

MAIDSTONE BOROUGH COUNCIL

OVERVIEW & SCRUTINY COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 17 OCTOBER 2023

Attendees:

Committee Members:	Councillors English (Chairman), Mrs Blackmore, Clark, Cleator, Conyard, Eagle, English, Mrs Gooch, Hastie, Hinder and S Thompson
Witness to the Review:	Councillor Patrik Garten, Cabinet Member for Environmental Services

1. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Cannon, Round and Webb.

2. **NOTIFICATION OF SUBSTITUTE MEMBERS**

Councillor Springett was present as Substitute Member for Councillor Webb.

3. **URGENT ITEMS**

There were no urgent items, with it noted that the minutes of the previous meeting had been circulated separately.

4. **NOTIFICATION OF VISITING MEMBERS**

Whilst not a Visiting Member, it was noted that Councillor Garten was present to speak as a witness for Item 14 – Environmental and Waste Crime Enforcement Review.

5. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

6. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

7. **EXEMPT ITEMS**

RESOLVED: That all items on the agenda be taken in public as proposed.

8. **MINUTES OF THE MEETING HELD ON 19 SEPTEMBER 2023**

There was concern expressed that Minute 81 did not include the title of the response, that some Members thought the letter had already been sent to Kent County Council ahead of the call-in and that no further clarification was given at the meeting on the matter.

Consideration of the minutes would be deferred to the next meeting to allow the matter to be reviewed.

RESOLVED: That consideration of the minutes be deferred to the next meeting.

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.

12. CABINET FORWARD PLAN

The Principal Democratic Service Officer outlined the changes made to the Cabinet Forward Plan following its republication in case the committee wished to conduct pre decision scrutiny on any of the items.

RESOLVED: That the Cabinet Forward Plan be noted.

13. COMMITTEE WORK PROGRAMME

The Committee was informed that there had been minimal engagement from the external stakeholders to the Water Management Cycle Review, with it felt that the review should be paused to focus on other items within the work programme.

During the discussion, support was expressed for adding a review of the Integrated Transport Strategy (ITS) to the work programme, due to concerns over the non-delivery of the ITS Schemes, which were intended to support the Council's 2017 adopted Local Plan and the ongoing Local Plan Review process.

It was felt that a scope should be presented to the Committee for its consideration before a final decision was made. The scope would be discussed by the Chairman, Vice-Chairman and relevant Officers.

RESOLVED: That a review into the Integrated Transport Strategy be agreed in principle, with the Chairman, Vice-Chairman and Officers to discuss a scope for circulation to the Committee ahead of the next meeting, before a final decision was made.

14. ENVIRONMENTAL AND WASTE CRIME ENFORCEMENT REVIEW

The Chairman welcomed the witnesses to the Environmental and Waste Crime Enforcement Review, who were identified as follows and provided an introductory statement on their roles and responsibilities:

- Councillor Garten, Cabinet Member for Environmental Services
- Jennifer Stevens, Head of Environmental Services and Public Realm

- John Edwards, Public Realm Operations Manager
- Carl McIvor, Waste Crime Manager

In response to questions on service provision:

- The Head of Environmental Services and Public Realm stated that the use of a private company to enforce litter fines was mutually discontinued, in part due to the negative public perception generated through the company being target driven in issuing fines. The service was then brought in-house;
- The Waste Crime Team's (the Team) focus had shifted from littering to fly-tipping, following consultation with the then relevant Service Committee. Littering continued to be monitored, with a focus on littering from vehicles onto the road network;
- The Public Realm Operations Manager emphasised that providing the service in-house provided greater benefits and flexibility to the service's provision. It was stated that the Waste Crime Manager had only recently joined the team, with it important to allow the officer to settle in before any decisions were made relating to service provision; and
- The Cabinet Member stated that it a recruitment process would be undertaken to appoint a street scene officer to deal with on-street littering and increase enforcement action.

Several Members of the Committee expressed concern on the prevalence of litter on the road network and in rural areas. In response, the Public Realm Operations Manager stated that:

- Cleansing litter from high speed roads carried competing considerations, such as the full lane road closures and verge cutting required by Kent County Council (KCC) as the highways authority, and that Council officers would be required to work night shifts, which would impact daytime resources. The verge cutting exercises had been reduced to thrice annually, but these prevented litter picking from taking place at that time as the waste was cut into smaller pieces. The amended Annual High Speed Road Cleaning Programme could be presented to the Committee in the future for review;
- Consideration could be given to how the Council could take the lead on high speed road cleaning. 12 new throwing bins would be installed on the A249 and A229 to allow drivers to dispose of their waste whilst moving and prevent littering on the road network and verges;
- Local Residents were able to submit dashcam footage online to support enforcement action against littering and fly-tipping, with the Waste Crime Manager confirming that action was recently taken against an individual disposing of a cigarette end.

The Cabinet Member emphasised that the increased fixed penalty notice fees agreed in October 2023 had been introduced to address the concerns also raised by the Committee; Any successes would be publicised.

In response to questions on the possible closure of Tovil Household Waste Recycling Centre (HWRC) and the impact that this would have on the Borough:

- The Head of Environmental Services and Public Realm stated that the Council was in close discussions with KCC regarding the possible closure of the site. Mitigations had been considered and would involve significant capital investment, with the site likely to be sold if closed; the concern would be how that site would be replaced, as there were not many sites available for use as a HWRC;
- Fly-tipping would likely increase if the site closed. Purchasing an alternative site would be expensive, with the financial pressures faced by KCC briefly outlined;
- The Cabinet Member stated that if the closure was agreed, Members would be consulted on the Council's resulting proposals.

Several Committee Members expressed frustrations at the actions of other organisations in not voluntarily cleaning their sites, and questioned what action the Council could take. In response:

- The Public Realm Operations Manager outlined the enforcement powers available to the council, and that the reduced maintenance had been noticed. Private landlords received an email if action needed to be taken, and if no response was sent to the Council, enforcement action would begin. Councillors should inform the Team of any areas where enforcement action was required, so that this could be picked up by the Team which would also support new Staff Members training; and
- The Head of Environmental Services and Public Realm stated that the Team was proactive in issuing Section 46 Notices. The importance of educating Local Residents was strongly emphasised, as many moved into the borough and were not always aware of the Council's waste collection and disposal arrangements. The Waste Crime and Waste Collection teams worked closely to support this. Many residents were fly-tipping unknowingly, as services were increasingly being secured via social media, with those collecting the waste fly-tipping instead of properly disposing of the waste.

Making social media work for the Council was highlighted as an issue for the Committee to consider in the next stage of the review.

In response to questions on budgetary pressures, the Head of Environmental Services and Public Realm outlined that whilst the service was not a statutory service, the income generated through FPNs across the past five years had supported the team and funded officer posts. Officer positions were now funded through the Council's base budget, so there was no concern in losing those positions. The Waste Crime Manager highlighted that a further avenue to explore was the use of technology to identify fly-tippers, fly-tipping and the origin of the waste, to improve the service and Team's capability.

The Cabinet Member emphasised that the Environmental Services and Public Realm service area had a good track record of maintaining its budgets, was profitable and the income generated through FPNs was re-invested into the Team.

Support was expressed for the general work undertaken by the Team, with the importance of the service emphasised. The information contained within the papers was noted.

In preparation for the next stage of the review, the Committee suggested the following, that:

- An in-depth discussion take place at its next meeting concerning any budgetary pressures faced by the Team and possible opportunities for mitigation;
- Officers share their views on the resources available to the Team and how its responsibilities are prioritised, such as educating others;
- More communications should be produced to publicise successful enforcement action, including a spotlight on the Team in the next Borough Insight Magazine to outline householders' duty of care, the updated fixed penalty notice rates and the difficulties being experienced with litter picking;
- Borough and Parish Councillors should be given the contact details of Housing and Housing Management Associations, to assist them in reporting waste crime related concerns; and
- Officers should liaise with Medway Council to encourage that authority to assist voluntary litter picking groups.

RESOLVED: That the review be continued at the Committee's next meeting.

Note: Councillor Conyard left the meeting at 6.59 p.m. during the discussion.

15. DURATION OF MEETING

6.30pm to 7.43pm