

## **MAIDSTONE BOROUGH COUNCIL**

### **OVERVIEW & SCRUTINY COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON TUESDAY 22 NOVEMBER 2022**

##### **Attendees:**

<b>Committee Members:</b>	<b>Councillors Councillor Clive English (Chairman), English, Cannon, Mrs Blackmore, Brice, Cleator, Conyard, Garten, Hinder, Jeffery, Knatchbull and McKenna</b>
<b>Lead Members present as Witnesses:</b>	<b>Councillor Martin Round (Lead Member for Environmental Services)</b>
<b>Visiting Members:</b>	<b>Councillor Harper</b>

##### 27. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Hastie.

##### 28. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

##### 29. URGENT ITEMS

There were no urgent items.

##### 30. NOTIFICATION OF VISITING MEMBERS

Councillor Harper was in attendance as a Visiting Member for Item 14 – Receipt of a ‘Call-In’ – Proposed Change to Maidstone AQMA and Request to Consult on New Air Quality Action Plan.

Councillor Round was in attendance as the representative of the Executive to Item 14 - Receipt of a ‘Call-In’ – Proposed Change to Maidstone AQMA and Request to Consult on New Air Quality Action Plan and as a Visiting Member for Item 15 – The Council’s Performance against the Waste Strategy – Recommended Actions.

##### 31. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

##### 32. DISCLOSURES OF LOBBYING

Councillors Brice and Cannon had been lobbied on Item 14 - Receipt of a ‘Call-In’ – Proposed Change to Maidstone AQMA and Request to Consult on New Air Quality Action Plan.

33. EXEMPT ITEMS

**RESOLVED:** That all items be taken in public as proposed.

34. MINUTES OF THE MEETING HELD ON 2 NOVEMBER 2022

**RESOLVED:** That the Minutes of the Meeting held on 2 November 2022 be approved as a correct record and signed.

35. MINUTES OF THE MEETING HELD ON 3 NOVEMBER 2022

**RESOLVED:** That the Minutes of the Meeting held on 3 November 2022 be approved as a correct record and signed.

36. PRESENTATION OF PETITIONS

There were no petitions.

37. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from Local Residents.

38. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

39. OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

In response to concerns raised about the number of Committee meetings held in early November 2022, the Chairman stated that efforts would be made to limit the number of Committee Meetings held in a short space of time.

**RESOLVED:** That the Committee's Work Programme be noted.

40. RECEIPT OF A 'CALL-IN' - PROPOSED CHANGE TO MAIDSTONE AQMA AND REQUEST TO CONSULT ON NEW AIR QUALITY ACTION PLAN

The Democratic Services Officer introduced the report and stated that the Committee was being asked to consider the call-in request received against the Executive decision made which were shown respectively at Appendices 1 and 2 to the report.

The options available to the Committee were to agree that no further action was required, recommend an alternative decision to the Executive or recommend the decision's review by the full Council.

Councillors Cleator, Harper and Jeffery were invited to address the Committee as the Members that had called-in the decision. The issues raised were that the data provided to support the proposal was inaccurate, which included that several areas within the previous Air Quality Management Area (AQMA) had not been consistently monitored and that at least three years of compliance data to support a reduction in the overall AQMA had not been evidenced. This was perceived to be against the guidance produced by the Department of Environment Food and Rural Affairs (DEFRA).

The age of the local bus fleet and the increased pollution generated from the vehicles was highlighted, with reference made to the reports presented to the Executive and Communities, Housing and Environment Policy Advisory Committee (CHE PAC) whereby Kent County Council had identified that government funding would be needed to improve the service's provision, for example through electric vehicles. It was felt that given the financial difficulties being experienced by KCC the identification of future funding opportunities was unlikely. It was further mentioned that the prevalence of congestion within certain areas of the previous AQMA supported the need to retain the pre-existing AQMA.

The Lead Member for Environmental Services addressed the Committee and stated that the Executive decision made was taken based on the supporting evidence provided, and that the evidence was trusted.

The Senior Scientific Officer explained that the purpose of an AQMA was to define the areas where the statutory limit of 40 microgram per m<sup>3</sup> of nitrogen dioxide was exceeded, with an Air Quality Action Plan (AQAP) developed to target improvements to the AQMA. A larger AQMA than was necessary would make it difficult to focus the plan on the specific areas where the 40 microgram per m<sup>3</sup> limit was exceeded. In response to concerns on the collection of air quality readings across the previous AQMA, it was confirmed that over 150 locations had had diffusion tubes installed. Once an air quality within an area was compliant with regulations, the tubes would be moved to an alternative area.

The Senior Scientific Officer stated that the data used to support the Executive decision made had been reviewed by experienced and reputable air quality consultants, who had recommended that the AQMA be changed in size; this had been supported by DEFRA. It was stated that any changes to the AQMA were reversible should there be a future concern.

In confirming the Council's compliance with the DEFRA guidance, the Senior Scientific Officer stated that the sites removed from the previous AQMA had demonstrated compliance with the statutory air quality limits for across the past five years. The guidance stated that in order to revoke an AQMA, an authority should normally have three years of compliance with air quality objectives, and that no decision should be made to revoke an AQMA based solely on 2020 data. The 2020 data could be considered as part of a trend, with the Council having three years of compliance with the objectives up to 2019, or five years of compliance inclusive of 2020 and 2021.

In response to questions, the Senior Scientific Officer stated that he had eighteen years' experience in local air quality management. It was confirmed that air pollution had been decreasing nationally since 2016, due to the increase in hybrid and electric vehicles and Euro-Six engines; this decrease was expected to continue. It was confirmed that an annual review of the areas to undergo air quality monitoring occurred, with consideration given as to whether there had been any significant developments or planning applications proposed for those areas. This included hermitage lane and fountain lane, where air quality monitoring was ongoing.

The Senior Scientific Officer stated any Member could report an area of concern to the Environmental Health Team and the team would attempt to conduct air quality monitoring within that area; an example given was the monitoring due to take place around Palace Avenue from 2023.

In responding to queries on the public consultation that had been agreed by the Executive on the AQAP, the Lead Member for Environmental Services stated that any measures submitted could be taken into consideration. The Lead Member for Environmental Services stated that whilst the reporting process was to be determined, the CHE PAC could receive updates on air quality to ensure they remained informed on the matter.

Ahead of the debate's closure, Councillor Jeffery addressed the Committee on behalf of the call-in co-signatories and reiterated their viewpoint that the decision was not based on a suitable level of evidence, including that the proposed AQMA does not take account of any changes in air quality to the areas since they were last monitored.

The Committee felt that the information given by the Senior Scientific Officer during the debate provided assurance to the quality of the evidence used to support the initial decision made by the Executive. It was felt that the original decision made was suitable and that no further action was required. Several Members of the Committee raised that further scientific data could have been provided within the reports to the Communities, Housing and Environment Policy Advisory Committee (CHE PAC) and the Executive.

The additional engagement mechanisms suggested by the Lead Member for Environmental Services to regularly update and engage with the CHE PAC in monitoring air quality were supported.

The Committee expressed their thanks to the officers for attending the meeting.

**RESOLVED:** That Option 1 of the report, to agree that no further action is required, be approved.

Note:

Councillor Knatchbull left the meeting at 7.16 p.m.

Councillors Cleator and Jeffery requested that their dissent with the decision made be recorded.

41. ADJOURNMENT OF THE MEETING

The Committee adjourned for a short break between 7.46 p.m. to 7.51 p.m.

42. THE COUNCIL'S PERFORMANCE AGAINST THE WASTE STRATEGY - RECOMMENDED ACTIONS

The Democratic Services Officer introduced the report that had been produced following the review into the Council's Performance against the Waste Strategy. The Committee's recommended actions and the intended outcomes of those actions had been included within Appendix 1 for comment. The contents would be used in the formal report to be presented to the Committee at its next meeting.

During the discussion, the following comments were made on Appendix 1 to the report:

- To reference flats alongside shared waste collection facilities within recommendation three;

- To reference the importance of ensuring the committee was informed of the increased data available on waste collection following the contract's re-procurement, within the reasoning for recommendation seven;
- To include an additional recommendation to measure the volume of waste produced, including per person, alongside the monitoring of recycling rates;
- To reference retailers within recommendation five;
- To reference waste minimisation and the implementation of a national deposit scheme, within recommendation six;
- To reference 'and other supplementary planning guidance' within recommendation eleven; and
- To include a recommendation on publicising the Council's enforcement action taken against those that seriously and/or recurrently breach the Council's rules on recycling and waste disposal.

Further comments were made to the Lead Member for Environmental Services on the importance of looking comparatively at the recycling services provided at other Local Authorities, and to consider alternative infrastructure measures to support waste collection services.

The Democratic Services Officer was thanked for their work.

**RESOLVED:** That the Committee's comments be reflected within the formal report drafted for presentation at its December 2022 meeting.

43. DURATION OF MEETING

6.30 p.m. to 8.06 p.m.

Note: The Committee adjourned between 7.46 p.m. to 7.51 p.m.