

AGENDA

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE MEETING



Date: Tuesday 12 April 2016
Time: 6.30 pm
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors D Mortimer, Newton, Mrs Parvin,
Perry, Mrs Ring (Chairman),
Mrs Robertson, Webb, Webster and
J.A. Wilson

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Urgent Items
4. Notification of Visiting Members
5. Disclosures by Members and Officers

Continued Over/:

Issued on Monday 4 April 2016

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Caroline Matthews on 01622 602743**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

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| 6. | Disclosures of Lobbying | |
| 7. | To consider whether any items should be taken in private because of the possible disclosure of exempt information. | |
| 8. | Minutes (Part I) of the Meeting held on 15 March 2016 | 1 - 5 |
| 9. | Presentation of Petitions (if any) | |
| 10. | Questions and answer session for members of the public (if any) | |
| 11. | Reference from Strategic Planning, Sustainability and Transportation Committee - Draft Low Emission Strategy | 6 |
| 12. | Reference from Licensing Committee - Licensing Partnership: London Borough of Bexley | 7 - 20 |
| 13. | Report of the Head of Housing and Community Services - Response to Referral from Council on Young People and Homelessness | 21 - 27 |
| 14. | Report of the Head of Housing and Community Services - Unauthorised Development Matrix | 28 - 34 |

PART II

To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.

Head of Schedule 12 A and Brief Description

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| 15. | Minutes (Part II) of the Meeting held on 15 March 2016 | Information – re business/financial affairs | 35 |
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MAIDSTONE BOROUGH COUNCIL

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE

MINUTES (PART I) OF THE MEETING HELD ON TUESDAY 15 MARCH 2016

Present: Councillor Mrs Ring (Chairman), and
Councillors Mrs Blackmore, English, Mrs Joy, Newton,
Perry, Mrs Ring, Webb and Webster

138. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors D Mortimer, Mrs Parvin, Mrs Robertson and J A Wilson.

139. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Mrs Blackmore was substituting for Councillor J A Wilson, Councillor Mrs Joy was substituting for Councillor D Mortimer, Councillor English was substituting for Councillor Mrs Robertson.

140. URGENT ITEMS

There were no urgent items.

141. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

142. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

143. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

144. EXEMPT ITEMS

RESOLVED: That the items in Part I of the agenda be taken in public as proposed.

145. MINUTES OF THE MEETING HELD ON 16 FEBRUARY 2016

RESOLVED: That the minutes of the meeting held on 16 February 2016 be approved as a correct record and signed.

146. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

147. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC (IF ANY)

There were no questions from members of the public.

148. REFERENCE FROM COUNCIL - HOUSING CRISIS - WHERE ARE THE YOUNG GOING TO LIVE?

Members considered the Reference from Council in regard to 'Housing Crisis – Where are the young going to live?'

Members discussed the merits of meeting with the interested parties on an informal basis to address their particular issues of concern. It was agreed that it would take place during the last week of March.

RESOLVED: That the Committee meet with the various organisations represented at the Council meeting on an informal basis before the April Committee meeting when Officers will then bring a follow up report.

Voting: For: 8 Against: 0 Abstentions: 0

149. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - REVIEW AND UPDATE OF CONTAMINATED LAND INSPECTION STRATEGY

Members considered the report of the Head of Housing and Community Services which related to the review and update of the contaminated land inspection strategy.

It was noted that due to changes in statutory guidance the strategy required revision. The strategy identified how the Council would progress its statutory duty.

RESOLVED: That the updated Contaminated Land Inspection Strategy attached as Appendix A to the report of the Head of Housing and Community Services be adopted with effect from 1 April 2016.

Voting: For: 8 Against: 0 Abstentions: 0

150. REPORT OF THE HEAD OF ENVIRONMENT AND PUBLIC REALM - REVIEW OF PUBLIC CONVENIENCES

Members considered the report of the Head of Environment and Public Realm regarding the Review of Public Conveniences.

It was noted that the current cost of the provision of public toilets was just over £210,000 per annum. £130,000 of this sum was recharged to other departments, predominantly for the cleaning and maintenance of toilets in the Borough.

Members were appraised that the Riverside area had been identified as an area for investment within the town as part of a 5 year plan. This would

include redeveloping the toilets at Fairmeadow. Various options were being investigated to assist with the investment, including securing Section 106 contributions.

Officers advised that they would be approaching more businesses outside of the town to join the Community Toilet Scheme to enable more areas to be covered around the borough, such as Parkwood Shops.

In response to Members questions, Officers advised:-

- That the paid toilet are expensive to run and are prone to vandalism
- Officers would be approaching businesses in the town centre who stay open late into the night to join the Scheme
- Officers would look at sponsorship for the toilets possibly through the One Maidstone route
- The Parkwood toilet would be closed but as already stated businesses in Parkwood would be approached to join the Scheme.

Councillor English proposed and Councillor Webb seconded that Recommendation 6 be amended to read:-

“That the Committee supports the proposal to explore investment opportunities for new facilities as part of the implementation of a modest Business Improvement District and in order to facilitate the possible funds from planning obligations prepare a business case in line with the parameters outlined in Recommendation 1”.

Voting: For: 2 Against: 2 Abstentions: 4

Motion Lost.

Councillor Mrs Blackmore proposed and Councillor Perry seconded that Recommendation 6 be amended to read:-

“That the Committee supports the proposal to explore investment opportunities for new facilities as part of the implementation of a modest Business Improvement District and through the collection of Section 106 contributions”.

Voting: For 8 Against: 0 Abstentions: 0

Motion Carried.

The Committee then voted on the recommendations as amended.

RESOLVED:

- (1) That the Committee approves the objective that the provision of public conveniences should support the Council's ambition for Maidstone to be an attractive place for visitors and residents, and therefore should focus on areas where provision is currently insufficient;
- (2) That the Committee agrees to the removal of the Butterfly Urinal from Maidstone High Street;
- (3) That the Committee agrees that the principle of the Community Toilet Scheme should be refreshed and reviewed;
- (4) That the Committee delegates to the Head of Environment and Public Realm in conjunction with the Head of Commercial and Economic Development the authority to agree new Community Toilet arrangements with businesses in the Town Centre which have suitable facilities;
- (5) That the Committee agrees to continue the current payments to support the Parish Councils' service provision until it can be considered as part of the review of the Parish Services Scheme; and
- (6) That the Committee supports the proposal to explore investment opportunities for new facilities as part of the implementation of a modest Business Improvement District and through the collection of Section 106 contributions.

Voting: For: 8 Against: 0 Abstentions: 0

151. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information for the reason specified, having applied the public interest test:-

**Head of Schedule 12 A and
Brief Description**

Minutes (Part II) of the meeting held on 15 March 2016

Paragraph 3 – Information re financial/business affairs

152. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - GYPSY AND TRAVELLER SITES FREEHOLD TRANSFER

Members considered the exempt report of the Head of Housing and Community Services which set out the rationale for transferring the ownership of two Gypsy and Traveller sites to Kent County Council.

RESOLVED: That the freehold transfer of Gypsy and Traveller Sites to

Kent County Council (KCC), as detailed in the exempt report of the Head of Housing and Community Services, be approved.

Voting: For: 8 Against: 0 Abstentions: 0

153. DURATION OF MEETING

7.10 p.m. to 9.00 p.m.

Agenda Item 11

MAIDSTONE BOROUGH COUNCIL

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE

12 APRIL 2016

REFERENCE FROM STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE

DRAFT LOW EMISSION STRATEGY

Issue for Decision

At their meeting of 8 March 2016 the Strategic Planning, Sustainability and Transportation Committee (SPST Committee) were presented with and discussed the Draft Low Emission Strategy. The Committee were disappointed at the low responses to the consultation. Those who did respond to the consultation commented on the lack of detail in the draft strategy document. The SPST Committee were advised that a workshop involving all Borough Councillors would be held after the elections in May 2016, where all Councillors would have the opportunity to input their ideas and concerns. The information gathered at the workshop would be used to draft the Low Emission Action Plan.

Recommendation Made

That the Communities, Housing and Environment Committee be recommended to fix a date for the Low Emission Workshop, as early as possible before the elections in May 2016, inviting all Borough Councillors to attend, to establish the parameters of the Low Emissions Action Plan.

MAIDSTONE BOROUGH COUNCIL

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE

12 APRIL 2016

REFERENCE FROM THE LICENSING COMMITTEE

LICENSING PARTNERSHIP: LONDON BOROUGH OF BEXLEY

Issue for Decision

At its meeting on 31 March 2016 the Licensing Committee considered the report of the Head of Housing and Community Services which outlined a proposal for the London Borough of Bexley to join the Licensing Partnership as a fourth and equal partner. As the Communities, Housing and Environment Committee have responsibility for Licensing Strategy and Policies, the final decision must be made by this Committee.

Recommendation Made

That the Communities, Housing and Environment Committee be recommended to approve the enlargement of the Licensing Partnership to include the London Borough of Bexley's Licensing Team functions as a fourth and equal partner.

Reason for Recommendation

Background

The Licensing Partnership is now in its seventh year of running and successfully managing three Licensing Teams, carrying out the administration of all processes and issuing of licences, permits and notices for Maidstone Borough Council, Sevenoaks District Council and Tunbridge Wells Borough Council.

One of the Partnership's service plan objectives since 2013/14 has been to reduce the overall operating costs by expanding the Partnership through introducing another partner onto the group in order to share costs and reduce each local authorities' contributions to the operation.

Towards the end of 2015 Officers from the London Borough of Bexley approached the Chief Officer Environmental & Operational Services for Sevenoaks District Council and the Licensing Partnership Manager to hold an exploratory meeting regarding the future of Bexley's Licensing functions, which exclude taxis and private hire as these are licensed by Transport for London.

The London Borough of Bexley is undertaking a procurement exercise of its regulatory and associated services as part of the Bexley Council's Strategic Commissioning agenda. As part of this exercise, officers at Bexley were asked to explore the Licensing Partnership as an alternative to totally outsourcing the Council's Licensing Service.

Following meetings to explore the extent of the services currently undertaken by the London Borough of Bexley and their team structure, a proposal was submitted to the London Borough of Bexley, attached as **Appendix A**.

Proposal

The current structure of the Licensing Partnership would continue in that the Licensing Partnership Manager would manage the four teams of Licensing Officers based at the partner authorities and the single Administration Team which is based at the Sevenoaks offices.

The staff within the Administration Team will process applications, permits and notices on behalf of all the Licensing Authorities. The posts of the Administration Team, the Licensing Partnership Manager and half of the post of the Senior Licensing Officer and Administration Team Leader are directly employed by Sevenoaks District Council but their salaries are paid for by the partners of the Licensing Partnership.

The Licensing Officers at each authority are responsible for their own policies, interaction regarding compliance with the legislation, compliance and enforcement, validation of new and variation applications for premises licences, hearings and direct reports.

The Licensing Partnership Manager has responsibility for the direct reports, management of the Licensing Partnership as a whole, budget setting, performance indicator setting and monitoring, co-ordination of Licensing Policies, FOI request responses, reporting to the Licensing Partnership Board and the individual Licensing Committees, service planning, liaison with Finance, HR, IT, Legal, Democratic Services and process engineering.

Each authority's data is held on a central database which is administered and maintained by the IT staff at Sevenoaks District Council. Officers at the partners' offices access the database via a portal and have access to their records and all the documentation for applications. All documentation is scanned in to a document management system (IDOX) on receipt in the post and is therefore available to all officers.

The Licensing Partnership has been through a Digital First programme that has seen significant increases in online applications and streamlining of processes. We expect the existing Hub resources to be able to cope with the additional workload created by an extra partner, but during the first year an additional 1x fte admin support will be provided to assist the London Borough of Bexley with administrative support and the transfer of documentation onto the Licensing Partnership's central database and document management system it is proposed to ring fence the three administrative officer posts at Bexley and interview them with a view to TUPE transfer of the successful applicant.

The London Borough of Bexley will retain the equivalent of two Licensing Officers to carry out the licensing functions with customers such as complaint investigation, visiting premises, hearing report preparation, mediation with applicants, policy preparation etc.

The existing performance indicators will remain as agreed, as it is recognised that the work involved in welcoming a new partner will be significant. The key focus for the whole team will be to maintain the existing excellent performance, carefully monitor and manage the performance to ensure that it continues to provide first class service to the customer.

The Licensing Partnership team is an experienced team that has the capacity, knowledge and skills to re-engineer London Borough of Bexley procedures in to the Partnership's processes whilst keeping the customer at the focus of what they achieve.

At the heart of the Partnership is a financial model that is used to calculate individual partner's annual contributions based on the weighted throughput of licence transactions, averaged over a three year period.

The model used to calculate each existing partner's contribution to the cost of the Licensing Partnership was employed to calculate the cost for the London Borough of Bexley to join.

Using the data supplied by the London Borough of Bexley it is calculated that Bexley's work will amount to 17.3% of the expanded Licensing Partnership work. This equates to a cost to the London Borough of Bexley of £75,221 per annum.

There are some one off costs to cover IT set up and importing the address gazetteer. These are yet to be finalised but are thought to be just under £5,000 and will be borne by the London Borough of Bexley.

As a result of the London Borough of Bexley joining the Licensing Partnership each of the existing partners are calculated to save at least £15,000 each per annum in their contributions to the Licensing Partnership.

In addition to the savings to the Licensing Partnership it is anticipated that a new partner will increase the resilience of the Licensing Partnership by introducing new skills and areas of expertise. It is still a desire of the Licensing Partnership to authorise officers to work across authority areas and once this is achieved officers will be able to be deployed more effectively.

The option of a transfer of Bexley's Licensing Service to a shared service arrangement with other local authorities is expressly recognised by Regulation 12 of the Public Contracts Regulations 2015. There is no requirement for a procurement exercise before entering into such an arrangement. Should such an arrangement proceed, the existing legal agreement will be revised to recognise the addition of a fourth partner to formalise the arrangements.

Alternatives Considered

To recommend no changes to the existing Licensing Partnership. This is not recommended as extending the Partnership to include the London Borough of

Bexley will ensure further savings are realised for the running of Licensing Services and additional resilience is achieved.

Background Papers

None.

Proposal for Licensing Partnership Working with London Borough of Bexley

Introduction and background

The Licensing Partnership is enjoying its sixth year of running a successful partnership carrying out the management of three Licensing Teams and the administration of all processes and issuing of licences, permits and notices for Maidstone Borough Council, Sevenoaks District Council and Tunbridge Wells Borough Council.

Current partners within the Licensing Partnership



How it works

Licensing Officers are located at each local licensing authority, together with some administration support to assist customers visiting the Gateways and Tunbridge Wells Town Hall. This is supplemented with our Digital First project where we are assisting and encouraging our customers to self serve where this is their preference.

The Partnership has a single Administration Team which is based at the Sevenoaks offices. The Administration team process applications, permits and notices on behalf of the three Licensing Authorities.

All invoicing for annual fees is carried out via the Administration Team and suspension notices are issued from the Administration Team on behalf of the Licensing Partnership. We have agreed service level agreements to process applications depending on the statutory timeframes or agreements with the trade.

The Licensing Officers at each authority are responsible for their own policies, interaction regarding compliance with the legislation, compliance and enforcement, validation of new and variation applications for premises licences, hearings and direct reports.

The Licensing Partnership Manager has responsibility for the direct reports, management of the Licensing Partnership as a whole, budget setting, performance indicator setting and monitoring, co-ordination of Licensing Policies, FOI request responses, reporting to the Licensing Partnership Board and the individual Licensing Committees, service planning, liaison with Finance, HR, IT, Legal, Democratic Services and process engineering.

Each authority's data is held on a central database which is administered and maintained by the IT staff at Sevenoaks District Council. Officers at the partners' offices access the database via a portal and have access to their records and all the documentation for that application. All documentation is scanned in to a document management system (IDOX) on receipt in the post and is therefore available to all officers.

Update following the meeting on 11th February 2016 - the cost of joining the Licensing Partnership to London Borough of Bexley

At this meeting it was identified that Bexley will require administration support in the form of a full time administration officer.

- The proposal is that the London Borough of Bexley would interview the three potential employees for the post with Claire Perry involved in the interviews.
- The Licensing Partnership would TUPE the successful candidate to join the Administration Team of the Licensing Partnership. Initially, at least for the first year they would be based at the Bexley offices. However, time would need to be spent at Sevenoaks training on the new systems and there may be a requirement to work permanently at the Sevenoaks offices in the future.
- The role would be to support the Licensing Officers at Bexley, assist with the transference of the documentation from Bexley's system to that of the Licensing Partnership, carry out some of the processes and tasks on behalf of the Licensing Partnership and would be managed by the Licensing Partnership.

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- This would leave the London Borough of Bexley to resolve the future of the remaining two Licensing Assistants.
- The cost has been adjusted to include the additional processes and licences which were excluded from the initial proposal. For example, Regulated Stands, Explosives, Firework and Special Treatment Licences.
- It was also learnt at the meeting that the finance team send out invoices for annual fees for Licensing Act 2003 premises, Gambling Act 2005 premises, Gambling Act 2005 permits and Gambling Act 2005 lottery registrations. Therefore the transactional log spread sheet has been adjusted to only include the sending out of suspension notices for Licensing Act 2003 and chase up calls/contact with the other annual fees.

Therefore based on the above amendments the proportion of the work carried out on behalf of the London Borough of Bexley would be 17.3%.

The total cost of the Licensing Partnership for 2016/17 is £408,506 + £26,398 (cost of Licensing Administration Officer plus on costs). This equates to a cost for Bexley of **£75,221** however Bexley will also have the income for these additional processes.

There would be an additional cost of **£1,500** to migrate the address gazetteer into the partnership module and an estimated cost of **£3,000**.

Please note that the cost for each partner is calculated annually based on the number of transactions undertaken on average over the previous 3 full years. This current cost may go up as well as down. The calculations are outlined on a separate spreadsheet.

This cost would include:

- ▶ Managing of the Licensing Partnership and line management responsibilities of the staff at Bexley
- ▶ Administration (not inspection) of all Licensing Act 2003 applications
- ▶ Administration (not inspection) of all Gambling Act 2005 applications
- ▶ Administration (not inspection) of all Animal Establishment applications
- ▶ Administration (not inspection) of all Scrap Metal Dealer applications
- ▶ Administration (not inspection) of all Animal establishment applications
- ▶ Administration (not inspection) of all Sexual Entertainment Venue applications
- ▶ Administration (not inspection) of all Regulated Stands applications
- ▶ Administration (not inspection) of all Explosive applications
- ▶ Administration (not inspection) of all Firework applications
- ▶ Administration (not inspection) of all Special Treatment applications
- ▶ Sending out suspension notices for annual fees that have not been received after 21 days. - The Licensing Officers at each authority are sent an updated

list each month of those premises where suspension notices have been served and the payment is still outstanding. Officers then carry out visits and take the appropriate action. Further debt recovery then falls to the authority to which the debt is owed.

- ▶ Processing of all income and reconciliation to ensure income is correctly attributed to the authority.
- ▶ Public Access via link for residents
- ▶ Consultee Access via link for consultees
- ▶ Weekly Excel spreadsheet sent to Councillors and interested parties
- ▶ Weekly Excel spreadsheets sent to Licensing Officers with updates of applications received in the past week
- ▶ FOI requests where data is required from the records
- ▶ Transferring data from the existing system to FRED UNI-form
- ▶ Online forms - access for customers to our bespoke online forms via web links and the annual retention fee and additional cost for adding a 4th partner
- ▶ Retention of documentation electronically
- ▶ Any upgrade and annual licence cost for IDOX UNI-form system - this year the Licensing Partnership will be paying approximately £5,000 for the latest upgrade
- ▶ Any upgrade and annual licence cost for Public/Consultee Access
- ▶ Any upgrades and annual licence cost for Victoria Forms (online forms)

The current services provided to existing partners

- ▶ All applications for Licensing Act 2003
- ▶ All applications for Gambling Act 2005
- ▶ All Hackney Carriage and Private Hire applications
- ▶ All Charity applications
- ▶ All Sexual Entertainment Venue applications
- ▶ All Scrap Metal Dealer applications
- ▶ All Animal Establishment applications for Maidstone Borough Council and we are developing a similar process for Sevenoaks District Council
- ▶ All Special Treatment applications for Maidstone Borough Council (moving in April 2016)
- ▶ All Boatman/Pleasure Boat applications for Maidstone Borough Council
- ▶ All Street Trading applications for Maidstone Borough Council and Tunbridge Wells Borough Council

IT

All authorities use the IDOX UNIFORM 9.1 (we will be upgrading to 10.1 in 2016) and IDOX DMS and Public and Consultee Access. The system is managed, on behalf of the Licensing Partnership, by the IT team at Sevenoaks and they maintain the security of the data. The UNIFORM module used (FRED) is a stand alone package that only the members of the Licensing Partnership can access. However, all of our

consultees (internal and external) have access to the documentation and can view this electronically.

Our Consultees respond to consultations via the Consultee portal and their responses insert directly into the back office system without the need for duplicate keystroke entry. It doesn't matter if the consultees are internal or external they have the ability to make their responses and view all the documentation concerning an application.

The vast majority of the letters, licences, permits and notices are created using templates within UNiform which reduces error levels and also allows for this documentation to be inserted into the Documentation Management System electronically without the need for the operator to save the document.

During the past 5 years we have put in place

- a Legal Agreement between the existing partners,
- an IT System Support and Maintenance Agreement for Members of the Licensing Partnership,
- a Document Retention Policy to reduce the amount of paper in the office,
- the ability for Consultees e.g. Police, Fire Service, Environmental Health etc. to respond electronically via Consultee Access negating the need for Officers to double key in this information,
- Public Access which allows residents and any other persons to view applications open for consultation online and make a comment should they wish to do so (Public Access will also be upgraded in 2016)
- Online forms which allow the customer 24/7 access to the Licensing Service, improving our levels of customer service and providing service efficiencies as the customer entered information is downloaded directly to the back office database, thereby reducing the need for double key entry which is required with the gov.uk online forms. The following forms are currently available online:
 - TENS
 - Personal licence - new
 - Personal licence - change of details - this one is a pdf and doesn't drop info into Uniform
 - Personal licence - renewal (now obsolete)
 - Scrap Metal dealers - site & collector
 - Premises licence - change of details - this one is a pdf and doesn't drop info into Uniform
 - Variation of DPS - this one is a pdf and doesn't drop info into Uniform
 - Taxi driver (HC & PH)
 - Taxi vehicle (HC & PH)
 - Taxi operator (PH)
 - Transfer of premises licence form

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- New lottery form
- Lottery returns form (new lottery form has already been used)
- Premises licence (new)
- Animal establishment forms - boarding,
- Animal establishment forms - breeding,
- Animal establishment forms - riding establishments,
- Animal establishment forms - pet shops,
- Animal establishment forms - dangerous wild animals
- Notification of gaming permit

Future developments and projects

Online forms

We are continuing to implement online forms until all of our forms are available online.

Sending invoices via email

During the next 12 months we will seek to implement the sending out of invoices electronically realising further savings to the Licensing Partnership.

Key Benefits of the Licensing Partnership

- ▶ Five years of experience running a high performing Licensing Partnership.
- ▶ A proven, flexible model that is adaptable to the needs of individual partners.
- ▶ Consultee Access which allows Consultees anywhere to respond online - would not be a barrier to cross County working.
- ▶ Best working practice for processing applications.
- ▶ Greater resilience and flexibility.
- ▶ Greater purchasing power for all commodities e.g. external vehicle plates where we saved more than £7,000 across the Partnership.
- ▶ Efficiency - one Licensing Officer/Senior Licensing Officer will do the first draft of new/revised policies or consultation responses which are then used as written by the other authorities or are tailored to achieve the sovereignty for that authority.

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- ▶ Proven ability to constantly review and improve processes to meet customer need and deliver efficiencies and savings e.g. electronic invoicing across the partnership for annual fee payments.
- ▶ Innovative use of online forms that increases the availability of the service outside of normal working hours, provides increased options for customers and creates efficiency, enhances accuracy and improves processing times.

Current service plan objectives (due to be reviewed in the New Year for 2016/17)

| | |
|-------------|--|
| Objective 1 | To manage the Licensing Partnership to deliver efficiency savings and achieve performance targets |
| Objective 2 | Investigate further undertaking of licensing functions for other local authorities. |
| Objective 3 | Utilise customer insight and bench marking information to inform service improvements as appropriate |
| Objective 4 | Ensure all online forms are implemented and in use by customers |
| Objective 5 | Undertake a programme of training for Members and officers, especially in light of the legislative changes and elections taking place in 2015 |
| Objective 6 | Transfer remaining licences that are being processed by MBC and TWBC so that they can be managed on FRED Uniform e.g. street trading, special treatments |
| Objective 7 | Officers and Licensing Committees to consider opportunities for greater harmonisation of policies |

Measuring our Performance

Performance Indicators and Target Setting

It has been agreed by the Licensing Partnership Board that for 2016 - 17 these targets will not change as it is anticipated that our performance may dip as we integrate the London Borough of Bexley in the Licensing Partnership.

It is part of this proposal that the London Borough of Bexley will accept these indicators and that they will not be review until 2017 - 18.

| Code | Description | Collection period | 2014 - 15 Target | 2015 -16 Target |
|-------------|--|-------------------|-------------------------------------|--------------------------------------|
| LPI LIC 001 | Percentage of all applications outstanding for more than one month | Monthly | <10% | <10% |
| LPI LIC 002 | The percentage of valid personal licences processed within 2 weeks | Monthly | 95% | 95% |
| LPI LIC 003 | Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date) | Monthly | 95% | 95% |
| LPI LIC 004 | The percentage of valid temporary event notices processed within 72 hours | Monthly | 90% | 95% |
| LPI LIC 005 | The percentage of driver and operator licenses issued within 10 days of validation | Monthly | 90% | 90% |
| MPI LIC 05a | Percentage of Hackney Carriage driver licenses issued within 10 days of validation | Monthly | 90% | 90% |
| MPI LIC 05b | Percentage of Private Hire driver licenses issued within 10 days of validations | Monthly | 90% | 90% |
| MPI LIC 05c | Percentage of Private Hire Operator licenses issued within 10 days of validations | Monthly | 90% | 90% |
| MPI LIC 012 | Length of time from validation to issue of HC vehicle licence (MPI) - target 5 working days | Monthly | 90% | 90% |
| MPI LIC 013 | Length of time from validation to issue of PH vehicle licence (MPI) - target 5 working days | Monthly | 90% | 90% |
| MPI LIC 017 | The number of taxi enforcement checks completed (one per taxi vehicle) | Monthly | Maidstone 180 Sevenoaks 84 | Maidstone 180 Sevenoaks 120 |

| | | | Tunbridge Wells 120 | Tunbridge Wells 120 |
|--------------|--|---------|---|---|
| Data LIC 001 | Total number of Hackney Carriage vehicle licences issued | Monthly | | |
| Data LIC 002 | Total number of Private Hire vehicle licences issued | Monthly | | |
| Data LIC 003 | Number of monthly premises licensing enforcement visits due that were undertaken | Monthly | Maidstone 180 Sevenoaks 238 Tunbridge Wells 120 | Maidstone 180 Sevenoaks 230 Tunbridge Wells 180 |

Next steps:

- ▶ Arrange a meeting to include all relevant Members from the four Licensing Authorities and members of the Licensing Partnership Board.
- ▶ Submit reports to the relevant committees at each Local Authority seeking agreement to proceed with the partnership.
- ▶ Agree a Communication Plan for Bexley's licensees and manage the flow of correspondence.
- ▶ Set up meetings with Officers from the authorities to re-engineer the processes for the Licensing Partnership and the London Borough of Bexley.

Work to be covered by the Officers: -

Processes

- Annual fees - licensed premises, gambling annual fees, gaming permit annual fees & lottery annual fees.
- Confirming of Performance indicators
- Processes and documentation for Licensing Act 2003:
 - New premises licences
 - Variation premises licence
 - Personal licence
 - Temporary Event Notices
 - Change of details for premises licence

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- Change of details for personal licence
- New Club Premises Certificate
- Variation Club Premises Certificate
- Review of Premises licence
- Transfer of premises licence
- DPS for premises licence
- Interim authority notice
- Section 178 notification
- Minor variation of premises licence/club premises certificate

Processes and documentation for Gambling Act 2005:

- New Premises licence
- Gaming machine permits
- Occasional use notice
- Lottery - new
- Lottery - return

Processes and documentation for

- Sexual Entertainment Venues
- Street collections
- House to house collections
- Street trading
- Animal boarding
- Dog breeding
- Pet Shops
- Riding Establishments
- Performing animals
- Dangerous Wild Animals
- Scrap metal dealer - site
- Scrap metal dealer - collectors
- Special treatments
- Explosives Storage Licence
- Fireworks Licence - sale all year
- Regulated Stands

Training officers at Bexley and within the Licensing Partnership.

Purchases of consumables etc.

COMMUNITIES, HOUSING & ENVIRONMENT COMMITTEE

12 April 2016

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Response to Referral from Council on Young People and Homelessness

| | |
|---------------------------------------|---|
| Final Decision-Maker | Communities, Housing and the Environment Committee |
| Lead Head of Service | Head of Housing and Community Services |
| Lead Officer and Report Author | John Littlemore, Head of Housing and Community Services |
| Classification | Public |
| Wards affected | All |

This report makes the following recommendations to this Committee:

1. That the Committee agrees to explore the promotion of a seminar on housing and instructs the Head of Housing & Community Services to report back in June 2016 with proposals for the Committee to consider.

2. That the Committee considers sending a delegation to other local housing authority areas to explore and make recommendations about best practice in tackling homelessness.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Timetable

| Meeting | Date |
|---|---------------|
| Committee: Communities, Housing & Environment Committee | 12 April 2016 |
| Council | |

Response to Referral from Council on Young People and Homelessness

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 On 2 March 2016 Council received a motion from Cllr Paul Harper, which was then referred by Council to the Communities, Housing & Environment Committee to consider and respond to. This report provides an update to the Committee and provides recommendations in response to the original motion.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The motion received at Council is set out in Appendix A. and relates to how households, particularly young people, will be able to resolve their housing. At the time of the meeting some councillors were lobbied by interested members of the public on the same topic.
- 2.2 Council agreed that the matter should be referred to the Communities, Housing & Environment Committee to consider in more detail. The Chairmen of the Communities, Housing & Environment Committee offered to meet informally with the members of the public to better understand their concerns and to inform the discussion that would take place at the Communities, Housing & Environment Committee.
- 2.3 The informal meeting was open to Councillors to attend and took place on 29 March 2016. Members of the public (or interested groups) who attended provided a range of views and also indicated that they would be undertaking a visit to Manchester City Council, in order to learn about best practice services and alternative delivery models.
- 2.4 Having carefully considered each part of the original motion, the meeting concluded with the following suggestions could be debated by the Communities, Housing & Environment Committee:
- (a) The interest group will undertake a visit to Manchester to explore best practice and report their findings back to the Council's Housing Service.
 - (b) A Multi-Agency Housing Seminar, bringing together relevant stakeholders to raise awareness of services being delivered to homeless households and to find long term solutions to reducing homelessness.
 - (c) The interest group would lobby local businesses and other agencies to seek funding to enable the Multi-Agency Housing Seminar to take place.

- (d) The Council should be encouraged to look at what other Councils are doing; best practice was identified in Manchester, Liverpool, Brighton and Bristol.
- 2.5 Officers from the Housing & Community Service will support the interest group as they gather information about best practice and evaluate suggestions as they arise. The outcomes to be achieved from the Multi-Agency Housing Seminar and how this will be delivered are matters that will be developed with the interest group and stakeholders. A further report providing more detail around these proposals will be given to the Committee on 21 June 2016.
-

3. AVAILABLE OPTIONS

- 3.1 The Committee could agree the requests contained within the original motion to Council, however, following discussion with members of the public and Councillors attending the informal meeting this option is not recommended as the majority of the requests are being addressed in the way set out in Appendix A.
 - 3.2 The Committee can agree that officers support the production of a Multi-Agency Housing Seminar to explore ways of tackling the issue of homelessness.
 - 3.3 The Committee can choose to not act on any part of the motion to Council, although to do so might mean that the Council inadvertently misses an opportunity to deliver services differently that would help reduce instances of homelessness.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is contained in paragraph 3.2, as this proposal may help to prevent homelessness, providing a better outcome for households who find themselves in this acute form of housing need and also help to reduce the financial burden on the Council that arises out of the provision of temporary accommodation.
-

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 An informal meeting was held with Councillors and members of the public on 29 March 2015 that helped to inform this report.
-

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The interest group has pledged to explore best practice elsewhere within the UK (however, it is noted that the statutory provisions regarding homelessness are different in Wales and Scotland) and to seek sponsorship for a Multi-Agency Housing Seminar, to be reported back to officers to enable a further report to the Communities, Housing & Environment Committee.
- 6.2 Councillors who are either members or substitutes for the Communities, Housing & Environment Committee may want to consider joining the interest group or organising their own fact finding visits.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue | Implications | Sign-off |
|--|--|-------------------------------------|
| Impact on Corporate Priorities | The outcomes of a Multi-Agency Housing Seminar could enable more households threatened with homelessness to avoid, which would support both key priorities as homelessness can detrimentally affect a person's well-being and financial situation. | Head of Housing & Community Service |
| Risk Management | | |
| Financial | There is no dedicated budget that could support the production of a Multi-Agency Housing Seminar and this issue will be addressed in the June report should the interest group be unable to source sufficient sponsors. | |
| Staffing | Supporting a Multi-Agency Housing Seminar will have to come from existing staff resources, which might have an impact on the delivery of daily services. | Head of Housing & Community Service |
| Legal | | |
| Equality Impact Needs Assessment | | |
| Environmental/Sustainable Development | | |
| Community Safety | | |
| Human Rights Act | | |

| | | |
|-------------------------|--|--|
| Procurement | | |
| Asset Management | | |

8. REPORT APPENDICES

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

- Appendix I: Motion referred from Council 2 March 2016
-

9. BACKGROUND PAPERS

Maidstone Borough Council: Maidstone Housing Strategy 2016 - 2020

Briefing Note on Motion Presented by Cllr Harper

Background

Councillor Harper has put forward the following motion:

“In the Borough of Maidstone as elsewhere in the UK we face a housing crisis. We are doing the first part to identify sites through the Local Plan suitable for housing development (the 18,560 housing units). Current Council Affordable Housing policy relating to new housing developments, adopted in December 2006, is for sites of 15 units or more to have 40% affordable housing.

However our looming housing crisis is disproportionately affecting the young and vulnerable. Whilst there are people sleeping on the streets in Maidstone, they only represent the easily identified need. Most homelessness is hidden as people are forced to remain at home with their parents, move around people’s houses to find a bed, or live in unfit and overcrowded accommodation.

Whilst recognising that the Council has been trying to tackle people sleeping on the streets, and has set up a number of emergency hostel type facilities, as the statutory housing authority for the Borough of Maidstone, this Council has a responsibility to address this.

This Council therefore resolves to do the following during the next few months:

1. Actively work with private landlords to identify empty housing units and work with them to provide bed spaces for the homeless.
2. Engage with young people in the Borough about their housing needs, via a public consultation exercise.
3. Identify over occupied property and develop procedures to work with the relevant occupiers/landlords to address the problem.
4. Organise a Housing Conference around the topic of “Where Are the Young Going to Live” of statutory authorities, local active housing associations and the voluntary sector to propose a multi-sector approach to tackling these issues in the Borough of Maidstone.
5. Request a report back to the next Council meeting on the implementation of measures 1 - 3 above and progress towards the Housing Conference in 4 above.

Response:

1. The Council continues to work with landlords and homeowners of empty properties to bring them back into use. The return of long-term empty properties back into use remains a key target within the new Housing Strategy and new initiatives are being developed that it is hoped will increase the number of dwellings that will be brought back into use.. Over the last 18 months over 170 empty units have been brought back into use through the direct intervention of the Council.

2. The formulation of the Homelessness Strategy involved young people in a consultation workshop held at the Maidstone Foyer, a housing project dedicated to housing and growing the potential of young people. The Housing Service will continue to engage with key stakeholder groups, such as young people on an issue by issue basis.

3. It is not be possible to identify all overcrowded property within the Borough. Where the Council's officers are alerted to overcrowding or come across overcrowded properties during the course of their duties there is a statutory procedure to deal with this. In addition the rules governing the Council's Housing Register acknowledges overcrowding as a point of housing need.

In response to the overcrowding issue, the Council has worked closely with its housing providers over recent years to ensure a good supply of both 3 and 4 four bedroom new affordable housing has been delivered.

4. An extensive consultation was carried out as part of the drafting of the new Housing Strategy that involved a wide spectrum of organisations. Following adoption of the Housing Strategy tonight a further workshop will be held, which will be open to all elected members who are encouraged to attend to gain a greater insight into the housing situation and to provide an opportunity for further ideas to be explored on a range of housing matters, including that of young people.

A range of housing will be delivered as part of the Housing Strategy's priority theme one, which will provide much needed housing for young and older people alike.

5. Progress on the implementation of the new Housing Strategy will be reported to the Communities, Housing & Environment Committee on a quarterly basis, which is the appropriate Committee to maintain an overview of the delivery of the Strategy.

Agenda Item 14

Communities, Housing and Environment

12th April, 2016

Is this the final decision on the recommendations in this report to be made at this meeting?

Yes

Unauthorised Development Matrix

| | |
|---|--|
| Final Decision-Maker | Communities, Housing and Environment |
| Lead Director or Head of Service | Head of Housing and Community Services |
| Lead Officer and Report Author | Yasmin Gordine |
| Classification | Non-exempt |
| Wards affected | Borough |

This report makes the following recommendations to the final decision-maker:

1. That the Committee approve the matrix (attached as Appendix 1) for use across the borough when assessing levels of harm caused to local communities and environment in order to prioritise various enforcement actions relating to unauthorised sites within the borough.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all

Timetable

| Meeting | Date |
|--------------------------------------|-----------------------------|
| Corporate Leadership Team | |
| Communities, Housing and Environment | 12 th April 2016 |

Unauthorised Development Matrix

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The following report outlines the council's proposed Unauthorised Development Matrix which will allow the council to assess each alleged unauthorised development and sites of significant concern within Maidstone Borough to assist in determining the most appropriate intervention through a multi-agency working group.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The proposed Matrix will be used to assess developments and sites that are causing community concern based on criteria such as; ASB and Crime, illegal activity, local priorities and possible future impact. The Matrix will allow the council to score the developments against the criteria which are weighted dependent on the severity of the issue. This will enable officers to objectively score sites of concern where-ever they are located, and help to ensure consistency when determining which sites need to be addressed with greater urgency.
 - 2.2 The council is proposing to introduce the Matrix due to the growing number of unauthorised developments and/or sites within the borough that give rise to activity that is disruptive and causes distress to the local community. The Matrix has been developed from a similar tool that planning enforcement has used for some time. This will allow the council to objectively assess where it and its partners should consider interventions, prioritise resources and identify what resources need to be deployed. This type of work will be achieved through a multi-disciplinary task group.
 - 2.3 The council has set up a working group comprising of planning enforcement, community engagement & safety officers, police and other agencies such as trading standards. Particular sites with ASB issues, as well as planning enforcement interventions and criminal activity have been identified. The working group has reviewed the powers available to us as a council and partner organisations in order to prevent/disrupt illegal or unsocial activity in the short term whilst a longer term solution is put in place.
 - 2.4 The Matrix will be used to score various sites currently known to the council, and those that will be brought to the council's attention in future, through a ranking system that will help highlight which sites should be tackled and in what order. The ranking system also does not constrain action in relation to sites that score lowly; as there might be on occasion a site where a quick and positive outcome can be achieved alongside those sites that require a greater intervention. The Matrix will be employed consistently for sites located in both rural and urban areas.
-

3. AVAILABLE OPTIONS

- 3.1 The council can decide not to implement the Matrix for unauthorised developments within the borough but to do so would mean that the council could miss the opportunity to tackle an increasing number of unauthorised developments or sites of concern in a coherent manner.
- 3.2 The council can decide to endorse the Matrix and as a result will place the council in a more robust position to engage in consistently assessed and prioritised enforcement activity and to utilise the powers already in place to take action. In addition the content of the Matrix provides the council with a mechanism to demonstrate it has objectively assessed each unauthorised development or site of concern on its on merit and specific characteristics.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is Paragraph 3.2 for the reasons outlined the report.
-

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 When compiling the Matrix in the first instance several organisations were approached and asked for their input. Feedback was received from Kent Police, Maidstone Borough Council's Legal Team, Environmental Enforcement, Planning and KCC Trading Standards.
-

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Once a decision has been made to endorse the Matrix, the council will be looking to implement use of the Matrix with effect from the next financial year.
- 6.2 When implementing the matrix there could be significant cost implications involved, for example in planning appeals, obtaining injunctions or defending proceedings in the High Court, which may result in the need to obtain counsel's opinion and representation. Whilst it is difficult to specify a necessary budget at this stage, the commitment is that the Head of Housing & Community Services will bring requests to the Policy and Resources Committee on a case by case basis once the cost implication has been estimated and its value is likely to be above £20,000.
- 6.3 For each project that requires its own budget this will be held separately from existing budgets. A multi-agency working group will be set up for each identified project and will assume control of the budget assigned to that particular project. Progress against the project delivery will be reported back to the Policy and

Resources Committee at intervals.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue | Implications | Sign-off |
|--|--|---|
| Impact on Corporate Priorities | Keeping Maidstone Borough an attractive place for all | [Head of Service or Manager] |
| Risk Management | | [Head of Service or Manager] |
| Financial | To be reported back to the Policy & Resources Committee where the expenditure exceeds £20,000 per site. | [Section 151 Officer & Finance Team] |
| Staffing | Staff training will be needed for all staff involved when assessing the unauthorised developments | [Head of Service] |
| Legal | The legal options and implications will be considered for interventions prior to recommending appropriate action. | Legal Team |
| Equality Impact Needs Assessment | An EIA will be submitted on a case by case basis as this will be determined by the characteristics of each site. | [Policy & Information Manager] |
| Environmental/Sustainable Development | | [Head of Service or Manager] |
| Community Safety | Contained within the report. | Head of Housing & Community Services or Manager |
| Human Rights Act | The use of the matrix will assist in deciding what the most appropriate and proportionate action should be considered. Each action will be assessed on a site by site basis to ensure compliance with the Humans Rights legislation. | Head of Housing & Community Services |
| Procurement | | [Head of Service & Section 151 Officer] |
| Asset Management | | [Head of Service & Manager] |

8. REPORT APPENDICES

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

- Appendix I: Unauthorised Developments Matrix
-

9. **BACKGROUND PAPERS**

None

Appendix 1: 'Matrix' methodology

| Consideration | Score | Weighting | Weighted Scores |
|----------------------------------|--|-----------|-------------------|
| Estimated resource to close case | 3 – likely to be minimal resource to achieve resolution, less than 4 person day 2 – likely to be average resource, 4-10 person days 1 – likely to be significant resource required to resolve, over 10 person days | X2 | 6 4 2 |
| Planning./criminal Immunity | 3 – immune in 6 months or not known 2 – immune in 2 years 1 – immunity more than 2 years away | X3 | 9 6 3 |
| Degree of harm | 3 – irreparable or serious long term harm to environment or serious risk to public safety 2 – significant harm or loss of amenity 1 – sufficient harm or loss or amenity so that planning permission would not be granted, or would be granted only subject to conditions | X8.5 | 25.5 17 8.5 |
| Local priorities | 3 – high profile developers with more than 3 breaches where notices have been served or formal legal action taken in last 4 years OR in breach of approved conditions 2 – all other cases not failing within categories 1 or 3 1 – householders or small businesses – where impact of action is high or may result in loss of jobs or business | X2 | 6 4 2 |
| Policy framework | 3 – clear policy, legislative or national guidance support for refusing development 2 – policy, legislative or national guidance framework for refusing development possibly exists 1 – untested or non-existent policy, legislative or national guidance framework for refusing development | X3 | 9 6 3 |
| Future impact | 3 – situation will deteriorate if no action taken soon 2 – situation may deteriorate if no action taken soon 1 – situation not likely to deteriorate if no action taken soon | X2 | 6 4 2 |
| ASB & Crime | 3 – Serious organised crime 2 – Crime committed at a low level 1 – Anti-social behaviour causing nuisance or distress | x5 | 20 10 5 |
| Illegal Activity | 3 – Organised illegal activity causing greater harm of indictable or either way offences 2 – Activity causing lesser harm but at summary offence level 1 – Causing nuisance to local communities (as defined by the Crime and Policing Act 2014) | x3 | 8 6 2 |

Notes – A score is given to each consideration, as the importance of each consideration varies they are given weightings which are used to produce the final score (the weighted score column)

Worked Example (unauthorised caravan site)

| Consideration | Score | Weighting | Weighted Scores |
|---|--|------------------|------------------------|
| <i>Estimated resource to close case</i> | <i>3 – likely to be minimal resource to achieve resolution, less than 4 person days</i> | X2 | 6 |
| <i>Immunity</i> | <i>3 – immune in 6 months</i> | X3 | 9 |
| <i>Degree of harm</i> | <i>3 – irreparable or serious long term harm to environment or serious risk to public safety</i> | X 8.5 | 25.5 |
| <i>Local priorities</i> | <i>3 – high profile developers with more than 3 breaches where notices have been served or formal legal action taken in last 4 years OR in breach of approved conditions</i> | X2 | 6 |
| <i>Policy framework</i> | <i>3 – clear policy, legislative or national guidance support for refusing development</i> | X3 | 9 |
| <i>Future impact</i> | <i>3 – situation will deteriorate if no action taken soon</i> | X2 | 6 |
| | | Total | 61.5 |

Summary

The highest score is taken for each criterion due to the circumstances of the particular case, (i.e. 3 for immunity x weighting of 3 gives a score of 9) this gives the highest possible total score in this case of 61.5 and is therefore top priority.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted