

CORPORATE LEADERSHIP TEAM'S
SUPPLEMENTARY REPORT TO HEALTH, WELLBEING, AND ENVIRONMENT
SCRUTINY COMMITTEE

26 February 2024

Report Title: Walleys Quarry – Actions Arising from Full Council

Submitted by: Chief Executive

Portfolios: Sustainable Environment; One Council, People & Partnerships

Ward(s) affected: All

Purpose of the Report

This report informs the Scrutiny Committee of a recent decision by Full Council and enables the Committee to take the necessary steps to deliver the work specified by Council.

Recommendation

That Committee:

- 1. Establish, a Task & Finish group to examine the ongoing odour issues associated with Walleys Quarry with the terms of reference and format as set out in this report and the Chair seek permission from the other scrutiny chairs to open up membership from across all three scrutiny committees for this task and finish group;**
- 2. Delegate to a Scoping Meeting of the Task and Finish group the election of a chair and the determination arrangements for the conduct of the inquiry, including timing, inputs, and final report preparation;**
- 3. Submit, a report to Cabinet and Council setting out the inquiry findings and recommendations.**

Reasons

Odour issues from Walleys Quarry continue to be a major concern for the community. Council has determined that the Scrutiny Committees shall undertake a further examination of the issue, to include hearing from the local community and other stakeholders. The recommendations give effect to this Council direction.

1. Background

- 1.1** For a number of years, parts of the borough have suffered from foul odours from the Walleys Quarry Landfill Site in Silverdale operated by Walleys Quarry Ltd, part of the RED Industries group of companies. The Environment Agency (EA) is the lead regulator for such sites, testing and enforcing compliance with the permit under which the site operates. The Council also has a role in influencing the operation and performance of such sites, where an operator

fails to comply with actions required under an abatement notice issued by the Council in relation to any statutory nuisance caused by the site.

- 1.2 The Council has consistently called for a Public Inquiry into the handling of the Walleys Quarry issue. The latest letter from the Waste Minister relating to this is attached.
- 1.3 The history of this issue, and the Council's involvement with it, is well documented in monthly reports to Cabinet and regular reports to both Scrutiny and Full Council. Following a deterioration in air quality in the winter of 2023/24, resulting in a significant increase in complaints, a Special Council meeting was convened on 14 February 2024 to debate the matter.
- 1.4 At the February 2024 Special Council, a resolution was passed which included the following specific task for the Council's three Scrutiny Committees:
 - *That Full Council ask the relevant Scrutiny Committees to hold a public hearing, to receive impact statements from residents, stakeholders, including businesses, the operator, Staffordshire County Council, the operator, and local health bodies.*

2. Issues

- 2.1 The Council resolution above reflects the broad impact of the odour issues, encompassing as it does the work of all three of the Council's Scrutiny Committees. It is proposed therefore to undertake this review via all three committees working collaboratively.
- 2.2 The tried and tested format for scrutiny work such as this, is through creation of a Task & Finish group which will form to conduct the inquiry and then disband. The previous Walleys Quarry scrutiny group was made up of five Councillors. Given the Council resolution anticipated the involvement of all of the scrutiny committees, it is proposed to increase this to seven members (4 Conservative and 3 Labour, with nominations being sought via Group leaders, with substitutes allowed).
- 2.3 For this inquiry it is proposed that the Task and Finish Group be rebranded as a "Committee of Inquiry", and be specifically tasked to address three strands of inquiry which reflecting the debate at Full Council:
 - What is the impact of the ongoing odour issue;
 - What needs to be done next, and by whom, to bring about resolution;
 - What, if any, opportunities have been missed to resolve this issue sooner.
- 2.4 In terms of format, it is proposed that the Committee of Inquiry:
 - Sit for a concentrated period (eg 1 full day or 2 half days) to receive and scrutinise evidence from a range of stakeholders;
 - Meet in public, and its proceedings live-streamed;
 - At the conclusion of the Inquiry, prepare a report detailing its findings and recommendations, for the consideration of each of the three Scrutiny Committees, Cabinet and Council;

- Consider other potential audiences for its report (eg relevant Secretary of State, Office of Environmental Protection, etc)

2.5 The Committee of Inquiry should seek to receive input from a range of perspectives, and balance consideration of these perspectives in arriving at its conclusions and recommendations. Scrutiny can invite participation from any quarter, but cannot require attendance or contribution other than from within the Council. This exercise may seek to include written submissions from some stakeholders.

2.6 The Committee of Inquiry might seek input from, inter alia:

- Members of the local community
- Members of the Walleys Quarry Liaison Committee
- Council officers & members
- Staffordshire County Council
- Experts in Landfill Gas Management
- Environment Agency
- Walleys Quarry Ltd
- UK Health Security Agency
- Local health bodies
- Keele University
- Local schools
- Local businesses and business bodies

2.7 In order to progress this exercise with due haste, it is proposed that once Group leaders have confirmed the membership of the Committee of Inquiry, the Committee hold a Scoping meeting to:

- Elect a Chair;
- Finalise an invitation list;
- Finalise the format for its evidence gathering sessions;
- Consider whether there are particular skill sets or community links which it would be useful to co-opt onto the Committee of Inquiry as non-voting members.

3. Recommendation

3.1 That Committee

- Establish, a Task & Finish group to examine the ongoing odour issues associated with Walleys Quarry with the terms of reference and format as set out in this report and the Chair seek permission from the other scrutiny chairs to open up membership from across all three scrutiny committees for this task and finish group;
- Delegate to a Scoping Meeting of the Task and Finish group the election of a chair and the determination arrangements for the conduct of the inquiry, including timing, inputs, and final report preparation;
- Submit, a report to Cabinet and Council setting out the inquiry findings and recommendations.

4. Reasons

4.1 These recommendations allow the three Scrutiny Committees to address the task set by Council with all due haste.

5. Options Considered

5.1 Consideration was given to having this exercise undertaken by a single Scrutiny committee. The scope of the Walleys Quarry impact is so broad that this was not deemed appropriate.

6. Legal and Statutory Implications

6.1 Scrutiny Committees have a remit to conduct inquiries into any matter which is of concern to the local community, and are afforded considerable flexibility in terms of how they discharge their remit.

6.2 At the February Special Council it was resolved that, *“the Council continues to focus its energies on resolving foul odour from Walleys Quarry Landfill within its Abatement Notice powers as a priority and asks the Monitoring Officer, with appropriate legal support, to assess the most effective route, including Judicial Review, to securing an end to the community’s suffering and that the Monitoring Officer’s advice is referred to the relevant Scrutiny Committees for consideration prior to consideration by Cabinet and Full Council”*. A further update in this regard will be supplied to the Task and Finish Group/ “Committee of Enquiry” as soon as this additional legal advice has been obtained.

7. Equality Impact Assessment

7.1 There are no equality impacts directly arising from this report.

8. Financial and Resource Implications

8.1 There are no significant finance implications arising directly from this report.

9. Major Risks & Mitigation

9.1 There are no significant risks arising directly from this report.

10. UN Sustainable Development Goals (UNSDG)

