

# OVERVIEW & SCRUTINY COMMITTEE MEETING

Date: Tuesday 22 November 2022  
Time: 6.30 pm  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors English (Chairman), Cannon (Vice-Chairman), Mrs Blackmore, Brice, Cleator, Conyard, Garten, Hastie, Hinder, Jeffery, Knatchbull, McKenna and T Wilkinson

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

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**Issued on 14 November 2022**

**Continued Over/:**



**Alison Broom, Chief Executive**

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## MAIDSTONE BOROUGH COUNCIL

### OVERVIEW & SCRUTINY COMMITTEE

#### MINUTES OF THE MEETING HELD ON WEDNESDAY 2 NOVEMBER 2022

##### Attendees:

<b>Committee Members:</b>	<b>Councillors English (Chairman), Cannon, Mrs Blackmore, Brice, Cleator, Conyard, Garten, Hinder, Jeffery, Knatchbull, McKenna and T Wilkinson</b>
<b>Lead Members present as Witnesses to the Review:</b>	<b>Councillor Lottie Parfitt-Reid (Lead Member for Communities and Public Engagement) and Councillor Martin Round (Lead Member for Environmental Services)</b>

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Hastie.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

3. URGENT ITEMS

The Chairman stated that there had been an urgent update to Item 13 – The Council’s Performance against the Waste Strategy (Waste Strategy Review), in the form of Appendix 8 – Information relating to developments with shared waste collection facilities. The information related to the review but would be most applicable at the 3 November 2022 meeting of the Committee.

4. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

5. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

6. DISCLOSURES OF LOBBYING

7. EXEMPT ITEMS

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

8. MINUTES OF THE MEETING HELD ON 6 OCTOBER 2022

**RESOLVED:** That the Minutes of the Meeting held on 6 October 2022 be approved as a correct record and signed.

9. PRESENTATION OF PETITIONS

There were no petitions.

10. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from Local Residents.

11. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

12. COMMITTEE WORK PROGRAMME

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

13. THE COUNCIL'S PERFORMANCE AGAINST THE WASTE STRATEGY (WASTE STRATEGY REVIEW)

The Democratic Services Officer introduced the report, highlighting the relevant lines of enquiry for the meeting as contained within point 2.2 of the report.

The Witnesses to the review of the Council's Performance against the Waste Strategy (the Waste Strategy) were identified as follows:

- Councillor Parfitt-Reid, Lead Member for Communities and Public Engagement.
- Councillor Round, Lead Member for Environmental Services.
- Graham Gosden, Waste Manager.
- Jennifer Stevens, Head of Environmental Services and Public Realm.
- Julie Maddocks, Communications Manager.
- Louise Goodsell, Customer Services Manager.

In their introductory statements, Councillor Parfitt-Reid highlighted her commitment to addressing any of the Committee's concern arising through the review; Councillor Round outlined his support for the Committee reviewing an area of responsibility within his portfolio.

In response to questions on the waste hierarchy, the Head of Environmental Services explained that waste reduction initiatives were the primary route to reduce waste; previous initiatives included the 'love food hate waste' campaign, re-useable bag promotions and food storage. Historically, it had taken time for the communications promoting the re-use of products to become popular and for the Council to find suitable partners to work with. The Allington Household Waste and Recycling Centre would be opening a re-use shop which the Council would be promoting, with further opportunities to co-operate with Kent County Council on future initiatives noted. The Waste Manager confirmed that the Council had achieved a 52% recycling rate, which was the highest rate achieved across Kent.

The Lead Member for Communities and Public Engagement highlighted the importance of publicising both re-use messages and the organisations that facilitated the re-use of products to reduce waste.

Several Members of the Committee questioned the use of communications in reducing waste, announcing service disruptions and increasing recycling. The Communications Manager briefly outlined some of the communications produced, with specific attention drawn to the 'Insider Waste Tips' that had become popular. The Gov Delivery Stay Connected Newsletter had been trialled initially with waste services since January 2022, with 12,000 individuals having signed up. The latter enabled the Council to continue providing helpful communications at a reduced cost, given the budget reduction seen in recent years.

The pro-active approach taken by the Communications Team was highlighted, particularly through the text message alert system which provided updates to 35,566 residents. This allowed for service disruptions, such as those experienced in the summer, to be quickly communicated. Daily social media updates were produced during service disruption. In supporting this service, the Customer Services Team asked residents whether they would like to sign up to the text messaging system, when reporting an initial issue.

The Biodiversity and Climate Change Manager outlined the engagement and communication support provided to the waste management, climate change and biodiversity and parks and open spaces teams through a shared officer resource. Similarly to the Gov delivery newsletter, a Climate Change and Biodiversity Newsletter had been produced to increase communications. The benefits of direct engagement were outlined, with reference made to the 'Go Green Information Centre' which saw residents asking the Council's officers direct questions relating to waste collection services.

In response to questions, the Waste Manager stated that improving recycling rates within shared waste collection facilitates was difficult; various methods such as posters and different coloured bags and bin lids had been trialled in the past. Work was ongoing with the relevant organisations, such as Housing Associations, to improve recycling rates. The Head of Environmental Services and Public Realm stated that the Council would assist in promoting where additional recycling facilities were available, such as supermarkets. It was confirmed that different coloured bags could be provided to community volunteers collecting litter, making the process easier.

The Committee felt that the communications produced were helpful, but that to maintain and improve the service's good performance additional educational communications were required. Suggested topics included food storage methods including freezing, information on which sites accepted donated items for re-use, and using shared waste collections. A webpage to demonstrate which items were recyclable, and where they could be recycled, was suggested. It was felt that the communications should be accessible and inclusive, with pictures to be used when possible.

Several Committee Members raised how missed collections were re-organised as they were often contacted by residents on the issue. To support the existing communications being produced, it was suggested that the communication between KCC as the highways authority and the Council should be improved to ensure that road closures did not affect service delivery.

The use of data analytics to target specific areas of the borough where performance against the waste strategy could be improved was questioned. In response, the Waste Manager confirmed that the current system did not allow for information on which areas of the borough were underperforming.

The Head of Environmental Services and Public Realm stated that the recent waste collection audit undertaken by the Kent Resource Partnership provided information on the contents of black bins; demonstrating which areas had higher levels of other types within their general waste bins, such as food or garden waste. This supported the importance of partnership working and the collective power generated, particularly given the reduction in service's communications budget. As those types of waste were recyclable, the Waste Manager confirmed that the Council could achieve a higher recycling rate; other Local Authorities had service arrangements similar to the Council and were achieving higher recycling rates.

The Committee were advised that more detailed area specific information would be available following the re-procurement of the waste collection services contract, as the technology used to support the service would have increased capabilities to that procured 10-years ago. From this, opportunities for direct, targeted communications could be explored. The Head of Environment and Public Realm stated that 10% of the Council's waste was re-directed abroad, with the relevant information accessible on the KCC website.

In response to further questions, the Head of Environmental Services and Public Realm explained the concept of 'enabling payments' from the inter-authority agreement in place between KCC and the Council. It was noted that the Council and Biffa had been discussing how the Deposit Return Scheme ahead of its introduction in England, which may affect the types of waste collected once implemented.

The Lead Member for Environmental Services reiterated the importance of partnership working with Kent County Council and the Mid Kent Waste Partnership, to achieve increased performance against the Waste Strategy. The Lead Member's position on the Kent Waste Partnership was reiterated, at which they would raise the importance of educational communications to reduce the amount of waste produced and the possibility for the Council to lobby upwards. In response, it was suggested that the topic of waste reduction methods be put forward as a topic for the next Local Government Association Conference alongside consideration of lobbying local manufacturers to reduce waste production.

During the discussion, questions were raised that would be more applicable to the next stage of the review. It was noted that the questions posed would be considered then.

The witnesses in attendance were thanked for their contributions to the evidence collection process.

The Committee adjourned for a short break between 8.04 p.m. to 8.11 p.m.

The below actions were identified for further consideration based on the first stage of the review:

- The production of further recycling focused communications, that are accessible with inclusive language, with the use of descriptive pictures;
- The production of further communications on food storage;
- Increased messaging from the Council on shared waste collection facilities;
- The introduction of a webpage on the Council's website outlining which materials can be recycled, and where;
- To lobby local manufacturers to reduce the amount of waste they produce;
- The promotion of Waste Collection facilities as a topic for review at the next Local Government Association Conference;
- Improved communication between Kent County Council and the Council on highway maintenance, with particular reference to the Statutory Undertakings Team at the former;
- When available, the data concerning recycling rates including good and poor performance, across the borough be presented to the Committee to ensure it remains informed following the review's conclusion; and
- The residents survey include questions on the types of actions that would and would not assist in increasing recycling rates;

It was requested that further information be provided on whether Councillors could sign-up to receive text alerts across multiple post-codes, alongside signposting to the relevant webpages where waste collection service updates were provided.

**RESOLVED:** That the review be continued on the 3 November 2022.

14. DURATION OF MEETING

6.30 p.m. to 8.23 p.m.

Note: The Committee adjourned between 8.04 p.m. to 8.11 p.m.

# Agenda Item 9

## MAIDSTONE BOROUGH COUNCIL

### OVERVIEW & SCRUTINY COMMITTEE

#### MINUTES OF THE MEETING HELD ON THURSDAY 3 NOVEMBER 2022

##### Attendees:

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

15. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Brice, Knatchbull and T Wilkinson.

16. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Brindle was present as Substitute Member for Councillor Brice.

17. URGENT ITEMS

The Chairman reiterated the receipt of an urgent update which contained information relating to the consideration of Item 11 – The Council’s Performance against the Waste Strategy, as outlined at the Committee’s previous meeting.

18. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

19. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

20. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

21. EXEMPT INFORMATION

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

22. PRESENTATION OF PETITIONS

There were no petitions.



23. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from Local Residents.

24. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

25. THE COUNCIL'S PERFORMANCE AGAINST THE WASTE STRATEGY (WASTE STRATEGY REVIEW)

The Democratic Services Officer introduced the report, outlining the lines of enquiry relevant to the second stage of the review. Of the external stakeholders consulted, Golding Homes was unable to attend but would be able to answer any questions arising from the review; Kent County Council and the Kent Resource Partnership were unable to attend, although an offer of informal engagement with the Chairman and/or Committee Representatives had been given from the relevant Head of Service for Waste Collection Services.

The witnesses to the review of the Council's Performance against the Waste Strategy (the Waste Strategy) were identified as follows:

- Jennifer Stevens, Head of Environmental Services and Public Realm
- Councillor Martin Round, Lead Member for Environmental Services
- Austin Mackie, Major Projects Team Leader (Planning)

The urgent update provided was referenced throughout the Committee's questioning of the witnesses.

In response to questions on the use of Development Planning Documents (DPD) to improve waste collection services, the Major Projects Team Leader explained that the determination of planning applications was more robust when supported by a policy base, particularly when additional conditions were placed upon an application's approval. The ongoing Regulation 18A public consultation on the proposed Design and Sustainability (D&S) DPD was referenced, as waste collection could be included within the wider sustainability measures of the policy. The importance of commenting on both the contents of the Scoping, Themes and Issues Document of the D&S DPD, as well as those aspects that were mentioned only briefly, such as waste collection, was reiterated. The Major Projects Team Leader stated that the Committee Members could contact him with their comments on the D&S DPD, for inclusion within the Planning Department's response to the public consultation.

The Major Projects Team Leader confirmed that vehicle entry and exit was considered as part of an application's determination. As residents were now spending more time in their local areas, greater emphasis was being placed on the provision of open public spaces within housing estates; an example of where these areas could be improved in relation to waste collection, was to include the provision of public collection facilities within the D&S SPD. The Head of Environmental Services stated that any public facilities provided needed to have a suitable capacity and be visually engaging, to be of sufficient use and benefit; the

Street Cleansing Team had previously had to replace inadequate public collection facilities.

Several Members of the Committee questioned alternative types of waste collection infrastructure. In response, the Major Projects Team Leader stated that the viability of underground bin units depended on the development, with the proposed Garden Communities contained within the Council's Local Plan Review given as an example where the guiding framework could consider waste generation and management. The Head of Environmental Services stated that the cost of underground bins, which required a specialist vehicle to empty alongside their smaller than required capacity, had prevented their use within the borough. Ashford Borough Council's (ABC) use of underground bins was referenced, as whilst useful, ABC was not looking to install further units due to the reasoning provided by the Head of Environmental Services and Public Realm. It was stated that facilitating the anaerobic digestion of food waste and the processing of garden waste could be considered in the future as part of the collection and processing of waste from new developments.

In response to questions, the Head of Environmental Services and Public Realm stated that Community Protection Notices and Fixed Penalty Notices were issued in response to fly-tipping. This prevented an additional service cost to the Council being incurred. Managing agents and Housing Associations were required to clear any additional waste, with the Council having worked collaboratively with those organisations to support their direct engagement with residents and to reduce waste crime. The Council also provided a commercial waste collection service and generated additional income by clearing fly-tipping that affected the Highway. The challenges to the service included providing additional collections for residential blocks which accounted for 10% of the Council's waste collection services. The waste collection services contract re-procurement would include provision for alternative methods to support recycling, such as providing re-useable waste bags, to support residents in sorting their waste in the correct bins.

The Committee adjourned for a short break between 7.21 p.m. to 7.26 p.m.

In response to questions, the Major Projects Team Leader referenced Policy CSW 3 of the Kent Minerals and Waste Plan 2020 as contained within the urgent update. Several suggestions were made to the Committee that; the Officers within Development Management and the Planning Committee undertake training on the policy, to ensure that waste collection was appropriately considered as part of the consideration and determination of future planning applications; and that waste collection should be considered as part of the design review process. The Head of Environmental Services reiterated that the technology provided through the service's contract re-procurement would provide improved waste collection and recycling data across the borough.

Several Members of the Committee expressed concern at the amount of commercial waste produced; the Major Projects Team Leader stated that any action from a planning perspective had to be reasonable and depended in part on the site's classification. One Maidstone provided a litter collection service, which the Committee felt should be included within their next bid if applicable, in managing the town centre.

The Head of Environmental Services and Public Realm outlined the good level of co-operation between KCC and the Council to avoid affecting the waste collection

routes, with most of the issues arising from unexpected road closures. The success of the Town Centre Street Scene meetings was referenced. It was possible that the information relating to waste collection services within different areas of the borough could be reported to Ward Cluster meetings.

In respect of facilitating waste collections on private roads, the Head of Environmental Services and Public Realm stated that these were facilitated either through driving onto private roads or by asking residents to move their bins to the road's opening. There had previously been incidents where private roads were not wide enough to allow a waste collection vehicle to safely manoeuvre. The Major Projects Team Leader stated that where the highway was privately owned, modelling into the vehicle turning circles took place. As the turning circles for waste collection vehicles were much larger, this supported the need for the relevant Council Officers to undertake training on waste collection, with the Planning Committee report template to be amended to include a prompt for officers to consider issues that affect waste collection, such as the provision of visitor parking and vehicle turning circles.

The Witnesses in attendance were invited to make a closing remark. Councillor Round stated that several issues had been raised positively by the Committee, including across several of the Council's service areas. The Head of Environmental Services and Public Realm expressed their thanks to the Committee in reviewing the Waste Strategy and the positive suggestions made.

The Committee expressed support for the actions suggested within the urgent update provided, as it was felt that these suitably highlighted the importance of considering waste collection facilities as part of the planning process. These actions would then positively impact the Council's Waste Collection Service.

The below actions were identified for further consideration based on the evidence collected:

- The initiation of a design review process, in accordance with recommendation one of Appendix 8 to the report;
- The Development Management Officers and Planning Committee Members receive training in accordance with recommendation two of Appendix 8 to the report;
- Kent County Council be recommended to provide a substitute representative when their initial representative is unable to attend a meeting of the Committee;
- One Maidstone be recommended to include street cleaning provisions within their next bid;
- Policy CSW 3 of the Kent Minerals and Waste Plan be given higher prominence within the assessment of planning applications and planning policy, as advised by the Major Projects Team Leader;
- Consideration be given to implementing additional planning consent conditions, where appropriate, concerning the waste collection from commercial establishments that may generate high levels of waste;
- To amend the Development Management Officer report templates used for Planning Committee agendas, to include a prompt on waste collection considerations;
- To consider methods to provide information relating to waste collection to Ward Cluster meetings, similarly to that provided within the Town Centre Street Scene meetings.

- Officers be requested to review the public realm guide, as part of the Design & Sustainability Development Plan Document, in relation to the provision of public waste collection facilities.
- Pending the receipt of data relating to waste collection services following the new contract's commencement, the Committee consider whether any further public information and/or amendment to Council policy should be recommended.

**RESOLVED:** That the evidence collection stage of the review be concluded.

Note: Councillor Knatchbull left the meeting during the item's discussion, at 7.33 p.m.

26. DURATION OF MEETING

6.30 p.m. to 8.31 p.m.

Note: The Committee adjourned between 7.21 p.m. to 7.26 p.m. for a short break.

## Maidstone Borough Council

### Overview and Scrutiny Committee Work Programme 2022-23 Municipal Year

Review Title	Expected Start Date & Method	Relevant Officer/s	Objectives
The Council's Waste Strategy	Evidence Collection took place in November 2022.  <b>NEXT STAGE:</b>  Recommendations to be approved; Report to relevant Decision Makers.	Jennifer Stevens, Head of Environment and Public Realm	Review the Waste Strategy whilst considering best practice of other Local Authorities to identify innovative improvements
Safety & Enforcement (Review Ongoing)	September 2022 (safety element)  OSC acting as the C&D Committee Meetings	Alison Broom, Chief Executive  John Littlemore, Head of Housing and Regulatory Services  Martyn Jeynes, Community and Strategic Partnerships Manager	Review existing measures and ascertain any changes needed, in consultation with stakeholders.
Water Management Cycle (Review ongoing)	October 2022, Working Group.	Mark Green, Director of Finance and Business Improvement  William Cornall, Director of Regeneration and Place  Philip Coyne, Interim Local Plan Review Director	Focus on: <ul style="list-style-type: none"><li>• the supply and disposal of water; and</li><li>• disposal of sewage</li></ul> to identify improvements.
Health Inequality	Early 2023	Alison Broom, Chief Executive,  John Littlemore, Head of Housing and Regulatory Services	Increased understanding of health inequalities across the borough and an overview of strategy and police across the relevant bodies.

# Agenda Item 14

## OVERVIEW AND SCRUTINY COMMITTEE

22 November 2022

### Receipt of a 'Call-In' – Proposed Change to Maidstone AQMA and Request to Consult on New Air Quality Action Plan

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Overview and Scrutiny Committee	22 November 2022
Executive Meeting (if applicable)	23 November 2022

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Executive
<b>Lead Director</b>	Angela Woodhouse, Director of Strategy, Insight & Governance
<b>Lead Officer and Report Author</b>	Oliviya Parfitt, Democratic Services Officer
<b>Classification</b>	Public
<b>Wards affected</b>	Decision for review affects all wards, but particularly High Street Ward.

#### Executive Summary

This report outlines how the call-in received will be facilitated at the meeting, in accordance with the requirements of the Constitution and best practice.

#### Purpose of Report

Decision

#### This report makes the following recommendations to the Committee:

1. That the decision relating to the Proposed Change to AQMA and Request to Consult on New Air Quality Action Plan be considered against the call-in request received, as shown in Appendix 1 to the report.

# Receipt of a 'Call-In' – – Proposed Change to Maidstone AQMA and Request to Consult on New Air Quality Action Plan

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>We do not expect this report's recommendation to materially affect achievement of corporate priorities.</p> <p>The impact on corporate priorities in relation to the decision being called-in can be found in Appendix 3 to the report.</p>	Director of Strategy, Insight & Governance
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The impact on corporate priorities in relation to the decision being called-in can be found in Appendix 3 to the report.</p>	Director of Strategy, Insight & Governance
<b>Risk Management</b>	<p>No impact identified for the purposes of this report.</p> <p>The risk associated with the decision being called-in can be found in Appendix 3 to the report.</p>	Director of Strategy, Insight & Governance
<b>Financial</b>	<p>No impact identified from this report.</p> <p>The financial implications of the decision being</p>	Director of Strategy,

	called-in can be found in Appendix 3 to the report.	Insight & Governance
<b>Staffing</b>	<p>The call-in will be facilitated with the support of the Democratic Services Team.</p> <p>The staffing implications of the decision being called-in can be found in Appendix 3 to the report.</p>	Director of Strategy, Insight & Governance
<b>Legal</b>	<p>The Local Government Act Section 9(F) as amended by the Localism Act 2011, requires that where a Local Authority operates under an Executive Governance System there must be at least one Overview and Scrutiny Committee that is able to:</p> <ul style="list-style-type: none"> <li>• 'Review or scrutinise decisions made' and</li> <li>• Make 'reports or recommendations' to the Executive on the discharge of executive functions (LGA 2000, Section 9F (1-2))</li> </ul> <p>Therefore, the call-in and review of the decision made by the Executive and any alternative recommendations produced as a result, is within the Committee's statutory powers.</p>	Monitoring Officer, Team Leader Contentious & Corporate Governance
<b>Information Governance</b>	<p>No impact identified from this report.</p> <p>Any information governance implications arising from the decision being called-in can be found in Appendix 3 to the report.</p>	Information Governance Team
<b>Equalities</b>	<p>No impact identified from this report.</p> <p>Any equalities implications arising from the decision being called-in can be found in Appendix 3 to the report.</p>	Equalities & Communities Officer
<b>Public Health</b>	<p>No impact identified from this report.</p> <p>Any effects on public health arising from the decision being called-in can be found in Appendix 3 to the report.</p>	Public Health Officer
<b>Crime and Disorder</b>	<p>No impact identified from this report.</p> <p>Any crime and disorder governance implications arising from the decision being</p>	Director of Strategy, Insight & Governance



	called-in can be found in Appendix 3 to the report.	
<b>Procurement</b>	No impact identified from this report.  Any procurement implications arising from the decision being called-in can be found in Appendix 3 to the report.	Director of Strategy, Insight & Governance
<b>Biodiversity and Climate Change</b>	Biodiversity and climate change implications arising from the decision being called-in can be found in Appendix 3 to the report.  Improving air quality can enhance climate change mitigation, and climate change mitigation efforts can, in turn, improve air quality. Notably, reduction or phase-out of fossil and biomass fuel combustion will reduce greenhouse gas emissions as well as health relevant air pollutants. It is recommended to consider World Health Organisation (WHO) Global Air Quality Guidelines (AQGs) aiming for NO <sub>2</sub> annual mean objective of below 40µg/m <sup>3</sup> .	Biodiversity and Climate Change Manager

## 2. INTRODUCTION AND BACKGROUND

2.1 At its meeting on the 26 October 2022, the Executive made the following decision:

- a) *That the revocation of the old Air Quality Management Area (AQMA) in Maidstone which will require an Air Quality Management Area Revocation Order to be issued, be agreed;*
- b) *That the declaration of the proposed new AQMA in Maidstone, covering Upper Stone Street, as described in the report of the Senior Scientific Officer, which will require a new Air Quality Management Area Order to be issued, be agreed; and*
- c) *That permission be granted to hold a public consultation on the proposed actions given in the report to be included in a new Air Quality Action Plan.*

2.2 The Record of Decision was published on 28 October 2022, with the call-in period set to expire on the 4 November 2022; during this time a call-in request was received. The call-in request is attached at Appendix 1 to the report, following its acceptance by the Proper Officer, and should be considered by the Committee when reviewing the decision made by the Executive.

For information, the only constitutional requirements that must be met in submitting a call-in request are as follows:

*'Such a request must be made in writing and must state the reason the call-in is believed to be necessary' (Part C3, Rule 6.3.2, p. 167).*

2.3 The options available to the Committee in reviewing the decision made are outlined below, with a table underneath demonstrating the resulting actions from each option.

- a) Agree that no further action is required;
- b) Recommend an alternative decision for consideration by the Executive;
- c) Recommend that the decision be reviewed by Full Council.

<b>OSC Options</b>	<b>Next Steps</b>	<b>Decision Implementation</b>
Review original decision made and agree that no further action is required.	No further action required.	Executive Informed.  Decision to be implemented straight after the Overview and Scrutiny Meeting.
Recommend an alternative decision to the Executive	Executive to consider alternative decision.  Either the original decision remains, or an amended decision is issued.	Decision implemented straight after the Executive's re-consideration.  (Decision is final)
Recommend that the decision be reviewed by Full Council	Council review the decision and either agree with the original decision or recommend an alternative decision.  Executive to consider alternative decision; either the original decision remains, or an amended decision is issued.	Decision implemented after executive consideration.  (Decision is final)

2.4 The information relating to the Executive decision made has been included within the appendices to this report.

### **3. AVAILABLE OPTIONS**

#### 3.1 Option 1 – Agree that no further action is required.

In this instance, the Executive will be formally informed with the original decision to be implemented immediately following the Overview and Scrutiny Committee Meeting.

#### 3.2 Option 2 – Recommend an alternative decision to the Executive.

In this instance, the Executive will receive formal notification of the Committee's recommendations at its meeting on the 23 November 2022. The Committee must include the nature of its concerns to supplement the alternative decision.

The Executive will consider the recommendations made by the Committee and either the original decision or an amended decision will be issued as a result. Once this has taken place, the decision reached is final and will not be subject to call-in.

#### 3.3 Option 3 – Recommend that the decision be reviewed by Full Council.

In this instance, the Committee would refer the decision to the full Council. The Council would then be able to:

- d) Agree that no further action is required; OR
- e) Recommend an alternative decision for consideration by the Executive;

However, similarly to the Overview and Scrutiny Committee, the Council can only advise the Executive on which course of action to take. As the original decision made relates to an executive function (air quality), the Executive is the final decision-maker.

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

#### 4.1 There is no preferred option from an Officer perspective, as this report aims to support the Committee in reviewing the Executive decision submitted for Call-In.

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### **5. RISK**

#### 5.1 This report is presented for information only and has no risk management implications.

### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

#### 6.1 This Committee has not previously considered the matter. In accordance with the Council's governance arrangements, the Communities, Housing and Environment Policy Advisory Committee conducted the pre-decision scrutiny on the item, before the issue was presented to the Executive for decision.

6.2 The relevant papers for the CHE PAC agenda can be accessed using the link at Section 9 of the report.

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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

7.1 Given the number of options available, the next steps depend on the option chosen by the Committee. See section 3 for the resulting actions for each option.

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## **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1: Call-In Request
  - Appendix 2: Record of Decision (Executive)
  - Appendix 3: Report and Appendix as contained within the agenda for the 26 October 2022 Executive Meeting
  - Appendix 4: Excerpt of the (draft) Minutes of the Executive Meeting held on 26 October 2022.
  - Appendix 5: Excerpt of the (draft) Minutes of the Communities, Housing and Policy Advisory Committee Meeting held on 11 October 2022.
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## **9. BACKGROUND PAPERS**

Agenda Papers for the Communities, Housing and Environment Policy Advisory Committee Meeting held on 11 October 2022:  
[Your Councillors - Maidstone Borough Council](#)

## CALL IN FORM

Once completed, please submit this form to either of the Officers shown below, cc'ing in Democratic Services.

Director of Strategy, Insight & Governance or The Chief Executive.

Please fill in the below form:

### Decision making body or individual

Executive
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### Decision made (please include the date the decision was taken)

<p>Decision:</p> <ol style="list-style-type: none"><li>1. That the revocation of the old Air Quality Management Area (AQMA) in Maidstone which will require an Air Quality Management Area Revocation Order to be issued, be agreed.</li><li>2. That the declaration of the proposed new AQMA in Maidstone, covering Upper Stone Street, as described in the report of the Senior Scientific Officer, which will require a new Air Quality Management Area Order to be issued, be agreed.</li><li>3. That permission be granted to hold a public consultation on the proposed actions given in the report to be included in a new Air Quality Action Plan.</li></ol>
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### Reason for calling in the decision

<p>The decision has been made on 2019 data. The data that has been published in the Council's Annual Status Report on air pollution provides data on 25 of the tubes shown as being in the existing AQMA. While pollution at 5 of these sites worsened in 2019, the overall reduction in NO2 is just 3%, well within any reasonable level of random variation.</p> <p>In addition, the report cites a potential for restricting diesel buses to Euro VI on Upper Stone Street, something that has yet to happen as data from Arriva show. Indeed the data show that Maidstone has the highest proportion of Arriva's Euro III buses in the entire country. Furthermore the Quality Bus Partnership has been inactive and its replacement, a Local Focus Group, has not been instigated. This suggests that any potential for cleaner buses is a significant way off.</p> <p>The officer's preferred option (to revise the boundary) is presented as complying with current statutory guidance. However, DEFRA's guidance states that local authorities "they should have confidence that the improvements will be sustained" and that "typically this is after three years or more compliance". This guidance (p26 / 4.10 of LAQM Policy Guidance 2022) is materially different to the statement provided by the officer.</p>
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Finally, there is an assumption in the papers presented to the committee that NO2 < 40mcg/l is acceptable and does not require further focus for improvement. 90% of the sites monitored exceeded the World Health Organization's guidance of a maximum of 10mcg/l and it can therefore be assumed that these areas are contributing to the high number of deaths in the Borough which result from air pollution.

None of these points were recognised by the papers presented to the Executive committee and therefore we believe that the decision made was based on incomplete evidence and needs reviewing.

Desired Outcome

A review of the decision be the Overview and Scrutiny Committee and potential referral to full Council.

Additional Information Provided:

That parts 1 and 2 of the published decision be reversed and re-rereviewed once three full normal years of data are available per DEFRA guidance but that, on part 3, it is amended to say "That permission be granted to hold a public consultation on an enhanced and strengthened Air Quality Action Plan"

Unless this request is made by the Chairman of the Overview and Scrutiny Committee, any call-in must be supported by three Members of the Council.

Members calling in decision

Signed

1. Cllr Stuart Jeffery	1.
2. Cllr Paul Harper	2.
3. Cllr Maureen Cleator	3.

Date: 03/11/22

## **MAIDSTONE BOROUGH COUNCIL**

### **RECORD OF DECISION OF THE EXECUTIVE**

Decision Made: 26 October 2022

#### **Proposed Change to Maidstone AQMA and Request to Consult on New Air Quality Action Plan**

##### **Issue for Decision**

Air quality in Maidstone has improved significantly in recent years to the extent that most of the Borough is now in compliance with all air quality objectives. The only area in which any objective is exceeded is Upper Stone Street. The current Air Quality Action Plan (AQAP) will shortly need to be updated. It is proposed that, prior to updating the AQAP, the current Air Quality Management Area (AQMA) be revoked and a new AQMA should be declared which more closely reflects the current area of exceedance. The new AQMA would cover Upper Stone Street from Wrens Cross to Old Tovil Road. The new AQAP could then be more focussed on the Upper Stone Street Area. The report includes a draft list of potential actions for inclusion in the new AQAP. Permission is requested to hold a public consultation on these actions.

##### **Decision Made**

1. That the revocation of the old Air Quality Management Area (AQMA) in Maidstone which will require an Air Quality Management Area Revocation Order to be issued, be agreed.
2. That the declaration of the proposed new AQMA in Maidstone, covering Upper Stone Street, as described in the report of the Senior Scientific Officer, which will require a new Air Quality Management Area Order to be issued, be agreed.
3. That permission be granted to hold a public consultation on the proposed actions given in the report to be included in a new Air Quality Action Plan.

##### **Reasons for Decision**

Maidstone first declared an Air Quality Management Area (AQMA) in 2008. The AQMA encompassed the whole of the Maidstone conurbation, including a number of areas of exceedance of the NO<sub>2</sub> annual mean objective. These so called 'hotspots' included the High Street, Upper Stone Street, Well Road, the Junction of Tonbridge Road and Fountain Lane, and the Wheatsheaf Junction. However, the AQMA also included many areas where there were no exceedances of any air quality objectives.

In 2018, the 2008 AQMA was replaced with a newer, smaller AQMA, more closely aligned to the actual areas of exceedance of the NO<sub>2</sub> annual mean objective, which followed the carriageways of the main roads through the district. The modelling on which the new AQMA was based was done in 2016, and based on the data from 2014, which was the most up to date available at the time.

Air quality in Maidstone has improved considerably in the last five or six years. This local trend reflects a national trend of improvement in air quality. The primary drivers of this trend of improvement are the introduction of Euro VI engines, particularly in HGVs, the increased uptake of electric and hybrid vehicles, and a decrease in the popularity of diesel passenger cars. At the same time, large numbers of the oldest most polluting vehicles are being taken out of the vehicle fleet as they reach the end of their service lives.

The result of these improvements over several years is that most of the areas of Maidstone which were previously recognised as air quality hotspots have now come into compliance with all air quality objectives.

The remaining area of concern is Upper Stone Street. Upper Stone Street has also seen a trend of decreasing pollution levels, however, levels there were particularly high, and there is still an exceedance of the annual mean objective for nitrogen dioxide. As part of our 'review and assessment' function, under the Environment Act, 1995, monitoring in Upper Stone Street includes continuous automatic monitoring of NO<sub>2</sub>, as well as six diffusion tube sites. PM<sub>10</sub> and PM<sub>2.5</sub> are also monitored but the objectives are not exceeded.

Our Air Quality Action Plan, (which is currently called the 'Low Emission Strategy') is due to be updated. The drafting of the Low Emission Strategy coincided with the end of the Council's 2008 to 2015 Carbon Management Plan, and thus included a few actions related to 'Carbon Management' in addition to the air quality actions. It was therefore called the Low Emission Strategy to distinguish it from the usual Air Quality Action Plan. The Council now has a Climate Change Strategy, agreed in October 2020, therefore the new Action Plan, which will not attempt to duplicate actions being undertaken in the Climate Change Strategy, will only contain actions directed specifically at local air quality, and will simply be called the Air Quality Action Plan.

MBC has commissioned Air Quality Consultants (AQC) Ltd to review the current AQMA and previously used AQC to undertake air quality modelling in 2018.

AQC's report has confirmed that the majority of the current AQMA could now be revoked, with the only remaining area of exceedance being in Upper Stone Street, between Wrens Cross and Old Tovil Road.

The annual mean objective for NO<sub>2</sub> applies primarily at residential property. A different objective applies to people outside, eg pedestrians, shoppers etc, and this objective is not exceeded anywhere in the Borough.

It has been estimated that the current AQMA contains about 1400 residential properties. AQC's report suggests that there are only 53 residential properties in Upper Stone Street in an exceedance of the NO<sub>2</sub> annual mean and these properties would need to remain in an AQMA when the existing AQMA is revoked.

The annual mean objective for NO<sub>2</sub> is 40µgm<sup>-3</sup>. Of the 53 residential receptors exceeding this objective, 44 are in the range 40 to 60µgm<sup>-3</sup> and a further 9 are at a level of over 60µgm<sup>-3</sup>.

AQC then went on to consider the effect of improvements to the bus fleet on air quality in Upper Stone Street. An ANPR camera survey was undertaken in order



to establish baseline fleet composition and used this to model a baseline year of 2022.

Owing to the ongoing trend of improving air quality, the modelling predicted a reduction in the number of residential receptors in an exceedance of the annual mean objective for NO<sub>2</sub> from 53 to 30. This would occur in the absence of any additional interventions. Of these 30, 27 will be in the range 40 to 60µgm<sup>-3</sup> and the remaining 3 will be at a level in excess of 60µgm<sup>-3</sup>.

If the buses operating on Upper Stone Street were restricted to Euro VI only, the 30 residential receptors in an exceedance would be cut to only 18, of which 15 would be in the range 40 to 60µgm<sup>-3</sup> and the remaining 3 would be at a level in excess of 60µgm<sup>-3</sup>. The modelling suggested that allowing only electric buses to operate in Upper Stone Street would not currently bring about an additional reduction in the number of receptors in the area of exceedance, however, logically it would offer additional air quality benefits which would help to bring forward compliance with the objectives.

AQC's conclusions are primarily based on consideration of data from 2019, which was the last year unaffected by the impact of the COVID pandemic. Data from 2020 and 2021 are lower than 2019, mainly as a result of COVID restrictions, however, owing to the long-term trend of improvements in air quality, we would have expected somewhat lower levels even without the COVID restrictions.

MBC has already considered, in some depth, potential actions for improving air quality in Upper Stone Street in 2019, when a range of options was investigated by consultants Arcadis and ITP. A long list of measures which had the potential to improve air quality in Upper Stone Street was evaluated by the consultants and nearly all of them were rejected because they were either impractical, too expensive, or likely to simply displace the problems to a different location. One option previously considered and rejected by Members as part of this project was a Clean Air Zone. Our consultants demonstrated that the Clean Air Zone would actually only have a marginal benefit, and therefore it is assumed that this is still an option that Members would still not wish to pursue.

However, as a result of the above investigations, MBC has recently tightened parking restrictions in Upper Stone Street. Single yellow lines have been replaced with double yellow lines, and loading restrictions were also increased (no loading between 7:00am to 8:00pm). MBC also worked with KCC to ensure that new trees being planted in the area were optimised for air quality in terms of species and spacing.

It is intended that the Air Quality Action Plan should primarily be focussed on the main problem area, and therefore, following the recommendations of AQC Ltd, the boundaries of the AQMA should now be changed to reflect more accurately where the problem area currently is, namely, Upper Stone Street.

The actions below are to be included in the Action Plan. There will be a public consultation on these actions, which will be developed in the light of consultation responses. Note that some actions are continuations of actions which have been successfully worked on previously.

Where possible, actions will be focussed on addressing the specific air quality issue in the new AQMA. Some actions, however, will necessarily be more

generally applied, e.g. the Clean Air For Schools programme, which should result in Borough-wide air quality improvements.

Delivery of these actions will require MBC to work with other stakeholders, of which the main one will be KCC. Others will include DEFRA, local bus companies, and local schools.

Following the declaration of the AQMA, DEFRA guidance states that the Air Quality Action Plan should ideally be produced within 12 months.

Actions to be included in the consultation are:

**Improvement to bus fleet in Maidstone, with special emphasis on services operating on Upper Stone Street.** The report from AQC estimates that approximately 16.4% of the NOx pollution on Upper Stone Street originates from buses. Maidstone's bus fleet is very old. Approximately 72% of the pollution from buses on Upper Stone Street arises from Euro II, Euro III and Euro IV buses. KCC has identified Maidstone as a priority corridor for electric bus upgrades, but this is dependent upon the award of government funding. In the meantime, we would like to see the best available buses operating on Upper Stone Street. Legal advice has suggested that no improvements to the bus fleet could be achieved without the involvement of KCC, other than via informal arrangements with the local bus companies.

**Review of Air Quality Planning Guidance to reflect updated air quality information.** The current Air Quality Planning Guidance is out of date and needs to be updated to reflect current best practice and take account of the new Future Homes Standard. This may include increasing the requirement for AQ mitigation in and around the new AQMA, but we will need to ensure that the requirements are appropriate for the current air quality situation. The guidance must aim to prevent development having a negative impact on the AQMA, for example, by use of developer contributions to fund air quality improvement schemes (eg car club, bike hire schemes, travel plans etc, or similar). This review will need to take account of the status and content of the new Local Plan at the time it's undertaken.

**Review of Taxi Policy** to include consideration of whether any agreed improvements to vehicle standards could be brought forward, and investigation of what support might be available to facilitate these improvements.

**Information campaign to residents of the new AQMA.** A grant has been applied for from DEFRA to fund this action and we are waiting to hear whether the funding has been approved.

**Extension to the Clean Air For Schools (CAFS) programme.** Officers are currently developing a digital air quality resource, with funding from a DEFRA air quality grant awarded in 2021. This will start to be rolled out to schools in 2022.

**A campaign of anti-idling signage across the Borough, focussing on schools and other known or identified problem areas.** Officers are currently working to identify suitable locations for anti-idling signage and some signs have already been deployed.

**Consider discount on resident's parking for EV vehicles.** It is anticipated that it should be possible to offer this in the next 3 to 5 years (and conversely, perhaps an increased tariff for the most polluting vehicles) Environmental Health will continue to liaise with parking to influence future reviews of Parking Strategy.

**Review provision of EV parking in Council car parks.** Whilst data currently shows that the current provision of 18 EV charging points is underutilised, this will be closely monitored and expanded to meet demand over time.

**Continuation of MBC sponsorship of the Walk on Wednesday Scheme.** MBC currently supports the Kent Messenger Walk on Wednesday scheme, which encourages schoolchildren to walk to school.

Across the Mid-Kent Environmental Health Service, other actions are being considered, which might be adapted to have relevance in Upper Stone Street. These include, promotion of the Kent Revs e-van loan scheme, e-bike hire schemes, car clubs, increased use of travel plans, live information bus stops, and signage to notify drivers that they are in an AQMA.

Consideration has also been given to the possible introduction of a 20mph speed limit in Upper Stone Street (and adjoining side streets). AQC's report includes an assessment of this idea, based on relevant literature, and concludes that the impact of a 20mph speed limit on air quality in Upper Stone Street is likely to be very small, but beneficial. The report also notes that 20mph speed limits can offer other benefits apart from their impact on air quality, e.g. reduced noise and improved safety. However, due to uncertainty about the implementation and enforcement of such a scheme, it has not been added to the list of measures to be consulted on.

### **Consultation Results and Previous Committee Feedback**

This issue was considered by the Communities, Housing and Environment Policy Advisory Committee on 11 October 2022, and the Committee supported the recommendations of this report.

Changes to the AQMA and the preparation of an AQAP require consultation. DEFRA is the key statutory consultee in both cases. Other consultees are:

- The Environment Agency.
- Highways England.
- The County Council.
- Neighbouring Authorities.
- Bodies representing local businesses.
- The public.

Officers from Mid-Kent Environmental Health and the Council's Policy Team will organise the consultation, following approval of the recommendations in the report.

### **Alternatives Considered and Why Rejected**

**To do nothing.** However, unless the Action Plan is updated, the Council will fail to comply with its statutory duties on Local Air Quality Management.

**To leave the boundary of the AQMA unchanged and just update the action plan.** However, there is not really any advantage in having a larger than necessary AQMA. In the view of officers, updating the AQMA to reflect changing pollution levels is good practice.

The preferred option is to revise the boundary of the AQMA in line with AQC's recommendations. The Action Plan can then be updated with a particular emphasis on addressing the air quality issues specific to the new AQMA. Officers will undertake a public consultation on the measures listed in the report. This option best complies with the current statutory guidance. As part of the process of revoking the old AQMA and declaring the new AQMA, MBC is required to consult with DEFRA, which has been done through MBC's Annual Status Report to DEFRA which DEFRA has accepted. The smaller AQMA will more accurately reflect the true air quality picture in Maidstone, as compared to the current AQMA. It will also help to keep the new Air Quality Action Plan focussed on the relevant area.

### **Background Papers**

None

I have read and approved the above decision for the reasons (including possible alternative options rejected) as set out above.



Signed: \_\_\_\_\_  
Leader of the Council – Councillor David Burton

Full details of the report for the decision and any consideration by the relevant Policy Advisory Committee can be found at the following area of the [website](#).

Call-In: Should you be concerned about this decision and wish to call it in, please submit a call-in form signed by any three Members to the Proper Officer by: **5pm 4 November 2022**

## Proposed Change to Maidstone AQMA and Request to Consult on New Air Quality Action Plan

Timetable	
<i>Meeting</i>	<i>Date</i>
CHE PAC	11 October 2022
Executive	26 October 2022

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Executive
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Regulatory Services
<b>Lead Officer and Report Author</b>	Stuart Maxwell, Senior Scientific Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All Wards but particularly High Street Ward

### Executive Summary

Air Quality in Maidstone has improved significantly in recent years to the extent that most of the Borough is now in compliance with all air quality objectives. The only area in which any objective is exceeded is Upper Stone Street. The current Air Quality Action Plan (AQAP) will shortly need to be updated. It is proposed that, prior to updating the AQAP, the current Air Quality Management Area (AQMA) be revoked and a new AQMA should be declared which more closely reflects the current area of exceedance. The new AQMA would cover Upper Stone Street from Wrens Cross to Old Tovil Road. The new AQAP could then be more focussed on the Upper Stone Street Area. This report includes a draft list of potential actions for inclusion in the new AQAP. We are requesting permission to hold a public consultation on these actions.

### Purpose of Report

Decision

**This report makes the following recommendations to the Executive: That**

1. The revocation of the old AQMA in Maidstone which will require an Air Quality Management Area Revocation Order to be issued, be agreed.
2. The declaration of the proposed new AQMA in Maidstone, covering Upper Stone Street, as described in the report, which will require a new Air Quality Management Area Order to be issued, be agreed.
3. Permission be granted to hold a public consultation on the proposed actions given in the report to be included in a new Air Quality Action Plan.

# Proposed Change to Maidstone AQMA and Request to Consult on New Air Quality Action Plan

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>Accepting the recommendations will materially improve the Council's ability to achieve Safe, Clean and Green.</p>	Tracey Beattie, Mid Kent Environmental Health Manager
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendation supports the achievement of the Health Inequalities are Addressed and Reduced and Biodiversity and Environmental Sustainability cross cutting objectives by ensuring that the council is focussing its resources on the improvement of the worst areas of air quality for those people that live there and improving the environment by improving air quality through lower emissions.</p>	Tracey Beattie, Mid Kent Environmental Health Manager
<b>Risk Management</b>	Already covered in the risk section – refer to section 5 of the report	Tracey Beattie, Mid Kent Environmental Health Manager
<b>Financial</b>	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Paul Holland, Senior Finance Manager

<b>Staffing</b>	We will deliver the recommendations with our current staffing.	John Littlemore, Head of Housing & Regulatory Services
<b>Legal</b>	Accepting the recommendations will fulfil the Council's duties under The Environment Act 1995. Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of Environment Act 1995	Robin Harris, Team Leader, Contentious and Corporate Governance, August 2022
<b>Information Governance</b>	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Stuart Maxwell, Senior Scientific Officer
<b>Equalities</b>	An EqIA will be completed as part of the project to consider the impact of the changes to the AQMA	Nicola Toulson  Equalities & Communities Officer
<b>Public Health</b>	We recognise that the recommendations will have a positive impact on population health or that of individuals.  In accepting the recommendations the Council would be fulfilling the requirements of the Health Inequalities Plan	Jolanda Gjoni, Senior Public Health Officer
<b>Crime and Disorder</b>	The proposal will have no impact on Crime and Disorder	Tracey Beattie, Mid Kent Environmental Health
<b>Procurement</b>	On accepting the recommendations, the Council will then follow procurement exercises for any individual actions that require procurement. We will complete those exercises in line with financial procedure rules.	Head of Service & Section 151 Officer
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and Theme 1 to 4 of the LES have been used as a basis to frame aspects off the Biodiversity and Climate Change Strategy and Action Plan, namely with actions 1.1 to 1.12 and therefore the recommendations of this report align with the Sustainable	James Wilderspin, Biodiversity and Climate Change Manager



	Transport theme of the Biodiversity and Climate Change Action Plan.	
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone first declared an Air Quality Management Area (AQMA) in 2008. The AQMA encompassed the whole of the Maidstone conurbation, including a number of areas of exceedance of the NO<sub>2</sub> annual mean objective. These so called 'hotspots' included the High Street, Upper Stone Street, Well Road, the Junction of Tonbridge Road and Fountain Lane, and the Wheatsheaf Junction. However, the AQMA also included many areas where there were no exceedances of any air quality objectives.
- 2.2 In 2018, the 2008 AQMA was replaced with a newer, smaller AQMA, more closely aligned to the actual areas of exceedance of the NO<sub>2</sub> annual mean objective, which followed the carriageways of the main roads through the district. The modelling on which the new AQMA was based was done in 2016, and based on the data from 2014, which was the most up to date available at the time.
- 2.3 Air quality in Maidstone has improved considerably in the last five or six years. This local trend reflects a national trend of improvement in air quality. The primary drivers of this trend of improvement are the introduction of Euro VI engines, particularly in HGVs, the increased uptake of electric and hybrid vehicles, and a decrease in the popularity of diesel passenger cars. At the same time, large numbers of the oldest most polluting vehicles are being taken out of the vehicle fleet as they reach the end of their service lives.
- 2.4 The result of these improvements over several years is that most of the areas of Maidstone which were previously recognised as air quality hotspots, have now come into compliance with all air quality objectives.
- 2.5 The remaining area of concern is Upper Stone Street. Upper Stone Street has also seen a trend of decreasing pollution levels, however, levels there were particularly high, and there is still an exceedance of the annual mean objective for nitrogen dioxide. As part of our 'review and assessment' function, under the Environment Act, 1995, monitoring in Upper Stone Street includes continuous automatic monitoring of NO<sub>2</sub>, as well as six diffusion tube sites. PM<sub>10</sub> and PM<sub>2.5</sub> are also monitored but the objectives are not exceeded.
- 2.6 Our Air Quality Action Plan, (which is currently called the 'Low Emission Strategy') is due to be updated. The drafting of the Low Emission Strategy coincided with the end of the Council's 2008 to 2015 Carbon Management Plan, and thus included a few actions related to 'Carbon Management' in addition to the air quality actions. It was therefore called the Low Emission Strategy to distinguish it from the usual Air Quality Action Plan. The Council now has a Climate Change Strategy, agreed in October 2020, therefore the new action plan, which will not attempt to duplicate actions being undertaken in the Climate Change Strategy, will only contain actions

directed specifically at local air quality, and will simply be called the Air Quality Action Plan.

- 2.7 MBC has commissioned Air Quality Consultants (AQC) Ltd to review the current AQMA and previously used AQC to undertake air quality modelling in 2018.
- 2.8 AQC's report has confirmed that the majority of the current AQMA could now be revoked, with the only remaining area of exceedance being in Upper Stone Street, between Wrens Cross and Old Tovil Road.
- 2.9 The annual mean objective for NO<sub>2</sub> applies primarily at residential property. A different objective applies to people outside, eg pedestrians, shoppers etc, and this objective is not exceeded anywhere in the Borough.
- 2.10 It has been estimated that the current AQMA contains about 1400 residential properties. AQC's report suggests that there are only 53 residential properties in Upper Stone Street in an exceedance of the NO<sub>2</sub> annual mean and these properties would need to remain in an AQMA when the existing AQMA is revoked.
- 2.11 The annual mean objective for NO<sub>2</sub> is 40µgm<sup>-3</sup>. Of the 53 residential receptors exceeding this objective, 44 are in the range 40 to 60µgm<sup>-3</sup> and a further 9 are at a level of over 60µgm<sup>-3</sup>.
- 2.12 AQC then went on to consider the effect of improvements to the bus fleet on air quality in Upper Stone Street. An ANPR camera survey was undertaken in order to establish baseline fleet composition and used this to model a baseline year of 2022.
- 2.13 Owing to the ongoing trend of improving air quality, the modelling predicted a reduction in the number of residential receptors in an exceedance of the annual mean objective for NO<sub>2</sub> from 53 to 30. This would occur in the absence of any additional interventions. Of these 30, 27 will be in the range 40 to 60µgm<sup>-3</sup> and the remaining 3 will be at a level in excess of 60µgm<sup>-3</sup>.
- 2.14 If the buses operating on Upper Stone Street were restricted to Euro VI only, the 30 residential receptors in an exceedance would be cut to only 18, of which 15 would be in the range 40 to 60µgm<sup>-3</sup> and the remaining 3 would be at a level in excess of 60µgm<sup>-3</sup>. The modelling suggested that allowing only electric buses to operate in Upper Stone Street would not currently bring about an additional reduction in the number of receptors in the area of exceedance, however, logically it would offer additional air quality benefits which would help to bring forward compliance with the objectives.
- 2.15 AQC's conclusions are primarily based on consideration on data from 2019, which was the last year unaffected by the impact of the COVID pandemic. Data from 2020 and 2021 are lower than 2019, mainly as a result of COVID restrictions, however, owing to the long-term trend of improvements in air quality, we would have expected somewhat lower levels even without the COVID restrictions.

- 2.16 MBC has already considered, in some depth, potential actions for improving air quality in Upper Stone Street in 2019, when a range of options was investigated by consultants Arcadis and ITP. A long list of measures which had the potential to improve air quality in Upper Stone Street was evaluated by the consultants and nearly all of them were rejected because they were either impractical, too expensive, or likely to simply displace the problems to a different location. One option previously considered and rejected by Members as part of this project was a Clean Air Zone. Our consultants demonstrated that the Clean Air Zone would actually only have a marginal benefit, and therefore it is assumed that this is still an option that Members would still not wish to pursue.
- 2.17 However, as a result of the above investigations, MBC has recently tightened parking restrictions in Upper Stone Street. Single yellow lines have been replaced with double yellow lines, and loading restrictions were also increased (no loading between 7:00am to 8:00pm). MBC also worked with KCC to ensure that new trees being planted in the area were optimised for air quality in terms of species and spacing.
- 2.18 It is proposed that the Air Quality Action Plan should primarily be focussed on the main problem area, and therefore, following the recommendations of AQC Ltd, the boundaries of the AQMA should now be changed to reflect more accurately where the problem area currently is, namely, Upper Stone Street.
- 2.19 The actions below are proposed to be included in the Action Plan. We are requesting authorisation to hold a public consultation on these actions, which will be developed in the light of consultation responses. Note that some actions are continuations of actions which have been successfully worked on previously.
- 2.20 Where possible, actions will be focussed on addressing the specific air quality issue in the new AQMA. Some actions, however, will necessarily be more generally applied, eg the Clean Air For Schools programme, which should result in Borough wide air quality improvements.
- 2.21 Delivery of these actions will require MBC to work with other stakeholders, of which the main one will be KCC. Others will include DEFRA, local bus companies, and local schools.
- 2.22 Following the declaration of the AQMA, DEFRA guidance states that the Air Quality Action Plan should ideally produced within 12 months.
- 2.23 Actions to be included in the consultation are:-
- **Improvement to bus fleet in Maidstone, with special emphasis on services operating Upper Stone Street.** The report from AQC estimates that approximately 16.4% of the NO<sub>x</sub> pollution on Upper Stone Street originates from buses. Maidstone's bus fleet is very old. Approximately 72% of the pollution from buses on Upper Stone Street arises from Euro II, Euro III and Euro IV buses. KCC has identified Maidstone as a priority corridor for electric bus upgrades, but this is

dependent upon the award of government funding. In the meantime, we would like to see the best available buses operating on Upper Stone Street. Legal advice has suggested that no improvements to the bus fleet could be achieved without the involvement of KCC, other than via informal arrangements with the local bus companies.

- **Review of Air Quality Planning Guidance to reflect updated air quality information** The current Air Quality Planning Guidance is out of date and needs to be updated to reflect current best practice and take account of the new Future Homes Standard. This may include increasing the requirement for AQ mitigation in and around the new AQMA, but we will need to ensure that the requirements are appropriate for the current air quality situation. The guidance must aim to prevent development having a negative impact on the AQMA, for example, by use of developer contributions to fund air quality improvement schemes (eg car club, bike hire schemes, travel plans etc, or similar). This review will need to take account of the status and content of the new Local Plan at the time it's undertaken.
- **Review of Taxi Policy** to include consideration of whether any agreed improvements to vehicle standards could be brought forward, and investigation of what support might be available to facilitate these improvements.
- **Information campaign to residents of the new AQMA?** A grant has been applied for from DEFRA to fund this action and we are waiting to hear whether the funding has been approved.
- **Extension to the Clean Air For Schools (CAFS) programme.** Officers are currently developing a digital air quality resource, with funding from a DEFRA air quality grant awarded in 2021. This will start to be rolled out to schools in 2022.
- **A campaign of anti-idling signage across the Borough, focussing on schools and other known or identified problem areas.** Officers are currently working to identify suitable locations for anti-idling signage and some signs have already been deployed.
- **Consider discount on resident's parking for EV vehicles.** It is anticipated that it should be possible to offer this in the next 3 to 5 years (and conversely, perhaps an increased tariff for the most polluting vehicles) Environmental Health will continue to liaise with parking to influence future reviews of Parking Strategy.
- **Review provision of EV parking in Council car parks.** Whilst data currently shows that the current provision of 18 EV charging points is underutilised, this will be closely monitored and expanded to meet demand over time.
- **Continuation of MBC sponsorship of the Walk on Wednesday Scheme.** MBC currently supports the Kent Messenger Walk on Wednesday scheme, which encourages schoolchildren to walk to school.

- 2.24 Across the Mid Kent Environmental Health Service, other actions are being considered, which might be adapted to have relevance in Upper Stone Street. These include, promotion of the Kent Revs e-van loan scheme, e-bike hire schemes, car clubs, increased use of travel plans, live information bus stops, and signage to notify drivers that they are in an AQMA.
- 2.25 Consideration has also been given to the possible introduction of a 20mph speed limit in Upper Stone Street (and adjoining side streets). AQC's report includes an assessment of this idea, based on relevant literature, and concludes that the impact of a 20mph speed limit on air quality in Upper Stone Street is likely to be very small, but beneficial. The report also notes that 20mph speed limits can offer other benefits apart from their impact on air quality, e.g. reduced noise and improved safety. However, due to uncertainty about the implementation and enforcement of such a scheme, we have not added it to the list of measures to be consulted on.
- 

### **3. AVAILABLE OPTIONS**

- 3.1 **Option 1** is to do nothing, however, unless the Action Plan is updated, the Council will fail to comply with its statutory duties on Local Air Quality Management.
- 3.2 **Option 2** is to leave the boundary of the AQMA unchanged and just update the action plan. However, there is not really any advantage in having a larger than necessary AQMA. In the view of officers, updating the AQMA to reflect changing pollution levels is good practice.
- 3.3 **Option 3** is to revise the boundary of the AQMA in line with AQC's recommendations. The Action Plan can then be updated with a particular emphasis on addressing the air quality issues specific to the new AQMA. Members request Environmental Health to undertake a public consultation on the measures listed in the report.
- 

### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option is option 3, which is the option which best complies with the current statutory guidance. As part of the process of revoking the old AQMA and declaring the new AQMA, MBC is required to consult with DEFRA, which has been done through MBC's Annual Status Report to DEFRA which DEFRA has accepted. The smaller AQMA will more accurately reflect the true air quality picture in Maidstone, as compared to the current AQMA. It will also help to keep the new Air Quality Action Plan focussed on the relevant area.
- 

### **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. The only risk would be associated with taking no action, which would mean that the Council could no longer demonstrate compliance with the relevant legislation and statutory guidance. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
- 5.2 We note that if the recommendation is approved, the next stage is to consult on the proposed measures. This will provide an additional opportunity to identify any risk associated with the proposed changes before they are implemented.
- 

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 This issue was considered by the Communities, Housing and Environment Policy Advisory Committee on 11 October 2022, and the Committee supported the recommendations of this report.
- 6.2 Changes to the AQMA and the preparation of an AQAP require consultation. DEFRA is the key statutory consultee in both cases. Other consultees are
- The Environment Agency.
  - Highways England.
  - The County Council.
  - Neighbouring Authorities.
  - Bodies representing local businesses.
  - The public.
- 6.3 Officers from Mid Kent Environmental Health and MBC's Policy Team will organise the consultation, following approval of the recommendation in this report.
- 

## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Following the consultation on the Action Plan actions, described in Section 6, the consultation responses will be evaluated, and any additional actions arising from the consultation will be included in the final AQAP, if appropriate. The final Action Plan will come back to the Executive for approval.
- 7.2 Details of the final AQMA and AQAP are required to be submitted to DEFRA. They will also be made available on the Council's website.
- 7.3 In order for the old AQMA to be formally revoked, an AQMA revocation order will need to be produced, which will need to be signed and sealed.
- 7.4 In order for the new AQMA to be formally declared, an AQMA order will need to be produced, which will need to be signed and sealed. A draft of the AQMA order is appended to this report.
- 

## **8. REPORT APPENDICES**

- **Appendix A:** Draft AQMA Order for Proposed AQMA
- 

## **9. BACKGROUND PAPERS**

Air Quality Consultants - AQMA Review Maidstone – December 2021  
(Appendix F of MBC’s Annual Status Report to DEFRA, 2022)

[MBC Annual Status Report 2022](#)

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## **APPENDIX A**

### **Draft AQMA Order for Proposed AQMA**

#### **MAIDSTONE BOROUGH COUNCIL**

#### **THE UPPER STONE STREET AIR QUALITY MANAGEMENT AREA (AQMA) ORDER 2022**

#### **ENVIRONMENT ACT 1995 PART IV – SECTION 83(1)**

Whereas Maidstone Borough Council (“The Council”) is satisfied that as a result of its air quality review and the Detailed Assessment report dated December 2021 the air quality objective for Nitrogen Dioxide (NO<sub>2</sub>) (annual mean) may not be achieved by the relevant date prescribed by the Air Quality (England) (Wales) Regulations 2000 in some parts of the area described below.

The Council, in exercise of the powers conferred on it by section 83(1) of the Environment Act 1995 HEREBY ORDER THAT:-

1. The area of Upper Stone Street, between Wrens Cross and Old Tovil Road as shaded in red on the attached map shall be designated as an Air Quality Management Area, to be known as the Upper Stone Street Air Quality Management Area.
2. The Air Quality Management Area will be an air quality management area in relation to Nitrogen Dioxide (NO<sub>2</sub>) only.
3. The order shall be cited as The Upper Stone Street Air Quality Management Area Order (2022).
4. The order shall come into force on 1<sup>st</sup> December 2022 and shall remain in force until varied or revoked by subsequent order.

**THE COMMON SEAL OF MAIDSTONE BOROUGH COUNCIL WAS HERE  
UNTO AFFIXED ON THE 1<sup>st</sup> DAY OF DECEMBER 2022 AND SIGNED IN THE  
PRESENCE OF  
Solicitor – Authorised Signatory**





## Proposed Upper Stone Street AQMA

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**MAIDSTONE BOROUGH COUNCIL**  
**(DRAFT) EXCERPT OF THE MINUTES OF THE EXECUTIVE MEETING**  
**HELD ON 26 OCTOBER 2022**

63. PROPOSED CHANGE TO MAIDSTONE AQMA AND REQUEST TO CONSULT ON NEW AIR QUALITY ACTION PLAN

Councillor Jeffery addressed the Executive emphasising the need to keep taking action to reduce air pollution to protect population health and to keep the Air Quality Management Area as it is.

**RESOLVED:**

1. That the revocation of the old Air Quality Management Area (AQMA) in Maidstone which will require an Air Quality Management Area Revocation Order to be issued, be agreed.
2. That the declaration of the proposed new AQMA in Maidstone, covering Upper Stone Street, as described in the report of the Senior Scientific Officer, which will require a new Air Quality Management Area Order to be issued, be agreed.
3. That permission be granted to hold a public consultation on the proposed actions given in the report to be included in a new Air Quality Action Plan.

See Record of Decision:

[Your Councillors - Maidstone Borough Council](#)

## **MAIDSTONE BOROUGH COUNCIL**

### **(DRAFT) EXCERPT OF THE MINUTES OF THE COMMUNITIES, HOUSING AND ENVIRONMENT POLICY ADVISORY COMMITTEE MEETING HELD ON 11 OCTOBER 2022**

#### 50. PROPOSED CHANGE TO MAIDSTONE AQMA AND REQUEST TO CONSULT ON NEW AIR QUALITY ACTION PLAN

The Lead Member for Environmental Services introduced the report and outlined the historical context of the Council's current Air Quality Management Area (AQMA) and Air Quality Action Plan (AQAP); the former had been implemented due to the exceedance of the annual mean objective of nitrogen dioxide in that area.

The Lead Member for Environmental Services stated that air quality had improved within much of the original AQMA, and it was therefore proposed that its boundary be reviewed to ensure that the AQAP was targeted towards the relevant areas. The boundaries of the proposed new AQMA had been modelled by air quality consultants using air quality data from 2019, to exclude the effect of the Covid-19 pandemic. The annual mean objective of nitrogen dioxide levels had been met in all areas of the original AQMA, except for Upper Stone Street.

The Lead Member for Environmental Services stated that whilst the effect of the Covid-19 pandemic on air quality levels remained unclear, air quality levels were expected to show continued improvement. The modelling undertaken suggested that it was possible for there to be no exceedances within Upper Stone Street by 2028. A public consultation on the actions taken within the proposed AQAP would take place.

Several Members of the Committee expressed concern at the air quality levels and prevalence of vehicle idling within and around the East Farleigh areas, including East Farleigh School, Farleigh Bridge and East Farleigh Station. In response, the Lead Member for Communities and Engagement stated that whilst displaying anti-idling signs within those area had been considered, no suitable locations could be identified. The Senior Scientific Officer further advised that displaying the signs required permission from Kent County Council. The Committee were advised to contact the Officers, if they wished to suggest a suitable location. Further reassurance was given that the East Farleigh area was monitored and had low levels of air pollution, in part due to the open space that allowed the pollution to diffuse.

In response further questions, the Senior Scientific Officer confirmed that the proposed AQMA and associated AQAP had been drafted in accordance with the legislative requirements, including the 40-microgram per 1m<sup>3</sup> nitrogen dioxide limit, and the information required by the Department for Environment, Food and Rural Affairs.

The Environmental Protection Team Leader advised that it would be outside of both the applicable legislation and good practice to have an AQMA declared across areas that had air quality readings below the 40-microgram per m<sup>3</sup> limit. It was reiterated that the Council would continue to work towards lowering air quality levels generally, including continued monitoring across areas that demonstrated air quality readings below the 40-microgram per m<sup>3</sup> limit. As the Council continued to work with schools in relation to anti-idling and active travel, the Committee were encourage to contact the Environmental Protection Team Leader if further schools could be identified.

The Leader of the Council highlighted that whilst beneficial, the provision of euro six engines to improve the efficiency of local public transport services was outside of the Council's control. The significant funding required, alongside the financial difficulties faced by many operators was referenced. Specific attention was drawn to the importance of the Council considering measures, such as electric car charging points, that it could assist with.

**RESOLVED:** That the Executive be recommended to:

1. Agree the revocation of the old AQMA in Maidstone, requiring an Air Quality Management Area Revocation Order to be issued;
2. Agree the declaration of the proposed new AQMA in Maidstone, covering Upper Stone Street as outlined in the report, requiring a new Air Quality Management Area Order to be issued; and
3. Agree that permission is granted to hold a public consultation on the proposed actions given in the report to be included in a new Air Quality Action Plan

**OVERVIEW AND SCRUTINY  
COMMITTEE**

**22 NOVEMBER  
2022**

**The Council's Performance against the Waste Strategy -  
Recommended Actions**

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Overview and Scrutiny Committee	22 November
	20 December
Planning Committee and Executive (as applicable)	19 and 25 January 2023

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Overview and Scrutiny Committee.  Any agreed actions arising from the review will be presented to the relevant Decision Maker in January 2023.
<b>Lead Director</b>	Angela Woodhouse, Director of Strategy, Insight & Governance
<b>Lead Officer and Report Author</b>	Oliviya Parfitt, Democratic Services Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

A report outlining the list of suggested actions put forward by the Committee at its 2 and 3 November 2022 meetings. The approved actions will be included within the formal report to be presented at the Committee's 20 December 2022 meeting.

**Purpose of Report**

Decision

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**This report makes the following recommendations to the Committee:**

1. That the list of recommended actions as shown in Appendix 1 to the report be reviewed and a decision made on the actions' inclusion into the Committee's formal report.

# The Council's Performance against the Waste Strategy - Recommended Actions

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities at this stage.</p> <p>Any actions agreed by the Committee as part of their review will be considered by the relevant Officers and Decision makers. This will take place via the presentation of the Committee's formal report and Overview and Scrutiny Recommendation Action and Implementation Plan (SCRAIP).</p>	Democratic Services Officer
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>Any actions agreed by the Committee as part of their review will be considered by the relevant Officers and Decision makers. This will take place via the presentation of the Committee's formal report and Overview and Scrutiny Recommendation Action and Implementation Plan (SCRAIP).</p>	Democratic Services Officer
<b>Risk Management</b>	See Section 5 of the report.	Democratic Services Officer

<b>Financial</b>	<p>The proposals set out in the recommendation are all within already approved budgetary headings and so need for new funding for implementation.</p> <p>Any actions agreed by the Committee as part of their review will be considered by the relevant Officers and Decision makers. This will take place via the presentation of the Committee’s formal report and Overview and Scrutiny Recommendation Action and Implementation Plan (SCRAIP).</p>	Democratic Services Officer
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Democratic Services Officer
<b>Legal</b>	<p>In accordance with Part 1A of the Local Government Act 2000 (as amended by the Localism Act 2011) the Council is operating under Executive Arrangements. These arrangements must include provision for the appointment of one or more Overview and Scrutiny Committee to review and scrutinise the Executive Decisions made, or other actions taken relating to the exercise of Executive functions. – LGA 2000, Section 9F.</p> <p>Any actions agreed by the Committee as part of their review will be considered by the relevant Officers and Decision makers. This will take place via the presentation of the Committee’s formal report and Overview and Scrutiny Recommendation Action and Implementation Plan (SCRAIP).</p>	Democratic Services Officer
<b>Information Governance</b>	<p>The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.</p> <p>Any actions agreed by the Committee as part of their review will be considered by the relevant Officers and Decision makers. This will take place via the presentation of the Committee’s formal report and Overview and Scrutiny Recommendation Action and Implementation Plan (SCRAIP).</p>	Democratic Services Officer



<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Democratic Services Officer
<b>Public Health</b>	<p>We recognise that the recommendations will not negatively impact on population health or that of individuals.</p> <p>Any actions agreed by the Committee as part of their review will be considered by the relevant Officers and Decision makers. This will take place via the presentation of the Committee's formal report and Overview and Scrutiny Recommendation Action and Implementation Plan (SCRAIP).</p>	Democratic Services Officer
<b>Crime and Disorder</b>	No impacts identified.	Democratic Services Officer
<b>Procurement</b>	No impacts identified.	Democratic Services Officer
<b>Biodiversity and Climate Change</b>	<p>The impacts of the Waste Strategy Review on Biodiversity and Climate Change have been considered and aligns with actions 4.1 to 4.5 of the Biodiversity and Climate Change Action Plan.</p> <p>Any actions agreed by the Committee as part of their review will be considered by the relevant Officers and Decision makers. This will take place via the presentation of the Committee's formal report and Overview and Scrutiny Recommendation Action and Implementation Plan (SCRAIP).</p>	Democratic Services Officer

## 2. INTRODUCTION AND BACKGROUND

- 2.1 At the Committee's Meetings on the 2 and 3 November 2022, a review was conducted into the 'Council's Performance against the Waste Strategy' (Waste Strategy review).
- 2.2 The meetings were attended by the relevant Council Officers and Lead Members to support the evidence collection process in relation to the review.
- 2.3 The Committee identified a number of actions' and these are contained within Appendix 1 to the report. To assist in the drafting of the formal report, the Committee is asked to consider the actions and reasoning

provide, to either amend and/or approved the information shown as required.

### **3. AVAILABLE OPTIONS**

- 3.1 Option 1 – Amend and/or Approve the list of recommended actions as contained within Appendix 1 to the report. This will assist in producing an accurate report the Committee’ behalf.
- 3.2 Option 2 – Do not amend and/or approve the list of recommended actions as contained within Appendix 1 to the report. This is not recommended, as this will prevent the Democratic Services Officer from being able to draft the Committee’s formal report on the review.

It would also delay the presentation of the recommended actions to the relevant decision maker/s.

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 1 as contained within point 3.1 of the report.
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### **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council’s Risk Management Framework. We are satisfied that the risks associated are within the Council’s risk appetite and will be managed as per the Policy.

### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 The Committee agreed to undertake a review of the Waste Strategy at its meeting held on 6 October 2022.
  - 6.2 The review took place across the 2 and 3 November 2022 meetings of the Committee, during which the relevant Officers and Lead Members were interviewed as part of the evidence collection process.
- 

### **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Following the formal approval of the actions contained within Appendix 1 to the report, a formal report will be produced on behalf of the Committee. This will include information on the approach taken, Officers and Lead Members consulted, the recommendations made by the Committee and the reasonings given. This will be presented to the Committee at its meeting in December for amendment and/or approval.
- 7.2 Once approved, the report will then be sent formally to the relevant decision maker/s (depending on the recommendations produced) for their

consideration. The Committee will be informed of when this consideration will take place. The decision maker is then required to issue the Committee with a formal response following its considerations.

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## **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1: List of Recommended Actions arising from the Waste Strategy Review.
- 

## **9. BACKGROUND PAPERS**

Agenda for the Overview and Scrutiny Meeting held on 2 and 3 November 2022, and Minutes of those meetings:

[Your Councillors - Maidstone Borough Council](#)

Appendix 1: List of Recommended Actions arising from the Waste Strategy Review.

The below recommended actions and intended outcome are for consideration by the Committee.

Where there is a direct link to a specific evidence base, this will be included in the report drafted on behalf of the Committee, such as 'Interview with the Head of Environmental Services and Public Realm' or 'Urgent Update – Appendix 8 – Information relating to developments with Shared Waste Collections Facilities.

<b>Recommended Actions</b>	<b>Relevant Lead Member/Committee and Council Officers (as applicable)</b>	<b>Intended Outcome</b>
The production of further recycling focused communications, that are accessible with inclusive language, with the use of descriptive pictures;	Lead Member for Communities and Public Engagement  Communications Team in consultation with the Waste Collection Team.	To assist in both the maintenance and improvement of the Council's recycling rate.  To promote the re-use of items where possible and reduce the amount of waste produced.
The production of further communications on food storage;	Lead Member for Communities and Public Engagement  Communications Team in consultation with the Waste Collection Team.	To prevent unnecessary food wastage and provide helpful tips for residents.
Increased messaging from the Council on shared waste collection facilities;	Lead Member for Communities and Public Engagement  Communications Team in consultation with the Waste Collection Team.	To assist in improving the use of shared waste collection facilities.  To increase the recycling rates of shared collection facilities, particularly given the ongoing work between the Council and Housing Associations to support this aim.

Appendix 1: List of Recommended Actions arising from the Waste Strategy Review.

<p>The introduction of a webpage on the Council's website outlining which materials can be recycled, and where;</p>	<p>Lead Member for Communities and Public Engagement  Communications Team in consultation with the Waste Collection Team.</p>	<p>To provide easily accessible information to residents on which materials can and cannot be recycled, and where those materials can be recycled.</p>
<p>To lobby local manufacturers to reduce the amount of waste they produce;</p>	<p>Lead Member for Environmental Services and Lead Member for Communities and Public Engagement.</p>	<p>To reduce the amount of waste produced locally.</p>
<p>The promotion of Waste Collection facilities as a topic for review at the next Local Government Association Conference;</p>	<p>Lead Member for Environmental Services.</p>	<p>To increase the visibility and importance of the issue, using a platform that is widely accessible and has close links to local and central government.</p>
<p>When available, the data concerning recycling rates including good and poor performance across the borough, be presented to the Committee to ensure it remains informed following the review's conclusion;</p>	<p>Lead Member for Environmental Services  Head of Environmental Services and Public Realm.</p>	<p>The Committee were advised that the contract's re-procurement would include improved technology. The technology would allow for improved data on waste collection across the borough, that would allow for a direct, targeted communications approach in the future.</p>
<p>The residents survey include questions on the types of actions that would and would not assist in increasing recycling rates;</p>	<p>Lead Member for Environmental Services and Lead Member for Communities and Public Engagement  Head of Environmental Services and Public Realm.</p>	<p>To find out which types of actions residents would find beneficial in increasing recycling rates,</p>

Appendix 1: List of Recommended Actions arising from the Waste Strategy Review.

Improved communication between Kent County Council and the Council on highway maintenance, with particular reference to the Statutory Undertakings Team at the former;	Lead Member for Environmental Services  Head of Environmental Services and Public Realm.	To minimise the impact to waste collection routes during times of highway maintenance and provide improved communication between the two local authorities.
To consider methods to provide information relating to waste collection to Ward Cluster meetings, similarly to that provided within the Town Centre Street Scene meetings.	Lead Member for Environmental Services  Head of Environmental Services and Public Realm.	Replicating the positive performance and information sharing of the street scene meetings could lead to increased communications on waste collection across other areas of the borough.
The initiation of a design review process, in accordance with recommendation one of Appendix 8 to the report;	Head of Development Management	To ensure that waste management is considered as part of any design reviews, where appropriate, with a formal process initiated as these reviews are currently carried out on an ad-hoc basis.
Policy CSW 3 of the Kent Minerals and Waste Plan be given higher prominence within the assessment of planning applications, as advised by the Major Projects Team Leader;	Head of Development Management	To promote the policy's consideration within planning applications to improve waste collection services.
The Development Management Officers and Planning Committee Members receive training in accordance with recommendation two of Appendix 8 to the report;	Head of Development Management and Planning Committee	To increase the knowledge of Development Management Officers and Planning Committee Members in relation to Policy CSW 3, to assist in ensuring that waste collection and waste facilities are appropriately considered.

Appendix 1: List of Recommended Actions arising from the Waste Strategy Review.

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Consideration be given to implementing additional conditions, where appropriate, concerning the waste collection from commercial establishments that may generate high levels of waste;	Head of Development Management and Planning Committee (linked to above recommendation)	To support the Planning Committee's consideration of applications where high levels of waste may be generated, to the benefit of the site's local surroundings and to support the Council's waste collection services and overall strategy.
To amend the Development Management Officer report templates used for Planning Committee agendas, to include a prompt on waste collection considerations;	Head of Development Management	To ensure that Officers give consideration to waste collection facilities when presenting reports to the Planning Committee.
Officers be requested to review the public realm design guide, as part of the Design & Sustainability Development Plan Document, in relation to the provision of public waste collection facilities.	Lead Member for Planning and Infrastructure, Lead Member for Environmental Services Head of Environmental Services and Interim Local Plan Review Director/Head of Spatial Planning and Economic Development as applicable.	To support waste collection services and improved recycling rates from publicly accessible facilities, to ensure that these are fit for purpose.
One Maidstone be recommended to include street cleaning provisions within their next bid;	One Maidstone	This is an existing service provided by One Maidstone in their management of the town centre; it is recommended to retain this function by including it in the organisations next bid.
Kent County Council be recommended to provide a substitute representative when their initial representative is unable to attend a meeting of the Committee;	Kent County Council (via their Democratic Services Team).	To encompass the Committee's view that a representative of Kent County Council should attend the meeting when requested to.

Appendix 1: List of Recommended Actions arising from the Waste Strategy Review.

<p>Pending the receipt of data relating to waste collection services following the new contract's commencement, the Committee consider whether any further public information and/or amendment to Council policy should be recommended.</p>	<p>Overview and Scrutiny Committee; Future evaluation of the review's impact.</p>	<p>To support the Committee in considering whether any further public information should be produced, or if any other Council policies should be amended.</p> <p>This could be considered as part of a future evaluation of the review's impact.</p>
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