

# 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](#)