

OVERVIEW AND SCRUTINY COMMITTEE

19 September
2023

Receipt of a 'Call-In' – Relevant Procedure (Kent Minerals and Waste Plan Review – MBC Response)

Timetable	
Meeting	Date
Overview and Scrutiny Committee	19 September 2023
Council (if applicable)	To be confirmed.
Cabinet (if applicable)	To be confirmed.

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Cabinet Member for Planning, Infrastructure and Economic Development
Lead Director	Angela Woodhouse, Director of Strategy, Insight & Governance
Lead Officer and Report Author	Oliviya Parfitt, Principal Democratic Services Officer
Classification	Public
Wards affected	All

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: That

1. The call-in received at appendix 1 to the report be considered against the Cabinet Members' decision as outlined in point 2.1 of the report; and
2. A decision be made from options 1-3 as outlined in points 3.1-3.3 of the report.

Receipt of a 'Call-In' – Relevant Procedure (Kent Minerals and Waste Plan Review – MBC Response)

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<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>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
Cross Cutting Objectives	<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>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
Risk Management	The risk associated with the decision being called-in can be found in Appendix 3 to the report.	Director of Strategy, Insight & Governance
Financial	The financial implications of the decision being called-in can be found in Appendix 3 to the report.	Director of Strategy, Insight & Governance
Staffing	<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

Legal	<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"> • 'Review or scrutinise decisions made' and • Make 'reports or recommendations' to the Executive on the discharge of executive functions (LGA 2000, Section 9F (1-2)) <p>Therefore, the call-in and review of the decision made by the Cabinet Member and any alternative recommendations produced as a result, is within the Committee's statutory powers.</p>	Monitoring Officer
Information Governance	<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 Officer
Equalities	<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
Public Health	<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>	Democratic Services Officer
Crime and Disorder	<p>No impact identified from this report.</p> <p>Any crime and disorder governance implications arising from the decision being called-in can be found in Appendix 3 to the report.</p>	Director of Strategy, Insight & Governance
Procurement	<p>No impact identified from this report.</p> <p>Any procurement implications arising from the decision being called-in can be found in Appendix 3 to the report.</p>	Director of Strategy, Insight & Governance

Biodiversity and Climate Change	No impact identified from this report. Any biodiversity and climate change implications arising from the decision being called-in can be found in Appendix 3 to the report.	Biodiversity and Climate Change Officer
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2. INTRODUCTION AND BACKGROUND

- 2.1 On 7 September 2023, the Cabinet Member for Planning, Infrastructure and Economic Development (the Cabinet Member) made the following decision:

That the amended response to the Kent Minerals and Waste Plan Review consultation and the Kent Mineral Sites Plan Nominated Hard Rock Sites, attached at Appendix 1 to the report, be approved.

- 2.2 The Record of Decision was published on 8 September 2023, with the call-in period set to expire on the 15 September 2023; during this time a call-in request was received. This is attached at Appendix 1 to the report, following its acceptance by the Proper Officer.

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, and the desired outcome of the decision's review' (Part C2, Rule 13.4, 13.4.3 (b)).

The Constitution also states that:

'At the meeting, the Members calling in the decision should make themselves available for questioning and will be able to take part in the debate as non-voting Members of the Committee if they are not a Member of the Committee' (Part C2, Rule 13.4, 13.4.4).

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

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

OSC Options	Next Steps	Decision Implementation
Review original decision made and agree that no further action is required.	No further action required.	Cabinet Member Informed. Decision to be implemented straight after the Overview and Scrutiny Meeting.
Recommend an alternative decision to the Cabinet Member.	Cabinet Member to consider alternative decision. Either the original decision remains, or an amended decision is issued.	Decision implemented straight after the Cabinet Member'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. Cabinet Member to consider alternative decision; either the original decision remains, or an amended decision is issued.	Decision implemented straight after Council or after the Cabinet Member's re-consideration if an alternative recommendation is put forward by Council. (Decision is final)

2.4 The information relating to the Cabinet Member's decision 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 Cabinet Member will be 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 Cabinet.

In this instance, the Cabinet Member will receive formal notification of the Committee's recommendations. The Committee must include the nature of its concerns to supplement the alternative decision.

The Cabinet Member 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:

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

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

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 Cabinet Member 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 Planning, Infrastructure and Economic Development Policy Advisory Committee (PIED PAC) advised on the item (6 September 2023), before the Cabinet Member made the decision.
- 6.2 The relevant papers for the PIED PAC agenda can be accessed using the link at Section 9 of the report.

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 (Cabinet Member)

- Appendix 3: Papers provided to the Cabinet Member in making the decision.
 - 3a: Report; and
 - 3b: Appendix (Amended Response, including the originally submitted response and the additional information submitted)
 - Appendix 4: Excerpt (draft) of the Minutes of the Planning, Infrastructure and Economic Development Policy Advisory Committee Meeting held on 6 September 2023 – **TO FOLLOW** once available.
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9. BACKGROUND PAPERS

Agenda Papers for the Planning, Infrastructure and Economic Development Policy Advisory Committee Meeting held on 6 September 2023:

[Your Councillors - Maidstone Borough Council](#)