



ADUR DISTRICT
COUNCIL

Council
28 March 2024

Ward(s) Affected: All

Motion on Notice

Report by the Director for Sustainability & Resources

Officer Contact Details:-

Neil Terry

Democratic Services Manager & Deputy Monitoring Officer

01903 221073

neil.terry@adur-worthing.gov.uk

Executive Summary

1. Purpose

- 1.1. The report before Council sets out a motion received from Councillor Gabe Crisp which has been seconded by Councillor Julian Shinn.
- 1.2. Council is asked to consider and debate the motion prior to it being referred to the Adur Joint Strategic Sub-Committee for determination under provisions set out in paragraph 14 of the Council Procedure Rules (part 4 of the Council Constitution - Rules of Procedure).

2. Recommendations

- 2.1. The Council is asked to debate the motion, as set out in Annex A to this report, prior to its referral to the Adur Joint Strategic Sub-Committee for consideration and determination.

3. Context

- 3.1 A motion on notice has been received from Councillor Gabe Crisp, (attached as Annex A).
- 3.2 The content of the motion is relevant to a matter in relation to which the Council has powers or duties and which specifically affects the District.

4. Issues for consideration

- 4.1 Motions considered by Full Council are done so under part 14 of the Council's Procedure Rules and are debated under rules set out under part 16 of the Council Procedure Rules.
- 4.2 The Council is asked to debate the motion under these rules accordingly.

5. Financial Implications

- 5.1 The financial implications associated with this motion will be considered by the Adur Joint Strategic Sub-Committee following its referral.

6. Legal Implications

- 6.1 Rules concerning motions are set out in the Council's Constitution under section 14 of the Council's Procedure Rules.

Background Papers

None.

Motion on 'Zane's Law'

Preamble

The current UK regulations with regard to toxic waste disposal and the danger to human life, to our environment, and to the planet as a whole, from both historic landfill sites and currently approved landfill sites operating the 'dry tomb' principle, are dangerously inadequate. Especially so, in the face of climate breakdown, with rising sea levels, increased rainfall, and widespread flooding.

In 2014, 7-year-old Zane Gbangbola died, and his father was paralysed with a diagnosis of hydrogen cyanide (HCN) poisoning, during catastrophic flooding in the UK. It is understood that flood water passing through a historic landfill site carried HCN into Zane's home, and this was detected there at high levels by the Fire and Rescue Services on the night of the tragedy. This is expected to be the subject of an Independent Panel Inquiry.

'Zane's Law' seeks to address the crisis of contaminated land in the UK, reinstating legislative provisions removed by successive governments from the 1990 Environment Protection Act, and recognising the Human Right to a Healthy Environment, approved by the UN General Assembly, in July 2022.

Therefore, 'Zane's Law' proposes that the following measures be adopted into legislation by the Government, to prioritise the protection and safety of people and planet, and the human right to a healthy environment.

The legislation if passed would likely include:

1. Each relevant Local Authority must keep a full, regularly updated Register of Land that may be contaminated within their boundary.
2. The Environment Agency must keep a full, public 'National Register of Contaminated Land' to be regularly updated by information from Local Authorities.
3. All above mentioned Registers of Land must be accessible and available for inspection by the General Public.
4. Relevant Local Authorities must inspect any land registered that may be contaminated and must fully remediate or enforce remediation of any land which poses harm to public safety, or which pollutes controlled waters*.
5. Relevant Local Authorities must be responsible for inspecting previously closed landfill sites and fully remediating them or enforcing their remediation when they pose a risk of significant harm to people or controlled waters.

6. The Government must take full responsibility for providing the necessary funds for Local Authorities to meet these new requirements, following the 'polluter pays' principle: to recover costs as appropriate where those responsible for the pollution can be identified.

These measures are not all in place currently and would require significant investment and full funding from the Government to be implemented. These must take account of other statutory requirements (such as data protection provisions).

Motion

This Council therefore resolves:

To write to the Prime Minister, the Secretary of State for Health, and the Secretary of State for the Environment, Food and Rural Affairs to express the Council's support for new legislation on contaminated land based on the proposed principles of 'Zane's Law', to request that these ministers support Baroness Natalie Bennett, by all possible means, in her efforts to advance 'Zane's Law' through the House of Lords, and that the Government provides all necessary funds for Local Authorities and others to meet the requirements of any new legislation.

** Controlled waters are groundwater or surface water intended for human consumption.*

Proposer - Cllr Gabe Crisp
Seconder - Cllr Julian Shinn