

Report of the Overview and Scrutiny Committee – Recommended actions applicable to the Planning Committee arising from the review into the 'Council's Performance against the Waste and Recycling Strategy, 2018-2023'

Timetable	
Meeting	Date
Planning Committee	19 January 2023

Will this be a Key Decision?	Not Applicable
Urgency	Not Applicable
Final Decision-Maker	Planning Committee
Lead Director	Angela Woodhouse, Director of Strategy, Insight & Governance
Lead Officer and Report Author	Oliviya Parfitt, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

This report provides an outline of the Overview and Scrutiny Committee's review into the Council's Performance against the Waste and Recycling Strategy 2018-2023, and the recommended actions arising which relate to the Planning Committee, for its consideration.

Purpose of Report

Decision

This report makes the following recommendations to the Committee: That

1. Consideration be given to the Overview and Scrutiny Committee's recommended actions to the planning Committee, and determine which, if any, will be agreed.

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1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<p>Impact on Corporate Priorities</p>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Accepting the recommendations may materially improve the Council's ability to achieve all corporate priorities and have been put forward by the Overview and Scrutiny Committee following its review into the Council's Performance against the Waste and Recycling Strategy, 2018-2023.</p> <p>An Overview and Scrutiny Recommendation Action and Implementation Plan has been included as an appendix to the report and contains officer comments on the recommended actions.</p>	<p>Director of Strategy, Insight & Governance</p>
<p>Cross Cutting Objectives</p>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>Accepting the recommendations may materially improve the Council's ability to achieve all cross-cutting objectives and have been put forward by the Overview and</p>	<p>Director of Strategy, Insight & Governance</p>

	<p>Scrutiny Committee following its review into the Council's Performance against the Waste and Recycling Strategy, 2018-2023.</p> <p>An Overview and Scrutiny Recommendation Action and Implementation Plan has been included as an appendix to the report and contains officer comments on the recommended actions.</p>	
Risk Management	See Section 5 of the report.	Director of Strategy, Insight & Governance
Financial	<p>The recommendations of the Overview and Scrutiny review will need to be delivered within already approved budgetary headings. If any new funding is required for implementation this will need to be addressed as part of the annual budget process.</p> <p>An Overview and Scrutiny Recommendation Action and Implementation Plan has been included as an appendix to the report and contains officer comments on the recommended actions.</p>	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Director of Strategy, Insight & Governance
Legal	<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 the Authority and/or Executive functions. – LGA 2000, Section 9F.</p> <p>The Overview and Scrutiny Committee has exercised this power through its review and associated recommended actions for presentation to the Planning Committee.</p>	Interim Monitoring Officer, Team Leader Contentious & Corporate Governance

Information Governance	The recommendations will impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes. The Information Governance Team will hold that data in line with our retention schedules.	Senior Information Governance Officer
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Senior Policy and Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Democratic Services Officer
Crime and Disorder	No impacts identified.	Director of Strategy, Insight & Governance
Procurement	No impacts identified.	Director of Strategy, Insight & Governance
Biodiversity and Climate Change	<p>The implications of this report on biodiversity and climate change have been considered and aligns with the actions 4.1 to 4.5 of the Biodiversity and Climate Change Action Plan.</p> <p>An Overview and Scrutiny Recommendation Action and Implementation Plan has been included as an appendix to the report and contains officer comments on the recommended actions.</p>	Biodiversity and Climate Change Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 Across the 2 and 3 November 2022, the Council's Overview and Scrutiny Committee (OSC) conducted a review into the 'Council's Performance against the Waste and Recycling Strategy, 2018-2023' (the review). These meetings were attended by the relevant Council Officers and Lead Members, with the agenda papers and minutes for those meetings accessible through section 9 of this report.
- 2.2 The OSC produced a total of 27 recommended actions from the review, of which 2 fall within this Committee's terms of reference. An excerpt of the OSC's final report has been included on the next page, with the full report attached at Appendix 1.

RECOMMENDED ACTIONS FOR THE PLANNING COMMITTEE

1. That the Planning Committee Members receive training in accordance with recommendation two of appendix 8¹ of the written information provided to the committee in conducting the review.

Intended Outcomes:

To increase Planning Committee Member's knowledge in relation to Policy CSW 3, to assist in ensuring that waste collection and waste collection facilities are appropriately considered.

This was an action proposed by the Major Projects Team Leader during the evidence collection process (3 November 2022).²

The training would cover, for example:

- The importance of applying the waste hierarchy (as part of the wider 'sustainability circle') when assessing relevant planning applications*
- The wider value of planning officers adopting a positive role in terms of aligning with Corporate approaches*
- The national policy context*
- Existing local MBC/KCC policy and guidance*
- The scope of waste related consideration that can be material to the consideration and determination of a planning application.*

2. That Consideration be given to implementing additional conditions, where appropriate, concerning the waste collection facilities from commercial establishment that may generate high levels of waste.

Intended Outcomes:

The Committee felt that this would support the Planning Committee's consideration of applications where high levels of waste may be generated from the site to the benefit of the local surroundings and to support the Council's waste collection services and overall strategy.

2.3 The Committee is asked to consider these recommended actions, alongside the comments made by the relevant Lead Officer/s within Appendix 2 to the report.

2.4 Appendix 2 is the Overview and Scrutiny Committee Recommendation Action and Implementation Plan (SCRAIP), which enables officers to comment on the recommended actions. This ensures that this Committee is given the relevant information to effectively consider the recommended

¹ See link to agenda papers (appendix 8) in section 9 of this report.

² Minutes of the Meeting held on 3 November, p. 3 See Appendix 2 of the report for access link.

actions and is standard practice as part of the Overview and Scrutiny function.

- 2.5 The Committee should also be aware of recommendations 20 to 24 within Appendix 1, as these also relate to the Head of Development Management's service area. For example, one recommended action requests that the Development Management Officers receive the same training that is recommended for Planning Committee Members. However, the final decision-maker for those recommended actions is the Lead Member for Planning and Infrastructure.

3. AVAILABLE OPTIONS

- 3.1 Option 1 – Agree to implement the recommended actions.

If agreed, the relevant Lead Officers will implement the agreed actions when appropriate. For example, if recommended action 1 is agreed it would not be actioned until the Committee undertakes its 2023/24 training programme.

- 3.2 Option 2 – Amend the recommended actions.

The Committee could choose to amend (and then agree) the recommended actions, although this may mean that the Officers are required to provide further comments on the amended actions suitability and/or feasibility.

- 3.3 Option 3 - Reject the recommended actions.

The Committee could choose not to implement the recommended actions, however this may mean that an opportunity to improve the Council's performance against the Waste and Recycling Strategy, as applicable to this Committee's terms of referenced, is missed.

- 3.4 The OSC will be formally informed of the decision taken by this Committee.
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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 has been produced to support the OSC in presenting its recommended action to the Planning Committee as the relevant decision-maker. However, the OSC unanimously agreed the recommended actions for this Committee.
- 4.2 The reasons for the recommended actions are contained within the 'intended outcomes' section for each action. The comments from the Lead Officer are included within appendix 2.

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 This is the first time that this issue has been presented to this Committee, with the actions taken by the OSC outlined briefly in point 2.1 of this report, with full details provided in appendix 1.
 - 6.2 As outlined in point 3.3, the outcome of this report's consideration will be reported to the OSC at its next meeting.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If agreed, the relevant Officers will implement the recommended actions when appropriate.

8. REPORT APPENDICES

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

- Appendix 1: Report of the Overview and Scrutiny Committee – The Council's Performance against the Waste and Recycling Strategy, 2018-2023.
 - Appendix 2: SCRAIP concerning the recommended actions for the Planning Committee.
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9. BACKGROUND PAPERS

Agenda and Minutes for the Overview and Scrutiny Committee Meeting held on 2 November 2022: [Your Councillors - Maidstone Borough Council](#)

Agenda and Minutes for the Overview and Scrutiny Committee Meeting held on 3 November 2022: [Your Councillors - Maidstone Borough Council](#)