0	100.0	13.9	14.7	10.0	10.2	11.2
St Neots 5	Kerbside	Diffusion Tube	91.7	91.7	28.7	28.8	18.6	21.0	23.2
St Neots 6	Kerbside	Diffusion Tube	100.0	100.0	28.4	29.0	20.4	20.2	22.9
St Neots 7	Suburban	Diffusion Tube	100.0	100.0	17.4	18.7	14.2	13.9	14.1
St Neots 8	Suburban	Diffusion Tube	91.7	91.7	18.8	19.9	12.7	12.4	14.6

Site ID	Site Type	Monitoring Type	Valid Data Capture for	Valid Data Capture	NO ₂ Annual Mean Concentration (µg/m ³) ⁽³⁾				
St Neots 9	Suburban	Diffusion Tube	100.0	100.0	22.4	23.0	15.5	15.8	17.6
Southoe 1	Roadside	Diffusion Tube	100.0	100.0	16.2	15.5	10.9	10.4	11.1
Buckden 1	Roadside	Diffusion Tube	100.0	100.0	21.9	21.8	13.0	14.3	18.1
Buckden 2	Roadside	Diffusion Tube	100.0	100.0	19.7	22.2	14.4	15.6	16.1
Buckden 3	Roadside	Diffusion Tube	100.0	100.0	25.4	25.7	17.5	17.8	20.8
Buckden 4	Roadside	Diffusion Tube	100.0	100.0	15.8	17.1	12.0	12.1	13.0
Brampton 1	Roadside	Diffusion Tube	100.0	100.0	13.1	14.1	10.8	10.1	12.3
Brampton 2	Roadside	Diffusion Tube	100.0	100.0	N/A	28.2	18.3	21.2	21.9
Brampton 3	Roadside	Diffusion Tube	100.0	100.0	21.0	21.0	13.3	14.5	14.7
Brampton 4	Roadside	Diffusion Tube	100.0	100.0	16.3	16.6	11.2	11.9	12.2
Brampton 5	Roadside	Diffusion Tube	100.0	100.0	13.4	13.6	14.9	11.0	12.3
Catworth 1	Rural	Diffusion Tube	100.0	100.0	15.8	16.4	11.7	11.7	13.2
PFH 1, PFH2, PFH3	Roadside	Diffusion Tube	100.0	100.0	43.3	40.1	24.8	26.3	28.2

Site ID	Site Type	Monitoring Type	Valid Data Capture for	Valid Data Capture	NO ₂ Annual Mean Concentration (µg/m ³) ⁽³⁾				
Huntingdon 1	Suburban	Diffusion Tube	100.0	100.0	17.0	16.5	9.8	9.8	10.6
Huntingdon 2	Kerbside	Diffusion Tube	100.0	100.0	23.5	23.6	14.9	17.0	17.7
Huntingdon 3	Kerbside	Diffusion Tube	100.0	100.0	34.0	35.6	20.5	23.9	22.6
Huntingdon 4	Kerbside	Diffusion Tube	100.0	100.0	27.4	27.2	15.4	17.0	17.9
Huntingdon 5	Roadside	Diffusion Tube	100.0	100.0	24.6	23.0	11.0	11.7	12.9
Huntingdon 6	Roadside	Diffusion Tube	100.0	100.0	21.6	22.4	14.8	14.9	17.6
Godmanchester 1	Roadside	Diffusion Tube	100.0	100.0	22.1	19.9	9.3	10.9	11.8
Wood Green Animal Shelter	Rural	Diffusion Tube	100.0	100.0	12.7	12.6	9.6	10.4	10.6
Fenstanton 1	Roadside	Diffusion Tube	100.0	100.0	25.0	25.2	11.0	11.0	13.0
Fenstanton 2	Roadside	Diffusion Tube	100.0	100.0	N/A	16.6	10.6	10.3	10.7
Fenstanton 3	Rural	Diffusion Tube	100.0	100.0	12.4	14.0	9.6	9.4	10.6
St Ives 1	Urban Background	Diffusion Tube	100.0	100.0	16.3	16.0	11.3	11.3	12.9
St Ives 2	Suburban	Diffusion Tube	100.0	100.0	19.3	19.3	12.0	13.0	13.4

Site ID	Site Type	Monitoring Type	Valid Data Capture for	Valid Data Capture	NO ₂ Annual Mean Concentration (µg/m ³) ⁽³⁾				
St Ives 3	Roadside	Diffusion Tube	100.0	100.0	15.9	15.8	10.6	10.6	11.9
Ramsey 1	Urban Background	Diffusion Tube	100.0	100.0	17.2	17.7	11.7	12.8	13.4
Yaxley 1	Roadside	Diffusion Tube	100.0	100.0	27.8	27.1	18.0	19.3	19.9
Stibbington 1	Roadside	Diffusion Tube	100.0	100.0	22.8	23.6	14.7	14.0	15.9
Alwalton 1	Roadside	Diffusion Tube	100.0	100.0	19.2	19.1	12.7	12.6	13.1
Sawtry 1	Suburban	Diffusion Tube	91.7	91.7	20.3	18.0	11.9	13.1	14.2
Alconbury 1	Roadside	Diffusion Tube	100.0	100.0	19.0	17.4	13.4	13.9	15.3
Great Stukeley 1	Roadside	Diffusion Tube	91.7	91.7	16.4	17.0	10.7	10.2	11.1
Huntingdon 7	Roadside	Diffusion Tube	100.0	100.0	30.7	33.5	18.8	21.4	21.5
Huntingdon 8	Roadside	Diffusion Tube	100.0	100.0	20.5	22.6	14.6	15.1	16.2
Hilton 1	Suburban	Diffusion Tube	100.0	100.0	10.8	12.9	8.5	8.3	9.1
Fenstnton 4	Roadside	Diffusion Tube	100.0	100.0	19.2	20.9	11.5	11.9	12.7
Alconbury 2	Suburban	Diffusion Tube	100.0	100.0	11.2	13.2	9.1	8.8	9.7

Site ID	Site Type	Monitoring Type	Valid Data Capture for	Valid Data Capture	NO ₂ Annual Mean Concentration (µg/m ³) ⁽³⁾				
Brampton 6	Roadside	Diffusion Tube	100.0	100.0	20.7	22.5	15.1	16.8	16.8
Brampton 7	Suburban	Diffusion Tube	100.0	100.0	11.6	14.9	11.0	11.3	12.2
Offord D'Arcy 1	Suburban	Diffusion Tube	100.0	100.0	10.7	13.2	8.8	8.8	9.5
Offord Cluny 2	Roadside	Diffusion Tube	100.0	100.0	16.0	19.3	10.7	12.0	13.5
St Neots 10	Roadside	Diffusion Tube	100.0	100.0	N/A	24.7	16.9	17.8	20.3
St Neots 11	Roadside	Diffusion Tube	100.0	100.0	N/A	18.7	11.8	12.2	13.9
St Ives 4	Kerbside	Diffusion Tube	100.0	100.0	N/A	27.6	18.6	19.8	21.9
St Ives 5	Roadside	Diffusion Tube	100.0	100.0	N/A	28.1	21.3	24.3	24.5
Bluntisham	Roadside	Diffusion Tube	91.7	91.7	N/A	N/A	N/A	N/A	17.5

(1) Data capture for the monitoring period, in cases where monitoring was only carried out for part of the year.

(2) Data capture for the full calendar year (e.g. if monitoring was carried out for 6 months, the maximum data capture for the full calendar year is 50%).

(3) Reported concentrations are those at the location of the monitoring site (bias adjusted and annualised, as required), i.e. prior to any fall-off with distance correction.

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**Cambridge
Environmental
Research
Consultants**

Air Quality Modelling for St Neots

Final report

Prepared for
Huntingdonshire District Council

11th August 2017

CERC

Report Information

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1 Summary

Part of the centre of St Neots is currently an Air Quality Management Area (AQMA). The AQMA was declared in 2005, due to concentrations of nitrogen dioxide (NO₂) exceeding the national air quality objectives. This AQMA initially comprised a small area of the High Street around a single junction, and was subsequently extended slightly to cover approximately 500 metres along the High Street, including the junctions of Huntingdon Street/Church Street and New Street.

In recent years, measured concentrations in St Neots have been decreasing and, since 2010, diffusion tube monitoring in the AQMA has not shown any exceedences of the air quality objective. Cambridge Environmental Research Consultants Ltd (CERC) were commissioned by Huntingdonshire District Council (the Council) to carry out modelling to determine whether or not the air quality objectives are likely to be exceeded in the St Neots AQMA, to support the possible revoking of the AQMA.

Air quality modelling was carried out using the ADMS-Urban dispersion model. The modelling used traffic data from Department for Transport and Cambridgeshire County Council, together with transport assessments for local planning applications. These were used with emission factors published by Defra, which were adjusted to take into account evidence of real-world driving emissions. The modelling also included emissions from Little Barford Power Station and other sources, taken from the National Atmospheric Emissions Inventory.

Concentrations were calculated at the locations of diffusion tubes in St Neots and the measured and modelled concentrations compared to verify the suitability of the model input data and assumptions. The modelled concentrations generally show very good agreement, with modelled annual average NO₂ concentrations at five of the seven monitoring sites within 10% of the measured values. In particular, at the two monitoring sites within the AQMA, the modelled concentrations were within 1% and 3% of the measured values, respectively. The model setup can therefore be considered appropriate for the modelled area.

Exceedences of the objective value for annual average NO₂ concentrations are predicted along sections of the High Street. However, all of these exceedences occur at locations where there is no relevant exposure over the averaging time of a year, so the annual average air quality objective does not apply. Concentrations at the building façades, where the annual average objective is relevant, are all below 40 µg/m³.

To take into account uncertainty in the modelling, a value of 36 µg/m³ is sometimes also considered. The only building façade location at which the modelled concentration exceeds 36 µg/m³ is outside the Thomas Morris office, where it reaches 39 µg/m³.

Exceedences of the objective value for hourly average concentrations are only predicted in the centre of the New Street and Huntingdon Street junctions, i.e. not in areas where the public would be expected to have regular access.

2 Introduction

Part of the centre of St Neots is currently an Air Quality Management Area (AQMA). The AQMA was declared in 2005, due to concentrations of nitrogen dioxide (NO₂) exceeding the national air quality objectives. This AQMA initially comprised a small area of the High Street around a single junction, and was subsequently extended slightly to cover approximately 500 metres along the High Street, including the junctions of Huntingdon Street/Church Street and New Street.

In recent years, measured concentrations in St Neots have been decreasing and, since 2010, diffusion tube monitoring in the AQMA has not shown any exceedences of the air quality objective. Cambridge Environmental Research Consultants Ltd (CERC) were commissioned by Huntingdonshire District Council (the Council) to carry out modelling to determine whether or not the air quality objectives are likely to be exceeded in the St Neots AQMA, to support the possible revoking of the AQMA.

This report describes the data used and assumptions made in the assessment, and presents the model results. The air quality objectives with which the calculated concentrations are compared are presented in Section 3. The location and extent of the AQMA is described in Section 4, with measured concentrations presented in Section 5. The model setup and source data are described in Sections 6 and 7, respectively, with the modelled concentrations presented in Section 8. A discussion of the results is provided in Section 9.

3 Air quality standards

The Air Quality Strategy for England, Scotland, Wales and Northern Ireland, Working Together for Clean Air, January 2000, defines Air Quality Objective values for NO₂ to be achieved by 2005. These objectives are the subject of Statutory Instrument 2000 No. 928, *The Air Quality (England) Regulations 2000*, which came into force on 6th April 2000.

In the more recent document *The Air Quality Strategy for England, Scotland, Wales and Northern Ireland*, July 2007, PM₁₀ objectives to be achieved by 2010 have been removed and an objective for PM_{2.5} has been added. The NO₂ objectives are unchanged.

The UK Air Quality Objectives for NO₂ are presented in Table 3.1.

Table 3.1: Air Quality Objectives

	Value (µg/m ³)	Description of standard	Date to be achieved
NO ₂	200	Hourly mean not to be exceeded more than 18 times a year (modelled as 99.79 th percentile)	31-12-2005
	40	Annual average	31-12-2005

The short-term standards considered are specified in terms of the number of times during a year that a concentration measured over a short period of time is permitted to exceed a specified value. For example, the concentration of NO₂ measured as the average value recorded over a one-hour period is permitted to exceed the concentration of 200µg/m³ up to 18 times per year. Any more exceedences than this during a one-year period would represent a breach of the objective.

It is convenient to model objectives of this form in terms of the equivalent percentile concentration value. A percentile is the concentration below which lie a specified percentage of concentration measurements. For example, consider the 98th percentile of one-hour concentrations over a year. Taking all of the 8760 one-hour concentration values that occur in a year, the 98th percentile value is the concentration below which 98% of those concentrations lie. Or, in other words, it is the concentration exceeded by 2% (100 – 98) of those hours, that is, 175 hours per year.

Taking the NO₂ objective considered above, allowing 18 exceedences of hourly mean concentrations per year is equivalent to not exceeding for 8742 hours or for 99.79% of the year. This is therefore equivalent to the 99.79th percentile value.

Table 3.2 gives examples from the Defra TG(16) guidance of where the air quality objectives should apply.

Table 3.2: Examples of where the air quality objectives should apply

Averaging period	Objectives should apply at:	Objectives should generally not apply at:
Annual average	All locations where members of the public might be regularly exposed. Building facades of residential properties, schools, hospitals, care homes etc	Building facades of offices or other places of work where members of the public do not have regular access. Hotels, unless people live there as their permanent residence. Gardens of residential properties Kerbside sites (as opposed to locations at the building façade), or any other location where public exposure is expected to be short term.
Hourly average	All locations where the annual mean and: Hotels Gardens of residential properties Kerbside sites (for example pavements of busy shopping streets). Those parts of car parks, bus stations and railway stations etc. Which are not fully enclosed, where members of the public might reasonably be expected to spend one hour or longer.	Kerbside sites where the public would not be expected to have regular access.

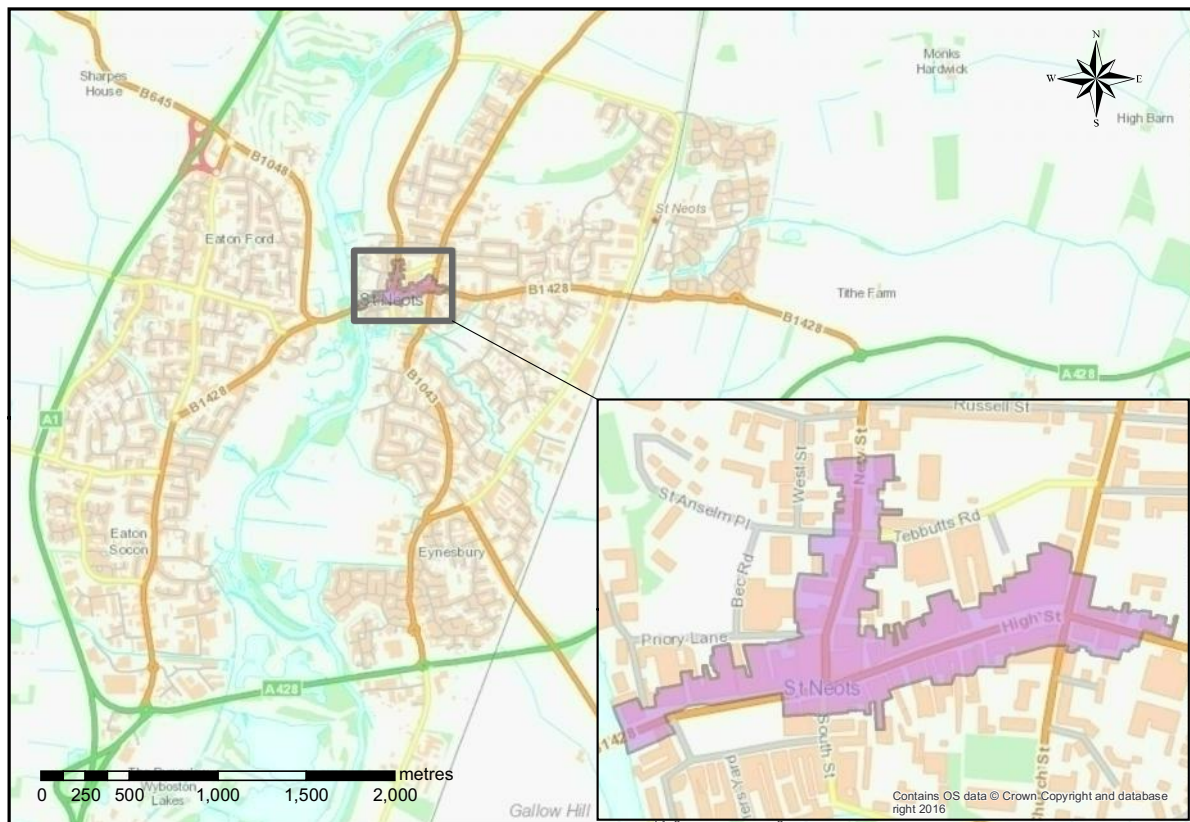
4 Air Quality Management Area

The total AQMA area is around 40,000 m², or 4 hectares. It comprises the entirety of the High Street, which is a busy shopping street around 500 m in length, plus several junctions. The junction with New Street/South Street is included, plus around 220 m of New Street, north of the High Street, incorporating the junction with Tan Yard and Tebbutts Road.

The junction with Huntingdon Street/Cambridge Street/Church Street is also included in the AQMA, plus around 100 m of Cambridge Street, to the east of the High Street. At the far west of the High Street, the road becomes St Neots Road. The stretches of road within the AQMA all form street canyons.

The location of the AQMA within St Neots, and its extent, are shown in Figure 4.1

Figure 4.1: The location of the St Neots AQMA



5 Measured concentrations

Although there are no automatic monitoring sites in or around St Neots, there are seven passive diffusion tubes in the area, for the measurement of NO₂. The details of these diffusion tubes are shown in Table 5.1 and the locations are shown in Figure 5.1.

Table 5.1: Diffusion tube information and concentrations for 2015

Site Name	Location	x, y location (m)	Height (m)	Site Type	In AQMA?	Distance to kerb (m) of nearest road	Worst-case location?
St Neots 1	Avenue Rd	518925, 260503	3	Urban background	N	1	N
St Neots 2	Harland Rd	518489, 260871	3	Urban background	N	1	N
St Neots 3	High St (Post Office)	518323, 260263	3	Kerbside	Y	1	Y
St Neots 4	High St (Traffic Lts)	518433, 260321	3	Kerbside	Y	1	Y
St Neots 5	The Paddocks	517869, 260132	3	Kerbside	N	1	N
Eynesbury	17 Arundel Crescent	518424, 258566	3	Suburban	N	17	Y
Eaton Socon	5 Duchess Close	516370, 259514	3	Suburban	N	24 (to trunk rd)	N

Figure 5.1: Locations of NO₂ diffusion tubes

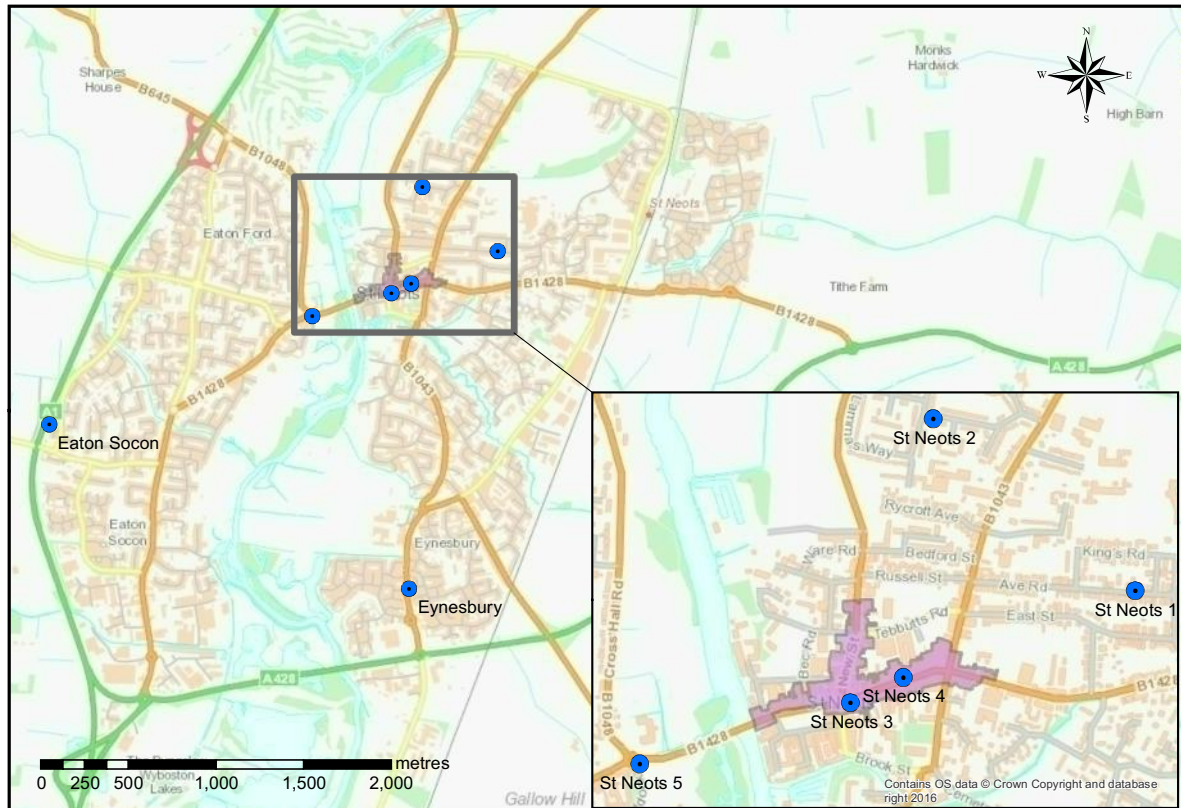
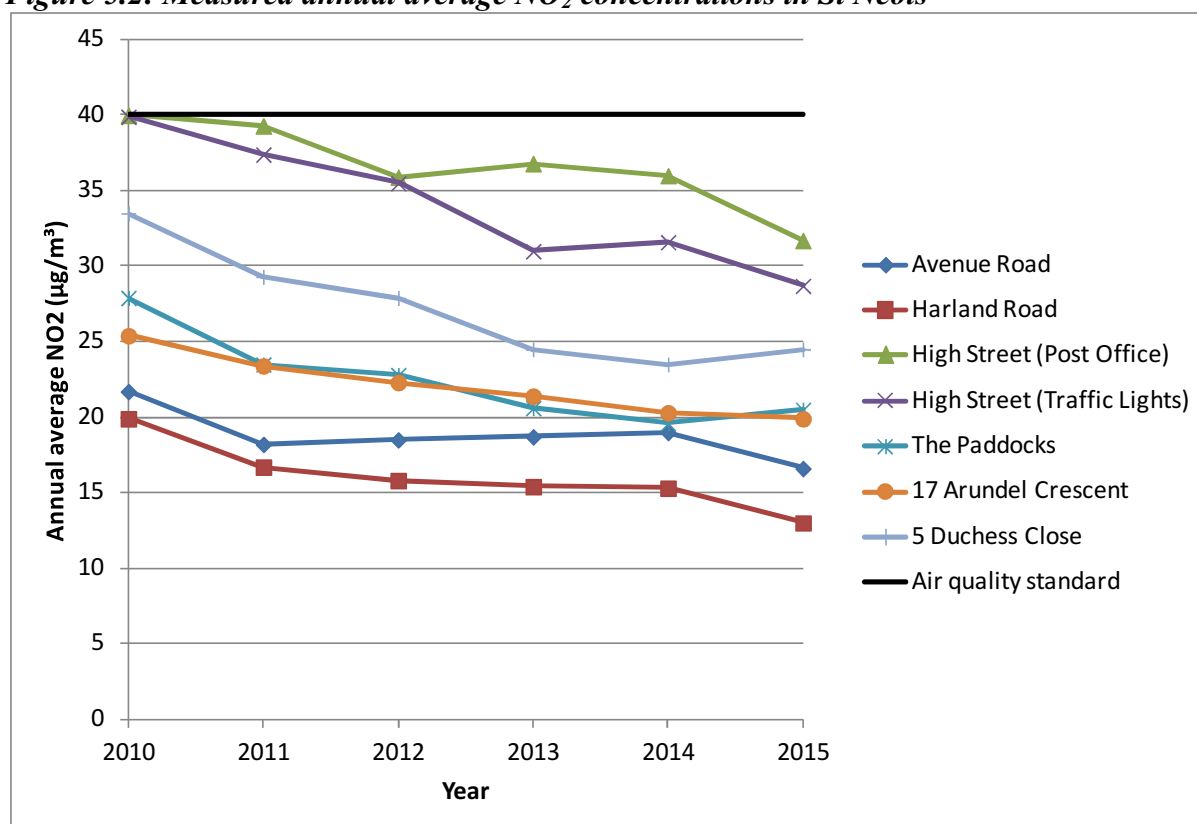


Table 5.2 shows measured concentrations for 2010 to 2015 and the applied bias adjustment factors for each year. Figure 5.2 shows the trends in measured concentrations compared to the air quality objective of 40 $\mu\text{g}/\text{m}^3$.

Table 5.2: Diffusion tube locations and heights used for the modelling

Site Name	Location	2010	2011	2012	2013	2014	2015
Bias adjustment factors		0.82	0.85	0.84	0.79	0.82	0.81
St Neots 1	Avenue Road	21.7	18.2	18.5	18.7	19.0	16.6
St Neots 2	Harland Road	19.9	16.7	15.8	15.4	15.3	13.0
St Neots 3	High Street (Post Office)	40.0	39.3	35.9	36.8	36.0	31.7
St Neots 4	High Street (Traffic lights)	39.9	37.4	35.5	31.0	31.6	28.7
St Neots 5	The Paddocks	27.9	23.5	22.8	20.6	19.6	20.5
Eynesbury	17 Arundel Crescent	25.4	23.4	22.3	21.4	20.3	19.9
Eaton Socon	5 Duchess Close	33.5	29.3	27.9	24.5	23.5	24.5

Figure 5.2: Measured annual average NO_2 concentrations in St Neots



6 Model setup

6.1 Modelling software

Modelling of pollutant concentrations was carried out using the ADMS-Urban model (version 4.1.1)¹. ADMS-Urban is an advanced dispersion model which is widely used by UK local authorities for the assessment of air quality as part of the Local Air Quality Management process.

6.2 Surface roughness

A parameter called the surface roughness length is used in the model to characterise the area in terms of the effects it will have on wind speed and turbulence, which are key factors in the modelling. The modelling used a roughness length of 0.5 m, which represents relatively open, less built-up, urban areas.

The difference in land use at the meteorological site compared to the modelled area was taken into account, by entering a different surface roughness for the meteorological site. See Section 6.4 for further details.

6.3 Monin-Obukhov length

In urban areas a significant amount of heat is absorbed and re-emitted by buildings and other vegetation-free urban surfaces, which means that the area will tend to warmer than surrounding rural areas, particularly at night. This is known as the urban heat island and its effect is to prevent the atmosphere from becoming very stable. In general, the larger the area the more heat is generated and the stronger the effect.

In the ADMS-Urban model, the stability of the atmosphere is represented by the Monin-Obukhov length parameter, which has the dimension of length. In very stable conditions it has a positive value of between 2 m and 20 m. The effect of the urban heat island is that, in stable conditions the Monin-Obukhov length will never fall below some minimum value; the larger the urban area, the larger the minimum value. As the St Neots urban area is compact and surrounded by rural areas, a minimum Monin-Obukhov length of 30 m was used in the modelling, which is generally intended to represent small towns with populations of less than around 50,000 inhabitants.

¹ <http://cerc.co.uk/environmental-software/ADMS-Urban-model.html>

6.4 Meteorological data

A year of hourly sequential meteorological data measured at the Bedford site in 2015 was used for the modelling. The measurement site is located approximately 13 km to the west of the St Neots AQMA. Table 6.1 shows the proportion of useable data and Table 6.2 summarises the data used in the modelling. A surface roughness of 0.2 m was used for the meteorological site.

Table 6.1: Hours of meteorological data used

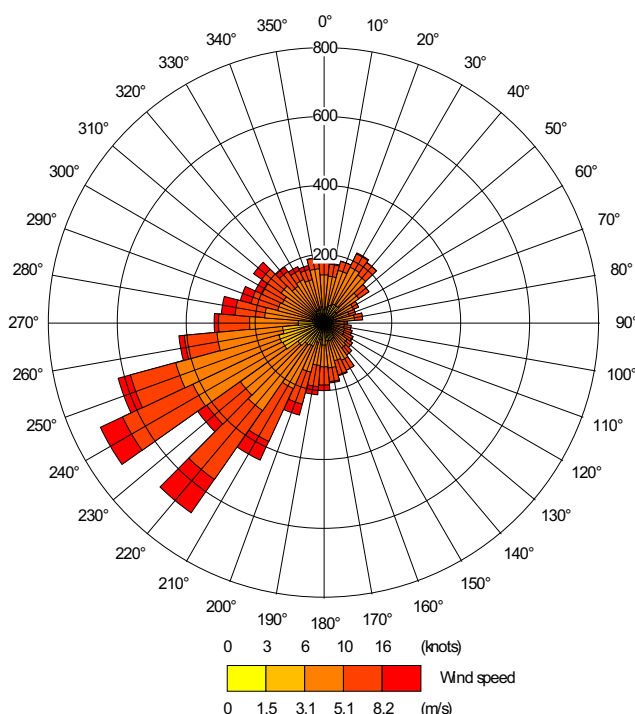
Total number of hours used	8655
Percentage of hours used	98.8

Table 6.2: Summary of meteorological data

	Minimum	Maximum	Mean
Temperature (°C)	-5.5	33.3	10.4
Wind speed (m/s)	0.0	16.5	4.7
Cloud cover (oktas)	0	8	4.8

The ADMS meteorological pre-processor, written by the Met Office, uses the data provided to calculate the parameters required by the program. Figure 6.1 shows a wind rose for the Bedford site, giving the frequency of occurrence of wind from different directions for a number of wind speed ranges.

Figure 6.1: Wind rose for Bedford, 2015



6.5 Background data

A proportion of the emitted nitrogen oxides (NO_x) from the modelled sources will be in the form of nitrogen dioxide (NO₂) and a further proportion will be converted to NO₂ during the time spent in the atmosphere. In order to calculate the conversion of nitric oxide (NO) to NO₂, the ADMS-Urban chemistry module was used in the modelling. The NO_x chemistry calculations in ADMS-Urban take into account emissions and background concentrations of NO_x, NO₂, volatile organic compounds (VOCs) and ozone (O₃). See Appendix A for further information about the NO_x chemistry used in ADMS-Urban.

For the inclusion of NO_x chemistry, and to allow for ambient concentrations of NO_x and NO₂, hourly average background concentrations of NO_x, NO₂ and ozone were input to the model. These data were taken from the rural site at Wicken Fen, downloaded from the National Air Quality Information Archive.² Wicken Fen is situated around 40 km to the east of St Neots.

Some statistics calculated from the background data are shown in Table 3.3, to give an idea of the typical concentrations.

Table 3.3: Summary of 2015 background data used in the modelling (µg/m³)

	Annual average	99.79 th percentile of hourly average
NO ₂	7.3	43.9
NO _x	9.1	64.3
O ₃	54.4	n/a

6.6 Street canyons

The presence of buildings either side of a road can introduce street canyon effects that result in pollutants becoming trapped, leading to increased pollutant concentrations. Street canyon effects were taken into account using the ADMS Advanced Canyon option, which makes use of detailed information for roadside buildings. Street canyon parameters were calculated using building outline data were taken from Ordnance Survey Open Map Local data³ and height data from the Environment Agency LIDAR data⁴.

² http://www.airquality.co.uk/archive/data_and_statistics.php

³ <https://www.ordnancesurvey.co.uk/opendatadownload/products.html>

⁴ <http://environment.data.gov.uk/ds/survey/index.jsp#/survey>

7 Source data

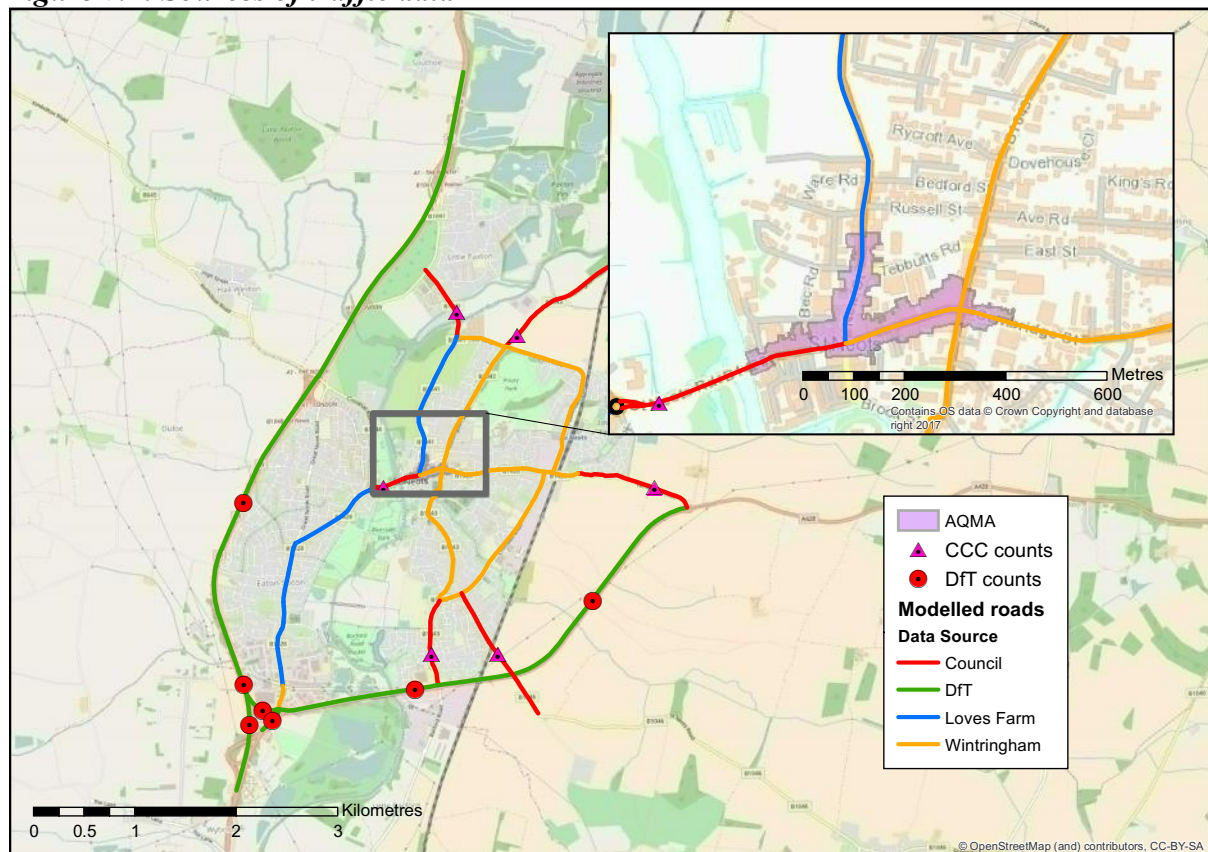
7.1 Road traffic

Traffic data were available from the following sources, listed in order of preference:

- Department for Transport (DfT) traffic counts
- Cambridgeshire County Council traffic counts
- Transport assessments for planning applications at Loves Farm and Wintringham Park

Figure 7.1 shows the source of traffic data for each of the modelled roads.

Figure 7.1: Sources of traffic data



7.1.1 DfT traffic data

Traffic counts for major roads are available from the DfT.⁵ These comprise counts for motorcycles, cars, buses and coaches, light goods vehicles (LGV), three categories of rigid heavy goods vehicles (HGV), and three categories of articulated HGVs for 2015.

⁵ <http://www.dft.gov.uk/traffic-counts/area.php?region=East+of+England&la=Cambridgeshire>

7.1.2 Cambridgeshire County Council traffic data

Traffic counts for other major roads in the city are available from the Cambridgeshire County Council website.⁶ These data comprise counts of motorcycles, cars, LGVs, buses and HGVs for 2015. These are 12-hour counts which were converted to 24 hour by factors in the Cambridgeshire County Council 2015 Traffic Monitoring Report⁷.

7.1.3 Transport Assessments

For roads where no DfT or County Council data were available, data were taken from planning application transport assessments. The two planning applications referred to were:

- the proposed residential development at Loves Farm East; and
- the mixed-use development at Wintringham Park.

7.1.4 Traffic speeds

Traffic speeds for all roads in Cambridge were taken from previous air quality modelling carried out for the city. These were refined by reducing speeds close to junctions and in congested areas; in particular the High Street was modelled with an average speed of 20 km/hr.

7.1.5 Emission factors

Traffic emissions of NO_x and NO₂ were calculated from traffic flows using NAEI 2014 emission factors based on Euro vehicle emissions categories. The emissions calculations used the vehicle fleet composition published by the DfT.

The NAEI 2014 emission factors include speed-emissions data for NO_x based on the COPERT 4 version 10 software tool⁸. The emissions data include primary NO₂ emission factors for each vehicle type resulting in accurate road-by-road NO_x and NO₂ emission rates. Note that there is large uncertainty surrounding the current emissions estimates of NO_x from all vehicle types, in particular diesel vehicles, in these factors; refer to for example an AQEG report from 2007⁹ and a Defra report from 2011¹⁰. In order to address this discrepancy, the NO_x emission factors were modified based on recently published Remote Sensing Data (RSD)¹¹ for vehicle NO_x emissions in London. Scaling factors were applied to each vehicle category and Euro standard.

⁶ <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/road-traffic-data/>
⁷ https://ccc-live.storage.googleapis.com/upload/www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/Traffic_monitoring_report_2015.pdf?inline=true

⁸ <http://www.emisia.com/copert/General.html>

⁹ [Trends in primary nitrogen dioxide in the UK](#)

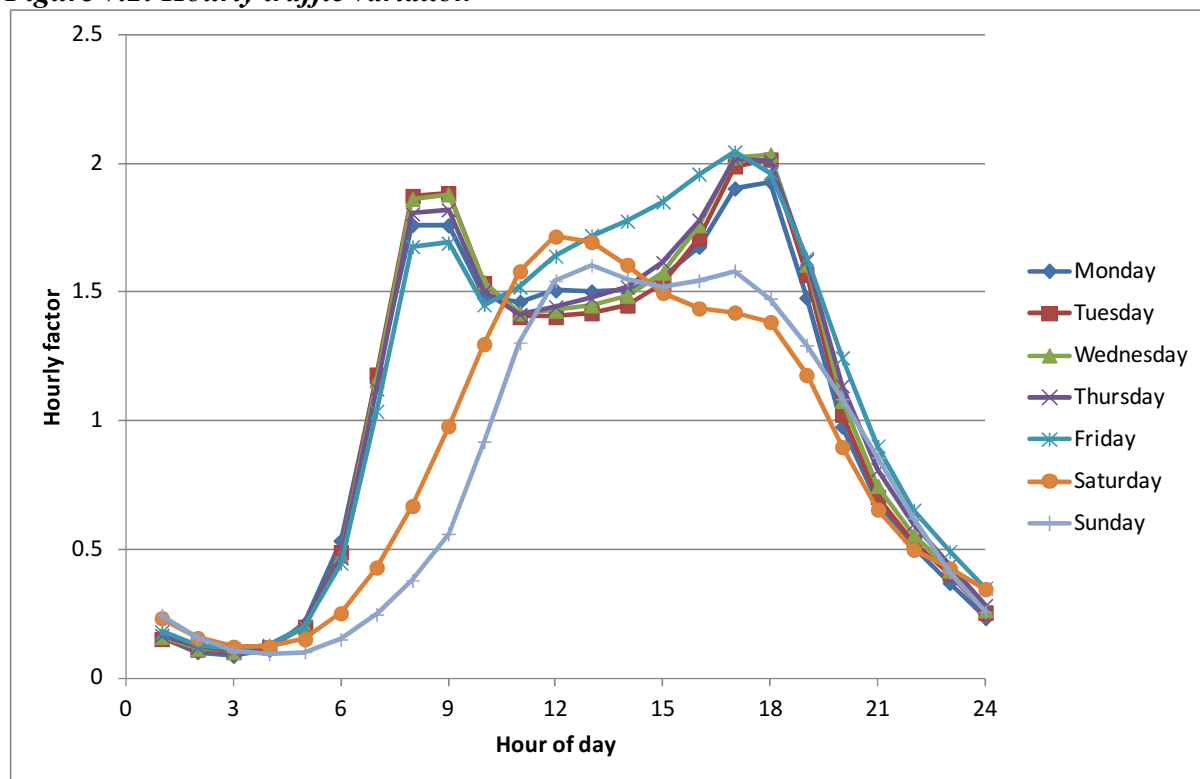
¹⁰ [Trends in NO_x and NO₂ emissions and ambient measurements in the UK](#)

¹¹ Carslaw, D and Rhys-Tyler, G 2013: New insights from comprehensive on-road measurements of NO_x, NO₂ and NH₃ from vehicle emission remote sensing in London, UK. *Atmos. Env.* **81** pp 339–347.

7.2 Hourly traffic variation

The variation of traffic during the day was taken into account by applying hourly factors to the average traffic flow. These data were obtained from the DfT road traffic statistics datasets¹² and are shown in Figure 7.2.

Figure 7.2: Hourly traffic variation



7.3 Industrial sources

Emissions from the Little Barford Power Station were included in the modelling using data from the UK Pollutant Release and Transfer (PRTR) data sets¹³.

7.4 Other sources

Emissions for all other sources were taken from the National Atmospheric Emissions Inventory (NAEI)¹⁴, and included in the model as grid sources with a 1-kilometre resolution.

¹² <https://www.gov.uk/government/collections/road-traffic-statistics>

¹³ http://prtr.defra.gov.uk/facility-details?view=details&facility_id=2270&year=2014

¹⁴ <http://naei.beis.gov.uk/data/gis-mapping>

8 Modelled concentrations

8.1 Model verification

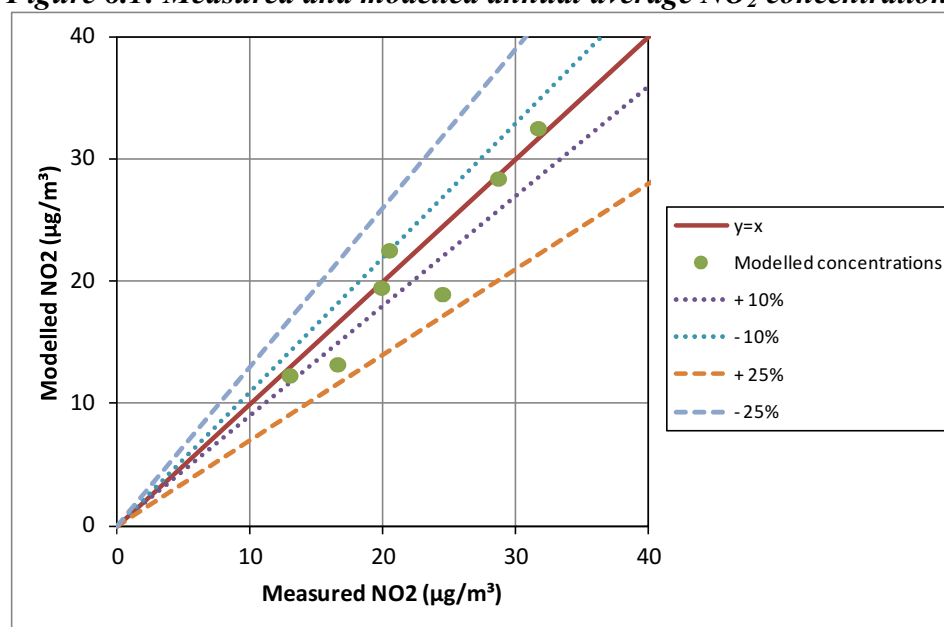
The first stage of dispersion modelling is to model a current case in order to verify that the input data and model setup are representative of the area. This was carried out by comparing the modelled concentrations of NO₂ with those measured at the dispersion tube monitoring sites described in Section 5.

Table 8.1 presents the measured and modelled annual average NO₂ concentrations at the monitoring locations for 2015, together with the modelled concentrations expressed as a percentage of the measured values. A value of 100% indicates perfect agreement between measured and modelled data, with values greater than 100% indicating that the model is over-predicting concentrations and values less than 100% showing model under-prediction. Figure 8.1 shows the same data as a scatter plot.

Table 8.1: Measured and modelled NO₂ concentrations, 2015, µg/m³

Site name	Location	Annual average NO ₂		
		Measured	Modelled	%
St Neots 1	Avenue Road	16.6	13.2	80%
St Neots 2	Harland Road	13.0	12.3	95%
St Neots 3	High Street (Post Office)	31.7	32.6	103%
St Neots 4	High Street (Traffic lights)	28.7	28.4	99%
St Neots 5	The Paddocks	20.5	22.6	110%
Eynesbury	17 Arundel Crescent	19.9	19.5	98%
Eaton Socon	5 Duchess Close	24.5	19.0	77%

Figure 8.1: Measured and modelled annual average NO₂ concentrations



The modelled annual average NO₂ concentrations show generally very good agreement. There is no consistent over or underprediction of concentrations, with five of the seven sites showing agreement within 10%. In particular, at the two sites in the AQMA, the modelled concentrations are within 1% and 3% of the measured values.

These results show that the model setup accurately predicts concentrations at urban background and roadside locations in and around St Neots, and provide confidence in model results.

8.2 Concentration contour maps

Ground level concentrations of NO₂ were calculated for the year 2015, on a regular grid of receptor points covering the AQMA with a resolution of 10 metres. In addition to this regular grid, concentrations were also calculated at additional points along the roads, inside and outside the street canyons, with an along-road resolution of 2 metres.

Figure 8.2 shows the modelled annual average NO₂ concentrations in the AQMA. Figure 8.3 shows the modelled 99.79th percentile of hourly average NO₂ concentrations. In each case, areas coloured yellow and orange show exceedences of the air quality objectives, with green and blue showing areas which meet the objectives.

Exceedences of the objective value for annual average NO₂ concentrations are predicted along sections of the High Street, however, the concentrations at the building facades are all below 40 µg/m³.

Exceedences of the objective value for hourly average concentrations are only predicted in the centre of the junctions of the New Street and Huntingdon Street junctions.

Figure 8.2: Modelled annual average NO₂ concentrations (µg/m³)

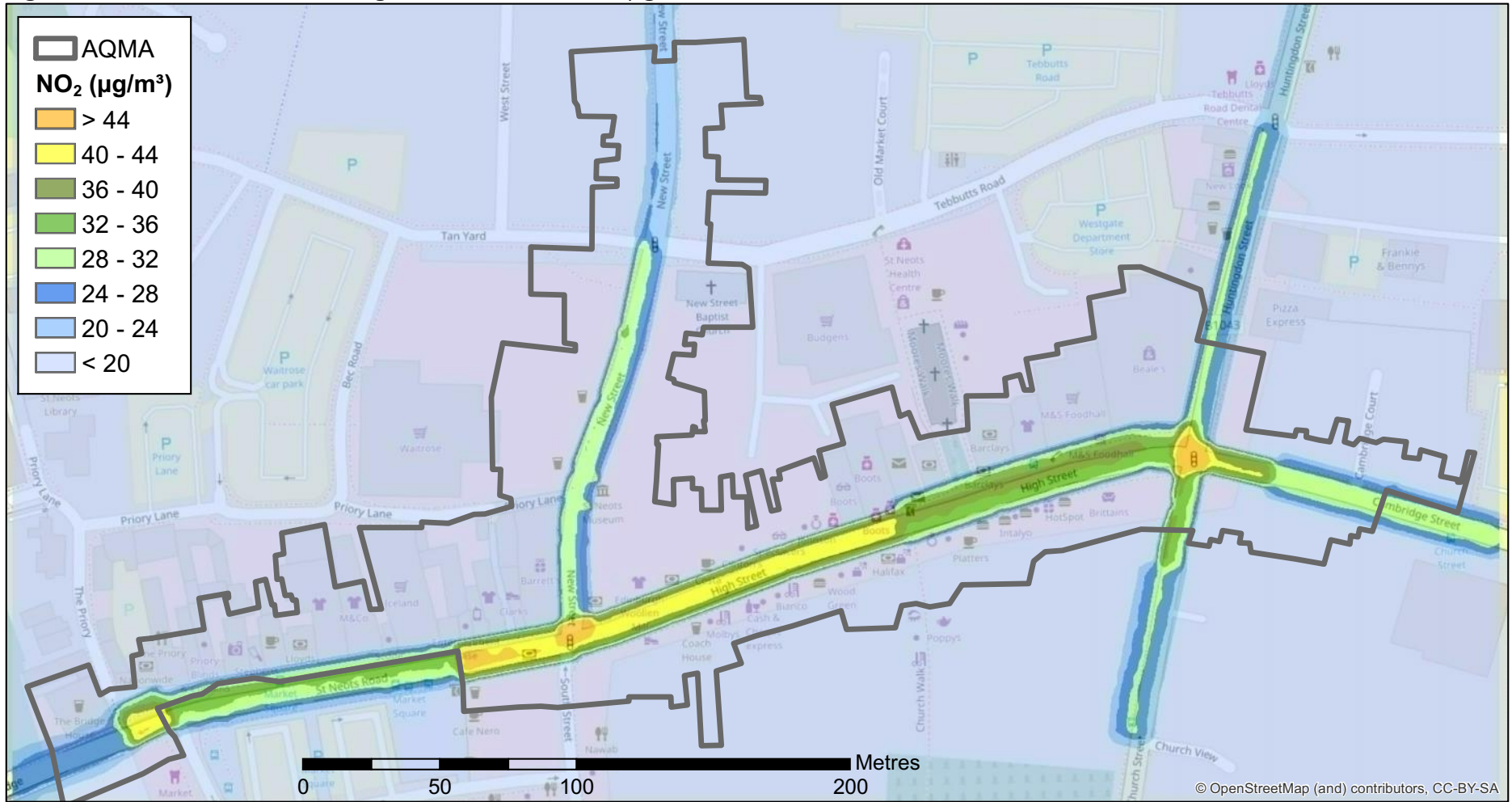
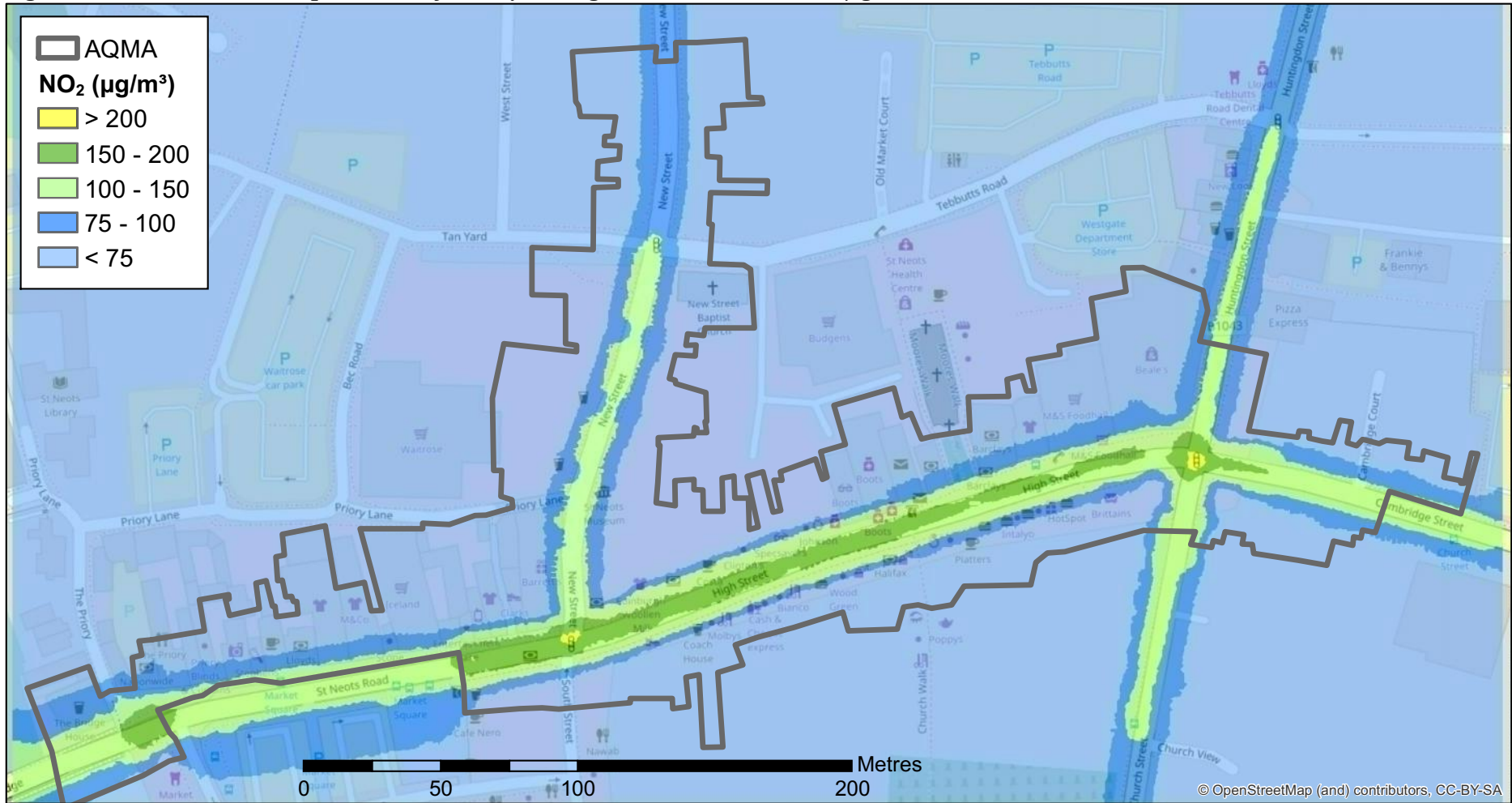


Figure 8.3: Modelled 99.79th percentile of hourly average NO₂ concentrations (µg/m³)



9 Discussion

Air quality modelling was carried out using the ADMS-Urban dispersion model.

Concentrations were calculated at the locations of the diffusion tubes in St Neots and the measured and modelled concentrations compared to verify the suitability of the model input data and assumptions. The modelled concentrations generally shows very good agreement, with modelled annual average NO₂ concentrations at five of the seven monitoring sites within 10% of the measured values. In particular, at the two monitoring sites within the AQMA, the modelled concentrations were within 1% and 3% of the measured values, respectively. The model setup can therefore be considered appropriate for the modelled area.

Exceedences of the objective value for annual average NO₂ concentrations are predicted along sections of the High Street, however, these exceedences all occur at locations where the annual average air quality objective does not apply. Concentrations at the building facades, where the annual average objective does apply, are all below 40 µg/m³.

To take into account uncertainty in the modelling, a value of 36 µg/m³ is sometimes also considered. The only building façade location at which the modelled concentration exceeds 36 µg/m³ is outside the Thomas Morris office, where it reaches 39 µg/m³.

Exceedences of the objective value for hourly average concentrations are only predicted in the centre of the New Street and Huntingdon Street junctions, i.e. not in areas where the public would be expected to have regular access.

APPENDIX A: Summary of ADMS-Urban

ADMS-Urban is a practical air pollution modelling tool, which has been developed to provide detailed predictions of pollution concentrations for all sizes of study area. The model can be used to look at concentrations near a single road junction or over a region extending across the whole of a major city. ADMS-Urban has been extensively used for the Review and Assessment of Air Quality carried out by Local Authorities in the UK. The following is a summary of the capabilities and validation of ADMS-Urban. More details can be found on the CERC web site at www.cerc.co.uk.

ADMS-Urban is a development of the Atmospheric Dispersion Modelling System (ADMS), which has been developed to investigate the impacts of emissions from industrial facilities. ADMS-Urban allows full characterisation of the wide variety of emissions in urban areas, including an extensively validated road traffic emissions model. It also boasts a number of other features, which include consideration of:

- the effects of vehicle movement on the dispersion of traffic emissions;
- the behaviour of material released into street-canyons;
- the chemical reactions occurring between nitrogen oxides, ozone and Volatile Organic Compounds (VOCs);
- the pollution entering a study area from beyond its boundaries;
- the effects of complex terrain on the dispersion of pollutants; and
- the effects of a building on the dispersion of pollutants emitted nearby.

More details of these features are given below.

Studies of extensive urban areas are necessarily complex, requiring the manipulation of large amounts of data. To allow users to cope effectively with this requirement, ADMS-Urban has been designed to operate in the widely familiar PC environment, under Microsoft Windows. The manipulation of data is further facilitated by the possible integration of ADMS-Urban with a Geographical Information System (GIS) such as MapInfo or ArcGIS, and with the CERC Emissions Inventory Toolkit, EMIT.

Dispersion Modelling

ADMS-Urban uses boundary layer similarity profiles in which the boundary layer structure is characterised by the height of the boundary layer and the Monin-Obukhov length, a length scale dependent on the friction velocity and the heat flux at the ground. This has significant advantages over earlier methods in which the dispersion parameters did not vary with height within the boundary layer.

In stable and neutral conditions, dispersion is represented by a Gaussian distribution. In convective conditions, the vertical distribution takes account of the skewed structure of the vertical component of turbulence. This is necessary to reflect the fact that, under convective conditions, rising air is typically of limited spatial extent but is balanced by descending air extending over a much larger area. This leads to higher ground-level concentrations than would be given by a simple Gaussian representation.

Emissions

Emissions into the atmosphere across an urban area typically come from a wide variety of sources. There are likely to be industrial emissions from chimneys as well as emissions from road traffic and domestic heating systems. To represent the full range of emissions configurations, the explicit source types available within ADMS-Urban are:

- **Industrial points**, for which plume rise and stack downwash are included in the modelling.
- **Roads**, for which emissions are specified in terms of vehicle flows and the additional initial dispersion caused by moving vehicles is also taken into account.
- **Areas**, where a source or sources is best represented as uniformly spread over an area.
- **Volumes**, where a source or sources is best represented as uniformly spread throughout a volume.

In addition, sources can also be modelled as a regular grid of emissions. This allows the contributions of large numbers of minor sources to be efficiently included in a study while the majority of the modelling effort is used for the relatively few significant sources.

ADMS-Urban can be used in conjunction with CERC's Emissions Inventory Toolkit, EMIT, which facilitates the management and manipulation of large and complex data sets into usable emissions inventories.

Presentation of Results

For most situations ADMS-Urban is used to model the fate of emissions for a large number of different meteorological conditions. Typically, meteorological data are input for every hour during a year or for a set of conditions representing all those occurring at a given location. ADMS-Urban uses these individual results to calculate statistics for the whole data set. These are usually average values, including rolling averages, percentiles and the number of hours for which specified concentration thresholds are exceeded. This allows ADMS-Urban to be used to calculate concentrations for direct comparison with existing air quality limits, guidelines and objectives, in whatever form they are specified.

ADMS-Urban can be integrated with the ArcGIS or MapInfo GIS to facilitate both the compilation and manipulation of the emissions information required as input to the model and the interpretation and presentation of the air quality results provided.

Complex Effects - Street Canyons

ADMS-Urban includes two options for modelling the effects of street canyons:

1. The *basic* street canyon option uses the *Operational Street Pollution Model (OSPM)*¹⁵, developed by the Danish National Environmental Research Institute (NERI). The OSPM uses a simplified flow and dispersion model to simulate the effects of the vortex that occurs within street canyons when the wind-flow above the buildings has a component perpendicular to the direction of the street. The model takes account of vehicle-induced turbulence. The model has been validated against Danish and Norwegian data.
2. The *advanced* street canyon option modifies the dispersion of pollutants from a road source according to the presence and properties of canyon walls on one or both sides of the road. It differs from the basic canyon option in the following ways:
 - (i) It can consider a wide range of canyon geometries, including tall canyons and asymmetric canyons;
 - (ii) The modelled concentrations vary with height within the canyon;
 - (iii) Emissions can be restricted only to the carriageway with no emissions on pedestrian areas; and
 - (iv) Concentrations both inside and outside a particular street canyon are affected.

Complex Effects - Chemistry

ADMS-Urban includes the *Generic Reaction Set (GRS)*¹⁶ atmospheric chemistry scheme. The original scheme has seven reactions, including those occurring between nitrogen oxides and ozone. The remaining reactions are parameterisations of the large number of reactions involving a wide range of Volatile Organic Compounds (VOCs). In addition, an eighth reaction has been included within ADMS-Urban for the situation when high concentrations of nitric oxide (NO) can convert to nitrogen dioxide (NO₂) using molecular oxygen.

In addition to the basic GRS scheme, ADMS-Urban also includes a trajectory model¹⁷ for use when modelling large areas. This permits the chemical conversions of the emissions and background concentrations upwind of each location to be properly taken into account.

¹⁵ Hertel, O., Berkowicz, R. and Larssen, S., 1990, 'The Operational Street Pollution Model (OSPM).' *18th International meeting of NATO/CCMS on Air Pollution Modelling and its Applications*. Vancouver, Canada, pp741-749.

¹⁶ Venkatram, A., Karamchandani, P., Pai, P. and Goldstein, R., 1994, 'The Development and Application of a Simplified Ozone Modelling System.' *Atmospheric Environment*, Vol 28, No 22, pp3665-3678.

¹⁷ Singles, R.J., Sutton, M.A. and Weston, K.J., 1997, 'A multi-layer model to describe the atmospheric transport and deposition of ammonia in Great Britain.' In: *International Conference on Atmospheric Ammonia: Emission, Deposition and Environmental Impacts*. *Atmospheric Environment*, Vol 32, No 3.

Complex Effects – Terrain and Roughness

Complex terrain can have a significant impact on wind-flow and consequently on the fate of dispersing material. Primarily, terrain can deflect the wind and therefore change the route taken by dispersing material. Terrain can also increase the levels of turbulence in the atmosphere, resulting in increased dilution of material. This is of particular significance during stable conditions, under which a sharp change with height can exist between flows deflected over hills and those deflected around hills or through valleys. The height of dispersing material is therefore important in determining the route it takes. In addition, areas of reverse flow, similar in form and effect to those occurring adjacent to buildings, can occur on the downwind side of a hill. Changes in the surface roughness can also change the vertical structure of the boundary layer, affecting both the mean wind and levels of turbulence.

The ADMS-Urban Complex Terrain Module models these effects using the wind-flow model FLOWSTAR¹⁸. This model uses linearised analytical solutions of the momentum and continuity equations, and includes the effects of stratification on the flow. Ideally hills should have moderate slopes (up to 1 in 2 on upwind slopes and hill summits, up to 1 in 3 in hill wakes), but the model is useful even when these criteria are not met. FLOWSTAR has been extensively tested with laboratory and field data.

Complex Effects - Buildings

A building or similar large obstruction can affect dispersion in three ways:

1. It deflects the wind flow and therefore the route followed by dispersing material;
2. This deflection increases levels of turbulence, possibly enhancing dispersion; and
3. Material can become entrained in a highly turbulent, recirculating flow region or cavity on the downwind side of the building.

The third effect is of particular importance because it can bring relatively concentrated material down to ground-level near to a source. From experience, this occurs to a significant extent in more than 95% of studies for industrial facilities.

The buildings effects module in ADMS-Urban has been developed using extensive published data from scale-model studies in wind-tunnels, CFD modelling and field experiments on the dispersion of pollution from sources near large structures. It operates in the following stages:

- (i) A complex of buildings is reduced to a single rectangular block with the height of the dominant building and representative streamwise and crosswind lengths.
- (ii) The disturbed flow field consists of a recirculating flow region in the lee of the building with a diminishing turbulent wake downwind, as shown in Figure A1.
- (iii) Concentrations within the well-mixed recirculating flow region are uniform and based upon the fraction of the release that is entrained.
- (iv) Concentrations further downwind in the main wake are the sum of those from two plumes: a ground level plume from the recirculating flow region and an elevated plume from the non-entrained remainder.

¹⁸ Carruthers D.J., Hunt J.C.R. and Weng W-S. 1988. 'A computational model of stratified turbulent airflow over hills – FLOWSTAR I.' Proceedings of Envirosoft. In: *Computer Techniques in Environmental Studies*, P. Zanetti (Ed) pp 481-492. Springer-Verlag.

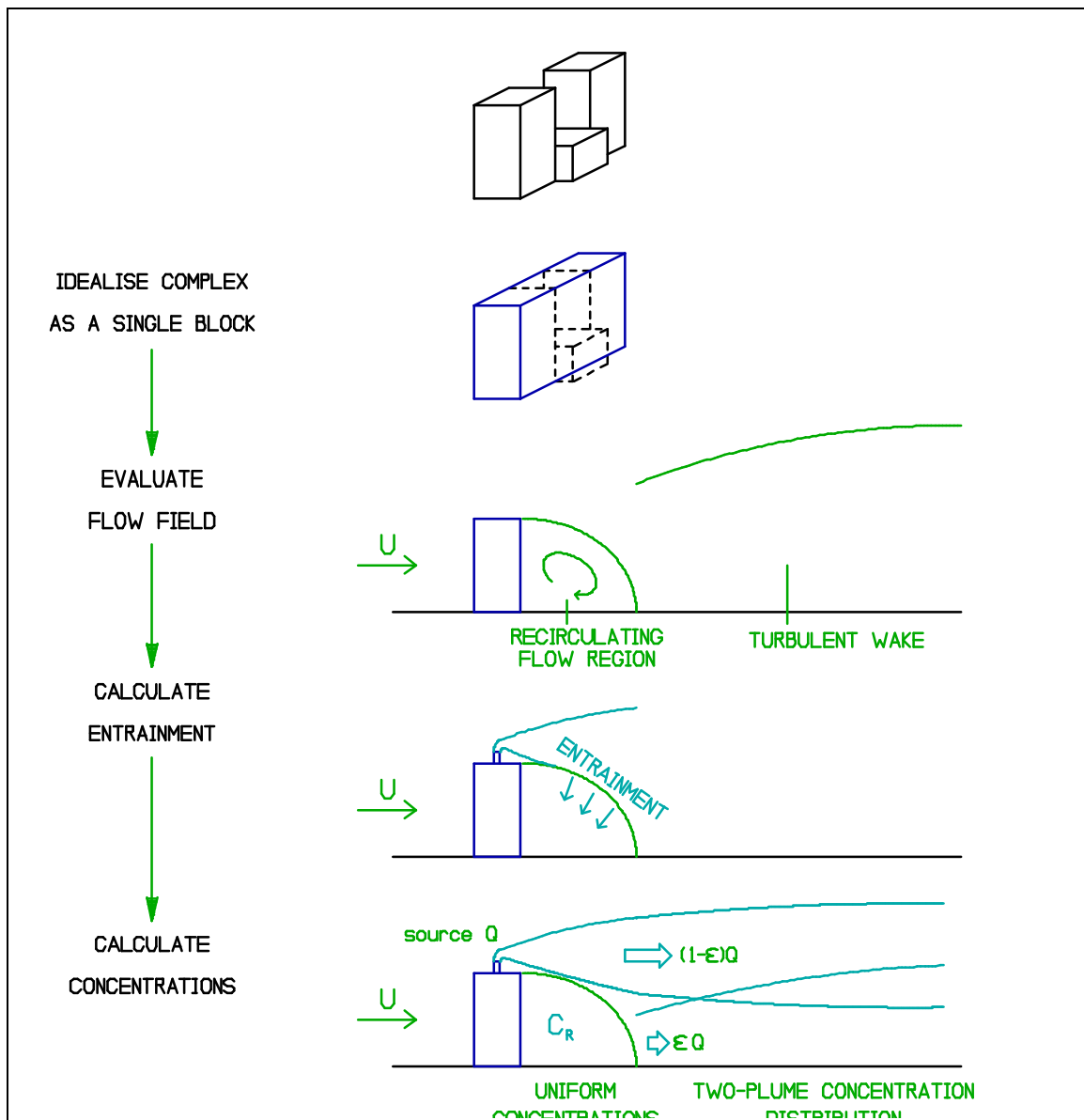


Figure A3.1: Stages in the modelling of building effects

Data Comparisons – Model Validation

ADMS-Urban is a development of the Atmospheric Dispersion Modelling System (ADMS), which is used throughout the UK by industry and the Environment Agency to model emissions from industrial sources. ADMS has been subject to extensive validation, both of individual components (e.g. point source, street canyon, building effects and meteorological pre-processor) and of its overall performance.

ADMS-Urban has been extensively tested and validated against monitoring data for large urban areas in the UK, including Central London and Birmingham, for which a large scale project was carried out on behalf of the DETR (now DEFRA).

Further details of ADMS-Urban and model validation, including a full list of references, are available from the CERC website at www.cerc.co.uk.

Public
Key Decision – No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Review of Fixed Penalty Notices 2023/24

Meeting/Date: Licensing and Protection Committee – 25 January 2024

Executive Portfolio: Executive Councillor for Customer Services – Councillor Stephen Ferguson.

Report by: Community Protection and Enforcement Team Leader.

Ward(s) affected: All.

Executive Summary:

Following a period of consultation conducted by the Department for Environment, Food & Rural Affairs (DEFRA), on 31/07/2023 the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 (The 2023 Regulation) came into effect. The 2023 Regulation revised fixed penalty notice (FPN) levels available for environment crimes, namely fly-tipping, littering, household waste duty of care, graffiti, and flyposting.

The 2023 Regulation provides Local Authorities the discretion to increase the level of FPNs issued to offenders of environment crime, to be better commensurate to the effect this offending has on our communities.

Recommendation(s):

The Licensing and Protection Committee is

RECOMMENDED

- 1. To adopt new higher value and tiered levels of FPN for offences related to littering, fly-tipping, and household waste duty of care.**
- 2. To offer recipients of FPN the option of a 25% discount against the value of the FPN for early payment.**
- 3. To amend the payment period for FPNs for littering, fly-tipping, and household waste duty of care to 28 days and the early payment (discounted FPN level) period to 14 days.**

Note: Further details on fine levels and discount for early payment are detailed in section 3.3 of this report.

1. PURPOSE OF THE REPORT

- 1.1 To inform the Executive Councillor and Licencing and Protection Committee Members of the revised fixed penalty notice (FPN) levels available for environmental crimes, namely fly-tipping, littering, household waste duty of care, graffiti, and flyposting, which came into force under the 2023 Regulations on the 31st July 2023.
- 1.2 To seek authority to revise the current fixed penalty for offences related to littering, fly-tipping, and household waste duty of care to new levels; and to give a discount of 25% (i.e., discounted fine value) for early payment, whilst extending the period during which a payment for FPNs can be made.

2. WHY IS THIS REPORT NECESSARY

- 2.1 Environment crime offences such as littering and fly-tipping have a considerable impact on both urban and rural locations across the Huntingdonshire District. The cost to HDC for the disposal of fly tipped waste in financial year 2022/23 was £67,522; however, the impact on residents and businesses is incalculable, especially for those who have the misfortune of an offender disposing of waste on their private property, or a legitimate waste disposal business who are undercut by illegal operators.
- 2.2 On 31st July 2023, the 2023 Regulations came into effect. This change in legislation provides Local Authorities the ability to raise FPNs from the current levels to new maximum levels (varied per offence) for various environment crime offences.
- 2.3 Prior to the 2023 Regulations, the levels for FPNs for Environment Crime offences were last increased in 2017 (by the Environmental Offences (Fixed Penalties) (England) Regulations 2017). The current levels of FPNs adopted by HDC can be found in section 3.2.
- 2.4 Raising the financial value of an FPN may prompt the perception that the increased amount generated may be considered an increase in revenue to HDC. Defra guidance is clear that FPNs should not be used in this way, and in accordance with legislation income received must be spent towards specified functions. The Code of Practice on Litter and Refuse, Section 1a (Section11) sets out what income from FPN may be spent on. It is important that the correct narrative is made clear when deciding on whether to increase the value of an FPN.

3. OPTIONS CONSIDERED

- 3.1 Options to consider are:
 - 3.1.1 Do not increase the value of FPNs for Environment Crime.
 - 3.1.2 Increase the value of FPNs for Environment Crime and provide a 25% discount for early payment (within 14 days) of an issued

- 3.1.3 FPN for Environment Crime, and extend the maximum payment period of an issued FPN from 14 days to 28 days. Increase the value of FPNs for Environment Crime, with some variation to the above option in 3.1.2 (this would need to be revised and discussed, before resubmission to Committee).

3.2 The current level of environment crime FPN's as indicated in 3.1.1 are:

Offence	FPN Amount	Payment deadline
Littering	£150	14 Days
Household Duty of Care	£200	14 Days
Fly Tipping	£400	14 Days

3.3 The proposed changes to environment crime FPN's as indicated in 3.1.2 are:

Littering		
	Issued	Discounted
Tier 1 (single item)	£100	£75
Tier 2 (multiple)	£125	£94
Tier 3 (large litter)	£200	£150
Household Duty of Care		
	Issued	Discounted
	£400	£300
Fly Tipping		
	Issued	Discounted
Tier 1 (Domestic)	£400	£300
Tier 2 (Domestic)	£700	£525
Tier 3 (Commercial)	£1,000	£750

3.3.1 Recipients will have 28 calendar days to pay, in most cases with an additional offer of 25% discount for early payment within 14 days.

3.3.2 The proposed 'Tiers' of environment crime offences are described as follows:

Littering: **Tier 1** issued for littering of a single item, such as a cigarette butt or food packet from a car. **Tier 2** issued for littering multiple small items, including fast food bag/packaging. **Tier 3** issued for larger litter such as a single bag of waste.

Household Duty of Care: Proposal for a single tier for Householder Waste Duty of Care, when a person has failed to ensure their household waste was transferred to a suitable person.

Fly Tipping*: **Tier 1** issued to a person who committed a fly-tipping of domestic waste, consisting of waste equivalent to more than one refuse bag, up to a quantity that would fill a small car boot. **Tier 2** issued to a person who committed fly-tipping of domestic waste of an amount equivalent to the size of a large car boot, up to panel van. **Tier 3** is issued when evidence demonstrates a suspect transported and fly-tipped waste which was generated directly from a financial transaction (hired to clear waste or tipped waste following a commercial job).

*HDC will not issue a fixed penalty notice for fly tipping where we believe those responsible are repeat offenders (domestic or commercial), if the fly tip is of a large quantity, is hazardous waste, if the offender is a self-employed transporter of waste without Waste Carrier Licence and Waste Transfer Notes, or evidence is shown that the person responsible is regularly advertising their waste carrying business. In such circumstances, we will seek appropriate prosecution for the offence.

4. KEY IMPACTS RISKS

4.1 When determining whether FPNs should increase and to what level, HDC must consider the following impacts and risks;

- 1: the deterrent effect of the FPN level,
- 2: an offender's ability and willingness to pay, and
- 3: whether the FPN level is commensurate to fines likely imposed by Court in cases where an FPN is not paid by the recipient.

4.2 It is important that an FPN balances the three points highlighted in 4.1. The value of an FPN should not be so low that the incentive of offending outweighs the impact of enforcement. Conversely, the value of an FPN should not be so high that either payment is unaffordable to the recipient, or non-payment is a lesser risk to the recipient than facing prosecution at Court. In such cases where a person does not pay an FPN and is summoned to Court for prosecution, fines and costs issued by Court may be less than the overall cost to the Local Authority. Therefore, it is in the best interest of HDC to set FPN values at a rate which is a detriment to offending, but realistically payable by the recipient.

5. TIMETABLE FOR IMPLEMENTATION

5.1 The changes to the maximum available level of FPNs came in to force on 31 July 2023. The proposal is for HDC to adopt its new level of FPNs and changes to payment schedule from the new financial year, 01 April 2024

6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

- 6.1 The proposed changes to environment crime FPN's are linked to priorities one and three of HDC's Corporate Plan, 'improving quality of life for local people', and 'delivering good quality, high value-for-money services with good control and compliance with statutory obligations'. Specifically, the proposed changes to environment crime FPN's balances a number of delicate factors by ensuring those deemed responsible for environment crime are duly punished, whilst maintaining affordability during the current cost of living crisis and facilitating a sustainable service by utilising funds received from paid FPN's towards improved service delivery.

7. LEGAL IMPLICATIONS

- 7.1 Issuing of FPN's for littering, fly tipping and household duty of care offences are detailed in the Environmental Protection Act 1990.
- 7.2 Warranted Officers hold the statutory discretion to issue FPN's for environment crime, proceed to prosecution or issue civil warnings.
- 7.3 Under the Legislative and Regulatory Reform Act 2006, HDC's Officers have a duty to carry out their activities in a way which is transparent, accountable, proportionate and consistent, and targeted against cases in which action is needed. Under no circumstances should FPN's be used to generate income.
- 7.4 HDC's Community Protection and Enforcement team operate to a process by which non-payment of FPN will result in prosecution for the original offence, resulting in the termination of the FPN.
- 7.5 FPN's will not be issued in cases when opting for prosecution at Court is deemed more appropriate.
- 7.6 Within the capacity of their statutory provision, HDC's Community Protection and Enforcement Team offer recipients of FPN's the option to appeal. This can only be done within the deadline of payment. Appeal requests are reviewed by the Community Protection and Enforcement Team Leader.
- 7.7 Complaints against an unsuccessful appeal of FPN's are processed in line with HDC's complaints process.

8. RESOURCE IMPLICATIONS

- 8.1 Issuing FPN's as an enforcement outcome is a process requirement and statutory power. This expectation is managed within the structure of the Community Protection and Enforcement Team.
- 8.2 The changes to environment crime FPN's by implementing a discount for early payment will be communicated to HDC's Customer Service, Finance

and Business Support departments to manage incoming enquiries and payment.

- 8.3 Generating, monitoring, and processing payments for FPN's will be managed on the HDC Tech One system by the Communities Business Support Assistants.
- 8.4 Upon approval of the proposed changes to environment crime FPN's the Community Protection and Enforcement Team will undertake a social media campaign, update the HDC website and refresh signage to reflect the changes in fine levels, to inform and deter offenders. Any payment for signage will be paid for from the Community Protection and Enforcement Team FPN accounts.

9. EQUALITIES IMPACT ASSESSMENT

- 9.1 The Community Protection and Enforcement Team follow set procedures, policy, guidance, and legislation to guide towards determining the best course of action in respect to enforcement outcomes. However, Officers are granted some discretion in their use of stator powers, which presents a risk of unconscious bias influencing enforcement action. The impact of unconscious bias on enforcement outcomes is mitigated by the use of Officer training, and case reviews and gatekeeping by the Community Protection and Enforcement Team Leader.
- 9.2 All Officers are appropriately trained in respect to the Equalities Act 2010 and are able to manage bias with respect to enforcement outcomes.
- 9.3 There is a risk of inequality of outcomes if offenders most commonly prosecuted are people who are unable to afford to pay FPN's due to low income. In developing the proposed changes to FPN levels for environment crime, thorough consideration has been given towards the current cost of living crisis and the disproportionate impact increased FPN levels could have on offenders of environment crime who may be experiencing financial hardship. This consideration has led to the proposal of the extended payment deadlines and discount for early payment. Additionally, offenders who are believed to be committing acts of environment crime for financial gain will be served with the maximum FPN level for fly tipping (£1000) or considered for prosecution, rather than FPN.

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 The proposed increase in FPN levels is in line with Defra guidance, following an extensive period of consultation carried out by Defra on behalf of Government. HDC's Community Protection and Enforcement Team Leader has consulted with counterparts across the Cambridgeshire County and designed the recommended decisions based on being commensurate to other Local Authorities proposed changes. Thorough consideration has been placed on the various impacts this decision may have on HDC, its residents and recipients of FPN's (Offenders).

11. LIST OF APPENDICES INCLUDED

None.

12. BACKGROUND PAPERS

None.

CONTACT OFFICER

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Email: Ashley.Dolling@huntingdonshire.gov.uk

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Monitoring Report on the delivery of the Service Plans for Food Law Enforcement and Health and Safety Regulation
Meeting/Date:	Licensing and Protection Committee – 25 January 2024
Executive Portfolio:	Executive Councillor for Customer Services – Cllr S Ferguson
Report by:	Kate Penn – Environmental Health Service Manager
Ward(s) affected:	All

Executive Summary:

The Service Plans for Food Law Enforcement and Health and Safety Regulation 2023-24 were approved by committee on 28 June 2023.

The report provides information about the delivery of the two Service Plans for Quarters 2 and 3.

For both service areas programmed work such as food hygiene inspections is delivered alongside reactive work, the volume of which by definition is impossible to predict. This work is carried out according to risk. Complaints and accident investigations are prioritised using risk-based selection criteria, and the volume of work is reported here to attempt to identify any emerging risks in terms of resource provision.

Appendices 1 and 2 contain detailed information about the delivery of Service Plans for Food Law Enforcement and Health and Safety Regulation 2023-24.

Recommendation:

The Committee is asked to review progress and provide any comments considered appropriate on the delivery of the two Service Plans for Q2 and Q3.

1. PURPOSE OF THE REPORT

- 1.1 The report provides information about the delivery of the Service Plans for Food Law Enforcement and Health and Safety Regulation for Quarter 2 and Quarter 3.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 Members have asked to be kept informed about the delivery of the work in the approved plans.

3. SERVICE AREAS COVERED BY THE REPORT

- 3.1 The overall aim of the Service Plan for Food Law Enforcement is to ensure that food placed or intended to be placed on the market for human consumption which is produced, stored, distributed, handled or purchased within Huntingdonshire is without risk to public health or the safety of the consumer. This is fulfilling our statutory duty under the Food Safety Act 1990 and the Food Hygiene and Safety (England) Regulations 2013. There are several key objectives which contribute to the delivery of the overall aim.

- The delivery of a programme of inspections and other interventions in accordance with the FSA's Code of Practice
- To respond to complaints and requests for service in accordance with any internal service standards
- To respond to any FSA Food Alerts for Action (FAFA) subject to available resources

- 3.2 The overall aim of the Service Plan for Health and Safety Regulation is to work with businesses and employees to protect all people, including members of the public, from unsafe working conditions by fulfilling the council's statutory role as a 'Health and Safety Enforcing Authority'

4. KEY IMPACTS / RISKS

- 4.1 The main risk of not carrying out the work on these plans would be to the health, wellbeing and safety of those who live, work or visit the Huntingdonshire area. They could be exposed to unsafe food or unsafe working conditions.
- 4.2 The failure to monitor the delivery of the approved Service Plans could invite criticism from the Food Standards Agency (FSA) and the Health and Safety Executive (HSE) in their capacities as the national regulators.
- 4.3 Members have asked to be kept informed about the delivery of the approved Service Plans in order that they can comment on the way in which the service is provided as well as the available resources.

5. PROGRESS AGAINST APPROVED SERVICE PLANS

5.1 Service Plan for Food Law Enforcement

5.1.1 The main focus of this service plan is the planned routine inspections of food businesses. All food businesses are risk rated category A to E with A being the highest risk. The risk rating mechanism is provided in the Food Law Code of Practice (England) and considers the consumers at risk; the level of current compliance with statutory obligations and any relevant industry codes of recommended practice in relation to the hygiene and structure of the premises; and the confidence in management/control processes in place. For example, a care home or nursery may be Category A due to their consumers being in a vulnerable group. Most restaurants, pubs and catering businesses are Category C or D. Category E are the lowest risk premises and will include small retailers selling pre-packed food and home caterers making cakes only.

The table below shows the categorisation of food businesses in Huntingdonshire on 31 March 2023:

Category	Number of Premises
A	6
B	63
C	290
D	542
E	720
Unrated	53

There are 66 food business outside the rating programme

- 5.1.2 In Quarter 2 there were 143 food hygiene inspections carried out and in Quarter 3 there were 176 food hygiene inspections carried out. 29% of these inspections were with new businesses or new Food Business Operators. In total 504 inspections have been undertaken so far this year which shows that the predicted activity should be met.
- 5.1.3 In Quarters 2 and 3 there were 116 new food business registrations received, this what was anticipated based on previous data. A new business registration can occur when an existing business changes hands and a new food business operator takes over or an entirely new business starts up.
- 5.1.4 Progress against the Alternative Enforcement Strategy remains at Red status, however, I can report that 157 businesses have been contacted to see if they are still operating and their records updated to show which need inspecting and which have ceased trading so work on this area has started.
- 5.1.5 In Quarters 2 and 3 a total of 17 compliance checks were undertaken, these are revisits to check compliance where the food hygiene inspection has uncovered issues that need attention. It is likely that the level of predicted activity will be slightly exceeded for compliance checks.

- 5.1.6 Appendix 1 also shows that requests for export certificates remains a little lower than anticipated based on previous years data, this is something that as a service we cannot influence and is determined by what manufactures are exporting where. The predicted income has been adjusted accordingly.
- 5.1.7 Requests for rescores continue to be higher than anticipated in Quarter 2 meaning that at the end of Quarter 3 we had received the number of requests predicted for the whole year. This shows how businesses are keen to ensure they receive the highest possible rating of 5 by request a rescoring inspection and providing details of how they have addressed any matters outstanding at their programmed inspection.
- 5.1.8 Officers have continued to take part in UK Health Security Agency's sampling study, topics were 'Ready to Eat (RTE) Salad and salad components from Retail and Catering' and 'Cooked Ready to Eat (RTE) Sliced or Cut Meat from retail and catering premises'. Where samples were unsatisfactory notification was provided to the Food Standards Agency and additional visits have been undertaken to provide advice and guidance to businesses and further samples carried out to check for improvement to the required standard.
- 5.1.9 The level of activity with regard to infectious disease control has increased slightly due to there being a cluster of Cryptosporidium cases in the East of England and the UK Health Security Agency requesting questionnaires were carried out with all cases area to see if a link to any other cases in the area could be found.

5.2 **Service Plan for Health and Safety Regulation**

- 5.2.1 The majority of health and safety work in Quarters 2 and 3 was reactive, there were 26 accidents (14 and 12 respectively in each Quarter) reported of which 9 investigations commenced. The selection of accidents for investigation is founded upon the risk-based criteria in Local Authority Circular (LAC) 22/13. There were 75 other service requests responded to and the majority of these were licensing consultations where a new premises, street trading or pavement licence had been applied for by a business in the district.
- 5.2.2 Proactive visits were made to two large events within the District during the summer and officers attended a number of Safety Advisory Group (SAG) meetings to provide advice to event organisers and promote public safety at events within the district.
- 5.2.3 In Quarter 2 and 3 there were 17 skin piercing registrations issued for premises and practitioners within the district.
- 5.2.4 The number of premises inspections and interventions is less than anticipated, this is driven by what service requests come in and whether inspection or intervention would be considered to be a proportionate regulatory intervention in line with the Health and Safety Executive's statutory guidance.

6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

- 6.1 The work covered by the two Service Plans largely sits under Priority 3 - Delivering good quality, high value-for-money services with good control and compliance with statutory obligations.

7. RESOURCE IMPLICATIONS

- 7.1 The failure to report the delivery of the approved Service Plans may prejudice the Council's ability to provide the necessary resources.

8. LIST OF APPENDICES INCLUDED

Appendix 1 - Food Activity 2023-2024

Appendix 2 - Health and Safety Activity 2023-2024

CONTACT OFFICER

Name/Job Title: Kate Penn – Environmental Health Service Manager

Tel No: 01480 388302

Email: kate.penn@huntingdonshire.gov.uk

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Appendix 1 Food Activity 2023-2024

Activity	Predicted Activity 2023-24	Recorded Activity Q2 2023-24	Recorded Activity Q3 2023-24	Total Activity 2023-24	RAG Status
Programmed food hygiene inspections A breakdown will be reported for: 1) Programmed inspections 2) Initial inspection (new business or new FBO) 3) Aborted/no access or closed premises inspections (aim to minimise)	719	Total: 143 1) 86 2) 39 3) 18	Total: 176 1) 98 2) 55 3) 23	Total: 504 1) 296 2) 148 3) 63	Green (94% of target)
Alternative Enforcement Strategy (AES) (e.g. cake makers and childminders)	300	157 contacted		157 contacted	Red
Revisits to check compliance following a food hygiene inspection	30	13	4	30	Green
Mentoring / business support visits (previously included in other proactive visits)	15	0	1	1	Green
Sampling visits (previously included in other proactive visits)	20	6	9	25	Green
Food, water and environmental samples taken	100	23	23	85	Green
Prosecutions and cautions	2	0	0	0	Green
Formal action (service of notices, closures)	10	0	0	0	Green
Complaints and service requests about food and about/from food businesses	350	77	57	212	Green
Requests for export certificates	120	22	15	56	Amber
FHRS re-score requests (low is good)	20	8	5	23	Amber
Infectious disease control - notifications of food-borne/food poisoning illnesses (low is good)	10	5	7	16	Green
FSA food alerts for action	10	4	4	9	Green

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Appendix 2 Health and Safety Activity 2023-24

Activity	Predicted activity 2023-24	Recorded Activity Q2 2023-24	Recorded Activity Q3 2023-24	Total Activity 2023-24
Premises inspections and interventions (including activities identified in Work Plan)	40	11	8	22
Health and safety complaints and requests for service (including advice to business/enquiries) *	100	Total: 46 20 licensing consultations 13 relating to work premises 3 skin piercing enquiries 7 lifting equipment notifications 3 other	Total: 29 18 licensing consultations 2 relating to work premises 3 skin piercing enquiries 3 lifting equipment notifications 3 other	Total: 114
Skin piercing registrations	50	10	7	30
Accident and dangerous occurrence reports received	70	14	12	33
Accident and dangerous occurrence investigations commenced **	30	6	3	14
Specific smoke free enforcement visits***	0	0	0	0
Matters of Evident Concern (MEC)****	35	13	21	42
Health and safety promotional activity	3	1	1	1

* This figure includes statutory notifications about working with asbestos, Adverse Insurance Reports (AIR) about unsafe work equipment and requests for advice and information. The diversity of work illustrates the importance of maintaining resources in order that effective investigations can be carried out. A breakdown of service request areas will be given.

**The selection of accidents for investigation is founded upon the risk-based criteria in Local Authority Circular (LAC) 22/13.

*** This figure is driven by the number of relevant complaints received by the service.

**** Matters of Evident Concern are significant health and safety problems that officers have noted during non-health and safety activities. (The fewer the better)

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Scheme of Delegation to Officers

Meeting/Date: Licensing and Protection Committee – 25 January 2024

Executive Portfolio: Executive Councillor for Customer Services – Cllr Stephen Ferguson

Report by: Community Services Manager – C Deeth

Ward(s) affected: All

Executive Summary:

In February 2016, Council approved a new Constitution. Contained therein is the Responsibility for Functions (Part 3), and specifically those functions of the Licensing & Protection Committee, and the Licensing & Protection Sub-Committee (Table 2, Part 3).

At the time, legal advice had recommended that the Licensing and Protection Committee formally resolve the scheme of delegation between the Licensing and Protection Committee and the Council's Officers. This was actioned following the submission and approval of a report to the then Licensing Committee on 19th July 2016.

Since this approval, there have been a number of structure changes across the organisation including amendments to job titles. The purpose of this report is to therefore recognise and subsequently approve the delegations based on the amended role titles.

Recommendation(s):

The Licensing and Protection Committee is

RECOMMENDED to:

- i) approve the scheme of delegation from Licensing & Protection Committee to Officers**
- ii) authorise the Community Services Manager to make minor editorial changes, which by definition make no change to the powers of delegations.**

- iii) authorise the Community Services Manager, after consultation with the Chair and Vice-Chair to make changes as a result of revocations, amendments, or enactment of relevant statutory provisions**
- iv) authorise the Community Services Manager to appoint such suitably qualified officers as deemed appropriate to exercise those duties delegated to him/her.**

1. PURPOSE OF THE REPORT

- 1.1 The Council Constitution 2016 details the Responsibility for Functions, and specifically the responsibilities of the Licensing & Protection Committee (the Committee). On 19th July 2016, a report was presented to the then Licensing and Protection Committee advising that legal advice had recommended that the Committee formally resolve a scheme of delegation for Officers with regards to the licensing and registration functions, and health and safety at work functions contained with Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.
- 1.2 The report was subsequently approved and implemented.
- 1.3 Following a number of restructures resulting in changes to the names of certain posts, this report is being brought back to the Licensing and Protection Committee to request approval of an amended scheme of delegation.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 There have been amendments to role titles following restructures meaning that previously used job titles no longer exist. It is therefore necessary to seek approval from the Committee for a new scheme of delegation that reflects the amendments.

3. KEY IMPACTS / RISKS

- 3.1 Should a scheme of delegation contain incorrect information relating to decision making responsibilities, it may invalidate the action that is being taken by officers. Should this be recognised and subsequently challenged, any decisions made could be reversed. There is a significant reputational risk to the District Council if this were to happen.

4. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 4.1 If approved, the new scheme of delegation will be implemented immediately, and all associated documentation updated accordingly.

5. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

- 5.1 Priority 1 – Improving quality of life for local people.
- 5.2 Priority 3 – Delivering good quality, high value-for-money services with good control and compliance with statutory obligations.

6. LEGAL IMPLICATIONS

- 6.1 For the scheme of delegation to be implemented correctly, we must ensure that it is current and contains the correct information. Should this not be the case, there is a risk that decisions made could be invalidated.

7. REASONS FOR THE RECOMMENDED DECISIONS

- 7.1 Should the Committee approve the amended scheme of delegation, this will enable officers operating in the amended structures to be able to utilise legislation available to them and where appropriate, take action to address unauthorised or illegal activity.

8. LIST OF APPENDICES INCLUDED

Appendix 1 – Powers delegated by or on the recommendation of the Licensing and Protection Committee (Environmental health and Community Protection and Enforcement).

9. BACKGROUND PAPERS

Scheme of Delegation to Officers report dated 19th July 2016

CONTACT OFFICER

Name/Job Title: Claudia Deeth/ Community Services Manager
Tel No: 01480 388233/ 07810 637595
Email: claudia.deeth@huntingdonshire.gov.uk

Appendix 1

POWERS DELEGATED BY OR ON THE RECOMMENDATION OF THE LICENSING AND PROTECTION COMMITTEE

Environmental Health and Community Protection and Enforcement (Approved on 25th January 2024)

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Prevention of Damage by Pests Act 1949	To enter on to land or premises for the purposes of inspection etc	Community Services Manager, Environmental Health Officers, Environmental Health Service Manager, Community Protection and Enforcement Officers, Technical Officers, Pest Control Officers	29.01.74	
Prevention of Damage by Pests Act 1949	To enter on to land or premises for the purposes of the Act	Community Services Manager, Environmental Health Officers, Environmental Health Service Manager, Community Protection and Enforcement Officers, Technical Officers, Pest Control Officers	29.01.74	
Public Health Act 1936	To deal with licensing of movable dwellings and camping sites	Community Services Manager	17.06.75	
Highways Act 1980 (S.179)	To issue consent or to serve such notices as may be considered appropriate in relation to construction under streets in accordance with S.179 of the Act	Operations General Manager	12.10.82	After consultation with the Chair of the Committee.
Food Safety Act 1990	(a) To institute legal proceedings for contraventions of the Act and any re-enactment, amendment or modification thereof or any regulations made thereunder	Community Services Manager	18.09.90	After consultation with the Chair and Vice-Chair of the Committee
	(b) To authorise, in writing, Environmental Health Officers and any other persons he/she may determine to act as	Community Services Manager		

authorised officers either generally or specifically in matters arising under the Act

Environmental Protection Act 1990	To undertake duties, serve Notices and institute legal proceedings for non-compliance with Statutory Notices under Part III of the Act	Community Services Manager, Environmental Health Officers, Environmental Health Service Manager, Technical Officers	15.01.91	
Food Safety Act 1990: Quick Frozen Foodstuffs Regulations 1990	To undertake prosecutions for contravention	Community Services Manager	17.09.91	After consultation with the Chair and Vice-Chair of the Committee
Slaughter of Poultry Act 1967 (as amended by Animal Welfare Act 1984)	To appoint suitably qualified persons to act as Welfare Supervisory Officers	Community Services Manager	03.12.91	
Slaughter of Poultry (Licences and specified qualifications) Regulations 1991	To grant, renew, modify, refuse, suspend or revoke a licence for the slaughter of poultry	Community Services Manager	03.12.91	
Slaughter of Poultry (Licences and specified qualifications) Regulations 1991	To institute legal proceedings for alleged contraventions	Community Services Manager	03.12.91	After consultation with the Chair and Vice-Chair of the Committee
Noise and Statutory Nuisance Act 1993 (Section 8 & Schedule 2)	To determine applications in respect of loud-speakers in streets between 9 pm and 8 am	Community Services Manager	01.03.94	After consultation with the Chair and Vice-Chair of the Committee
Noise and Statutory Nuisance Act 1993 (Section 8 & Schedule 2)	To appoint contractors to act as agents for the Council in towing away vehicles and equipment causing a nuisance and impounding them until reclaimed	Community Services Manager	01.03.94	
Noise and Statutory Nuisance Act 1993 (Section 8 & Schedule 2)	To sign noise abatement notices on behalf of the Council	All officers authorised under the Environmental Protection Act 1990 to take action in respect of statutory nuisances	01.03.94	

Environmental Protection Act 1990	To appoint authorised persons under the Act	Community Services Manager	17.09.96	
Environment Act 1995	To institute legal proceedings for offences under the Act	Community Services Manager	17.09.96	After consultation with the Chair and Vice-Chair of the Committee
Food Safety Act 1990: Quick Frozen Foodstuffs Regulations 1990	To appoint, in writing, an Environmental Health Officer and any other person as he may determine to act as authorised Officers either generally or specifically in matters arising under the Regulations	Community Services Manager	17.09.91	
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995	To exercise the powers of entry, inspection and investigation and to serve notices	Community Services Manager	20.09.00	
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995	To exercise powers and duties under the Act	Community Services Manager	20.09.00	
Environmental Protection Act 1990 (Part 11A)	To maintain a public register of the Council's regulatory activity	Community Services Manager	20.09.00	
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995	To institute legal proceedings under the Acts	Community Services Manager	20.09.00	After consultation with the Chair and Vice-Chair of the Committee
Environmental Protection Act 1990 (Part 11A) and Environment Act 1995	To carry out urgent remedial action under the Acts where there is an imminent danger of serious harm in that circumstances exist which are likely to endanger life or harm or cause pollution of controlled waters	Community Services Manager	20.09.00	After consultation with the Chair and Vice-Chair of the Committee
Pollution Prevention and Control Act 1999	To carry out the following functions under the Act -	Community Services Manager	20.09.00	

- (i) the determination of applications for the grant, variation and transfer of permits and accompanying conditions;
- (ii) the collection of fees as determined by the DETR;
- (iii) the suspension and revocation of permits and service of notices; and
- (iv) the variation and enforcement of permit conditions, taking of samples and the taking of remedial action at the expense of the permit holder

Pollution Prevention and Control Act 1999	To appoint suitably qualified persons to exercise the powers and duties conferred by the Act	Community Services Manager	20.09.00	
Environment Act 1995	To exercise powers of entry under Section 108(4) of the Act	Appointed Officers	20.09.00	
Pollution, Prevention and Control Act 1999	To institute legal proceedings under the Act and Regulations	Community Services Manager	20.09.00	After consultation with the Chair and Vice-Chair of the Committee
Products of Animal Origin (Import and Export) Regulations 1996 as amended by the Products of Animal Origin (Import and Export) (Amendment) Regulations 2001	To appoint suitably qualified Officers to carry out the duties specified under the legislation	Community Services Manager	20.03.02	
Products of Animal Origin (Import and Export) Regulations 1996 as amended by the Products	To institute legal proceedings for contravention of the Regulations	Community Services Manager		After consultation with the Chair, (or in his absence, the Vice-Chair)

of Animal Origin (Import and Export) (Amendment) Regulations 2001				of the Licensing and Protection Committee
Meat (Enhanced Enforcement Powers) Regulations 2000	To appoint suitably qualified Officers to carry out the duties specified under the Regulations	Community Services Manager	20.03.02	
Deer Act 1991	To appoint suitably qualified Officers to undertake the duties specified under the legislation	Community Services Manager	20.03.02	
Deer Act 1991	To institute legal proceedings for contravention of the Regulations	Community Services Manager		After consultation with the Chair, (or in his absence, the Vice-Chair) of the Licensing and Protection Committee
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To appoint suitably qualified Officers as Inspectors to carry out the duties specified under Section 19 of the Act	Community Services Manager	20.03.02	
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To exercise discretion as to the extent of the powers granted to individual inspectors under Section 20 in accordance with the statutory guidance issued by the Health and Safety Commission	Community Services Manager		
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To authorise other persons to accompany duly authorised Officers appointed under Section 19 and Section 20 (2)(c)(1) of the Act, where necessary, on inspections for the purposes of the Act	Officers appointed under Section 19 of the Health and Safety at Work (etc) Act 1974		
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To institute legal proceedings in the Magistrates Court under any of the relevant statutory provisions defined in the Act	Inspectors appointed under Section 19 of the Health and Safety at Work (etc) Act 1974 following the approval of the Community Services Manager		After consultation with the Chair, (or in his absence, the Vice-Chair)

				of the Licensing and Protection Committee
Health and Safety at Work (etc) Act 1974 (S19 and 20)	To institute legal proceedings in the Crown Court for contraventions of the Health and Safety at Work (etc) Act 1974 and any re-enactment, amendment or modification thereof and any Regulations made thereunder	Community Services Manager		After consultation with the Chair, (or in his absence, the Vice-Chair) of the Licensing and Protection Committee
Regulation of Investigatory Powers Act 2000 (RIPA)	To designate appropriate Officers to discharge the powers and duties of the Council as set out in the Act and any Codes of Practice and Regulations made thereunder	Community Services Manager or, his absence, the Legal Services Manager	17.09.02	
Transmissible Spongiform Encephalopathies (England) Regulations 2002	To designate appropriate Officers to discharge the duties and powers of the Council as set out in the Regulations	Community Services Manager	24.06.03	
Pollution and Prevention Control (England and Wales) Regulations 2000	To respond to statutory consultation under the Regulations	Community Services Manager	01.08.03	After consultation with the Chair and Vice-Chair of the Licensing and Protection Committee
European Communities Act 1972	To appoint suitably qualified Officers to carry out the duties conferred upon the Council in the Act and Regulations	Community Services Manager	15.10.03	
European Communities Act 1972	To institute legal proceedings for offences arising from the Act and Regulation	Community Services Manager		After consultation with the Chair, or in his absence, the Vice-Chair of the Licensing and Protection Committee
Products of Animal Origin (Third Country Imports) (England) Regulations 2011	To appoint appropriate Officers to discharge the powers and duties under the Regulations	Community Services Manager	15.10.03	

Products of Animal Origin (Third Country Imports) (England) Regulations 2011	To institute legal proceedings under the Regulations	Community Services Manager		After consultation with the Chair, or in his absence, the Vice-Chair of the Licensing and Protection Committee
The Imported Regulations 1997	Food To appoint appropriate Officers to carry out duties and powers under the Regulations	Community Services Manager	15.10.03	
The Imported Regulations 1997	Food To institute legal proceedings under the Regulations	Community Services Manager		After consultation with the Chair, or in his absence, the Vice-Chair of the Licensing and Protection Committee
The Product of Animal Origin (Third Country Imports) (England) Regulations 2003 as amended by The Products of Animal Origin (Third Country Imports) (England) Amendment Regulations 2004 and any further amendment thereafter	To appoint appropriate Officers to carry out the duties and other matters conferred upon the Council by the Regulations	Community Services Manager	17.02.04	
The Product of Animal Origin (Third Country Imports) (England) Regulations 2003 as amended by The Products of Animal Origin (Third Country Imports) (England) Amendment Regulations 2004 and any further amendment thereafter	To institute legal proceedings under the Regulations and any further amendments thereto	Community Services Manager		After consultation with the Chair, or in his absence, the Vice-Chair of the Licensing and Protection Committee

The Noise Act 1996 as amended by the Anti-Social Behaviour Act 2003	To appoint Officers to investigate complaints of night time noise and to issue warnings or fixed penalty notices	Community Services Manager	12.05.04	
The Noise Act 1996 as amended by the Anti-Social Behaviour Act 2003	To institute legal proceedings under the Act for failure to comply	Community Services Manager	12.05.04	After consultation with the Chair, or in his absence, the Vice-Chair of the Licensing and Protection Committee
Health Act 2006	To appoint suitably qualified, experienced and trained Officers to carry out the duties and other matters arising under Part 1 of the Health Act 2006 and associated Regulations	Community Services Manager	13.06.07	
Health Act 2006	To institute legal proceedings under the Act and associated Regulations	Community Services Manager	13.06.07	After consultation with the Chair (or in his absence, the Vice-Chair) of the Committee
Food Hygiene (England) Regulations 2006	To appoint suitably qualified officers	Community Services Manager	19.01.06	
Food Hygiene (England) Regulations 2006	To institute legal proceedings for contravention of the Regulations	Community Services Manager	19.01.06	After consultation with Chair (or in his absence, the Vice-Chair) of the Committee
Official Food and Feeds Controls (England) Regulations 2006	To appoint suitably qualified, experienced and trained officers to carry out duties under the Regulations	Community Services Manager	19.01.06	
Official Food and Feeds Controls (England) Regulations 2006	To institute legal proceedings under the Regulations	Community Services Manager	19.01.06	After consultation with Chair (or in his absence, the Vice-Chair) of the Committee

Environmental (Prevention and Remediation) 2009	Damage and Regulations	To appoint Environmental Health Officers and Environmental Protection Officers to enforce the provisions of the Regulations	Community Services Manager	19.03.09	
Environmental (Prevention and Remediation) 2009	Damage and Regulations	To initiate prosecutions under the Environmental Damage (Prevention and Remediation) Regulations 2009	Community Services Manager	19.03.09	After consultation with the Chair of the Licensing and Protection Committee (or in his absence, the Vice-Chair)
Ozone Substances (Qualifications) 2009	Depleting	To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions of the Ozone Depleting Substances (Qualifications) Regulations 2009	Community Services Manager	27.10.09	
Ozone Substances (Qualifications) 2009	Depleting	To initiate prosecutions under the Ozone Depleting Substances (Qualifications) Regulations 2009	Community Services Manager	27.10.09	With prior agreement of the Chair or Vice-Chair of the Licensing and Protection Committee
Fluorinated Gases Regulations 2009	Greenhouse	To appoint Environmental Health Officers and Environmental Protection Officers to enforce the provisions of the Fluorinated Greenhouse Gases Regulations 2009	Community Services Manager	27.10.09	
Fluorinated Gases Regulations 2009	Greenhouse	To initiate prosecutions under the Fluorinated Greenhouse Gases Regulations 2009	Community Services Manager	27.10.09	With prior agreement of the Chair or Vice-Chair of the Licensing and Protection Committee
Regulatory Sanctions Act 2008	Enforcement	To review the Food Safety Enforcement Policy and Health and Safety Enforcement Policy as appropriate	Community Services Manager	27.10.09	After consultation with the Chair or Vice-Chair of the Licensing and Protection Committee

Regulatory Enforcement Sanctions Act 2008	To review enforcement policies with regard to the Act and to introduce necessary changes to policies as appropriate	Relevant Heads of Service	27.10.10	After consultation with the relevant Executive Councillor
Health and Social Care Act 2008	To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions of the Regulations and to make applications to the Magistrates Court as appropriate	Community Services Manager	16.06.10	
Health and Social Care Act 2008	To initiate prosecutions for offences under the Regulations	Community Services Manager	16.06.10	After consultation with the Chair or Vice-Chair of the Licensing and Protection Committee
The Private Water Supplies (England) Regulations 2016	To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions of the Act	Community Services Manager	16.06.10	
The Private Water Supplies (England) Regulations 2016	To initiate prosecutions under the Act	Community Services Manager	16.06.10	After consultation with the Chair or Vice-Chair of the Licensing and Protection Committee
Sunbeds (Regulations) Act 2010	To appoint Environmental Health Officers and Environmental Health Protection Officers as 'authorised persons' to enforce the provisions of the Act	Community Services Manager	09.06.11	
Sunbeds (Regulations) Act 2010	To initiate prosecutions under the Act	Community Services Manager	09.06.11	After consultation with the Chair of the Committee
Environmental Protection (Controls on Ozone	To appoint Environmental Health Officers and Environmental Protection Officers as 'authorised persons' to enforce the provisions	Community Services Manager	26.10.11	

Depleting Substances) of the Environmental Protection (Controls on
Regulations 2011 Ozone Depleting Substances) Regulations
2011

Environmental Protection To initiate prosecutions under the Community Services Manager
(Controls on Ozone Environmental Protection (Controls on Ozone
Depleting Substances) Depleting Substances) Regulations 2011
Regulations 2011

After consultation with
the Chair and Vice-Chair
of the Licensing and
Protection Committee

Animal By Products (Enforcement) (England) Regulations 2011 Official Feed and Food Controls (England) Regulations 2009 Official Controls (Animals, Feed and Food) (England) Regulations 2006	To appoint Environmental Health Officers and Environmental Health Protection Officers as authorised persons to enforce the provisions of the Regulations 2006	Community Services Manager	25.01.12	
Animal By Products (Enforcement) (England) Regulations 2011 Official Feed and Food Controls (England) Regulations 2009 Official Controls (Animals, Feed and Food) (England) Regulations 2006	To initiate prosecutions under the Regulations	Community Services Manager	25.01.12	After consultation with the Chairman and Vice-Chairman of the Licensing and Protection Panel
Local Government Act 1972	To convene meetings of the Applications Sub-Group comprising four Members of the Panel to determine such matters in the case of an individual licence or application which have not been delegated to Officers	Elections and Democratic Services Manager	13.06.07	

Food Safety and Hygiene (England) Regulations 2013	To appoint suitably qualified and competent persons to act as authorised persons to enforce the provisions of the Regulations	Community Services Manager	28.01.14	
Food Safety and Hygiene (England) Regulations 2013	To initiate prosecutions under the Regulations	Community Services Manager		After consultation with the Chairman and Vice-Chairman of the Panel
Food Information Regulations 2014	To create and maintain policies and procedures under the Regulations.	Community Services Manager	6.11.14	After consultation with the Executive Councillor for Strategic Economic Development and Legal.
Food Information Regulations 2014	For the purposes of enforcement of the Food Information Regulations 2014, to appoint such other officers as considered appropriate to initiate legal proceedings for offences under the Regulations.	Community Services Manager	6.11.14	After consultation with the Legal Services Manager.
Energy Act 2003, Smoke and Carbon Monoxide Alarm (England) Regulations 2015	For the purposes of enforcement of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015	Community Services Manager	21.6.2016	
Energy Act 2003, Smoke and Carbon Monoxide Alarm (England) Regulations 2015	For the publishing and review of a statement of principles governing the application of the penalty charge regime	Community Services Manager	21.6.2016	After consultation with the relevant Executive Councillor
Enterprise and Regulatory Reform Act 2013, Redress Scheme for Lettering Agency Work and property Management Work (Requirements to Belong to a Scheme) (England) Order 2014	For the purposes of enforcement of the Redress Scheme for Lettering Agency Work and property Management Work (Requirements to Belong to a Scheme) (England) Order 2014	Community Services Manager	21.6.2016	

Enterprise and Regulatory Reform Act 2013, Redress Scheme for Lettering Agency Work and property Management Work (Requirements to Belong to a Scheme) (England) Order 2014	For the purposes of determining the value of the penalty charge for failure of a business to be a member of an approved scheme	Community Services Manager	21.6.2016	After consultation with the relevant Executive Councillor
Mobile Homes Act 2013	To appoint suitably qualified and competent persons to act as authorised persons to determine and issue licences and enforce the provisions of the Act	Community Services Manager	28.01.14	
Mobile Homes Act 2013	To initiate prosecutions under the Act	Community Services Manager	28.01.14	After consultation with the Chairman and Vice-Chairman of the Panel
Mobile Homes Act 2013	To publish a fees policy, determine fees and undertake an annual review	Community Services Manager	28.01.14	After consultation with the Chairman and Vice-Chairman of the Panel
Caravan Sites and Control of Development Act 1960	To appoint suitably qualified and competent persons to act as authorised persons to determine and issue licences and enforce the provisions of the Act	Community Services Manager		
Caravan Sites and Control of Development Act 1960	To initiate prosecutions under the Act	Community Services Manager		
Anti-Social Behaviour Crime and Policing Act 2014	To appoint Community Protection and Enforcement Officers and Environmental Health Officers as 'authorised persons' to enforce the provisions of the Act	Community Services Manager	6.11.14	

Anti-Social Behaviour Crime
and Policing Act 2014

To create and maintain policies and
procedures arising from the Public Space
Protection Orders under the 2014 Act

Community Services Manager

6.11.14

After consultation with
the Executive Councillor
for Strategic Economic
Development and Legal

Refuse Disposal (Amenity)
Act 1978

To appoint suitably qualified officers to
implement the provisions under the Act

Community Services Manager

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Licensing Committee – Scheme of Delegation to Officers

Meeting/Date: Licensing Committee – 25 January 2024.

Executive Portfolio: Executive Councillor for Customer Services – Councillor Stephen Ferguson

Report by: Interim Licensing Manager – Michelle Bishop

Ward(s) affected: All.

Executive Summary:

In 2023, Council approved an updated Constitution. Contained therein is the Responsibility for Functions (Part 3), and specifically those functions of the Licensing Committee, and the Licensing Sub- Committee (Table 2, Part 3).

Legal advice recommended that the Licensing Committee formally resolve the scheme of delegation between the Licensing Committee and the Council's Officers.

These updates are required due to a change in management.

Recommendation(s):

The Licensing Committee are

RECOMMENDED to

- i) approve the scheme of delegation from Licensing Committee to Officers**
- ii) that the Community Services Manager be authorised to make minor editorial changes which by definition make no change to the powers of delegations,**
- iii) that the Community Services Manager, in consultation with the Chair and Vice Chair of the Licensing Committee, be authorised**

to make changes as a result of revocations, amendments, or enactment of relevant statutory provisions

iv) that the Community Services Manager, with regards to Licensing Act 2003, Section 13(4)(d)), be authorised to appoint such suitably qualified officers as deemed appropriate to exercise those duties delegated to them

1. PURPOSE OF THE REPORT

- 1.1 The Council Constitution 2023 details the Responsibility for Functions, and specifically the responsibilities of the Licensing Committee (the Committee). Legal advice has recommended that the Committee formally resolve a scheme of delegation for Officers with regards to the Licensing Act 2003 and Gambling Act 2005.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Council's Constitution includes the responsibility for functions under the Licensing Act 2003 and Gambling Act 2005.
- 2.2 The scheme being recommended for approval, detailed below, allows for the efficient and effective execution of the Council's functions under the Licensing Act 2003 and Gambling Act 2005, such that decisions, in defined instances can be made by Officers of the Council, rather than having to be determined by Licensing Committee, or Licensing Sub Committee.
- 2.3 The recommended scheme of delegation to the Officers, allows the Committee to effectively reverse the delegation and determine a matter under the Licensing Act 2003 and Gambling Act 2005 if the Committee considers it necessary.
- 2.4 The scheme of delegation does not affect the requirement on Council to approve the Licensing Act 2003 Statement of Licensing Policy, and Gambling Act 2005 Statement of Principles.

3. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

- 3.1 The Councils Corporate Plan provides a priority of 'becoming a more efficient and effective Council'. This scheme of delegation between the full and the Sub Committee supports this priority, and its action of 'improve processes to reduce the time taken from receipt to decision of licensing matters'.

4. LEGAL IMPLICATIONS

- 4.1 Without a formalised scheme of delegation for Licensing Act 2003 and Gambling Act 2005 functions, the Council may be exposed to legal challenge in the decisions that it makes regarding these functions. This report reduces the risk of being challenged by way of 'demonstration of an approved scheme of delegation'.

5. RESOURCE IMPLICATIONS

- 5.1 There are no resource implications to this report. The report formalises a scheme of delegation between the Committee and Officers. It could be considered that this actually reduces the cost of the Licensing Service as

decisions can be made by Officers rather than having to be determined by the full Committee.

6. REASONS FOR THE RECOMMENDED DECISIONS

- 6.1 The recommendation implements the legal advice that has previously been obtained as part of the Council's Constitution review

CONTACT OFFICER

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Licence Type	Legislation/Act	Legislation/Act	The Power Delegated	Delegated to	Date of Delegation	Remarks
Street Collections & Charity Stalls	Police, Factories etc. (Miscellaneous Provisions) Act 1916 (as amended) -	Police, Factories, & c. (Miscellaneous Provisions) Act 1916 (legislation.gov.uk)	To determine permits for street collections and charity stalls	Community Services Manager	04.10.83	
House to House	House to House collections Act 1939 and Regulations 1947	https://www.legislation.gov.uk/ukpga/Geo6/2/3/44	To determine applications for house to house collections within the District	Community Services Manager	17.01.84	
Hackney Carriage & Private Hire	Local Government (Miscellaneous Provisions) Act 1976 (Part II)	Local Government (Miscellaneous Provisions) Act 1976 (legislation.gov.uk)	To make the necessary arrangements for the inspection and testing of Hackney Carriage and Private Hire vehicles	Community Services Manager	15.01.85	
	Local Government (Miscellaneous Provisions) Act 1976		To instigate proceedings through the court for contravention of any section relating to the Hackney Carriage and Private Hire vehicles.	Community Services Manager	13.12.93	After consultation the Chair of Committee
	Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847	Town Police Clauses Act 1847 (legislation.gov.uk)	To determine whether a DSA driver's assessment for private hire or hackney carriage or future equivalent test should be undertaken in circumstances where there are serious concerns as to the fitness of an existing driver to hold a licence with each case considered on its merits	Community Services Manager	26.10.11	
Licensed vehicles - Smoking in work places	Health Act 2006 S1-12 and schedule 2	Health Act 2006 (legislation.gov.uk)	To enforce smoke free places premises and vehicles.	Community Services Manager	30.05.2007	
SEV's	Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3)	Local Government (Miscellaneous Provisions) Act 1982 (legislation.gov.uk)	To determine applications for the grant, renewal, variation or transfer of licenses for sex shops, sex cinemas and sexual entertainment venues	Community Services Manager	24.06.14	In the event of objectors being received, the Licensing and Protection Sub-Committee be authorised to determine the application
Street Trading	Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4)	Local Government (Miscellaneous Provisions) Act 1982 (legislation.gov.uk)	To grant licenses for street trading	Community Services Manager	11.03.85	
	Local Government (Miscellaneous Provisions) Act 1982	Local Government (Miscellaneous Provisions) Act 1982 (legislation.gov.uk)	To instigate proceedings through the courts for contravention of the street trading legislation contained in the Act	Community Services Manager	02.12.2009	
	Local Government (Miscellaneous Provisions) Act 1982	Local Government (Miscellaneous Provisions) Act 1982 (legislation.gov.uk)	To determine applications for street trading licenses/consents and to revoke licenses	Community Services Manager	02.12.09	Where the Licensing Manager is minded to refuse an application for a licence or to revoke an existing licence and the application or licence holder, as appropriate, indicates that he wishes to submit representations, the Licensing and Protection Sub-Committee be authorised to determine the application or revoke the licence respectively after hearing the
Animal Welfare - General	Animal Welfare Act 2006	Animal Welfare Act 2006 (legislation.gov.uk)	To authorise prosecutions for alleged contraventions under this legislation	Community Services Manager	08.11.2006	After consultation with Chair and Vice- Chair of the Committee
	Animal Welfare Act 2006	Animal Welfare Act 2006 (legislation.gov.uk)	The Powers of the Council under the Act including issuing improvement notices	Community Services Manager	08.11.2006	
	Animal Welfare Regulations 2018	The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (legislation.gov.uk)	To appoint persons and to act for and on behalf of the Council in all matters arising from the Acts in circumstances where consideration is being given to the revocation of a licence	Community Services Manager	01.10.2018	
	Animal Welfare Regulations 2018	The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (legislation.gov.uk)	To act for the Council in cases involving revocation of a licence	Community Services Manager	01.10.2018	
	Animal Welfare Regulations 2018	The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (legislation.gov.uk)	To authorise prosecutions for alleged contraventions under the Act	Community Services Manager	01.10.2018	After consultation with Chair (or in his absence, the Vice- Chair) of the Committee
Dangerous Wild Animals	Dangerous Wild Animals Act 1976	Dangerous Wild Animals Act 1976 (legislation.gov.uk)	The Powers of the Council under the Act including licensing of individuals to keep specific animals	Community Services Manager	18.01.77	
Zoo's	Zoo Licensing Act 1981	Zoo Licensing Act 1981 (legislation.gov.uk)	To appoint Inspectors and to act for and on behalf of the Council in all matters arising from the Act except in those cases where objections to the grant or renewal of a licence are received or consideration is being given to the revocation of a licence	Community Services Manager	04.06.91	
	Zoo Licensing Act 1981	Zoo Licensing Act 1981 (legislation.gov.uk)	To act for the Council in cases involving an objection to the grant or renewal of a licence	Community Services Manager	04.06.91	After consultation with the Chair and Vice-Chair of the Committee
Pavement	Business and Planning Act 2020(Pavement Licenses)	Business and Planning Act 2020 (legislation.gov.uk)	To determine applications including the refusal and revocation in line with the Council Powers under the Act	Community Services Manager	19.08.2020	
Hypnotism	Hypnotism Act 1952	Hypnotism Act 1952 (legislation.gov.uk)	To determine applications including the refusal and revocation in line with the Council Powers under the Act	Community Services Manager	16.11.2000	
	Local Government Act 1972	Local Government Act 1972 (legislation.gov.uk)	To convene meetings of the Licensing and Protection Sub-Committee comprising four Members of the Panel to determine such matters in the case of an individual licence or application which have not been delegated to Officers	Elections and Democratic Services Manager	13.06.07	

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APPENDIX B

POWERS DELEGATED BY OR ON THE RECOMMEDATION OF THE LICENSING AND PROTECTION COMMITTEE

Source	The Power Delegated	Delegated to	Date of Delegation	Remarks
Local Government (Miscellaneous Provisions) Act 1976	To determine transfers of hackney carriage plates	Community Services Manager	24.01.78	
Local Government (Miscellaneous Provisions) Act 1976	To determine applications for private hire and hackney carriage vehicle licences, private hire and hackney carriage driver's licences known as Dual licenses, and private hire operators' licences	Community Services Manager	23.01.79	
Local Government (Miscellaneous Provisions) Act 1976	To determine applications for private hire driver's licences	Community Services Manager	28.09.2022	
Local Government (Miscellaneous Provisions) Act 1976	To refuse or suspend hackney carriage, private hire driver in line with policy and legislative parameters	Community Services Manager	23.01.79	
Local Government (Miscellaneous Provisions) Act 1976	To suspend or revoke hackney carriage and private hire driver licences under LGMPA S.61 (2B) (Immediate risk to public)	Community Services Manager	19.06.19	
Local Government (Miscellaneous Provisions) Act 1976	To revoke private hire and hackney carriage driver's licences,	Community Services Manager	19.06.19	After consultation with the Chair and Vice-Chair of the Committee.
		Community Services Manager	23.01.1979	

Local (Miscellaneous Provisions) Act 1976	Government Provisions)	To refuse or suspend hackney carriage, private hire vehicle licenses in line with policy and legislative parameters			
Local (Miscellaneous Provisions) Act 1976	Government Provisions)	To revoke private hire and hackney carriage vehicle licences	Community Services Manager	19.06.19	After consultation with the Chair and Vice-Chair of the Committee.
Local (Miscellaneous Provisions) Act 1976	Government Provisions)	To refuse or suspend private hire operator licences in line with policy or legislative parameters	Community Services Manager	19.06.19	
Local (Miscellaneous Provisions) Act 1976	Government Provisions)	To revoke private hire operator licences	Community Services Manager	19.06.19	After consultation with the Chair and Vice-Chair of the Committee.
Local (Miscellaneous Provisions) Act 1976	Government Provisions)	To review the penalty points system for private hire operators, proprietors, and drivers in light of changes to legislation	Licensing Manager	09.06.11	
Local (Miscellaneous Provisions) Act 1976	Government Provisions)	To determine the scale of fees for advertising on digital display screens (fitted to the front headrests of hackney carriage and private hire vehicles)	Licensing Manager	19.07.2022	After consultation with the Head of Service and Executive Portfolio Holder.

**Public
Key Decision - No**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title: Suspension & Revocation of Hackney Carriage & Private Hire Licences.

Meeting/Date: Licensing and Protection Committee – 25 January 2024

Executive Portfolio: Executive Councillor for Customer Services – Cllr Stephen Ferguson

Report by: Licensing Team.

Ward(s) affected: All.

1. INTRODUCTION

The Community Services Manager has delegated authority to refuse, suspend or revoke private hire and hackney carriage driver and vehicle licences under the powers delegated by or on the recommendation of the Licensing and Protection Committee.

Below is a summary of the actions that have taken place over the last 3 months.

2. REPORT

11.09.2023 to 10.01.2024

2.1

Date	Licence type	Decision	Reason	Comments
28.09.2023	Private Hire vehicle	Suspended	Police issued prohibition due to dangerous defects	
07.11.2023	Private Hire Vehicle	Suspended	Failed at approved garage due to dangerous defects	
08.11.2023	Hackney Carriage Vehicle	Suspended	Vehicle involved in an accident	
09.11.2023	Hackney carriage Vehicle	Suspended	Failed at approved garage due to dangerous defects	

10.11.2023	Private Hire Vehicle	Revoked	Using Mobile Phone with child passenger on board	
10.11.2023	Private Hire Driver	Revoked	Using Mobile Phone with child passenger on board	
23.11.2023	Private Hire Vehicle	Suspended	Vehicle involved in an accident	
24.11.2023	Private Hire Vehicle	Suspended	Vehicle involved in an accident	
04.12.2023	Private Hire Vehicle	Suspended	Vehicle involved in an accident	
12.12.2023	Private Hire Vehicle	Suspended	Dangerous Defects - DVSA Prohibition	
13.12.2023	Private Hire Vehicle	Suspended	Failed at approved garage due to dangerous defects	
18.12.2023	Private Hire Vehicle	Suspended	Vehicle involved in an accident	
27.12.2023	Private Hire Vehicle	Suspended	Vehicle involved in an accident	
29.12.2023	Dual Driver	Suspended with immediate effect	Medically unfit	

3. MATTERS TO BE TAKEN INTO ACCOUNT

3.2 We currently have no outstanding licensing decisions that are awaiting a court date.

Date of original HDC decision	Licence type	Result
20 Dec 2023	New Driver - Refused	Court did not have time to review the case in Dec 2023, a new date set for Feb 2024

5. RECOMMENDATION

5.1 Members are requested to note and consider the above information.

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