



## LICENSING AND ENFORCEMENT COMMITTEE

**MEETING** : Monday, 20th November 2023

**PRESENT** : Cllrs. Kubaszczyk (Vice-Chair), Ackroyd, Bowkett, D. Brown, Evans, Hyman, Patel, Radley, Tracey and Williams

### **Officers in Attendance**

Community Wellbeing Manager

Head of Law (Litigation & Planning)

Principal Officer (Worcestershire Regulatory Services) (WRS)

Trainee Officer (WRS)

Democratic and Electoral Services Officer

### **Also in attendance**

Permali Representatives (x4)

Local Resident

Cllr Chambers-Dubus (As ward member)

**APOLOGIES** : Cllrs. Brooker, Finnegan and Trimnell

## **22. DECLARATIONS OF INTEREST**

Councillor Ackroyd and Councillor Tracey declared non-prejudicial interests in agenda item 4 (Application for an environmental permit – Permali, Gloucester UK LTD.) owing to being local ward members.

## **23. MINUTES**

The minutes of the previous meeting held on Tuesday 12<sup>th</sup> September 2023 were confirmed and signed by the Chair as a correct record.

## **24. APPLICATION FOR AN ENVIRONMENTAL PERMIT - PERMALI GLOUCESTER UK LTD.**

*A site visit was conducted prior to the Committee meeting to allow for full consideration of the application.*

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- 24.1 The Community Wellbeing Manager presented the report which asked the Licensing and Enforcement Committee to consider the granting of an Environmental Permit, to operate a solvent impregnation activity, at Permali Gloucester UK Ltd. 170 Bristol Road, Gloucester GL1 5TT.
- 24.2 The Principal Officer (WRS) noted that Permali's activity would involve the consumption of over 200 tonnes of organic solvents per annum in the manufacture of bespoke laminated products for a range of end uses. This was why they applied for an A2 license instead of a Part B solvent licence. He mentioned that Permali used a Regenerative Thermal Oxidizer (RTO), which was the most effective way of dealing with compounds. The Community Wellbeing Manager also highlighted that Permali had numerous cyclones, as well as a carbon filtration system. Regarding noise, it was noted that WRS had thoroughly examined the application, and in their opinion, Permali had the best available solutions to manage noise.

**Members' Questions**

- 24.3 Councillor Hyman pointed to paragraph 5.2 of the report, which stated that there would be 'regular site visits to assess compliance with the permit conditions' if the application were approved. He asked how frequently these visits would occur. In response, the Community Wellbeing Manager stated that it would depend on the risks associated with the site. He mentioned that the inspectors had indicated they would conduct a high level of visits. The Principal Officer added that it could be once, twice, three times, or more times a year. He also confirmed that Permali would be legally required to submit a significant amount of information about their operations. Therefore, the visits would not be the only method of enforcement. He said that if Permali did not provide the pertinent information, then they would inspect the site.
- 24.4 Councillor Ackroyd noted that the ward of Moreland would also be affected by the application, a point not reflected in the Officer report. She enquired whether the proposed sound barriers would prevent noise pollution on the Moreland side of the application. In response, the Community Wellbeing Manager advised that the building itself on the Bristol Road side of the application acted as a sound barrier.
- 24.5 Councillor Tracey asked what height the proposed sound barrier would be. In response, the Principal Officer responded that it would be 6 metres.
- 24.6 Councillor Tracey asked what raw materials would be used on site. In response, the Principal Officer said that a number of impregnated products would be used on site. He said that a mix of inorganic fibres and organic solvents would be used and that these were processed into laminated sheets.

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- 24.7 Councillor Tracey asked what happened to the solvent during the industrial process. The Community Wellbeing Manager responded that the solvent would be stored on site and that Permali would measure the total amount of solvent used correct.
- 24.8 In response to a question about air quality, the Community Wellbeing Manager stated that the purpose of monitoring Permali was to ensure that they did not breach the maximum limit concentrations of emissions to air. He also added that the maximum emissions allowable was set by national government and that the emissions would be no more harmful than solvents found in household items.
- 24.9 Councillor Ackroyd highlighted paragraph 3.6 of the Officer report which stated that 'Permali Gloucester Ltd. should have therefore made an application for their existing solvent activity when solvent consumption was expected to exceed the 5 Tonne per annum threshold'. She asked why they had not done so sooner. In response, the Community Wellbeing Manager advised that when Permali went beyond the 5 tonne threshold, an application for a permit had been made to the Council.
- 24.10 Councillor D.Brown asked whether there was a plan for an emergency and whether there needed to be one in the application. The Community Wellbeing Manager responded that he had not seen an emergency plan however it would be the responsibility of the business to have a plan in place to deal with any emergencies.
- 24.11 Councillor D.Brown asked whether the comments from residents could be summarised. In response, the Community Wellbeing Manager stated that the majority of comments raised concerns about solvent emissions, the impact on health and wellbeing and complaints about the likely impact of noise from the site.
- 24.12 In response to a question from Councillor Ackroyd as to how in-depth the consultation process was, the Community Wellbeing Manager stated that they had received feedback, that they had contacted a myriad of properties and had a list of these addresses they had consulted.
- 24.13 Councillor Patel asked how poisonous the emissions would be if there was an unexpected leak such as a plume of toxic fumes. In response, the Community Wellbeing Manager stated that the solvents did not fall into the major toxicity category . If they did, it would fall under a different category of legislation and would be the remit of the Health and Safety Executive.
- 24.14 Councillor Patel highlighted page 12 (paragraph 4.1) of the Council report which stated that granting the permit 'would enable the City Council to deal with any nuisance complaints more effectively than the Statutory Nuisance provisions of the Environmental Protection Act 1990' he asked for further detail on this. In response, the Community Wellbeing Manager stated that the Council currently had a statutory duty to deal with noise complaints, which was outlined in the Environmental Protection Act 1990 (EPA). He further confirmed that WRS would regulate the site if a Permit was granted.

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- 24.15 Councillor Radley noted that the proposed sound barrier would be built close to a large body of water and asked whether it was certain that this barrier would be stable. In response, the Community Wellbeing Manager stated that the sound barrier would be built to withstand any weather conditions and had to be built to a high standard. He said that the business had a duty to its employees and would be breaching their duty of care if they did not build it to the requisite standard.
- 24.16 Councillor Radley asked whether all information required to be provided to WRS in the event that the permit was granted would be logged. In response, the Principal Officer stated that all information came through the WRS inbox, which would be logged and placed in the relevant file with a specific case reference number. He added that his team had meticulously looked through all relevant representations from members of the public and Permali. He further added that WRS would not filter the information provided.
- 24.17 Councillor Radley asked whether Gloucester City Council possessed the resources to make a prosecution if it was ever needed. In response, the Head of Law said that any case would have the normal considerations, including an evidential base and whether the case would be in the public interest. She added that often in legal cases of that kind, it was common for the party to make an application to recover costs in the event of a successful prosecution. The Community Wellbeing Manager added that the hope would be that any concerns could be mitigated without requiring a legal action.
- 24.18 Councillor D.Brown asked whether the permitting of the application would mean that there would need to be an emergency plan adopted. In response, the Community Wellbeing Manager stated that this was not the case and that the Emergency Services would deal with any issue in a similar way to other emergencies.
- 24.19 Councillor Bowkett asked what the maximum size of the site for Permali would be. In response the Principal Officer stated that the limits on Permali specifically related to emissions, the size of the property was not part of the application before the Committee.
- 24.20 Councillor Bowkett asked if Permali were granted the permit, whether they could operate on another site with it. In response the Principal Officer stated that Permali would need to get a different permit for a different site, the application before them specifically related to the site on Bristol Road.
- 24.21 Councillor Patel asked for clarification on how harmful the emissions would be if there was a leak. In response, the Community Wellbeing Manager stated that it was an important question. He noted that in such a case, it would be solvents that were sealed in steel drums and not poisonous gases that would be leaked. In an emergency, in all likelihood, the advice would be for residents to stay inside.

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24.22 In response to a question by Councillor Tracey in regard to how waste was regulated and disposed, the Community Wellbeing manager noted that an approved specialist had to remove waste and a waste transfer note had to be provided.

**Statement of the Applicant**

24.23 A representative of Permali highlighted that they had hosted a site visit a week ago for Members so that they could see how professional Permali's operation was. He stated that at the site visit, they presented their case and provided detailed information on investments made on-site since the application was submitted. He stated that Permali would address emissions using the best available technology. He stated that Permali had invested £15 million on-site, with specific allocations for environmental controls which underscored their commitment to taking their responsibilities for safety seriously. They also confirmed that Permali would continue to actively consult with neighbours.

24.24 A representative stated that it was important to note the discernible shift in the level of conversation over the last six months and noted that the improvements made during this period had culminated in getting to the point where the application was in a place to be granted and where it would be beneficial for Gloucester and residents, with more visible and effective regulation. He stated that Permali were fully committed to running their operations in a 360-degree manner and that they took their responsibilities, particularly in relation to health processes, very seriously. He stated that they were open to transparently reporting everything that occurs on-site.

24.25 A representative stated that Permali viewed Gloucester as a great place to do business, that the submission contained a substantial amount of technical data, and that their team had consulted properly with relevant bodies.

24.26 Councillor Ackroyd asked if local residents had had their concerns addressed to their satisfaction. In response, a representative of Permali stated that they were in direct communication with individuals residing near the site. He confirmed that Permali documented every complaint and that they had promptly addressed concerns regarding night-time noise. Additionally, he emphasised that the installation of a sound barrier would significantly alleviate noise levels from the site.

24.27 Councillor Ackroyd asked whether the site operated on a 24/7 basis. In response, a Permali representative clarified that they generally ran on a 24/5 basis but also conducted some work on weekends whilst they caught up with demand. He added that after consultation with neighbours, it had been decided to run some machinery later on Saturdays and that since the thermal oxidiser had gone live, there had been a significant decrease in noise.

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- 24.28 Councillor Ackroyd asked what the main complaints from local residents had been in relation to the proposals. A Permali representative responded that the main issue had been with noise emanating from the site, however, with the oxidiser and the proposed sound barrier, this would decrease significantly. He added that they had employed specialist, independent experts to identify noise and come up with the best possible solutions.
- 24.29 In response to a question about whether workers were safe in an enclosed environment, a representative of Permali advised that they had to abide by COSHH regulations, that employees had health screenings, that there were internal controls, air monitoring and that regardless of how many employees they had, they had a duty of care to each one.
- 24.30 In response to a question from Councillor Radley as to whether Permali would continue to monitor noise even if they did not receive complaints, a representative of Permali noted that they would continue to monitor noise in any case. He added that when the noise barrier was erected, there would be a recording device which would alert Permali to any spikes in noise.
- 24.31 Councillor Tracey asked whether Permali staff worked on Sundays. A representative of Permali noted that following the relocation from Manchester to Gloucester there was a lot of work to be caught up on, hence why it had been a requirement to work additional hours on weekends. He said that the organisation typically ran on a 24/5 schedule and used the weekends to catch up with any work that needed to be completed.
- 24.32 In response to a question from Councillor Tracey regarding noise mitigation, a representative of Permali stated that he was unaware of any banging noise emanating from the side, however staff had been reminded to have the doors closed when operating to greatly reduce any noise pollution.
- 24.33 In response to a question about noise in the application by Councillor Patel, a Permali representative responded that all detail about noise was included in the application and that they met British standards.
- 24.34 Councillor Patel noted that Permali representatives had stated that they had moved from Manchester. He asked whether the Gloucester site was their only site. In response, a Permali representative stated they were part of a larger group called Diamorph and that they were a recognised multinational outfit.
- 24.35 In response to a question from Councillor D.Brown about who owned the land between the canal and the site, the representatives of Permali advised

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that the land he was referring to was owned by the Canal and River Trust and that all calculations had been provided to them.

**Statement of Interested Parties – Local Resident**

- 24.36 The local resident stated that there were two main inaccuracies with the Officer report. He said that paragraph 3.21 had noted that the ‘Council consider that Permali have robust site management structures’. He said that the Council were inaccurate in this assertion, as Permali had frequently failed to improve and take on feedback by residents. He said that an example of this was that they kept operating with doors open and that they did not comply with the hours they purported to operate within. He stated that he wanted the Council to confirm that they would use all powers available to them to prosecute, if Permali breached the conditions of the permit, should it be granted.
- 24.37 Councillor Patel highlighted that the local resident had noted that Permali had operated with the doors open. He asked whether this had been a seasonal action, for example, doors open in the summer, or whether it was more persistent. In response, the local resident stated that it had been an issue for the previous three years. He mentioned that Permali had large shutter doors that were open all year round. He sympathised with the workforce of Permali, acknowledging that it must get warm inside the factory, but he also pointed out that this still caused noise pollution for residents. Additionally, he noted that the doors were open on the day of the meeting.
- 24.38 Councillor Radley noted that the local resident had highlighted that in 2017, there was not a significant issue with noise, but that it had worsened in the past few years. She asked for the experience the resident had had with noise in her recent past. In response, the local resident stated that the noise had worsened since they expanded in the past couple of years. He noted that things had recently improved but that noise was still a large concern, and their temporary measures had not significantly mitigated noise.

**Statement of Interested Parties – Cllr Chambers-Dubus**

- 24.39 Councillor Chambers-Dubus noted that she and Councillor Pullen were initially informed about the application by someone on the Westgate side of the canal and that no communication had reached residents on the Bristol Road side. She stated that this raised concerns about the transparency of the consultation process, noting that after she had raised the issue, the Council dispatched letters. Councillor Chambers-Dubus stated that as the Councillor representing Moreland and affected residents, she herself had experienced instances where she couldn't utilise her garden due to a noise emanating from the site. She added that whilst she eventually received a letter as a Councillor about the application, affected residents were still awaiting theirs. She expressed her view that there was a lack of confidence in the system and she still had concerns about the adequacy of the monitoring, however following a tour of Permali, it became evident that their

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operations were commendable. However, she noted that there was still an issue with smell and noise.

- 24.40 Cllr Radley asked Chambers-Dubus whether there had been any changes to her experience as a local resident in the past few months. In response Councillor Chambers-Dubus stated that the smell had improved but the whirring noise was still persistent.

**Members' Debate**

- 24.41 Councillor Williams commented on the site visit, and stated that she believed it was excellent. She noted that during the visit, many questions were addressed, and there was no noticeable smell outside. She said that the housekeeping was impeccable, and that she did not witness any health and safety hazards. She noted that when the fence outside was upgraded to a proper barrier, as expected, it would be a positive difference.
- 24.42 Councillor Tracey noted that as the local ward member, she did receive numerous complaints about the site. She noted that the conditions in the report were excellent and should help to mitigate smell and noise pollution. Councillor Tracey further noted that she had sympathy for the local residents but that she believed going against it would mean that they would lose the conditions to regulate the site. She questioned what would happen in the event of an appeal, if the permit were refused.
- 24.43 The Head of Law noted that in the event of a refusal, the application would go to an appeal and that the Council would put submit evidence as to why the application for a permit was refused, and this would be considered by the relevant Secretary of State. The Members were advised that they should determine the applications on the basis of representations, the Officer report and all relevant submissions and not whether, on refusal, there could be an appeal.
- 24.44 The Community Wellbeing Manager noted that in regard to how often the site would be visited, it would be based on assessing the risk on the site and that there were a myriad of factors that went into considering how often a site would be visited.
- 24.45 Councillor Hyman noted that he had visited the site and was impressed by the way it operated. He said that he believed that the long-lasting measures Permali were going to take in relation to noise and sound would mitigate issues. He stated that Permali was an internationally recognised company with an excellent reputation and that he believed granting the permit would help any issues with noise or smell in the area as they would be properly regulated by WRS.
- 24.46 Councillor Patel stated that he agreed with Councillor Hyman. He said that, as a City Councillor he wanted residents and businesses to work in tandem with one another.

**Officer Sum Up**

- 24.47 The Community Wellbeing Manager outlined to Members the recommendations made in paragraph 2.1 of the officer report.



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**Applicant Sum Up**

24.48 A representative of Permali stated that as a business, Permali could only reiterate their commitment to ongoing improvement. He stated that they generally wished to see the permit granted so that they could be properly regulated. He stated that they were committed to providing good jobs to people in Gloucester. He stated that the feedback from residents would be acted upon and that they would be even more proactive in consulting them.

**The Decision**

24.49 The Council's solicitor read out the decision of the Licensing and Enforcement Committee.

In coming to its decision, the Licensing and Enforcement Committee considered the content of the report and the appendices to the report.

The Committee heard from Officers of the Council and Worcestershire Regulatory Services and the Interested Parties including representatives from Permali, a local resident and Councillor Chambers-Dubus (on behalf of the local residents).

The Committee had due regard for to the Environmental Permitting (England & Wales) Regulations 2016 and the statutory guidance that accompanies the Regulations.

The Committee also considered the representations received from the residents and other parties that were submitted as part of the consultation.

The Committee noted the matters and concerns raised the representations from the residents and believed that some of the concerns of the residents may have been addressed and mitigated by the steps that have already been taken or that will be taken by Permali (such as the noise barrier).

As part of its discussions the Committee took onboard the concerns of the resident and concluded that there is a need for regulation of the Site and this could be achieved via a Permit, with detailed conditions, being granted. The Committee therefore resolved to grant the permit subject to the conditions set out in Appendix K of Report.

The Committee concluded that in their view the position in terms of the regulation of the Site would be stronger if a permit was in place. The Permit and its conditions would provide on-going regulation and data from the Site.

The Committee also welcomed the reassurances from the Permali regarding the levels of investment into the Site and the measures that have been put in place and will continue to be implemented.

The Committee would also expect that the consultation and communication between Permali, the council and residents would continue and that any problems would be addressed.

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The Committee explained to residents that should any problems arise, that action could be considered and that this could include a review and revocation of the Permit.

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**25. DATE OF NEXT MEETING**

Tuesday 12 December, 2023.

**Time of commencement: 6.30 pm hours**

**Time of conclusion: 9.04 pm hours**

**Chair**