

Meeting of the Environment Overview and Scrutiny Committee

Tuesday, 4 June 2024, 2.00 pm



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee Members present

Councillor Ian Selby (Chairman)
Councillor Harrish Bisnauthsing
Councillor Barry Dobson
Councillor Tim Harrison
Councillor Gloria Johnson
Councillor Paul Martin
Councillor Mark Whittington
Councillor Paul Wood

Other Members present

Councillor Ben Green
Councillor Graham Jeal

Cabinet Members

Councillor Rhys Baker
Councillor Ashley Baxter
Councillor Philip Knowles
Councillor Rhea Rayside

Officers

Richard Wyles, Deputy Chief Executive and Section 151 Officer
Kay Boasman, Head of Waste Management and Market Services
Ayeisha Kirkham, Head of Public Protection
Debbie Roberts, Head of Corporate Projects, Policy and Performance
James Welbourn, Democratic Services Manager and Deputy Monitoring Officer
Serena Brown, Sustainability and Climate Change Manager
Louise Case, Sustainability Project Support Officer
Heather Green, Licensing Team Leader
Charles James, Policy Officer

1. Public Speaking

A number of submissions from Mr Peter Bell on the draft Animal Welfare (Licensing) Policy (item 8) were published as a supplementary pack, available

at [\(Public Pack\)Agenda Supplement Agenda Supplement for Environment Overview and Scrutiny Committee, 04/06/2024 14:00 \(southkesteven.gov.uk\)](#). Mr Bell wished in particular to highlight page 8 of the pack, which was a comparison with similar businesses.

The Licensing Manager responded to the submissions highlighting the following (clause references were highlighted in red):

- Typos, any wording inconsistency or omitted words to aid reading would be updated.
- The Corporate Objectives had been updated.
- The Enforcement Policy was on the Council's website, links were not provided to avoid them being changed as did happen and becoming ineffectual. (page 2, 20.2)
- The consultation was not with the Council's legal advisor, legal advice was taken at a different time, therefore they were not included within the consultation list. (1.6)
- The date in the title of the Primate legislation had been updated since the policy was written and consulted upon and would be updated (4.5)
- It was not believed that the Council had fettered its discretion by saying 'not normally', it was not saying 'we will not'. (7.2)
- The policy needed to be read and applied in its entirety, not in isolation regarding reference to (7.3)
- A vet was appointed by SKDC, not the applicant and per s13 of the Animal Welfare Regulations 2018, may charge such fees as it considered appropriate, hence why the policy stated that the Council would reclaim vets fees (where appropriate). Appointing an independent vet overcomes impartiality issues and discussion re being on Royal College of Veterinary Surgeons list of approved inspectors (9.2, 17.2)
- Regarding Dangerous Wild Animals, the conditions were dependant upon the inspection and results and the animals kept, therefore clarity could not be offered (12.5)
- Fees and charges did not include the vets as it was detailed in the policy and was not applicable to all applicants but was stated in 9.2 (19.1)
- Removal of previous grandad rights for inspectors could be removed, as the timescale had passed but was current when the policy was initially drafted/introduced (19.1)
- The aim of defining relevant conviction was to point towards where the type of conviction was in the policy (App1)

This policy was a local document, and was not meant as a recital of the relevant legislation or regulations:

- Tribunals were specialist courts, therefore using the word courts was not misleading (1.2)

- Rating, Star rating – S10 of the policy stated ‘Duration of a licence and Star Rating’ (10.4)
- Liable for a fine or to a fine per the legislation (20.15, 20.17)

The Council received legal advice on the policy following the 13 February 2024 Environment Overview and Scrutiny committee and Mr Bell’s previous feedback;

- The Council were not wishing to enter into discussions regarding reference the Crime and Disorder Act, Care Act and Children’s Act; legal advice had confirmed that they were correctly referred to as Local Authorities (Licensing Authorities) and do have a duty to consider the provisions (1.9, 3.1, 6.2, 6.3, 7.5)
- Therefore it was not believed to be ‘Wednesbury’ unreasonable, as it was not bizarre or so unreasonable that no other authority would include this – as was seen in other Authorities animal welfare policies (2.3)
- Fit and proper was not defined in the legislation which was why it was stated how SKDC would interpret it. Having viewed other Authorities definitions the context was in order (5.5, 5.6, 6.1)

Data Barring Service (DBS) basic certificates were not detailed within the policy, therefore the Council had not considered this aspect further (6.4)

The provision regarding refused licences could be amended but the provision clearly stated the legislation that applied and when a licence would not normally be issued (13.5)

An equality impact assessment had been undertaken in line with the Authority procedure. Mr Bell raised concerns regarding indirect sex discrimination, however its aims were legitimate. There was no less discriminatory way of overcoming the issue of males potentially being more likely than females to have criminal convictions as the provisions within the policy applied equally to male and females. (1.9, EIA Page 60)

Whilst the efforts that Mr Bell and his legal advisors had gone to, to critique this policy were appreciated, this was a local policy consistent with other policies within the County and wider. If Mr Bell felt that there needed to be specific wording within such a policy, it was suggested that he lobbied government to produce a national document rather than current DEFRA guidance depending on the type of licence.

Going forward, the policy had been drafted and along with previous feedback had been subject to legal review by Legal Services Lincolnshire. The Council believed that with some of the minor amendments outlined that this document was fit for purpose.

However, there was no statutory requirement for a local authority to adopt an Animal Welfare Policy. The Council currently issued Animal Welfare licences, without issue and if Committee felt unable to recommend Cabinet approval of the policy, it could be withdrawn and not progressed further.

Mr Bell replied with a supplementary statement, and highlighted the following:

During Mr Bell's research into several areas of Council work, he found that errors had been duplicated across other Councils in the same areas due to the copying of other policies. Mr Bell believed that some of this policy was extracted from other sources.

Mr Bell had not yet received legal advice, although was seeking it currently from criminal justice authorities.

In terms of case law – 5 cases had been decided at first tier tribunal where judges had accepted or rejected. He asked that councils look at case law so that any policy was not discriminatory. It was unclear why the Animal Welfare Policy was giving these restrictions.

2. Apologies for absence

Apologies for absence were received from Councillors Emma Baker and Steven Cunningham.

Councillor Tim Harrison substituted for Councillor Steven Cunningham.

In the absence of the Vice-Chairman, Councillor Emma Baker, Committee Members moved, seconded and **AGREED** the appointment of Councillor Paul Martin as Vice-Chairman of the Committee for this meeting only.

3. Disclosure of Interests

There were none.

4. Minutes from the Joint Meeting of the Environment Overview and Scrutiny Committee and Rural and Communities Overview and Scrutiny Committee held on 18 March 2024

The minutes from the Joint Meeting of the Environment Overview and Scrutiny Committee and Rural and Communities Overview and Scrutiny Committee held on 18 March 2024 were approved as a correct record.

5. Minutes from the meeting held on 19 March 2024

The minutes of the meeting held on 19 March 2024 were agreed as a correct record.

6. Updates from the previous meeting

The updates were noted.

7. Announcements or updates from the Leader of the Council, Cabinet Members or the Head of Paid Service

There were no announcements.

8. Animal Welfare Policy

This report provided an updated draft of the new Animal Licensing (Welfare) Policy following the receipt of further legal advice.

There was no statutory requirement to have such a policy; however, it was considered good practice.

There were approximately 75 animal welfare licences with the District of South Kesteven. The policy also referred to other issues such as animal boarding, horse riding, dangerous and wild animals and zoo licences.

Currently, animal welfare issues could be raised through the Police. However, there were a series of licensable activities that the Council was responsible for.

Having been moved and seconded, and following a vote it was **AGREED:**

That the Committee:

- 1. Provides a recommendation to Cabinet for approval of the updated South Kesteven District Council Animal Welfare Policy.**
- 2. Approves a recommendation to Cabinet that the Deputy Chief Executive, in consultation with the Cabinet Member for Corporate Governance and Licensing, be delegated to make minor amendments to the Policy, such as legislative updates, which may become necessary from time to time to ensure its continued accuracy, but do not affect its direction or intent.**

9. Corporate Plan 2020-23 Key Performance Indicators End-of-Plan and 2023/24 End-Year (Q4) Report

This report outlined South Kesteven District Council's performance against the Corporate Plan 2020-23 Key Performance Indicators (KPIs) from January-March 2024, and presented a summary of overall performance over the lifecycle of the Corporate Plan 2020-23.

The Corporate Plan 2020-23 listed nine actions under the corporate priority 'Clean & Sustainable Environment'. These actions set the Council's agenda for the life of that Plan. The criterium was used as a yardstick to judge overall performance against the stated actions. 6 of the 9 actions had been achieved, with explanations given for those that had been marked as 'unachieved'.

Appendix B of the agenda pack presented the overall performance against the five actions being submitted for Q4 2023/24, as well as specific performance against the sub measures contained within those. Specific commentary was provided for each action, which was summarised as follows:

- Three of the actions were rated Green. These were actions which were on, or above target as planned.
- One of the actions was rated Amber. This was an action which was currently below the planned target.
- Zero of the actions were rated Red. These would be actions currently significantly below the planned target.
- One action was currently awaiting data from Lincolnshire County Council.
- Four of the original nine actions were either no longer reported (e.g. the Big Clean programme) or were not reported in this period (e.g. carbon accounts).

A new suite of KPIs was adopted by the Committee in March 2024, and the first report on these would be available in Q3 of this year.

During debate on this item, the following points were highlighted:

- The building of the new Depot was rated as 'amber' due to the fact that the construction phase was anticipated to have started when the Corporate Plan had been drafted, whereas it had not yet commenced. There was a standing item on the agenda for the Finance and Economic Overview and Scrutiny Committee to monitor the project.
- The Depot had planning permission and a budget in place. Officers were in discussions with the contractor to value engineer the price submission. The target date to be on site was September 2024, as per the programme; this was roughly in line with the expectations set out by Full Council and on target with the timeline presented to Cabinet.
- Part of the planning application for the new Depot was the inclusion of a biodiversity net gain.
- **Action – when recycling rates were available from Lincolnshire County Council they would be emailed to Committee Members and reported back to a future Committee.**
- The hours and the start times attached to the Big Clean Programme had been changed, with staff unable to adhere to DEFRA best practice guidelines in this instance. However, the Big Clean Programme was a successful initiative to undertake a deep clean of streets across the District. It had been a high standard to maintain, and it was not a KPI the committee had chosen to retain.

- There had been instances across the District where residents had been unclear on what day to put their waste out. To address this, communications with groups using Street Scene was being investigated.
- The number of green bins collected was not a good measure of the service as the preference would be for as many people as possible to recycle or compost their green waste at home. The actual number of green bins collected in 2023/2024 was less than that seen in 2022/2023. There was a seasonal aspect to green waste collection; in those months where more plant growth was seen there was likely to be a higher level of collections.
- The wagons collecting trade waste were not able to collect any further waste at this point, therefore any extension of this scheme would require another wagon. There was a licence for a further wagon at the existing Depot but no space to accommodate it.

The report was **NOTED**.

10. Disposal of Vapes

Members considered an update on the recent announcements from Government on the sale and disposal of disposable vapes.

A dramatic increase in littering and waste had been seen as a result of the use of disposable vapes, which could put the Council's crew at risk.

In December 2023 there was a Government consultation on small waste items. In January 2024 the Government announced that all disposable vapes would be banned in England, due to growing concern on their environmental impact.

The following points were highlighted during debate:

- Battery collection had been delayed to the summer. There had been a delay in gaining the licence for this; a variation was needed on the Council's permit to store them. Officers were working with Lincolnshire County Council (LCC) on an interim solution where they received SKDC's waste at their site. There was confidence on introducing this from September 2025; however, collection would not commence before it was ready. There was also the possibility of funding from Government.
- The battery collection scheme would require education materials for residents.
- Councils had responded to Government to say that funding for this scheme was insufficient.

The Committee **AGREED** to note the report and revised timescales.

11. Twin Stream Update

Members considered an update on the roll out of the twin stream project and the timelines for the reintroduction of contamination monitoring process for the dry mixed recycling (DMR) bins.

Members of the Council had all been invited to an all-member briefing on this topic taking place at 6pm on 4 June 2024.

The following points were highlighted during the introduction and debate on the item:

- 99% of bins had been collected.
- It had been agreed to address contamination in silver bins alongside the roll out of paper and card collection. The contamination rate was around 30% of bins collected.
- Alongside a proactive educational campaign, a 'tag and take' exercise was undertaken to highlight to residents the problematic items in their recycling waste; this included paper and card. This was paused in February 2024 due to a number of issues.
- To address the issues that occurred on the last exercise, a project group had been established which was made up of SKDC officers, LCC representatives and Cabinet representatives. The group assessed what could be tackled differently and decided that a data-driven, phased approach would be best.
- When bins were rejected from w/c 10 June there would be a comprehensive rejection tab. A public apology for any mistakes made by the Cabinet Member was contained within the minutes of Full Council on 29 February 2024.
- The legislative requirements for recycling were vague; when something was 'recyclable' this simply meant that it could be recycled anywhere within Europe. If residents were still not sure after reading guidance from the Council on whether their packaging was recyclable, then they should use the black bin rather than potentially contaminate their recycling bin.
- Operatives would be sharing leaflets on their round w/c 10 June. It could also be argued that the 'hoop tags' on contaminated bins were a form of education.
- It was pleasing to see the provision of additional staff training and resources. Resources and time would also be used to educate members of the public as to what they could or could not place into their bin.
- Not all waste in a black bin went to landfill, as some of it was sent to the local Energy from Waste plant.
- **ACTION – an update on how latest round of rejected bins was received would return to Committee when possible.**

- A general rule with plastic recycling was that if it could be scrunched up in one hand, then it should be placed into the black bin. Residents would not be punished for well-meaning mistakes. However, more significant contamination would have to be enforced; for example nappies or clothing in recycling bins.
- Space for the extra bins was an issue that was still being explored, with bespoke solutions being sought. Larger bins had previously been offered; however households struggling with capacity should contact the Council for assistance in the first instance.
- Leaflets distributed to residents would factor in local differences, such as the different coloured bins and bags within Stamford.

The Committee **NOTED** the contents of the report and the revised action plan for the reintroduction of the contamination monitoring process for the Dry Mixed Recycling waste stream.

12. Environment Act 2021 Update

Note: The Committee adjourned at 3:59pm and re-convened at 4:06pm.

Members considered an update on the implementation timescales of the Environment Act 2021, in respect of:

- Simpler Recycling (previously Consistency in Recycling),
- Extended Producer Responsibility, and
- Deposit Return Scheme (DRS).

In 2023 DEFRA announced that extended producer payments would be deferred. The DRS had seen a more recent announcement in April 2024, where it was outlined that the Scheme would be delayed until October 2027.

A more significant change was announced on 9 May 2024 concerning mandatory food waste collection, a core set of standard recyclables and soft plastic and microfilm collections. Commercial food waste collections would be required to present food, dry recyclables and residuals separately by 31 March 2025.

Mandated food waste collections covered those organisations with 10 or more full-time equivalent staff; micro-firms would be required to comply by 2027. Less than 4% of the current customer base met the criteria for the 2025 deadline; most of SKDC's customers were 'micro-firms'.

No more recycling bins were anticipated (following the roll out of the purple lidded bin). Peterborough City Council had used caddies successfully.

It was estimated that around 13 vehicles were required to collect food waste within the District. There may be a capacity issue at the current Depot.

The Committee **NOTED** the contents of the report and the revised timescales applied by Government and future funding implications.

13. Rewilding process (Verbal Update)

The Cabinet Member for Environment and Waste gave a verbal update on the re-wilding process.

The following points were raised:

- In May 2024 a community wildflower meadow in Market Deeping was cut in error by Street Scene. An apology had been issued to the Deepings Lions Club, who maintained the meadow, from the Cabinet Member and the Leader. The Streetscene Manager had met with the Deepings Lions Manager to agree remedial actions. The Streetscene team had cleared away the clippings so that the meadow could be allowed to re-establish.
- Internal procedures had been tightened to prevent further mistakes.
- Grounds maintenance teams carried out a wide range of interventions to mitigate climate change and reverse biodiversity loss.
- Rewilding appropriate areas was one initiative which would go a long way towards helping mitigate climate change. A Climate Change working group had been established by the Cabinet Member and this had identified two suitable re-wilding areas near Bourne. It was vital that resources and staffing were in place to ensure any scheme could be maintained. Initial seed money could be used from the Climate Action Fund.
- There was an ambition to incorporate 'no mow May' in a way that was appropriate to SKDC, as LCC were the responsible authority for many of the District's grass verges. In larger spaces such as Wyndham Park an appropriate mowing regime was required for the variety of people that used the facility.
- The mowing regime at the Council required that litter should be picked prior to mowing the area.
- There were certain areas of the District where conversations would need to be held with developers, particularly with unadopted parcels of land.
- There was value in scrub land, where plants would eventually return, followed by trees, birds, and other wildlife.

The update was **NOTED**.

14. Update on Public Sector Decarbonisation Scheme Phase 3c

Members considered an update on the Public Sector Decarbonisation Scheme Phase 3c grant funding offer to update the existing heating systems at Grantham Meres Leisure Centre, which had been reported to Cabinet on 14 May 2024.

The project was in its initial stages, with an intention to complete work by March 2026. The intention was to install low carbon heating to replace the current system. By switching from gas to electricity a reduction in carbon emissions would ensue.

Utility costs last year were around £770,000, so any attempt to mitigate these costs were welcomed.

The update was **NOTED**.

15. Work Programme 2024-25

A request to add in the Annual Carbon Emissions report for October's meeting was agreed.

The remainder of the Work Programme was noted.

16. Any other business which the Chairman, by reason of special circumstances, decides is urgent

The latest Climate Action Group saw discussions around Drainage Boards, the Canal Society, pollution levels in Grantham, Active England and Cycle Ways. The Leader had also reminded everyone to sign up for a cycle from Grantham to Belton House.

If Members wished to be included in the group then they were to let Councillor Rhys Baker know. Notes could be shared with members of the Environment Overview and Scrutiny Committee.

The meeting closed at 4:40pm.