



HOUSING AND ENVIRONMENT SCRUTINY COMMITTEE – 25TH MARCH 2025

SUBJECT: NOTICE OF MOTION – ZANES’ LAW

REPORT BY: CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 The Housing and Environment Scrutiny Committee is asked to consider the Notice of Motion as set out in paragraph 5.1 of the report and make an appropriate recommendation. In accordance with Rule 11(3) of the Constitution.

2. SUMMARY

- 2.1 A Notice of Motion has been received from Councillor S. Skivens and supported by Councillors J. Reed, K. Etheridge, G. Ead, J. Jones, N. Dix, A. Farina-Childs, B. Owen, L. Whittle, J. Roberts, A. Angel, T. Parry, E. Davies, C. Bishop and J. Taylor.
- 2.2 The Notice of Motion meets the criteria set out in the Council’s Constitution and in accordance with the Council’s Rules of Procedure is now referred to Housing and Environment Scrutiny Committee for consideration, prior to its consideration by Council if supported.

3. RECOMMENDATION

- 3.1 The Housing and Environment Scrutiny Committee are asked to consider the Notice of Motion as outlined in paragraph 5.1 and make an appropriate recommendation.

4. REASONS FOR THE RECOMMENDATION

- 4.1 In accordance with the Council’s Constitution.

5. THE REPORT

5.1 Notice of Motion

In his notice of motion Councillor Skivens calls on this Council to write to the Prime Minister, the Secretary of State for Health, and the Secretary of State for the Environment, Food and Rural Affairs and the First Minister of Welsh Government, 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.

- 5.2 In support of his motion Councillor Skivens states 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 and National Resources Wales 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).

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

- 5.3 Officers provide the following information in relation to the notice of motion. With regard to the contents of the Notice of Motion, it is noted that the family and others dispute the findings of the coroner's report which concluded that the cause of death was due to carbon monoxide poisoning used to pump flood waters from the home. Whilst an Independent Panel Inquiry has been called for it is understood that as yet there has been no agreement for that.
- 5.4 Officers also advise that there is existing legislation regarding contaminated land, principally within Part 2A of the Environmental Protection Act 1990. The legislation places duties and responsibilities upon local authorities and others in relation to the inspection and remediation of contaminated land and holding of public registers. The existing legislation and guidance adopts a risk based approach and therefore the measures proposed in 'Zane's Law' would require significant additional funding as highlighted in the Notice of Motion.
- 5.5 In 2023 the Leader of the Council, Councillor Sean Morgan, exchanged correspondence with Welsh Government Ministers regarding contaminated land issues. In her reply the Minister for Climate Change noted that Part 2A of the Environmental Protection Act 1990 was commenced in Wales in 2001 and provided a regime for the identification and remediation of contaminated land. Local authorities are the primary regulator under the Part 2A regime. It is their duty to identify contaminated land in their areas and, where it is found, to ensure it is appropriately dealt with.
- 5.6 The Minister went on to highlight that Welsh Government has previously provided capital grant funding to local authorities and Natural Resources Wales to identify and assess priority sites across Wales. This included funding for remediation work. Caerphilly County Borough Council were successful in securing grants to investigate and address several sites under this

programme. With regards to independent public inquiries, the Minister advised that these are initiated under the Inquiries Act 2005 only on a very exceptional basis and only if the government believes that the circumstances meet the specific criteria of the Act.

- 5.7 Additionally, in a Senedd debate in November last year, the Deputy First Minister praised Caerphilly County Borough Council for its approach in managing one particular site.

6. ASSUMPTIONS

- 6.1 As a notice of motion is a procedural matter and must be dealt with in accordance with Council's Constitution, no assumptions have been made.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 This report does not require an Integrated Impact Assessment as it relates to a procedural matter under the Councils Constitution.
- 7.2 The procedural rules regarding a Notice of Motion are contained within Council's Constitution as adopted in May 2002. The Council's Constitution sets out the framework for the decision-making roles and responsibilities.
- 7.3 However the outcome of the Notice of Motion and any subsequent reports arising from it may require an Integrated Impact Assessment.

8. FINANCIAL IMPLICATIONS

- 8.1 As a notice of motion is a procedural matter there are no financial implications associated with this report, however the outcome of the Notice of Motion and any subsequent reports arising from it may have financial implications.

9. PERSONNEL IMPLICATIONS

- 9.1 As a notice of motion is a procedural matter there are no personnel implications associated with this report, however the outcome of the Notice of Motion and any subsequent reports arising from it may have personnel implications.

10. CONSULTATIONS

- 10.1 As this is a procedural notice of motion, there has been no consultation undertaken.

11. STATUTORY POWER

11.1 Local Government Act 2000

Author: Emma Sullivan (Senior Committee Services Officer)

Appendices: Appendix 1 Signed copy of Notice of Motion.
Appendix 2 Support Zane's Law