

# AGENDA

## COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE MEETING



Date: Tuesday 19 July 2016  
Time: 6.30 pm  
Venue: Town Hall, High Street,  
Maidstone

### Membership:

Councillors Burton, Joy, D Mortimer (Vice-Chairman), Perry, Mrs Ring (Chairman), Mrs Robertson, Webb and Webster

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Urgent Items
4. Notification of Visiting Members

**Continued Over/:**

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**Issued on Monday 11 July 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](http://www.maidstone.gov.uk)

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

5.	Disclosures by Members and Officers	
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 of the Meeting Held on 21 June 2016	1 - 6
9.	Presentation of Petitions (if any)	
10.	Questions and answer session for members of the public (if any)	
11.	Committee Work Programme - July 2016 Onwards	7 - 12
12.	Reference from Licensing Committee - Hackney Carriage Specifications	13 - 65
13.	Reference from Planning Committee - 16/502060 - Change of Use from a Kitchen Showroom (A1 Use) to a Mixed Class Coffee Shop (A1/A3 Use) and Installation of Shop Front - 27 High Street, Headcorn, Kent	66
14.	Report of the Head of Environment and Public Realm - Street Cleansing Asset Management Plan - Review of Litter and Dog Waste Bins	67 - 86
15.	Report of the Head of Housing and Community Services - Homelessness Performance Quarter One	87 - 90
16.	Report of the Head of Housing and Community Services - Housing Assistance Policy 2016-2020	91 - 108
17.	Report of the Head of Housing and Community Services - Housing Enforcement Policy 2016-2020	109 - 146
18.	Report of the Head of Housing and Environment - Sites of Significant Interest: Matrix scoring	147 - 152
19.	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**

20.	Report of the Head of Housing and Community Services - Sites of Significant Interest: Matrix Scoring appendix A	Para 7: info re the prevention, investigation and prosecution of crime.	153
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## **MAIDSTONE BOROUGH COUNCIL**

### **Communities, Housing and Environment Committee**

#### **MINUTES OF THE MEETING HELD ON TUESDAY 21 JUNE 2016**

**Present:** Councillor Mrs Ring (Chairman), and Councillors M Burton, Joy, D Mortimer, Perry, Mrs Robertson, Webb and Webster

7. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

8. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no substitute members.

9. **URGENT ITEMS**

The Chairman stated, in her opinion, the Urgent Update received for the Part II item - Item 17 regarding the acquisition of property, should be taken as an Urgent Update as it contained information that would inform the Committee's decision on this item.

10. **NOTIFICATION OF VISITING MEMBERS**

There were no visiting members.

11. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

12. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

13. **EXEMPT ITEMS**

**RESOLVED:**

That the item on Part II of the agenda be taken in private as proposed.

14. **MINUTES OF THE MEETING HELD ON 12 APRIL 2016**

**RESOLVED:**

That the minutes of the meeting held on 12 April 2016 be approved as a correct record and signed.

15. MINUTES OF THE MEETING HELD ON 24 MAY 2016

**RESOLVED:**

That the minutes of the meeting held on 24 May 2016 be approved as a correct record and signed.

16. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

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

There were no questions from members of the public.

18. COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE WORK PROGRAMME 2016-17

The Committee noted the Committee Work Programme and noted that it would be updated for the meeting on 19 July 2016.

19. ORAL REPORT OF THE HEAD OF ENVIRONMENT AND PUBLIC REALM - ENVIRONMENTAL PERFORMANCE UPDATES

The Chairman explained the performance updates on the agenda had been requested so the Committee could be informed of the performance relating to this Committee's terms of reference prior to performance reports being presented to the Policy and Resources Committee.

John Edwards, Street Scene Operations Manager and Liz Hazell, Environmental Improvement Manager provided the Committee with an overview of the performance of their departments.

Mr Edwards explained that Keep Britain Tidy was commissioned to undertake three street cleansing surveys across the borough in line with the Defra Ni195 guidelines. Performance had fallen slightly showing that 5% of the streets in the borough had below the accepted standard for litter. However, when compared against national and South East benchmarks the borough had performed better, with the exception of fly-posting.

When looking at land types, litter in industry and warehousing areas showed the worst performance. This was being addressed through changes to the cleansing schedule, provision of bins and enforcement. Detritus on rural roads and other highways showed lowest performance. This was expected due to the nature of the environment and country paths that would not be swept. Graffiti on 'other highways' showed the lowest performance. When looked at in detail were found to be on rail land and footpaths between roads and estate, usually in private ownership.



Fly tipping incidences went up by 31 incidents last year compared to the previous year. Most of which was black sacks in urbanised areas. Teams were to trying to identify reason for this. Close monitoring of the tips and waste stations will be carried out to establish if there were any changes in performance in the first quarter of 2016.

Elizabeth Hazell, Environment Improvement Manager briefed the Committee on the waste and recycling performance. She confirmed performance finished last year at a recycling rate of 47.97% which was lower than the previous year of 49.11%. However, the tonnage of recycling collected for 2015 was much higher than 2014 with the exception of a three month period when it was slightly lower. Figures for April 2016 were available showing the general trend was upwards.

Overall composting rates were lower and recycling rates were higher showing an overall increase through collecting more tonnage of recycling material and an increase in food and garden waste.

Waste arisings for 2014 and 2015 showed similar patterns in performance and was the lowest for the last three years.

A contamination rate target of 8% and below, which was introduced this year and work was underway to meet this.

New Antisocial Behaviour Crime and Policing Act powers have enabled enforcement officers to tackle waste and noise issues resulting in a higher compliance rate. Fly tipping figures from April 2016 show five fixed penalty notices have been issued and three prosecutions have been achieved. It was noted that cases of fly tipping had to be proven beyond all reasonable doubt in order to prosecute.

The Committee noted the updates on Environment performance and agreed written reports would be provided for future performance updates.

20. ORAL REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - ENVIRONMENTAL HEALTH PERFORMANCE UPDATES

The Head of Housing and Community Services confirmed that the Low Emissions Strategy Workshop had been scheduled for 18 July 2016. Members were asked to contact Tracy Beatie to book their place.

The Head of Housing and Community Services explained written performance reports would be provided the Committee at future meetings.

He went on to provide an update on the performance of the Environmental Health Team. He reported that the team sends an annual report to the Food Standards Agency (FSA) each year showing the number of inspections carried out. The Team are given a target by the FSA each year and they had completed 99% of that target for 2015. Further performance reported was as follows:

- 933 inspections were carried out;
- There were a number of prosecutions for failure to comply with the correct standards;
- Health and Safety – 159 accidents were reported to through the Health and Safety Executive with 18 deemed to be serious – one was going through the prosecution process;
- 24 complaints had been received from members of the public regarding health and safety issues;
- 662 planning applications were given advice on air pollution etc.

The Committee heard that the new Contaminated Land Strategy was introduced and quarterly reports would come to the Committee once work gets underway.

21. ORAL REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - HOUSING REGISTER AND ALLOCATIONS PERFORMANCE UPDATE

The Head of Housing and Community Services provided the Committee with an update.

He informed the Committee that just over 600 housing applicants were on the housing register, a significant reduction for the same time in 2015, when there were 1400. There had been a small decrease over the last few months due to the annual review of applicants who wanted to remain on the registers.

Lettings figures for the first few months of the new financial year showed 103 households had been housed from the housing register.

Regarding the Banding system for housing applicants, the two highest bands; those who made a community contribution; and, those with a general housing need, had, overall, remained static for the past four years.

There had been an increase in people showing an interest in Shared Ownership products. These were managed through a home buy agent and the increase was probably due to Government schemes promoting starter homes.

The Committee had been concerned about the back log of applications on the housing register. The Head of Housing and Communities reported the following changes in these areas since March 2015:

Outstanding Housing application reviews	– reduced from 73 to 51
Outstanding Medicals	- reduced from 55 to 18
Outstanding Hardship cases	- reduced from 58 to 29

The Committee noted the oral update and thanked the team for their work in reducing the figures.

22. ORAL REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - HOMELESSNESS UPDATE

The head of Communities and Housing introduced the item and provided a brief background to what lead to the homelessness pressure group being invited to attend the meeting and address the Committee.

Jane Darling, Maureen Cleator and Dan Wilkinson addressed the Committee and explained they were working on organising a conference to bring together mixed groups of professional disciplines to come up with solutions to homelessness with homeless people at the centre.

They gave an overview of their visit to Manchester where a similar event was held and a Homelessness Charter developed.

In order to organise and hold the conference, the Committee heard, pledges would be needed but not just monetary pledges. Other pledges could be facilities to hold the event, expertise etc.

The Committee also heard about the work of the Make a Difference in Maidstone group.

The Committee agreed that the Head of Housing and Communities and his team would assist where they could with the organisation and delivery of the conference and would continue to meet with the group. It was agreed that an update report would be provided to the Committee at their meeting in September.

23. 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 12A and Brief Description**

Report of the Director of Planning and Development – Property Acquisition

Para 3 – Info re financial/business affairs

24. REPORT OF THE HEAD OF HOUSING AND COMMUNITIES - PROPERTY ACQUISITION

The Committee considered the Part II report seeking approval for the freehold acquisition of property in Maidstone.

Concerns were raised regarding the indefinite wording of the report, in particular to paragraphs 2.2 and 2.8. A request was made for the words “where possible” in paragraph 2.2 to be removed, and the word “some”

removed from paragraph 2.8 and the words “could be” in paragraph 2.8 replaced with “will be”. It was requested that the concerns be clearly minuted so that the follow up report from the Head of Housing and Communities could make clear the schemes provision for parking and open space.

**RESOLVED**

1. That upon the conclusion of the negotiations with the owners, seeking approval for the purchase of the sites on terms agreed by the Head of Finance and Resources, a follow up report be presented to the Committee.

Voting:        For – 9        Against – 0        Abstentions - 0

2. That delegated authority to conclude negotiations with the owners of the property in question be granted to the Head of Finance and Resources.

Voting:        For – 9        Against – 0        Abstentions – 0

25. **DURATION OF MEETING**

6:30pm to 8:15pm



# **Communities, Housing and Environment Committee Work Programme**

Democratic Services Team

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## **INTRODUCTION**

This document sets out the decisions to be taken by the various Committees of Maidstone Borough Council on a rolling basis. This document will be published as updated with new decisions required to be made.

## **DECISIONS WHICH COMMITTEES INTEND TO MAKE IN PRIVATE**

Committees hereby give notice that they intend to meet in private after its public meeting to consider reports and/or appendices which contain exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended). The private meeting of any Committee is open only to Members of the Council and Council officers.

- ∞ Reports and/or appendices to decisions which Committees will take at their private meetings are indicated in the list below, with the reasons for the decision being made in private.

## **ACCESS TO COMMITTEE REPORTS**

Reports to be considered at any of the Committees' public meeting will be available on the Council's website ([www.maidstone.gov.uk](http://www.maidstone.gov.uk)) a minimum of 5 working days before the meeting.

## **HOW CAN I CONTRIBUTE TO THE DECISION-MAKING PROCESS?**

You can submit a question to the relevant Committee, details are on our website ([www.maidstone.gov.uk](http://www.maidstone.gov.uk)).

Decision Maker and Date of When Decision is Due to be Made:	Title of Report and Brief Summary:	Contact Officer:	Public or Private (if Private the reason why)	Documents to be submitted (other relevant documents may be submitted)
<b>Communities, Housing and Environment Committee</b>  Due Date: Tuesday 19 Jul 2016  6	Street Cleansing Asset Management Plan - Review of Litter and Dog Waste Bins  Review of litter and dog waste bin provision across the Borough and consideration of proposals to address issues with bin condition and suitability.	Jennifer Shepherd <a href="mailto:jennifershepherd@maidstone.gov.uk">jennifershepherd@maidstone.gov.uk</a>	Public	Street Cleansing Asset Management Plan - Review of Litter and Dog Waste Bins
<b>Communities, Housing and Environment Committee</b>  Due Date: Tuesday 19 Jul 2016	Housing Enforcement Policy 2016-2020  Housing Enforcement Policy 2016-2020	Ellie Kershaw <a href="mailto:elliekershaw@maidstone.gov.uk">elliekershaw@maidstone.gov.uk</a>	Public	Housing Enforcement Policy 2016-2020

<p><b>Communities, Housing and Environment Committee</b></p> <p>Due Date: Tuesday 19 Jul 2016</p>	<p>Property Acquisition – Accommodation for Homeless Households</p> <p>Urgent update on decision not to proceed with property acquisition as a result of building survey report and further information that has come to light through legal property enquiries. Alternative options to be pursued.</p>	<p>Andrew Connors, Housing Enabling Officer  <a href="mailto:andrewconnors@maidstone.gov.uk">andrewconnors@maidstone.gov.uk</a></p>	<p>Exempt – Paragraph 3 = Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>Property Acquisition – Accommodation for Homeless Households</p>
<p><b>Communities, Housing and Environment Committee</b></p> <p>Due Date: Tuesday 19 Jul 2016</p>	<p>Sites of Significant Interest - Matrix scoring</p> <p>The Communities, Housing &amp; Environment Committee is asked to approve the scoring carried out against the Matrix by the multi-agency working group and to approve the action plan.</p>	<p>John Littlemore, Head of Housing &amp; Community Services  <a href="mailto:johnlittlemore@maidstone.gov.uk">johnlittlemore@maidstone.gov.uk</a></p>	<p>Public</p>	<p>Sites of Significant Interest - Matrix scoring</p>



<b>Communities, Housing and Environment Committee</b>  Due Date: Tuesday 19 Jul 2016	Homelessness Performance Quarter One  To update the committee on homelessness from April to June 2016	John Littlemore, Head of Housing & Community Services <a href="mailto:johnlittlemore@maidstone.gov.uk">johnlittlemore@maidstone.gov.uk</a>	Public	Homelessness Performance Quarter One
<b>Communities, Housing and Environment Committee</b>  Due Date: Tuesday 20 Sep 2016  → →	Strategic Plan Performance Update Q1 for CHE  A strategic performance update for the Communities Housing and Environment committee and related indicators and actions, for quarter 1	Anna Collier <a href="mailto:annacollier@maidstone.gov.uk">annacollier@maidstone.gov.uk</a>	Public	Strategic Plan Performance Update Q1 for CHE
<b>Communities, Housing and Environment Committee</b>  Due Date: Tuesday 20 Sep 2016	Kent County Council Waste Strategy Consultation  Maidstone Borough Council's response to Kent County Council's consultation for their new Waste Strategy	Jennifer Shepherd <a href="mailto:jennifershepherd@maidstone.gov.uk">jennifershepherd@maidstone.gov.uk</a>	Public	Kent County Council Waste Strategy Consultation

<b>Communities, Housing and Environment Committee</b>  Due Date: Tuesday 15 Nov 2016	Strategic Plan Performance Update Q2 for CHE  Quarter 2 performance update for Communities, Housing, and Environment committee and related indicators/actions	Anna Collier <a href="mailto:annacollier@maidstone.gov.uk">annacollier@maidstone.gov.uk</a>	Public	Strategic Plan Performance Update Q2 for CHE
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## **MAIDSTONE BOROUGH COUNCIL**

### **COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE**

**19 JULY 2016**

#### **REPORT OF THE LICENSING COMMITTEE**

##### **Hackney Carriage Specifications**

##### **1. Issue for Decision**

- 1.1 For Members to consider the Council's current Hackney Carriage Vehicle specification to expand the types of vehicle that can be licensed in Maidstone Borough area, and decide on any necessary amendments to the Hackney Carriage and Private Hire Licensing Policy and Hackney Carriage Vehicle conditions as a result.

##### **2. Recommendation Made**

- 2.1 That the Hackney Carriage & Private Hire Licensing Policy is amended to include the Peugeot E7 within the definition of approved vehicle; and remove Section 5 relating to the turning circle requirement of Appendix 5A of the Policy;
- 2.2 That the Hackney Carriage & Private Hire Licensing Policy is amended to give delegated authority to the Head of Housing & Community Services to add or remove vehicle types to those that are approved for licensing, on the condition that the vehicle has EC Whole Vehicle Type Approval.

##### **3. Reason for Recommendation**

- 3.1 The Council's current policy requires that Hackney Carriages licenced in the Borough meet the design criteria specified by the Metropolitan Conditions of Fitness (CoF). These are determined by Transport for London (TfL), formally, the Public Carriage Officer (PCO), which acts as the Licensing Authority in London for taxis. This means that entry on the hackney fleet in Maidstone is currently restricted to just two vehicles, the traditional London Taxi TX vehicles and the Mercedes Vito Taxi.
- 3.2 At the licensing Committee meeting on the 24 September 2015 Members were asked by the Hackney Trade to consider their request to licence the E7 Eurocab, built by Peugeot (Appendix A) and add it to the list of approved Hackney vehicles for the Borough of Maidstone. There are many other types of Eurocab which are not currently licensed, including Citroen, Discovery, Mercedes M8, Renault, Fiat, Volkswagen, Vauxhall and Ford.
- 3.3 However, it is important to note that there is no vehicle made for use as a Hackney Carriage that is truly and equally accessible to everyone. The most effective way to meet most people's needs is to allow a range of vehicles to be licensed as Hackney Carriages that are able to meet the

variety of needs for disabled passengers. The Hackney trade requested at the licensing Committee meeting on the 24 September 2015 that the Peugeot E7 by Allied Vehicles be added to the Authorities approved list. There are currently 48 Hackney vehicles licensed in Maidstone and the majority of them are of the TX type. The Peugeot E7 will be purchased by some drivers to replace some of those 48 vehicles.

- 3.4 During consideration at the Licensing Committee on 16 June 2016, Members agreed to recommend delegation to the Head of Housing and Community Services for the inclusion of new vehicles onto the Authorities approved list, but only where those vehicles have EC Whole Vehicle Type Approval.

#### **4. Wheelchairs**

- 4.1 There has been recent case-law that has challenged the type of vehicle that is licensed by local authorities on the basis that it discriminates against wheelchair users. The case is *Alma Lunt and Allied Vehicles Limited v Liverpool City Council* (2009) set out in Appendix B. In this case the Judgment found that Liverpool City Council had incorrectly considered that its Hackney Carriage fleet were 'wheelchair accessible' and that it was found the Authority had failed to consider wheelchair users who had wheelchairs larger than the 'reference' wheelchair. Their decision to refuse to licence an E7 Eurocab was quashed on appeal and returned to the Council for redetermining.
- 4.2 In light of this case, members are asked to consider the term 'wheelchair accessible'. Guidelines state that a vehicle is 'wheelchair accessible' if a wheelchair of a certain size and weight can be carried by the vehicle (referred to as a reference wheelchair). However, it does not cater for an increasing number of wheelchairs which are longer, higher, wider or heavier than the specification.
- 4.3 Section 49A of the Disability Discrimination Act 1995 requires public authorities carrying out their functions, to have "due regard" to a list of specified matters, including:
- The need to eliminate discrimination that is unlawful under the Act;
  - The need to eliminate harassment of disabled persons that is related to their disabilities;
  - The need to promote equality of opportunity between disabled persons and other persons;
  - The need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;

- The need to promote positive attitudes towards disabled persons;
- The need to encourage participation by disabled persons in public life.

Therefore, the Licensing Authority must have "due regard" to the needs of passengers who have wheelchairs that do not fit within the 'reference' wheelchair.

- 4.4 Where a policy requirement prohibits the licensing of a vehicle capable of meeting this need, the relevant Authority must show that they have paid due regard to this need and reflect this in their decision to adopt such a policy, therefore leaving the decision and policy open to challenge.
- 4.5 An Authority must also consider Article 28 of the EC Treaty when making such a policy. This Article prohibits measures of equivalent effect to quantitative restriction on imports. Where a vehicle has been purpose built as a taxi (such as an E7 Eurocab), and it cannot be sold within Maidstone as a taxi because policy prohibits this, then Article 28 is breached. The Eurocab type vehicles are not factory built hackney carriages but are modified for purpose as a hackney carriage they are M1 Vehicles designed and constructed for the carriage of passengers, comprising no more than eight seats in addition to the driver seat. The modified vehicles have EC Whole Vehicle Type Approval, this is the most stringent of vehicle certification.
- 4.6 The 'reference' wheelchair has standard dimensions, set by the Department for Transport. They are:
  - Height - 1,350mm
  - Length - 1,200mm
  - Width - 700mm
  - Weight (including occupant) - less than or equal to 300kg
- 4.7 There are an increasing number of wheelchairs in service which are outside of these requirements. Nationally, there are over 2,000 different types of wheelchair in use. Currently all types of electric and power assisted wheelchair are too heavy to be considered as reference wheelchairs and so are not considered in 'wheelchair accessible' surveys. Any standard bariatric wheelchair will also be outside of the accessible terms due to weight.
- 4.8 The consideration should reflect whole vehicle types, rather than specific models. The vehicle types can either follow an approved list, decided on a case by case basis in consultation with the trade, or using the current M1 EC Whole Vehicle Type Approval system.
- 4.9 Members should also consider matters relating to restraint safety. The LTI and Reliant Metrocab Hackney Carriage vehicles licenced in Maidstone have restraints that cater for rear facing wheelchair

passengers and this is the only method of carriage available in these vehicles. There is an approved method of securing both the wheelchair and passenger when secured rear facing. However there is a current level of risk where the wheelchair does not rest against the partition bulkhead. This was considered in the Department for Transport consultation and it was proposed to introduce additional head and neck restraints. The Mercedes Vito vehicle licenced by Maidstone Council can be fitted to carry wheel chair passengers both front and rear facing. Furthermore, with a rearward facing wheelchair in a frontal impact, the restraint offers only offers protection against recoil, it does not protect against the initial impact.

4.10 A number of Eurocab vehicles differ due to the number that caters for forward facing wheelchairs. A number of vehicles also offer adjustable restraint tracks. Forward facing restraints will offer more protection against frontal impacts.

4.11 Additionally, design improvements in vehicle types are now catering for increased accessibility measures. These measures include electric ramps, electric retractable seats, adjustable floors, etc.

## **5. Turning Circle**

5.1 Our current policy includes under the Hackney Vehicle specification a condition that refers to the "Turning Circle" Page 39, number 5:

(i) The vehicle must be capable of being turned on either lock as to proceed in the opposite direction without reversing between two vertical parallel plans not more than 8.535 metres apart. (28.19 feet)

(ii) The wheel turning circle kerb to kerb on either lock must not be less than 7.62 metres in diameter. (25 feet)

5.2 Currently there are only two vehicles that can meet the turning circle requirement and fall within the Councils policy for hackney carriage vehicles i.e. The London Taxi Cab vehicle and the Mercedes Vito Taxi. This condition would need to be removed from the policy in order to include the Peugeot E7 to the approved list.

## **6. Alternatives Considered**

6.1 That the current Hackney Carriage specifications remain in place.

## **Appendices**

Appendix A – Peugeot E7 Brochure

Appendix B – Alma Lunt

Appendix C – MBC Hackney Carriage and Private Hire Licensing Policy

E7™ from Peugeot and Cab Direct





**FIVE YEAR  
UNLIMITED MILEAGE  
ENGINE & GEARBOX  
WARRANTY**

18



## Contents

- 05 Purpose-built Taxi
- 06 Drive in Style
- 09 Driveability
- 10 Passenger Comfort
- 12 Peugeot HDi
- 13 Lean & Green
- 15 Even Smoother, Even Safer
- 16 Access for All
- 17 Model Choice
- 18 Features & Options
- 20 Technical Specification
- 21 Colour Choice
- 22 Why Cab Direct
- 23 Peace of Mind

Information correct at the time of going to press.  
Specifications may be subject to alteration.



## The Next Generation

The Peugeot E7™ has truly revolutionised the UK's hackney taxi market since its launch, allowing you to carry up to seven passengers in comfort and style. Tailor-made for the professional driver, E7™ combines a class leading engine with unrivalled levels of comfort, accessibility and space making it the perfect cab for the job you do.

For more information or to arrange your free, no-obligation test drive freephone **0800 587 9630**, email **info@cabdirect.com** or visit **www.cabdirect.com**. We look forward to meeting you.





20

Designed and manufactured jointly by Peugeot and Cab Direct, reliability and performance are hallmarks of the E7's success in the hard-working UK hackney taxi fleet. The secret of that success lies in a vehicle that is genuinely purpose-built, combining a class-leading engine, drive train and vehicle body, all designed to work in perfect harmony.





# Purpose-built Taxi

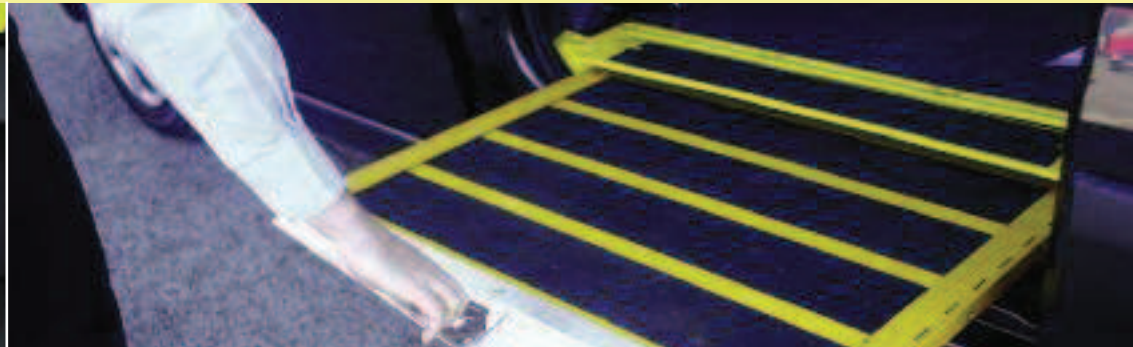
Think Smart, Think **E7**™



Six-seat passenger compartment



Protective bumpers with integral fog lamps



Original EasyGlide™ pull-out ramp

21

## Development

A £473 million development programme has created the ideal combination of engine, clutch and gearbox, designed and tested in tandem with the E7's high-strength monocoque vehicle body. Modern design excellence is carried through to the superb driving position, high impact partition screen and comfortable rear passenger compartment to complete the ideal hackney taxi.

Side rubbing strips and large, multi-section bumpers provide vital protection against minor bumps and scrapes. And unlike many other taxis, the E7™ comes to you with the reassurance of the highest possible standard of safety testing – European Whole Vehicle Type Approval (Type Approval number e11\*2001/116\*0315).



# Drive in Style



Dash-mounted intercom



FareAssist™ quick release door system



Overhead storage compartments

22

When your vehicle is your workplace, comfort and convenience are certain to be high on your list of requirements. Which is exactly why E7™ offers a new dimension in driver benefits.

## Comfort Cab

Inspired vehicle design has created even greater driver comfort. The carefully sculpted driver's seat comes with active, pump-action height and tilt adjustment which, combined with steering column adjustment, allow you to create your optimum driving position. E7's top-specification driver's seat even provides additional lumbar support – perfect for anyone who spends long hours behind the wheel. In addition the low, one-step well is also ideal for anyone who gets in and out of the cab several times a day.







Electric one-touch windows, multi-function heater and air conditioning – all as standard features – mean you're sure to find the right working temperature, whatever the weather. The in-built CD/radio comes with remote controls, handily located on the steering column. You can even choose to play front and rear speakers or switch to front only, so you can enjoy your favourite music while your passengers chat amongst themselves. Plus, for even greater convenience, the E7™ taxi now also features our unique new FareAssist™ quick release door system. This means you can unlatch your passenger doors at the touch of a button.

### **Storage Space**

You'll also find numerous storage areas for the daily essentials of the working taxi driver. In addition to overhead lockers, door cubbies and under-seat pockets the centre console storage bin is sure to come in handy, as will the dashboard mounted retractable cup holders.









Six-speed Peugeot auto gearbox



Speed-sensitive power steering

**Now Available in  
Auto or Manual**

Quite simply E7™ drives like a dream. Numerous independent road tests have highlighted the vehicle's superb all-round vision, manoeuvrability and handling.

The raised driver position plus large area windscreen and side windows create exceptional visibility, especially useful in busy traffic. Similarly the large area tailgate window provides enhanced rear visibility which, together with superb full-size wide angle door mirrors, will make your life as easy as possible. Add to this Peugeot's latest electro hydraulic speed-sensitive power steering, and the legendary responsiveness of the HDi engine and you have a nimble and manoeuvrable cab that's ideal for the busiest traffic conditions.

Now, for the first time, you also have the choice of Peugeot's easy action six-speed gearbox or the all-new, fully automatic option - so smooth you'll scarcely know you've changed gear.



# Passenger Comfort



***E7's spacious passenger compartment promises your customers a relaxing journey, every fare.***

Excellent road-holding and modern suspension guarantee passengers a flat and comfortable ride. Inside, comfortable facing seating accommodates six passengers in the rear compartment. Plus, with the addition of our new soft-sit rear tip-up seats, your customers will now enjoy even greater comfort levels. Finished to the highest quality using proven, hard-wearing material, the passenger area also benefits from separately controlled heating. Similarly the dash-mounted EasyTalk™ two-way intercom – uniquely designed for the E7™ with variable audio control – makes communication easy. Business passengers can even plug in their laptop as they enjoy the journey.





27

### Bags of Space

Whether it's hotels, train stations or airport runs, today's passengers often come with plenty of luggage. Which is why E7™ brings you an amazing 70% more luggage space. Even better, the celebrated EasySlide™ rear seat enables you to create even more room for loading cases out of harm's way. For added storage choose an additional luggage pen up front beside the driver. You also have the option of the E7™ Plus, with even greater luggage room – ideal for regular airport fares.

### Safety Zone

Sadly, protection from violence against taxi drivers is becoming ever more important. The steel reinforced partition features a high-impact protection screen tested to European standards. The driver can also choose added security by locking both front doors while the rear doors remain open for passengers.

# Peugeot HDi



**42.8  
MPG\*  
MANUAL** | **37.1  
MPG\*  
AUTO**

## Diesel Technology

**Pioneers in diesel engines since 1928, Peugeot continues to lead the world in diesel technology.**

Powered by the latest generation of diesel engines, the *E7™* power plant is more economical than ever before. Offering a class leading blend of performance and economy, *E7™* returns an impressive 42.8mpg (auto – 37.1mpg) on the combined cycle, making it one of the most cost effective hackneys on the market today.

### Pulling Power

Power is one thing, smooth performance another. The *E7's* 2.0 litre HDi engine manages to deliver both at once, for maximum driveability and responsiveness. In fact, hand in hand with improved fuel efficiency, *E7's* latest engine returns an increased 130 brake horsepower (auto – 163

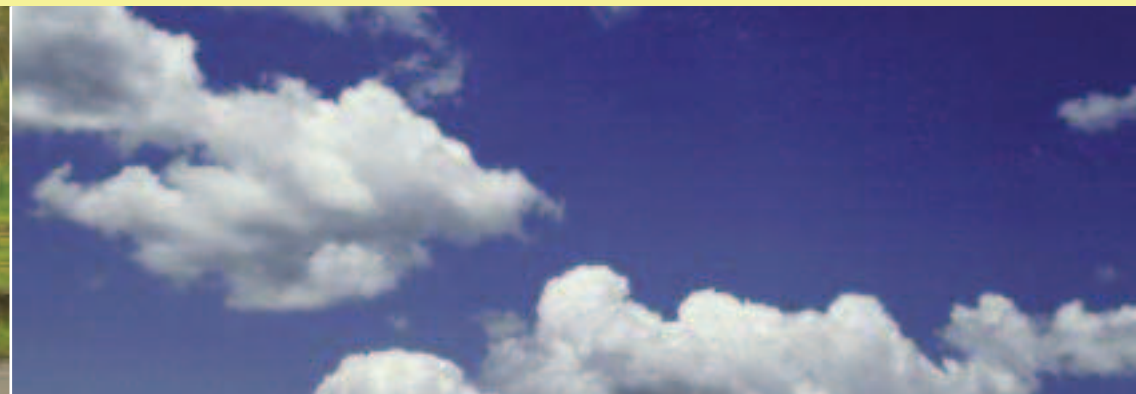
brake horsepower). Touch the accelerator and the HDi engine responds instantly and eagerly. Take your foot off the pedal and *E7™* decelerates with perfect poise. All round-smoothness that's a joy for both driver and passengers.

### Money Saver

When times are tough, it's more important than ever to get the best value out of your cab. It's your livelihood after all. With Peugeot's latest diesel engine under the bonnet you can be sure to do just that. With HDi you can work longer – and earn more – on one tank of fuel than you can with other purpose built taxis.

### Now that really matters.

\*Official VCA fuel consumption figures, combined cycle.



29

**E7's Peugeot HDi engine is quite simply one of the most fuel efficient and environmentally friendly power-plants on the market.**

### **Economy**

Because Peugeot's direct injection system delivers fuel with incredible precision, HDi engines carefully regulate use of fuel, cutting the overall amount you need and making them more economical than other diesel engines. On top of this E7's modern aerodynamic shape, including the stylish low-profile taxi sign and rear spoiler, also improves fuel consumption through reduced wind resistance.

### **Environment**

E7's HDi engine comfortably exceeds the Euro 5 emissions standard, which means it substantially reduces harmful exhaust fumes that can pollute towns and cities. CO<sup>2</sup> emissions - the 'greenhouse gas' that causes global warming - are also significantly lower than other hackney taxis. The HDi engine can even operate on up to 30% bio diesel.

**"The E7's fuel efficiency is a big plus for me."**

**Tommy Larravide**, Peugeot E7™ owner.





**E7's market-leading HDi engine is complemented by its modern vehicle body and platform.**

#### **Smooth Roller**

Driving thousands of miles every year is guaranteed to make you and your back sensitive to every bump of the road. The ultra-modern vehicle platform means that E7™ promises an even more comfortable journey for both you and your passengers.

All-round independent suspension ensures excellent road holding and minimal roll. This is complemented by the strong body shell, boasting the best torsional stiffness in its class. Superior build quality – including improved under body sound insulation – also means that the E7™ offers a smoother, quieter ride with reduced vibration and road noise.



# Even Smoother, Even Safer

Think Smart, Think **E7™**



31

## Stop Fast

All-round disc brakes, aided by advanced four-channel ABS braking plus Emergency Brake Assist, ensure impressive stopping ability, helping keep you on the right track when lesser vehicles would be skidding out of control.

## Safety Shell

Safety for you and your passengers is paramount. E7's monocoque vehicle body provides a supremely strong shell to manage everyday driving stresses as effectively as it copes with the drama of an accident. In-built crumple zones are designed to absorb energy in the event of impact, making it safer for both driver and passengers and for other road users than a traditional, chassis-built vehicle. Add pre-tensioning 3-point

seat belts and front and rear head restraints, along with front and side airbags for the driver, and it's easy to see why E7™ is a leader in the field of safety.

Autolock™ indicators also enable you to prevent your passengers exiting into traffic from the wrong side of the vehicle.



# Access for All



32

Taxis provide a vital component of the UK's public transport network. Disabled people in particular often depend on taxis to get about, which is why E7™ raises standards in accessibility for disabled passengers. Options include induction loops for the hard of hearing, while all E7's are fully wheelchair accessible.

## Easy Does It

Manual or cab-operated electric side-steps, together with high-visibility grab handles and floor edging assist passenger entry and exit, while both rear and tip-up seats are ergonomically designed for ease of use. E7's wide doorway is a bonus for wheelchair users in particular. You also have a choice of wheelchair ramps, depending on the model, including the revolutionary EasyGlide™ pull-out ramp – even lighter, even quicker and even easier to use.

## Wheelchair Security

Once inside the vehicle, the larger flat-floor area and improved headroom make manoeuvring the wheelchair into the correct travelling position so much easier than in other hackney cabs. Quick-attach restraints make securing the wheelchair as easy as possible and the wheelchair passenger is also secured by a full lap-and-diagonal seat belt. Both wheelchair and occupant restraints have been tested to the highest standards ever achieved in a UK taxi.

At Cab Direct we believe in choice – and that taxi owners and drivers are best placed to decide on the ideal vehicle for the job you do. That's why we've created three fantastic models for you to choose from.

## Additional Features by Model

All models are also available in the longer E7™ Plus for even more luggage space and in a choice of manual or automatic transmission.

	E7 S	E7 SE	E7 XS
2 litre HDi diesel engine	•	•	•
6-speed gearbox	•	•	•
Air conditioning	•	•	•
Front passenger seat	•	•	•
Front flip seat			•
Manual side step or twin running boards	•		
Electric side step or twin running boards		•	
Twin electric side steps or twin running boards			•
Rear tailgate with window and wiper	•	•	•
FareAssist™ quick release door system	•	•	•
One-piece folding ramp	•		
EasyGlide™ under-floor ramp		•	•
Self-retracting wheelchair restraints	•	•	•
Rear spoiler / signage	•	•	•
Ready-calibrated Digitax taxi meter		•	•

	E7 S	E7 SE	E7 XS
Coin dispenser		•	•
Tom Tom satellite navigation			•
Rear parking sensors			•
Jocaste velour trim	•	•	•
16" steel wheels plus 'Novae' wheel trims	•	•	
16" alloy wheels			•
Mud flaps			•
Wind deflectors			•
Wood dash kit			•
EasyWipe™ rear seat covers			•
2 year unlimited mileage Peugeot warranty	•	•	•
2 year additional components warranty	•	•	•
5 year unlimited mileage engine & gearbox warranty	•	•	•
1 year Peugeot Assistance cover	•	•	
3 years Peugeot Assistance cover			•

# Features & Options



Sliding rear seat



FareAssist™ quick release door system



Increased luggage space



High visibility LED taxi sign

Purpose-built for the taxi trade, E7™ is designed and built with a host of modern features to benefit you and your passengers.

All models are also available in the longer E7™ Plus for even more luggage space and in a choice of manual or automatic transmission.

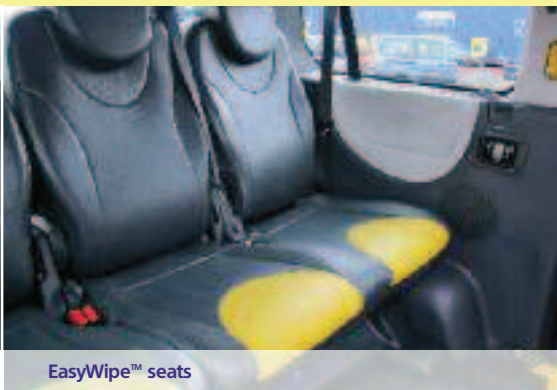
## Standard Features

Taxi Features
Full high-impact protection partition screen
Pay tray with cash tray
Separate locking of front or all doors (driver controlled)
Motion-activated automatic door locking
Full wheelchair access
Two-way intercom with dashboard integrated on/off, front/rear & volume controls
Front high-visibility LED taxi sign
Separately controlled rear saloon heater
EasySlide™ rear seat for additional luggage space
FareAssist™ quick release door system
Comfort & Convenience
Athermic windscreen
Variable power assisted steering
One-touch electric front windows
Electrically adjustable & heated door mirrors
2-speed + intermittent front wipers
Heated rear window with wiper

Height & reach adjustable steering wheel
Active, pump-action height and tilt adjustable driver's seat
Lumbar support adjustment for driver's seat
4-speed heater
Air conditioning
Full headlining
High-quality, hard-wearing 'Leisure' seat covers throughout
Centre console with storage bin
Overhead, dash & under seat storage
Door pockets with drinks holders
Dash-mounted cup-holder
Distance to next service indicator
Remote headlamp adjustment from fascia
Entertainment
Stereo radio / CD
Automatic cut-out for radio / CD when intercom activated
Steering wheel remote controls for radio / CD
Interior Features
Jocaste velour trim in front and rear (EasyWipe on XS model)

Speedometer
Rev counter
Front & rear courtesy lights
12V charging sockets on dashboard & in rear compartment
Business card / parking ticket holder
Exterior Features
Rear tailgate with heated window & wiper
Full size spare wheel
Part colour coded bumpers & door mirrors
16 inch steel wheels (alloy wheels on XS model)
Front & rear fog lights
Side rubbing strips
Access Features
Manual side step; or new, increased power, twin drive, electric side step (electric step controlled from driver cab & self-retracting on handbrake release)
Folding flatbed or EasyGlide™ under-floor ramp
High visibility grab handles
Self-retracting wheelchair restraints





EasyWipe™ seats



Twin drive electric side step



Digitax taxi meter



Alloy wheels

35

Lap & diagonal three-point seat belt for wheelchair passenger
Wider entrance door & access ramp
Large flat-floor area for turning & restraining wheelchair
Option of forward facing stance for some wheelchairs
<b>Safety</b>
ABS with emergency brake assist
Anti-rollover control
Height adjustable 3-point pre-tensioner front seat belts
Front & side driver airbags
Front passenger airbag
Height adjustable head restraints on all seats
Collapsible steering column in event of accident
Automatic fuel cut-off in event of accident
Autolock™ rear passenger door controls
Driver security lock for passenger doors
Indicator-activated rear door locks
ISOFIX mounting system
<b>Security</b>
Plip remote control central locking
Deadlocks
Lockable glove box

<b>Warranty &amp; Breakdown Cover*</b>
2 year unlimited mileage Peugeot warranty
2 year additional components warranty
5 year unlimited mileage engine and gearbox warranty
1 year Peugeot Assistance cover (3 with XS model)

## Optional Features

Fully colour coded front & rear bumpers
Front flip seat
Metallic paint
Twin running boards
Electric side step
Twin electric side steps (standard with XS model)
Twin telescopic ramp
One-piece flatbed ramp
EasyAssist™ electric wheelchair winch
Forward-facing wheelchair restraints (SE and XS only)
Ready-calibrated Digitax taxi meter
Coin dispenser
Tom Tom satellite navigation
Rear parking sensors
16" alloy wheels
Mud flaps
Wood dash kit

Wind deflectors
Front luggage pen (in place of standard front passenger seat)
Additional boot courtesy light
EasyWipe™ seat covers
3 years Peugeot Assistance cover
CabSafe™ onboard CCTV system
Driver's carpet mat
First aid kit
Fire extinguisher
Supagard professional vehicle protection
Punctureseal™ tyre life extender
Hearing induction loop
Chrome side and rear kickplates
Additional floor level lighting
EVO style pack - colour coded driver compartment, tip-up surrounds and rear EasyWipe™ seats, chrome side and rear kickplates, additional floor level lighting

\*Terms and conditions apply.

# Technical Specification

36

	130 PS HDi Manual	163 PS HDi Auto
Engine		
Emission standard	Euro 5	
Fuel type	Diesel	
Fuel system	Common rail direct injection	
Cubic capacity	1997	
Cylinders / valves	4 / 16	
Maximum power bhp @ rpm	128@3,500	163@3750
Maximum power kW @ rpm	94@3,500	120@3750
Maximum torque lb ft @ rpm	236@2,000	251@2000
Maximum torque Nm @ rpm	320@2,000	340@2000
Transmission		
Type	6-speed	
Driven wheels	Front	
Braking		
Front	Ventilated disc	
Rear	Solid disc	
ABS	Bosch 4-channel anti-lock braking system	
Assistance	Emergency Brake Assist	
Steering		
Power assistance	Electro-hydraulic variable assistance	


130 PS HDi Manual		163 PS HDi Auto
Suspension		
Front	Independent pseudo MacPherson-type with lower wishbone & anti-roll bar	
Rear	Semi-deformable axle with offset Panhard rod & coil springs	
Fuel Tank		
Capacity (litres)	80	
Electrical		
Alternator	75Ah	
Battery	800A	
Body		
Vehicle shell	Monocoque integral body shell	
End of Life		
Post-use	Complies with EC vehicle end-of-life directive	
Fuel Consumption (mpg)		
Urban	37.1	31.3
Extra urban	47.0	41.5
Combined	42.8	37.1
Emissions		
CO2 (g/km)	172	199

	130 PS HDi Manual	163 PS HDi Auto
Emissions (cont.)		
CO (mg/km)	336	212
NOx (mg/km)	181	229
HC + NOx (mg/km)	213	253
Particulates (mg/km)	1.5	3
Service Intervals		
Recommended mileage	12,000	
Weights (kg)		
Kerb weight (Plus)	1901 (1923)	1917 (1934)
Gross vehicle weight (Plus)	2780 (2810)	2780 (2810)
Seating		
Passenger seats (rear)	6	
Passenger seat (front)	1 (optional)	

Dimensions (mm)	Standard	Plus
Overall length	<b>4813</b>	<b>5143</b>
Overall width (inc door mirrors)	<b>2176</b>	<b>2176</b>
Overall height	<b>1980</b>	<b>1980</b>
Wheelbase	<b>3000</b>	<b>3122</b>

Plus = long wheelbase model.

# Colour Choice

Think Smart, Think 

Choice is the word again with no less than six different colours available\*.  
From classic black to ardent red, E7™ is available in two solid and four metallic finishes.

## Solid

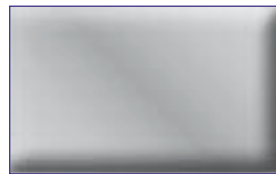


Black

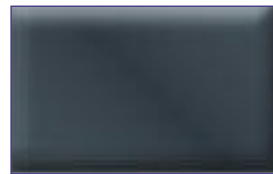


Bianca White

## Metallic



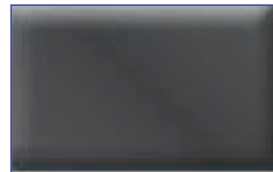
Aluminium



Iron Grey



Ardent Red



Astor Grey



\*Special colours available to order on request. Colour palette for illustrative purpose only.



## Why Cab Direct?

08

**There are many good reasons why more people choose Cab Direct – and choose the E7™ - than any other modern taxi manufacturer in the UK.**

- Engineering excellence through a unique joint-manufacturing partnership with Peugeot
- Solid company background, trading successfully in the taxi market for 20 years
- Safety-assured with European Whole Vehicle Type Approval
- Free, no-obligation demonstrations throughout the UK
- Free delivery anywhere in the UK
- Peace of mind with free five year, unlimited mileage engine and gearbox warranty
- Service and support from more than 300 local service partners
- Free technical helpline, open seven days a week

Many companies have tried to copy our vehicles but none match the overall quality of product, backup service and value for money represented by the record-breaking E7™.







## Peace of Mind

When your vehicle is your livelihood, you'll want to know your cab is reliable and you'll want to be sure you're covered should anything major go wrong.

### Your Reassurance

Modern build quality combined with the legendary Peugeot HDi engine have given the E7™ an enviable reputation for reliability. That's why so much of our business comes from E7™ drivers who recommend the vehicle to other drivers.

### Service and Support

Efficient service and support is vital for everyone in the hard-working taxi industry. First and foremost you'll have access to more than 300 local service partners throughout the UK. There's also the added benefit of our huge stock of E7™ parts which can be delivered overnight to you or your garage service provider. We even provide a free technical helpline, open seven days a week, to help you resolve any queries and issues that may arise. You'll also have the benefit of free Peugeot Assistance breakdown cover for the first year (three years on E7 XS).



"I strongly recommend the E7 and Cab Direct to anyone looking for a quality vehicle and first rate service."

Blyth Garvie, Peugeot E7 owner.

For further information or to arrange a free home demonstration call our friendly customer service team today or visit our website.

0800 587 9630

[www.cabdirect.com](http://www.cabdirect.com)



**ADVICE FOLLOWING THE CASE OF:**

**(1) ALMA LUNT**

**(2) ALLIED VEHICLES LTD -v- LIVERPOOL CITY COUNCIL**

Brief background to the case

Mrs Lunt had a back injury necessitating her distributing her weight by reclining the back of her wheelchair and using footrests. This resulted in her wheelchair being longer than say the standard length and it measured some 1200mm. There was a survey done by the Department of Transport Mobility Inclusion Unit which states that she is not alone in having a wheelchair of a variant length and shares this characteristic which several hundred wheelchair users in the UK.

Mrs Lunt was the voluntary Chair of the Merseyside Coalition of Inclusive Living and also treasurer of the Liverpool Wheelchair Users Group. She also participated in the policy forum of the Liverpool City Council concerned with wheelchair access issues. In 2007 she became aware of an application by Allied Vehicles to licence the Peugeot E7 for use as a hackney carriage. She tried the E7 herself and she was impressed with it.

Mr Edwards was Liverpool city's principal licensing officer and he produced a report on 31 October 2007 and repeated in a second report in 2008 the following: "Before a type of vehicle may be licensed as a hackney carriage it needs to be approved by the Liverpool City Council as a suitable vehicle for use as a taxi cab in Liverpool. The council has accepted that purpose built taxis which comply the conditions of fitness of the London carriage office are suitable for such use. Other vehicles are considered on the merits but to date no vehicle which is unable to meet the conditions of fitness have been approved by the council."

He then made reference to an equality impact assessment document in which he noted that the standard of the London conditions of fitness laid down critical standards which vehicles must attain before being licensed as a hackney carriage. The licensing committee makes reference to those standards "If a vehicle falls short of those standards it will generally not be approved for use as a hackney carriage".

On 31 October 2007 the licensing committee first considered the matter. It heard from Mr Fry who was an employee of Allied Vehicles, Mrs Lunt and Mr Bruce, Chairman of Liverpool Wheelchair Users Group. The minutes summarised "They are in favour of the E7, not all TX vehicles are wheelchair accessible".

Others opposed the application including the manager of the TX range. The hearing was adjourned for further information to be obtained and consultation with others including other local authorities on the types of vehicles they authorised for use as hackney carriages.

On 4 March 2008 there was a meeting lasting some hours between



Mr Edwards, Mr Bruce, Mrs Price and Mrs Lunt. The last three disagree with Mr Edwards recollection of what was said at that meeting in particular with the safe securing of wheelchairs in taxis. After that meeting Mr Edwards completed the disability impact assessment. This said, amongst other things, that the application could present the potential for a dis-benefit to wheelchair users if the E7 were not approved. It went on to say "However due to the vehicles size and engineering considerations associated with the design, it cannot conform to the minimum turning circle requirements associated with hackney carriages and is higher off the ground creating increased wheelchair ramp angles. He further wrote "The licensing committee will consider any application on its merits submitted by any vehicle manufacturer who designs and builds a vehicle which is constructed for public hire activity."

The report contained comments made by a Mr Gore who was the Merseyside police force vehicle examiner. However it is fair to say that the E7 was modified in the period between the first and second reports and concerns relating to the steep ramp and sliding doors had been addressed by the applicant.

Allied Vehicles prepared a report setting out accurately Mr Bruce's and other wheelchair users concerns including the knowledge that some wheelchair users were excluded from use of the present licensed taxis. Wheelchair users were often left unsecured and in a dangerous situation when travelling and that the reason for this situation was the limited turning area available in the rear of London style taxis. This report also contained reference to the Lowland report which was a report commissioned by Lowland Market Research to investigate wheelchair user's taxi journey experiences.

During the hearing Mrs Price also addressed the committee but despite this material the chairman felt that these matters were all down to driver error which could be addressed by training.

Allied Vehicles submitted information relating to other local authorities which did licence the E7 including those surrounding Liverpool city so that people could begin their journeys outside of Liverpool but end them in the city but could not hall or begin their journey there in an E7.

Committee met on 28 March 2008 and decided to refuse by a vote of four to two the application. They said they were conscious of the need to give due regard to the Disability Discrimination Act 1995 as amended, but three features caused them concern in relation to the E7. Firstly, sliding doors and safety issues arising from that, second the size of the intermediate step and thirdly the size of the turning circle.

#### The challenge

The challenge by Mrs Lunt and Allied Vehicles being claimants (1) and (2) respectively was as follows:



- (1) Unjustified discrimination contrary to Section 21D and E of the Disability Discrimination Act as amended with effect from 4 December 2006.

21D discusses the meaning of discrimination contained with 21B of the Disability Discrimination Act 2005. Briefly this means that a public authority discriminates against a disabled person if:

- (a) for reasons which relate to the disabled persons disability it treats him/her less favourably than it treats or would treat others to whom that reason does not apply; and
- (b) it cannot show that the treatment in question is justified under Sub Sections 3, 5 or 7C, which relate to employment discrimination.

21E concerns a public authority's duty to make adjustments where a policy or procedure makes it impossible or unreasonably difficult for disabled persons to receive any benefit that is or may be conferred.

- (2) The second challenge related to the council's failure to have due regard to its duty under Section 49A(1) of the Disability Discrimination Act which outlines public authorities general duty to have the need to:

- (a) eliminate discrimination which is unlawful under the Act;
- (b) eliminate harassment of disabled persons which is related to their disabilities;
- (c) promote equality of opportunity between disabled and other persons;
- (d) take steps to take account of disabled persons' disabilities, even Where that involves treating disabled persons more favourably than other persons;
- (e) promote positive attitudes towards disabled persons; and
- (f) to encourage participation by disabled persons in public life.

- (3) The third challenge was that the committee exercised its public law discretion in regard to licensing the E7 on the basis of material and undisputed errors of fact and that their judgement was based on a decisive error and there were grounds of unfairness in that; they failed to understand that all its licensed hackney carriage fleet was accessible to all wheelchair users and misunderstood and mis-stated the impact that the maintenance of the present practice was having. They understood that this was merely restricting the choice and convenience of wheelchair users as opposed to the ability of some users to use the present licensed taxis in Liverpool at all in a safe position. Therefore it was said, they could not have reached a lawful conclusion on the merits of the application or the extent to which it constituted discrimination. The committee decision to base its consideration of the Disability Discrimination Act community law claim points on safety considerations was flawed because the material upon which it relied was inadequate as



the committee had failed to obtain relevant evidence from a competent source to advise on the question.

One of the grounds of the defence was that judicial review was not the way to proceed since Mrs Lunt had recourse to the civil courts by way of a damages claim. This was refused by Justice Blake who said that judicial review was an appropriate way to proceed.

Justice Blake in the Lunt case accepted the claimants, that is Mrs Lunt and Allied Vehicles, primary submission that the decision was liable to be quashed because the judgement of the committee was based upon the fundamental mis-stating of the factual position. The true factual position being a mandatory relevant consideration (that is something which has to be taken into consideration) both under Section 49A of the Disability Discrimination Act and at common law.

In relation to common law discretion a lawful exercise of discretion could not have been performed unless the committee properly understood the problem, its degree and extent. The amount of discretion as to fact and policy allowed to decision makers under the common law only applies to decision makers who have acted fairly and directed themselves accurately on the relevant considerations to be weighed, in the making of a judgement on the exercise of the discretion.

The committee clearly based their decision on the erroneous belief that all its existing fleet of 1400 London style taxis were accessible to wheelchair users generally and that that must mean to all wheelchair users. The problems of safe position and strapping of wheelchairs was put down to driver error rather than the constrictions of space. Therefore it felt that it was dealing with a wish by wheelchair users for a greater degree of choice rather than something which restricted their ability to access the taxi (benefit) at all. This error was critical to its decision in respect of its Disability Discrimination Act duties.

Referred to in the Lunt case is the Edinburgh study which was put before Edinburgh City Council on 20 June 2006. This concluded that there was no overriding evidence either way regarding the safety risks of u turns against 3 point turns. Unlike the PCO (Public Carriage Office) Edinburgh did not consider this a reason to retain the turning circle.

Justice Blake also outlines in the Lunt case a six step approach to deal with Section 21 of the Disability Discrimination Act and the procedure to be considered is outlined below in relation to Norwich City Council's Regulatory committee.

1. *Does the council have a policy or procedure in relation to the licensing of hackney carriages?*

Answer: Yes. We have vehicle specifications which applicants' vehicles must conform to before being licensed as a hackney carriage.



2. *Does this practice or policy make it impossible or unreasonably difficult for disabled persons to receive any benefit that is, or may be conferred by the council?*

Answer: Yes. The benefit is the ability to access taxis. We are now aware of groups of disabled persons who cannot use the London style of taxi safely and with dignity and in some cases not at all. Whilst we have not been approached by a person in Mrs Lunt's position, this potential to deny a benefit to the disabled is clearly contrary to the intention and spirit of the Disability Discrimination legislation.

3. *Is the council under a duty to take such steps as are reasonably practicable in all the circumstances of the case for it to change that practice/policy and proceed/procedure so that it no longer has that effect?*

Answer: Yes.

4. *Has the council failed to comply with its duty to take such steps?*

Answer: No. The committee is considering that as one of the relevant considerations at this hearing.

5. *Not applicable as there is no failure.*

6. *Can the council show that any failure to comply with a change in policy/procedure/practice is justified on the grounds that it reasonably holds an opinion that non-compliance is necessary in order not to endanger the health and safety of any other person; or its failure is justified as a proportionate means of achieving another legitimate aim.*

Answer: The Council have the ability through the committee to allow the E7 to be licensed by relaxing the vehicle specifications. Whilst it is a matter for members' views it is the opinion of your officers that no compelling reason under health and safety issues has been shown under this application nor is there another legitimate aim which retention of the current vehicle specification can be said to meet.

Committee members should note that it is not necessary for the feature in question to cause unreasonable difficulties for all disabled persons or even most disabled persons, any significant impact on wheelchair users as a class will suffice and act as a trigger for the disability discrimination duties.

It may be helpful for the committee to consider the Disability Rights Commissions comments in the Lunt case;



"The policy of the Act is not a minimalist policy of simply ensuring that some accesses are available to disabled persons; it is so far as is reasonably practicable to approximate the access enjoyed by disabled persons to that enjoyed by the rest of the public.

They go on to describe due regard and say that public authorities must have due regard to their duties and that due regard should be fulfilled before and at the time that a particular policy/procedure that will or might affect disabled people is being considered by the public authority in question. That due regard must be exercised with substance and rigour and an open mind. Not just ticking boxes but integrated with the discharge of public functions of that authority. It is a non-delegable duty. Although another body may be authorised to carry it out on behalf of the authority they must retain in overall control of it. It is clearly a continuing duty and it is good practice for those exercising public functions in public authorities to keep an adequate record showing that they have considered disability equality duties and all the relevant questions.

#### Article 28

European Court of Justice (ECJ) has in many cases developed and explained the difference between general non-discriminatory conditions attached to the selling of goods in a member state and conditions attached as to product requirements and restricting the use of imported goods on the other hand.

The committee must consider therefore in respect of community law whether the maintenance of the licensing policy as is, requiring the turning circle, prevents or greatly restricts the use of the product, namely the Tepee Expert Chassis base.

It has been decided in the Lunt case that requiring the turning circle does prevent or greatly restrict the use of that product, therefore is in contravention of Article 28 of the EC Treaty, but that it does not act as a product prohibition because the chassis can be used in an ordinary people carrier vehicle or private hire vehicle. In other words the product was not completely prohibited for vehicle use, but for use as a hackney carriage.

If the turning circle is to be retained the committee would have to justify this requirement and a justification would have to be on the basis that it is for an achievement of a legitimate aim as per step 6 of the six step approach in relation to Section 21 of the Disability Discrimination Act. It is considered that any justification if it exists could only be that of the safety of the public.

Committee should also note that restrictions have to be proportionate and no more intrusive than required to give effect to a legitimate aim.

There is recent guidance which Justice Blake used in the Lunt case given by the European Commission summarising the case law of the European Court of Justice in a document entitled "Free Movement of Goods" prepared in May 2009. Section 6.1.2 Protection of Health and Life of Humans, Animals and Plants is the most popular justification under which member states usually try



to justify obstacles for the free movement of goods. Whilst the court's case law is very extensive in this area there are some principle rules that have to be observed.

The protection of health cannot be invoked if the real purpose of the measure is to protect the domestic market, even though in the absence of harmonisation it is for a member state to decide on the level of protection; the measures adopted have to be proportionate, ie restricted to what is necessary to obtain the legitimate aim of protecting public health. Furthermore measures at issue have to be well founded – providing relevant evidence, data (technical, scientific, statistical, and nutritional) and all other relevant information.

Justice Blake did not consider that the material put forward by counsel for Liverpool City Council as that relied on by the committee was sufficient for it to discharge its duty of justification.

- 1) In particular it was very unclear what expertise Mr Gore, the police force vehicle examiner, had to speak of the safety implications of turning circles and sliding doors. Examining a vehicle for roadworthiness or compliance with the regulations is not the same as comprehensive consideration of the merits or demerits or a particular design on safety grounds.
- (2) There is a distinction between confidence and lack of familiarity with the sliding door and real concerns for safety.
- (3) The fact that the E7 was used as a public hire taxi extensively in the UK without reported incident was a compelling source of relevant evidence that would have to be addressed. It was particularly notable to Justice Blake that no concerns have been reported in Liverpool itself resulting from the dropping off of passengers by E7 vehicles licensed in neighbouring authorities.

He agreed that the turning circle was useful for the avoidance of 3 point turns in narrow streets where someone seeks to specifically hail a passing taxi however where a particular assessment has been made as to the safety consideration of the issue, as it had been in the Edinburgh study Liverpool City Council would have had to consider whether it had a cogent basis for disagreeing with such evidence and why. If the issue was safety then the practice and experience of other authorities over a reasonable period of time cannot be ignored.

Lastly he said what should weigh in the balance of any discussion of justification on safety grounds were the clear safety benefits for the secure travel for all wheelchair users, irrespective of the dimensions of their chairs that could be apparently accommodated in the E7. It was common ground that travelling unsecured sideways in a cab is unacceptable. The introduction of the E7 alongside but not in

replacement of the TX was likely to make a substantial contribution to eliminating such practices.

Justice Blake quashed the original decision and ordered Liverpool City Council to reconsider the matter.



## Transport for London



Page 1 of 2

pn  
15 December 2005

### London Taxis – Conditions of Fitness

Transport for London's Public Carriage Office today issued the results of the Conditions of Fitness review for London's taxi industry.

The Conditions of Fitness are intended to ensure that all taxis operating in London are safe and fit for purpose.

In 2002, the Public Carriage Office undertook a full review of the Conditions of Fitness which was completed in June 2003. Some changes were made while other conditions remained the same. However three aspects were challenged by Allied Vehicles Limited and they are as follows:

- the turning circle requirement;
- the requirement that sliding doors are power assisted; and,
- the requirement for a one-piece rear window.

Following extensive research it has been decided to:

- retain the turning circle requirement;
- not require sliding doors, if fitted, to be power assisted;
- introduce a new Condition to address the issue of visibility into and out of taxis for the benefit of passengers and drivers.

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MAYOR OF LONDON

## Press release

Page 2 of 2

Roy Ellis, Head of the Public Carriage Office, said: "After a comprehensive review, it was found that the tight turning circle produced tangible significant benefits to the travelling public, and that these outweighed the advantages of removing it.

"Allied Vehicles alleged that the retention of the turning circle requirement led to fewer taxis, higher fares, less suitable taxis for the needs of the disabled and the unavailability of safer and more comfortable taxis to the disadvantage in general of passengers and drivers alike. The facts of these alleged disbenefits were not borne out by the research undertaken.

"Approximately 50 million U-turns and over 90 million other tight turns are performed by London taxis each year. If these U-turns were replaced by multi-point turns and other alternative complex manoeuvres, this could cause delay and impede other road users.

"Overall during this review, both passengers and drivers preferred the existing London Taxi."  
**ends**

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#### 4. Hackney Carriage / Private Hire Vehicle Licences

Section 47(2) of the Town Police Clauses Act 1847 permits a Borough Council to require that a hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

##### Numbers Limit

No powers exist for licensing authorities to limit the number of private hire vehicles that they licence. The present legal provisions on quantity restrictions for hackney vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis **"if, but only if, the local Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet"**. In the event of a challenge to a decision to refuse a licence, it would, therefore, have to be established that the authority had reasonably been satisfied that there was no significant unmet demand.

Maidstone Borough Council has a policy of limiting Hackney Carriage Vehicle numbers and that number currently stands at 48. Unmet Demand Surveys are undertaken every three years to reassess the situation and the results of the survey decides the increase and the issuing of further Hackney Carriage Vehicle licenses, if there are to be any. The last Unmet Demand Survey was completed in 2013 and no demand was found.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a private hire vehicle licence provided the Council is satisfied that the vehicle is

- . Suitable in type, size and design for the use of a Private Hire Vehicle;
- . Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- . In a suitable mechanical condition;
- . Safe; and
- . Comfortable;
- . That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

Once licensed, a hackney carriage or private hire vehicle remains a hackney carriage or private hire vehicle until the licence either expires, is suspended or revoked. A licensed vehicle can, subject to very limited exemptions, only ever be legally driven by a driver who holds the relevant hackney carriage or private hire drivers' licence and appropriate insurance.

With regard to hackney carriages, it is currently the policy of Maidstone Council to only license purpose built hackney carriages, the Mercedes Vito **Taxi and the Peugeot E7** which are wheelchair accessible and fitted with a partition between the driver and passenger compartments and which also follow the Conditions of Fitness set by the London Carriage Office.

Some of the vehicles that we currently licence may not cater to some specific wheelchair users. In view of this information the Head of Housing and Community Services will consider any additional Hackney Carriage Vehicles to be approved on a case by case basis in order to be added to an agreed list.

All applications submitted for the initial grant of a licence are advised to apply at least 10 working days before the licence is required to allow time for the vehicle to be tested and the licence to be processed.

Application forms must be completed in full, accompanied by all required documents and signed by the applicant and the operator where relevant. Any incomplete forms will be deemed invalid and returned immediately to the applicant.

Applications will only be acceptable as valid if they include and/or are accompanied by the following:

1. Application form provided by the Council completed in its entirety and signed by the applicant and operator where relevant .
2. The appropriate fee.
3. Original vehicle registration document showing the applicant to be the registered keeper or other acceptable proof of ownership (the V5 New Keeper Supplement completed by the applicant or an official receipt from a registered company in the case of newly manufactured vehicles)
5. Certificate of insurance for the vehicle which covers the activity required (i.e. public or private hire - para.4.2) and which is valid on the date that the licence is due to come into force.

#### **4.1 Licence Fee**

All applications must be accompanied by the appropriate fee as prescribed by the Council; the current scale of fees is available from the Council or at <http://www.maidstone.gov.uk/business/licensing-and-permits/taxis-and-private-hire>

Licensing fees are reviewed on an annual basis and adopted by the Council following advertisement by a notice in a local newspaper. The notice will also be displayed at the Council Offices to allow for any comments to be made.

In the event of the surrender of a vehicle licence before its expiry there is no refund made.

#### **4.2 Insurance**

All hackney carriage and private hire vehicles must be insured for public hire and reward, such insurance to provide as a minimum requirement insurance cover for third party fire and theft and also to include legal liability for passengers and luggage.

The Council considers vehicle insurance to be a high priority and, therefore, requires all proprietors to provide evidence of continuous insurance cover throughout the period of the licence. Failure to provide evidence of insurance will result in the vehicle licence being suspended.

**Appendix 5: A****MAIDSTONE BOROUGH COUNCIL****SPECIFICATION RELATING TO HACKNEY CARRIAGE VEHICLES**

**No vehicle shall be licensed as a hackney carriage unless it is fit for public service and complies with the specifications set out below.**

**1. GENERAL**

- (i) All hackney carriages must have a minimum of four wheels and must have at least four doors, excluding the tailgate.
- (ii) All Hackney vehicles must be right hand drive
- (iii) The engine capacity of all vehicles submitted to be tested for the first time shall not be less than 1400cc. However, in some instances vehicles may be assessed on a case by case basis.
- (iii) No hackney carriage shall be accepted for testing for the first time if the vehicle is over three years old or has mileage of more than 30,000 miles.
- (iv) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time. For example vehicles that are known in the trade as "cut & shut" will not be licensed.

**NOTES:**

- 1) Vehicles submitted for testing for the first time must comply with the age specifications. Any vehicle currently compliance tested, shall, at the expiry of that compliance period, if the vehicle falls outside of the age policy, not be re-licensed.
- 2) Once the expiry date of any vehicle compliance has expired, if the vehicle specifications are outside of the policy where age is concerned as set out in these specifications, the vehicle may not be re-licensed.
- 3) A compliance test may be arranged for a vehicle and carried out up to one month prior to the expiry date of its current compliance certificate. If the vehicle passes the compliance test, a certificate may be issued for a period of up to thirteen months (in line with Department of transport procedure) or whatever period within the month prior to its expiry, so long as the period does not exceed thirteen months and so long as the current compliance certificate is produced for inspection by the vehicle examiner.

**2. GENERAL CONSTRUCTION**

- (i) Every vehicle must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing.
- (ii) Vehicles offered for type approval must be so constructed as to facilitate the carriage of disabled persons and be capable of

accommodating a disabled person in a wheelchair within the passenger compartment.

### **3. STEERING**

- (i) The steering wheel must be on the offside of the vehicle.
- (ii) The steering mechanism must be so constructed or arranged that no overlock is possible and the road wheels do not in any circumstances foul any part of the vehicle.
- (iii) The steering arms and connections must be of adequate strength and as far as possible protected from damage by collision.

### **4. BRAKE AND STEERING CONNECTIONS**

Where brake and steering connections are secured with bolts or pins, the bolts or pins must be fitted with approved locking devices and they must be so placed that, when in any position other than horizontal, the head of the bolt pin is uppermost.

### **6. TYRES**

All tyres at normal pressure under load must be approved as having suitable minimum circumference for correct operation of the taximeter.

### **7. BRAKES**

- (i) All brakes must act directly on the wheels of the vehicle.
- (ii) The brakes of one of the braking systems must be applied by pedal.
- (iii) The pedal operated braking system must be so designed that notwithstanding the failure of the brakes on any pair of wheels, either on one axle or diagonally opposite, there must still be available for application brakes on the other pair sufficient to bring the vehicle to rest within a reasonable distance.
- (iv) Cable connections are not permitted in the pedal operated system.

### **8. SUSPENSION**

- (i) Every vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.
- (ii) Every vehicle must be so constructed or adapted that a failure of a spring, torsion bar or other similar component of the suspension

system is not likely to cause the driver to lose directional control of the vehicle.

- (iii) When the vehicle is complete and fully equipped for service and loaded with weights placed in the correct relative positions to



represent the driver and a full complement of passengers and luggage and is placed on a plane surface it must not overturn when the plane is tilted to either side to an angle of 4 degrees from the horizontal.

**NOTE:**

- (a) For the purpose of this condition 65 kilograms shall be deemed to represent the weight of one person and 65 kilograms the weight of a full complement of luggage.
- (b) For the purposes of conducting tests of stability the height of any stop used to prevent a wheel from slipping sideways must not be greater than two-thirds of the distance between the surface upon which the vehicle stands before it is tilted and that part of the rim of that wheel which is then nearest to such surface when the vehicle is loaded.

## **9. TRANSMISSION**

Cabs using automatic or semi-automatic transmission must be fitted with a device to prevent the engine starting with the transmission selector in a **DRIVE** or **REVERSE** position.

## **10. BOLTS AND NUTS**

All moving parts and parts subject to severe vibration connected by bolts or studs and nuts must be fitted with an approved locking device.

## **11. FUEL TANKS**

- (i) Fuel tanks must not be placed under the bonnet and must be adequately protected from damage by collision.
- (ii) All fuel tanks and all apparatus supplying fuel to the engine must be so placed or shielded that no fuel overflowing or leaking from there can fall or accumulate upon any part or fitting where it is capable of being readily ignited or can fall into any receptacle where it might accumulate.
- (iii) The filling points for all fuel tanks must be accessible only from the outside of the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accident.
- (iii) A device must be provided by means of which the supply of fuel to the engine may be immediately cut off. Its location together with the means of operation and "off" position must be clearly marked on the outside of the vehicle. In the case of an engine powered by LPG or petrol the device must be visible and readily accessible at all times from outside the vehicle.

## **12. INTERIOR LIGHTING**

Adequate lighting must be provided for the driver and passengers. Separate lighting controls for both passenger and driver must be

provided. In the case of the passengers compartment an illuminated control switch must be fitted in an approved position. Lighting must also be provided at floor level to every passenger door and be actuated by the opening of those doors.

### 13. ELECTRICAL EQUIPMENT

- (i) All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, petrol or oil, must be adequately protected.
- (ii) All electrical circuits must be protected by suitable fuses.
- (iii) Batteries must be so placed and protected that they cannot be a source of danger.
- (iv)

### 14. EXHAUST PIPE

The exhaust pipe must be so fitted or shielded that no inflammable material can fall or be thrown upon it from any part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle. The outlet must be placed at the rear of the vehicle on the off-side and in such a position as to prevent fumes from entering the vehicle.

### 15. BODY

- (i) The body must be of the fixed head type with a partially glazed partition separating the passenger from the driver.
- (ii)
  - (a) **Outside dimensions**
    - (1) The overall width of the vehicle exclusive of driving mirrors must not exceed 1.778 metres.
    - (2) The overall length must not exceed 4.575 metres.
  - (b) **Inside dimensions of passenger' compartment.**
    - (1) The vertical distance between the point of maximum deflection of the seat cushion when a passenger is seated to the roof immediately above the point must not be less than 96.5 centimetres
    - (2) The width across the rear seat cushion must not be less than 1.7 metres.
- (iii) Any curvature of the floor of the passenger' compartment must be continuous and must not exceed 2 centimetres at the partition and 5 centimetres at the base of the rear seat when measured between the centre line and sills.

- (iv) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75

centimetres. The minimum angle of the door when opened must be 9 degrees

- (v) The clear height of the doorway must not be less than 1.195 metres.
- (vi) Grab handles must be placed at door entrances to assist the elderly and disabled.
- (vii) Where a boot lid is hinged at the bottom a restriction must be fitted to prevent the boot lid serving as a luggage platform.
- (viii) No roof rack shall be fitted.

## **16. STEPS**

- (i) The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 38 centimetres above ground level when the vehicle is unladen.
- (ii) The outer edge of the floor at each entrance must be fitted with non-slip treads. If a colour contrast is used to aid a partially sighted person it must be of an approved type.

## **17. WHEELCHAIR FACILITIES**

- (i) Approved anchorage must be provided for the wheelchair and chairbound disabled person. This anchorage's must be either chassis or floor linked. If floor linked they must be affixed in such a manner that the forces are distributed evenly throughout the floor area by means of a suitable galvanised plate of minimum dimensions 2x2mm which must be used beneath the floor.

Restraints for a wheelchair and a person seated therein must be independent of each other. Anchorage must also be provided for the safe stowage of a wheelchair when not in use whether folded or otherwise if carried within the passenger compartment. All anchorage and restraints must be so designed that they do not cause a foreseeable danger to other passengers.

- (ii) A ramp or ramps for the loading of the wheelchair and occupants must be available at all times for use at the near side passengers' door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. The ramp/ramps must be capable of being stowed safely when not in use.

## **18. PAINTWORK AND BODY FINISH**

The paintwork and body finish should be maintained to the original manufacturer specification.

**19. PASSENGERS' SEATS**

- (i) The measurements from the upholstery at the back of the front edge of the back seat must be at least 4 centimetres and for each adult person carried a minimum of 4 centimetres must be available when measured along the front parallel edge of the seat cushion.
- (ii) The width of each front seat must not be less than 40 centimetres and such seats must be at least 35.5 centimetres when measured from the back to the front of the upholstery.
- (iii) The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 35.5 centimetres.
- (iv) Where seats are placed facing each other there must be a clear space of 48 centimetres between any part of the front of a seat and any part of any other seat, which faces it. The measurement may be reduced to 43.5 centimetres provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle there must be a clear space of at least 66 centimetres in front of every part of each seat squab.
- (v) Front seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 centimetres apart. When not in use front seats must not obstruct doorways.
- (vi) Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

**20. DRIVER'S COMPARTMENT**

- (i) The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.
- (ii) The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.
- (iii) The driver's seat must be designed to accommodate the driver only and be adjustable for height and reach.
- (iv) The vehicle must be fitted with adequate devices for demisting, defrosting and washing the windscreen and the sun visor adjustable by the driver.
- (v) Direction indicators of an approved type must be fitted.
- (vi) Every cab must be provided with an approved means of communication between passenger and the driver. When a sliding window is fitted at the rear of the driver's compartment, the maximum width of the opening must not exceed 1.5 centimetres.



**21. WINDOWS**

- (i) Windows must be provided at the sides and at the rear.
- (ii) Passenger door windows must be capable of being opened easily by passengers when sealed. The control for opening a door window must be easily identified so as not to be mistaken for any other control.

**22. HEATING AND VENTILATION**

- (i) An adequate heating and ventilation system must be fitted for the driver and passengers and means provided for independent control by the driver and passengers.
- (ii) Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.
- (iii) Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available for the comfort of the passenger.

**23. ADVERTISING**

- (i) Advertisements may be displayed on the outside of the vehicle on the lower door panels only and prior to their placement must have been approved by the local authority.
- (ii) No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.
- (iii) A sign shall be affixed to the outside or inside of the vehicle indicating that smoking is prohibited in the vehicle or requesting passengers to refrain from smoking inside the vehicle.

**24. TINTED WINDOWS**

Glass allowing a minimum of 75% light ingress on front windscreens and not less than 70% light ingress on all side and rear passenger windows, which does not inhibit the ability to see passengers or the driver from the outside of the vehicle, is required.

A Light Transmission Detector, which measures light transmission through any type of glass is used to test and determine visibility and provides a read out of the suitability of proposed vehicles for use as licensed private hire vehicles in the district. (It will not apply to Hackney vehicles)

**25. DOOR FITTINGS**

- (i) An approved type of automatic door locking device must be fitted to passenger doors. When the vehicle is stationary the passenger doors must be capable of being readily opened from the inside and outside the vehicle by one operation of the latch mechanism. The

interior door handle must be easily identified so as not to be mistaken for any other control.

- (ii) Double catches of approved type must be fitted to all doors.

## **26. INSURANCE CERTIFICATES AND INTERNAL PLATE**

A current insurance certificate and an internal plate showing the local authority's licence number for the vehicle and the number of passengers allowed to be carried must be displayed within the vehicle, all to be clearly visible from the passenger compartment.

## **27. FLOOR COVERING**

The floor of the passenger's compartment must be covered with non-slip material, which can easily be cleaned.

## **28. LUGGAGE**

- (i) Adequate storage for passenger luggage separated from the passenger compartment without obstructing any emergency exits must be available. Luggage carried must be suitably secured in place.
- (ii) Provision must be made for carrying luggage sufficient for the number of persons for which the vehicle is licensed.

## **29. HORN**

A horn of approved pattern must be fitted.

## **30. TAXIMETER AND FARE CHART**

- (i) A taximeter must be fitted in an approved position.
- (ii) A taximeter must be fitted and must be correctly calibrated, sealed and fully functional in accordance showing the current hackney tariff and be easily visible to passengers.
- (iii) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances, so as not to be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
- (iv) The taximeter shall be positioned so that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the vehicle. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Transport Act 1988 and also at any time at the request of the hirer.

- (v) When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.
- (vi) If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the licensing department so that arrangements for resetting and resealing may be made.
- (vii) An official copy of the Council's fare chart must be clearly displayed in the vehicle so as to be plainly visible to passengers carried therein.
- (viii) The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the hire of hackney carriages. In the event of such a journey commencing in but ending outside the Maidstone district there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of hackney carriages.

### **31. TAXI SIGN**

A "TAXI" sign clearly visible both by day and by night when the cab is not hired, must be fitted.

### **32. RADIO APPARATUS**

- (i) Where apparatus for the operation of a two-way radio system is fitted to a cab, no part of the apparatus may be fixed in the passenger's compartment or in the rear boot compartment if LPG tanks or equipment are situated therein.
- (ii) Any other radio equipment either in the passenger or driver compartment, must be approved.

### **33. FITTINGS**

No fittings other than those approved may be attached to or carried upon the inside or outside of the Hackney Carriage.

### **34. MAINTENANCE**

The Hackney Carriage vehicle, including all fittings, fixtures, advertisements etc, must be well maintained and kept clean and in good working order. The vehicle will at all times be subject to test and inspection and should it be found that any part or fitting is not

well maintained, clean and in good working order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been rectified.

## 46

### **35. VEHICLES POWERED BY LIQUID PROPANE GAS (LPG)**

- (i) An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered Safe.
- (ii) If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

### **36. SEAT BELTS**

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption. It is the driver's responsibility to ensure that all passengers under 14 years of age use an appropriate child restraint or wear a seat belt.

### **37. FIRST AID KIT**

There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable First Aid Kit containing appropriate dressings and appliances for immediate use in an emergency for the drivers use only. A first aid kit is mandatory for self employed drivers for their personal use.

### **38. LICENCE PLATES AND STICKERS**

- (i) At all times while the vehicle is being used as a hackney there shall be securely fixed to the rear of the vehicle the appropriate vehicle licence plate supplied by the Council.
- (ii) The number of persons licensed to be carried in the vehicle shall be exhibited outside the vehicle on the Vehicle Licence Plate referred to above. (For these purposes children (of any age) are counted as one person).
- (iii) At all times while the vehicle is being used as a hackney carriage there shall be displayed on the windscreen of such vehicle (top left-hand corner of the windscreen) the internal licence plate, which identifies the vehicle as either a private hire or hackney carriage vehicle. On this will be displayed the



registration number of the vehicle and the number of passengers permitted to be carried.

47

### **39 CHANGES / TRANSFER**

- (i) Notice in writing of any transfer of licence must be given notified within 14 days the Licensing Authority as per section 49 LGMPA 1976.
- (ii) When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the new proprietor that it is their responsibility to notify the Council, in writing, as failure to do so is an offence.

### **40 INSPECTION**

The vehicle licence must be available for inspection at all times on request by any authorised officer of the Council or any Police Officer.

### **41 UNAUTHORISED USE**

The licensee shall be satisfied that every driver engaged/allowed by him/her to drive the licensed vehicle is the holder of an appropriate and current European Driver's Licence and a Hackney Carriage/Private Hire Drivers Licence issued by the Council. The licensee shall also ensure that the Driver's Badge is worn in accordance with the conditions/byelaws attached to the Hackney Carriage/Private Hire Driver's Licence.

### **42 ACCIDENT REPORTING**

- (i) If a licensed hackney carriage or private hire vehicle is involved in an accident, this must be reported to the Council within 72 hours of the occurrence.
- (ii) Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner's or operator's expense) to determine its fitness for continued use. A Licensing Officer may use delegated powers to suspend the use of a licensed vehicle until it is suitably repaired.
- (iii) A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:
  - the damage to, or defect in, the vehicle has been reported;
  - application is made in the usual way for a change of vehicle (albeit temporarily);
  - the replacement vehicle meets the licensing criteria and is suitable to be used for hire purposes;

- the hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.

48

**43 MISCELLANEOUS**

The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal purpose whatsoever.

**44 DISPENSATION/ VARIATION OF CONDITIONS**

The Council may in exceptional circumstances by way of special condition dispense with or vary any of the conditions set out herein.

**NOTE:** The word 'approved' throughout this specification means, approved by Maidstone Borough Council. No application shall be considered where the proposed vehicle is already licensed by another licensing authority (commonly referred to as 'dual plating').

**49**

# Agenda Item 13

## **MAIDSTONE BOROUGH COUNCIL**

### **COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE**

**19 JULY 2016**

#### **REFERENCE FROM PLANNING COMMITTEE**

16/502060 - CHANGE OF USE FROM A KITCHEN SHOWROOM (A1 USE) TO A MIXED CLASS COFFEE SHOP (A1/A3 USE) AND INSTALLATION OF SHOP FRONT - 27 HIGH STREET, HEADCORN, KENT

The Planning Committee, at its meeting held on 2 June adjourned to 9 June 2016, considered the above application. The Committee agreed that permission be granted, but added the following informative to the consent:

*The applicant is advised to contact the Council's Operations Team (tel: 01622 602390) to discuss the provision of litter bins in the locality.*

The Committee also agreed to recommend to the Communities, Housing and Environment Committee that consideration be given in conjunction with the applicant to measures/initiatives to mitigate the impact of this development in terms of food and drink litter.

The Committee was mindful that the imposition of a condition requiring the applicant to provide litter bins to mitigate the impact of the development would not meet the six tests set out in paragraph 206 of the National Planning Policy Framework 2012. However, there were other mechanisms outside the planning system to mitigate the impact of the development in terms of food and drink litter.

**RECOMMENDED:** That consideration be given in conjunction with the applicant to measures/initiatives to mitigate the impact of this development in terms of food and drink litter.



## Communities, Housing and Environment Committee

**19 July 2016**

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

**Yes**

## Street Cleansing Asset Management Plan – Review of Litter and Dog Waste Bins

<b>Final Decision-Maker</b>	Communities, Housing and Environment Committee
<b>Lead Head of Service</b>	Head of Environment and Public Realm
<b>Lead Officer and Report Author</b>	Street Scene Operations Manager
<b>Classification</b>	Public
<b>Wards affected</b>	All

### This report makes the following recommendations to this Committee:

1. That the work being undertaken to record all bins on a street cleansing asset register be noted; and
2. That the Committee considers the two options to remove dog waste bins either gradually (Option 1) or all at one time (Option 2); and
3. That the Committee agrees the option to be implemented.

### This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all – providing appropriate bins for the collection of litter and dog waste to improve cleansing standards

### Timetable

<b>Meeting</b>	<b>Date</b>
Corporate Leadership Team	21 June 2016
Communities, Housing and Environment Committee	19 July 2016

# Street Cleansing Asset Management Plan – Review of Litter and Dog Waste Bins

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Over the past few months a review of all litter and dog waste bins has been carried out in order to assess their condition, map their location and record them on an asset register.
  - 1.2 The review has identified a large number of dog waste bins which are no longer fit for purpose. Replacement of these bins would exceed the budget available for this purpose.
  - 1.3 The provision of bins for the separate collection of dog waste is also posing an increased disposal cost on the street cleansing budget and therefore the future delivery of the service needs to be considered.
  - 1.4 The purpose of this report is for the Committee to consider proposals for the provision of dog waste and litter bins that can be accommodated within existing budgets and which will encourage responsible dog ownership and reduce littering levels across the Borough.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Council currently has approximately 1500 litter bins and 354 dog waste bins which are emptied and maintained by the Street Cleansing, Grounds Maintenance or Waste Collection Teams.
- 2.2 The Street Cleansing Service currently costs £1.4 million per year and includes the emptying of litter bins (excluding those in parks and play areas), emptying of dog waste bins, litter-picking, removal of fly-tipping, scheduled cleansing of high and medium density roads, mechanical sweeping and permanent presence in the Town Centre.
- 2.3 Within the Mid Kent Joint Waste Contract there is a requirement for the waste collection crews to empty 345 litter bins within the rural areas on a fortnightly basis. For this service the Council currently pays £16,153 per annum, which equates to £1.80 per collection. This cost is higher than compared with the emptying of a domestic wheeled bin which is £0.54 per collection. The estimated cost for the street cleansing team to empty a dog waste bin is £1.36 per collection.
- 2.4 A number of Parish Councils also provide dog waste bins which are emptied through private contracts.
- 2.5 In 2011/12, the Council's Budget Strategy identified a potential saving of £33,000 from the Environment Portfolio through the withdrawal of dog waste bins. However, this proposal was unpopular and therefore alternative savings were identified.

- 2.6 However, a campaign was launched to promote the use of “any bin” for the disposal of dog waste including litter bins and residents’ household rubbish bins.
- 2.7 The decision was also taken not to install any new dog waste bins, which has resulted in a steady decline in numbers over the past couple of years.
- 2.8 In 2012/13 the contract to empty and maintain the bins ended and the service transferred to the Street Cleansing Team to operate. This was intended to allow more flexibility within the service and enable future savings to be made.
- 2.9 Whilst the service previously cost £40,933 per annum, only £19,670 per annum remains within the Cleansing budget because the funding was reallocated in 2013/14 to cover the street cleansing costs within the Mid Kent Waste Collection Contract.
- 2.10 Since then the dog waste bins have been emptied by a dedicated collection crew within the Street Cleansing Team. As this waste is not mixed with other litter it has to undergo specialist disposal which currently costs the Council approximately £25,000 per annum and has contributed to recent overspend within the Cleansing Budget.
- 2.11 Work has been undertaken with the Disposal Authority, Kent County Council, to mix this waste with litter so it can be disposed of through the existing street cleansing waste streams. Unfortunately this has been unsuccessful due to the dog waste remaining in concentrated pockets within the litter resulting in operational difficulties at both local waste transfer stations. As the Council is currently unable to present the waste in a suitable condition to the Waste Disposal Authority, it is liable for the disposal costs of the waste.
- 2.12 The current cost of emptying dog waste bins is:

	£
Staff salary costs	£21,849
Vehicle costs	£12,870
Disposal of waste	£24,289
TOTAL	£59,008
Budget	£19,670
Variance	-£39,338

- 2.13 Therefore for the emptying of dog bins there is a deficit of almost £40,000 within the Street Cleansing budget.
- 2.14 Kent County Council has agreed to fund the separate disposal of dog waste until the end of July in order for Maidstone to identify a solution to the current problems. However, if Maidstone is unable to fully commingle dog waste and litter, the Council will be responsible for the disposal costs. This could only be achieved through the complete replacement of dog waste bins with commingled litter and dog waste bins.

## **Review of Bin Provision**

- 2.15 Until recently the exact number and location of litter bins and dog waste bins was only recorded through paper lists and local knowledge of the street cleansing operatives.
- 2.16 Work has now been completed to map each bin in order for an asset register to be maintained and will enable the condition of the bins and frequency of emptying to be monitored.
- 2.17 There is a range of bins currently in use including dedicated dog waste bins, post-mounted and free standing litter bins and commingled litter and dog waste bins.
- 2.18 Due to the nature of the waste and their construction, dog waste bins have a shorter life span of 6-8 years compared with standard litter or commingled bins which have a lifespan of over 12 years.
- 2.19 Within the Street Cleansing budget there is an annual budget of £6,000 for litter bins. This would fund 21 new or replacement litter bins which does not currently cover the number of bins requiring replacement and the requests for new bins.
- 2.20 Since 2010/11 there has been no budget available to replace any dog waste bins.
- 2.21 This has resulted in the number of new bins being limited every year as well as damaged dog waste bins being replaced with commingled litter and dog waste bins. In the past 12 months, 23 dog waste bins have been removed due to the bins being no longer fit for purpose with no complaints from the public received about the reduced number of dog bins
- 2.22 In addition, over the past few years surplus income from fixed penalty notices for littering has been used for the provision of additional bins. In 2015/16, 20 bins were purchased from the environmental enforcement budget.
- 2.23 The purpose of the review of litter and dog bins was to firstly determine the condition of the bins and therefore the expected maintenance costs, and secondly to allocate asset numbers to each bin enabling them to be tracked more effectively. This will help residents to report overflowing or damaged litter bins through the website.
- 2.24 Asset numbers will be installed on all litter bins by the beginning of September and will then be incorporated into the online reporting form.
- 2.25 The work already undertaken has identified that there are currently 150 dog waste bins which have or will reach the end of their usable life within the next 6 months and need to be removed or replaced. The cost to replace these bins would be approximately £39,000.

- 2.26 Therefore in order to continue to deliver the same service the Council would need to identify additional funding of £39,338 per annum to meet operational costs and £39,000 capital funding for replacement bins. This cannot be met from within existing budget allocations and means a decision is required to either make extra funding available to enable the current service to continue or to reduce the service to a level that can be funded from within the existing budget.
- 2.27 In light of the Medium Term Financial Strategy savings targets, it is not viable to maintain the current provision of dog waste bins and invest capital into new bins which will only have a lifespan of 6-8 years.
- 2.28 It is therefore recommended that the Committee consider two options for the withdrawal of the dog waste bins:
- Option 1:** Gradual withdrawal of dog waste bins over the next 2-3 years as the bins reach the end of their life, with the removal of 150 bins this year.
- Option 2:** Complete withdrawal of dog waste bins this year.
- 2.29 Whilst the gradual withdrawal of the provision of separate dog waste bins will enable greater time to promote behavioural change amongst dog owners, it will not immediately address all of the financial issues of the service.
- 2.30 The complete withdrawal of the dog waste bins will require a comprehensive communication campaign to ensure dog owners are aware how to dispose of their dog waste responsibly, however will enable a saving of £19,670 from the Cleansing Budget and reduce overall costs by nearly £60,000.
- 2.31 Details of the proposed communication campaign are included in Appendix B.
- 2.32 If Option 1 is agreed by the Committee, the Council will still be required to pay the disposal costs for the dog waste collected from the remaining bins. This is anticipated to be around £15,000 per annum. This will continue to reduce until all dog waste bins are removed.
- 2.33 Option 2 will enable the Council to reduce staff, vehicle and disposal costs through the withdrawal of the dedicated collection service. It is unlikely that this would result in the need for any redundancies or redeployment as an upcoming vacancy will not be filled until the decision is agreed. However staff affected would be consulted should any changes be required to their working arrangements.
- 2.34 Many of the dog waste bins are already in close proximity to litter bins, however where this is not the case, a replacement litter bin would be provided with the signage "litter and dog waste". It is projected that approximately 60 litter bins would be required at a cost of £16,800, which would be funded from the Cleansing Budget and the anticipated £20,000 surplus income from littering fixed penalty notices and the existing street cleansing budget.



- 2.35 There are a number of dog waste bins which are provided and funded by Parish Councils. It will remain the decision of each Parish Council as to whether to retain these bins, although some have already taken the decision to remove their bins.
- 2.36 A small number of these bins are emptied by the Council for a charge, and whilst it is anticipated that this could be maintained due to the low number of bins and the income received, the Council would work with the Parish Council's to identify whether other options may be more sustainable, such as installing commingled bins.
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### **3. AVAILABLE OPTIONS**

- 3.1 The Committee could agree Option 1, the gradual removal of all dog waste bins over the next 2-3 years through natural wastage as the bins reach their end of life.
- 3.2 Alternatively the Committee could decide Option 2, the complete removal of all dog waste bins alongside a comprehensive communications campaign is implemented.
- 3.3 Alternatively the Committee could reject the recommendations and request that a report is presented to the Policy and Resources Committee to seek additional funding for replacing the Council's dog waste bins and maintaining the current service provision.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 It is recommended that the Committee consider and agree the implementation of Option 2, the complete removal of all dog waste bins as this enables a saving of £19,670 per annum and the reduction in the Cleansing Budget's overspend of nearly £40,000.
- 4.2 Option 2 also enables the Council to dispose of this waste more sustainably alongside other litter and will increase the lifespan of the new litter bins which are provided in their place.
- 4.3 Overall Option 2 allows dog owners to continue to dispose of their dog waste responsibly but without the need of a dedicated service which is putting a financial strain on the Cleansing Service and requires specialist disposal arrangements.
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### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 Previous proposals to remove all dog waste bins received negative feedback from dog owners and resulted in the plans being abandoned. However since 2011, over 25 damaged bins have been removed and replaced with litter bins.

- 5.2 There have been very few complaints received regarding the replacement of these dog waste bins with litter bins.
- 5.3 Significant communications work has also been carried out to ensure that "any bin will do".

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## **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 A comprehensive communications plan will be delivered to include signage directing dog owners to nearby litter bins and to encourage responsible dog ownership.
- 6.2 Following approval of the recommendations, a timetable for the removal of the bins will be prepared and shared with Members. The dog waste bins would then be removed along with any posts and where required, new litter bins will be installed.

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## **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	Providing appropriate bins for the collection of litter and dog waste to improve cleansing standards	Head of Environment & Public Realm
<b>Risk Management</b>	There is a reputational risk to the Council to remove dog waste bins however action needs to be taken to address the deteriorating condition of the Council's assets.  The provision of alternative bins for dog waste ensures that dog owners can still dispose of their waste responsibly without the Council incurring substantial additional costs.	Head of Environment and Public Realm
<b>Financial</b>	There is currently a £40,000 deficit within the Street Cleansing Budget for the disposal of dog waste. The recommendations within this report seek to reduce the revenue and capital cost of providing the service.	[Section 151 Officer & Finance Team]
<b>Staffing</b>	It is unlikely that there would be the need for any redundancies or redeployment	Head of Environment and Public

	due to upcoming vacancies, however staff consultation with those affected will be carried out if there is any requirement to change their working arrangements.	Realm
<b>Legal</b>		[Legal Team]
<b>Equality Impact Needs Assessment</b>		[Policy & Information Manager]
<b>Environmental/Sustainable Development</b>		[Head of Service or Manager]
<b>Community Safety</b>		[Head of Service or Manager]
<b>Human Rights Act</b>		[Head of Service or Manager]
<b>Procurement</b>		[Head of Service & Section 151 Officer]
<b>Asset Management</b>	All litter bins will be recorded on the service's asset register including asset numbers enabling information about usage and condition to be managed more effectively.	Head of Environment and Public Realm

## 8. REPORT APPENDICES

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

- Appendix A: Location of Dog Waste Bins
- Appendix B: Draft Communications Campaign

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## 9. BACKGROUND PAPERS

None

<b>APPENDIX A: LOCATION OF DOG WASTE BINS</b>
LORDSWOOD IMPTON LANE, HOSPITAL SIDE
LORDSWOOD AUTUMM GLADE PLAY AREA
LORDSWOOD LARCHWOOD CLOSE OFF FIR TREE GROVE
LORDSWOOD WILDFELD CLOSE BY THE FOOTPATH
LORDSWOOD ON FOOTPATH
BREDHURST, THE STREET, ON GRASS VERGE BY 30MPH SIGN
BREDHURST JUNCTION OF BLIND LANE AND FORGE LANE
BREDHURST VILLAGE HALL ACCESS VIA HURSTWOOD ROAD
BREDHURST RHS FOOTPATH ON KEMSLEY STREET
STOCKBURY BEHIND VILLAGE HALL THE STREET
DETLING PILGRIMS WAY TOP HARPLE LANE
DETLING VILLAGE HALL PILGRIMS WAY
DETLING JUNCTION HOCKERS LANE & THE STREET
NOTCUTSS GARDEN CENTRE AT VETS REAR OF COMPLEX
COBTREE MANOR PARK ENTRANCE
COBTREE MANOR PARK LEFT HAND SIDE CAR PARK AREA
COBTREE MANOR PARK RIGHT HAND SIDE CAR PARK AREA
SANDLING OLD CHATHAM ROAD BY FOOTBRIDGE
RINGLESTONE OFF EGERTON ROAD AT BOTTOM OF PLAYING FIELD
WHATMAN PARK ENTRANCE AT Y JUNCTION
WHATMAN PARK ENTRANCE BY FAR BRIDGE
ADISHAM DRIVE OFF HILDENBOROUGH CRESCENT PLAY AREAS
ALLINGTON OPEN SPACE PICNIC SITE CASTLE WAY DOUBLE BIN
ALLINGTON OPEN SPACE PICNIC SITE CASTLE WAY DOUBLE BIN
ALLINGTON NEWBURY ROAD JUNCTION WITH TINTERN ROAD
ALLINGTON LONDON ROAD BY BUS SHELTER LEFT HAND SIDE
ALLINGTON GRACE AVE AND HYDE ROAD JUNCTION
ALLINGTON LONDON OAD BOTTOM OF ALLEY RIGHT HAND SIDE
ALLINGTON LONDON ROAD ON GRASS VERGE LEFT HAND SIDE OPP 189
ALLINGTON ASH GROVE PRIMARY SCHOOL ALLEY AT FAR END
ALLINGTON COMMUNITY CENTRE DOUBLE BIN
ALLINGTON COMMUNITY CENTRE DOUBLE BIN
ALLINGTON JUNIPER CLOSE ALLINGTON WAY FOOTPATH
GIDDYHORN LANE REC OFF POPLAR GROVE CAR PARK
GIDDYHORN LANE REC ACCESS BIRCHWOOD ROAD
GIDDYHORN LANE REC BY PLAY AREA AT TOP OF PARK
GIDDYHORN LANE REC FAR SIDE NEAR UNMADE FOOTPATH
MAIDSTONE HAWLEY COURT LONDON ROAD IN FRONT OF FLATS
MAIDSTONE LONDON ROAD BOTTOM OF SCRUBBS LANE FOOTPATH
MAIDSTONE BUCKLAND ROAD APPROX 25M FROM BUCKLAND HILL
MAIDSTONE BRENCHLEY GARDENS ADJ TO PUBLIC TOILETS
MAIDSTONE BRENCHLEY GARDENS ADJ TO WISHING WELL
MAIDSTONE CHILLINGTON STREET PLAY AREA
MAIDSTONE PARK AVENUE TOP OF WHEELER ST BY PHONEBOX
MAIDSTONE PARK AVENUE SAME AREA AS ABOVE BACK OF GREEN
MAIDSTONE WHEELER STREET JUNCTION WITH ST LUKES ROAD

MAIDSTONE WHEELER STREET WALSINGHAM HOUSE FLATS
MAIDSTONE WHEELER STREET OPPOSITE ABOVE
MAIDSTONE WHEELER STREET WALMER COURT FLATS
MAIDSTONE WHEELER STREET WALMER COURT FLATS
MAIDSTONE CHURCH STREET MARSH STREET BY CHURCH
MAIDSTONE BOXLEY ROAD OPPOSITE EESSO GARAGE BY FLATS
MAIDSTONE JAMES STREET QUARRY SQUARE CAR PARK
MAIDSTONE MIDHURST COURT MOTE ROAD AT REAR OF FLATS
MAIDSTONE BASING CLOSE OFF WATERLOO STREET IN FIELD
MAIDSTONE LOWER ROAD FOSTER CLARKE ESTATE ON ISLAND
MAIDSTONE UPPER ROAD FOSTER CLARKE ESTATE NEAR MOTE PARK
MAIDSTONE OUTSIDE FRONT OF COLLAGE COURT FLATS HAYLE ROAD
MAIDSTONE REAR OF ARCHBISHOPS PALACE GARDENS ACCES COLLEGE ROAD
MAIDSTONE BARKER ROAD COURTHOUSE FOOTPATH RIVER
MAIDSTONE QUEENS ROAD JUNCTION WITH SPELDHURST COURT IN BUSHES
MAIDSTONE GIDDYHORN LANE OFF FRESHLAND RD NEAR MELFORD DRIVE
MAIDSTONE FANT LANE NEAR PRIMARY SCHOOL
MAIDSTONE HACKEY ROAD RIGHT HAND SIDE END OF ALLEY
MAIDSTONE LOWER FANT ROAD OPEN AREA ON LEFT HAND SIDE
MAIDSTONE ROSEHOLME PLAY AREA/PARK NEAR BENCH
MAIDSTONE ROSEHOLME ON UNDEVELOPED AREA FAR END OF ROAD
MAIDSTONE TONBRIDGE ROAD UPPER ACCES TO CLARE PARK
MAIDSTONE TONBIRDGE ROAD CORNWALLIS PLAYGROUND ENTRANCE ON LEFT
MAIDSTONE CORNWALLIS ROAD CORNWALLIS PLAYGROUND LEFT HAND SIDE
MAIDSTONE CORNWALLIS ROAD CORNWALLIS PLAYGROUND RIGHT HAND SIDE
MAIDSTONE BOWER STREET VERY END OF THE ROAD
MAIDSTONE A20 ASHFORD ROAD ON GRASS BANK OPPOSITE TURKEY MILL
MAIDSTONE SQUARE HILL ROAD SUNNINGDALE COURT FLATS
MAIDSTONE HEDLEY STREET BY CHILDRENS PLAY AREA
MAIDSTONE ALEXANDRA STREET NEAR HM PRISON
MAIDSTONE LOWER BOXLEY ROAD OPPOSITE HM PRISON
MAIDSTONE ASHBURNHAM ROAD OFF DOWNSVIEW ROAD
MAIDSTONE HILLARY ROAD THE HEDGES FOOTPATH END OF THE ALLEY
MAIDSTONE THE HEDGES END OF HILLARY ROAD END OF HEDGES FOOTPATH
MAIDSTONE FARRINGTON ROAD ON FOOTPATH BY PLAY AREA
MAIDSTONE TARRAGON ROAD BEHIND CHURCH
BARMING BANKY MEADOW UP THE ALLEY JUNCTION LONG REDE LANE
BARMING WOODFORD ROAD RECREATION GROUND GATLAND LANE ENTRANCE
BARMING WOODFORD ROAD RECREATION GROUND WOODFORD ROAD TOP ENTRANCE
BARMING FARLEIGH COURT TERMINUS ROAD BY GARAGES
BARMING FARLEIGH COURT FARLEIGH LANE TOP BY FLATS
BARMING FARLEIGH COURT FARLEIGH LANE BOTTOM BY FLATS
BARMING TERMINU ROAD JUNCTION GATLAND LANE NEAR BUNGALOWS
BARMING HEATH HEATH ROAD OPPOSITE CLINIC
BARMING HEATH HERMITAGE LANE SPINGWOOD ENTRANCE
BARMING THE CHERRIES/BEVERLY ROAD



BARMING HEATH ROAD NORTH STREET CROSSROADS
BARMING OPPOSITE BULL PUBLIC HOUSE ON BANK
WEST FARLEIGH THE GREEN CHARLTON LANE NEAR GOOD INTENT PH
SHEPWAY CLAYGATE OFF PLAINS AVENUE RIGHT HAND SIDE
SHEPWAY CLAYGATE OFF PLAINS AVENUE LEFT HAND SIDE
SHEPWAY DURHAM CLOSE ON GREEN
SHEPWAY DURHAM CLOSE ON GREEN AT FAR END
SHEPWAY YORK ROAD OFF SOUTHPARK ROAD NEAR PARK ENTRANCE
SHEPWAY SOMERSET ROAD PLAYING FIELD TOP END
SHEPWAY SOMERSET ROAD PLAYING FIELD LOWER END
SHEPWAY DORSET WAY ON THE GREEN
SHEPWAY DEVON ROAD ON THE GREEN OPPOSITE ABOVE
SHEPWAY CUMBERLAND GREEN TOP BY TOILETS
SHEPWAY CAMBRIDGE CRESCENT BY DAY CENTRE
SHEPWAY CAMBRIDGE CRESCENT ON GREEN
SHEPWAY NOTTINGHAM AVENUE NEAR ROUNDABOUT DOUBLE BIN
SHEPWAY NOTTINGHAM AVENUE NEAR ROUNDABOUT DOUBLE BIN
SHEPWAY WESTMORLAND ROAD GREEN LEFT HAND SIDE
SHEPWAY WESTMORLAND ROAD OPPOSITE GREEN RIGHT HAND SIDE
SHEPWAY WESTMORLAND CLOSE PLAY AREA NEAR SWINGS
SHEPWAY WESTMORLAND CLOSE PLAY AREA FAR END
SHEPWAY WILLINGTON STREET OPPOSITE SPENCER WAY
SHEPWAY WILLINGTON STREET OPPOSITE SHOPS TOP END
SHEPWAY STEPHENS WOOD OFF WILLINGTON STREET BY PHONE BOX
SHEPWAY STEPHENS WOOD NEAR SUTTON ROAD ENTRANCE
SHEPWAY STEPHENS WOOD APP MID FIELD RIGHT HAND SIDE
SHEPWAY SUTTON ROAD GRASS VERGE RIGHT HAND SIDE TOP OF WILLINGTON STREET
SHEPWAY SUTTON ROAD GRASS VERGE OPPOSITE SENACRE SCHOOL 353 NOTT AVENUE
SHEPWAY SUTTON ROAD GRASS VERGE OPPOSITE POLICE HQ
SHEPWAY SUTTON ROAD GRASS VERGE OPPOSITE BARCLAYS BANK
SHEPWAY SUTTON ROAD GRASS VERGE OPPOSITE LONGFIELD CLOSE
SENACRE TITCHFIELD ROAD LEFT HAND SIDE DOWN ALLEY BEHIND TREE
SENACRE TITCHFIELD ROAD FAR SIDE PLAYING FIELD
SENACRE TITCHFIELD ROAD PLAYING FIELD BY GATE
SENACRE BETSHAM ROAD OFF WOOLLEY ROAD RIGHT HAND SIDE VERGE
SENACRE WOOLLEY ROAD OPPOSITE BETSHAM ROAD NEAR FLOWER BED
SENACRE RECVLVER ROAD OFF CRANBROOK CLOSE LEFT HAND SIDE PLAY AREA
SENACRE ROAD LONG GRASS VERGE RIGHT HAND SIDE HIGHER
SENACRE ROAD LONG GRASS VERGE RIGHT HAND SIDE LOWER
SENACRE WOOLLEY ROAD PLAY AREA RIGHT HAND SIDE NEAR OAP BUNGALOWS
PARKWOOD PARADE SHOPS GRASSED AREA TO REAR OF SHOPS
PARKWOOD BELL ROAD GRASS VERGE OPPOSITE DURBAN HOUSE
PARKWOOD BELL ROAD TO THE SIDE OF NAGPUR HOUSE
PARKWOOD BELL ROAD BY NEW DELHI HOUSE
PARKWOOD PENFOLD CLOSE GRASS VERGE
PARKWOOD FURFIELD CLOSE

PARKWOOD WWRANGLEDEN ROAD JUNCTION WALLIS AVENUE BY TREE ON RIGHT HAND SIDE
PARKWOOD WRANGLEDEN ROAD GRASS VERGE RIGHT HAND SIDE
PARKWOOD WRANGLEDEN ROAD GRASS VERGE LEFT HAND SIDE
PARKWOOD WRANGLEDEN ROAD GRASS VERGE OPPOSITE JENKINS DRIVE
PARKWOOD DISRAELI CLOSE OFF WRANGLEDEN ROAD
PARKWOOD BRISHING CLOSE OFF WALLIS AVENUE
PARKWOOD RECREATION GROUND BY CLUB LONGSHAW ROAD
PARKWOOD RECREATION GROUND BY HEATHER HOUSE
PARKWOOD RECREATION GROUND BY FLATS
PARKWOOD SOMNER WALK OFF BICKNOR ROAD
PARKWOOD BICKNOR ROAD PATH AT SIDE OF BALMORAL HOUSE
PARKWOOD BEHIND THANET HOUSE
QUEEN ELIZABETH SQUARE
QUEEN ELIZABETH SQUARE
QUEEN ELIZABETH SQUARE STRATFORD DRIVE
MANGRAVET WOODSIDE ROAD GRASSED AREA
LINTON LINTON HILL ALLEY TO CORNWALLIS
LINTON LINTON HILL THE CHURCHYARD
LINTON LINTON ROAD GRASSED AREA OPPOSITE 30 LINTON ROAD
LOOSE KING GEORGE V PLAYING FIELD LOOSE ROAD TOP RIGHT HAND SIDE
LOOSE KING GEORGE V PLAYING FIELD LOOSE ROAD TOP RIGHT HAND SIDE
LOOSE KING GEORGE V PLAYING FIELD LOOSE ROAD TOP LEFT HAND SIDE
LOOSE OLD LOOSE HILL TOP RIGHT HAND SIDE FOOTPATH TO VALLEY DRIVE
LOOSE ALL SAINTS CHURCHYARD CHURCH ROAD INSIDE GATES ON RIGHT
LOOSE OLD DRIVE PATH BEHIND SEVINGTON PARK
LOOSE LOOSE ROAD FOOTPATH ALMOST OPPOSITE FIRE STATION TOWN SIDE
LOOSE ALLEY RUNNYMEDE GARDENS OFF WARDFORD GARDENS
LOOSE MAYFAIR AVENUE
BOUGHTON MONCHELSEA HASTE HILL ROAD RIGHT HAND SIDE NEXT TO NUMBER 9
BOUGHTON MONCHELSEA THE GREEN
BOUGHTON MONCHELSEA OLD TREE LANE BY WOODYARD
BOUGHTON MONCHELSEA GREEN LANE JUNCTION WITH MEADOW VIEW ROAD
BOUGHTON MONCHELSEA HEATH ROAD JUNCTION WITH CHURCH STREET NEAR PLAY AREA
COXHEATH VILLAGE HALL STOCKETT LANE CAR PARK BY GATE
COXHEATH LINDEN ROAD FIELD BEHIN DLARGE METAL GATE NEAR NUMBER 32
COXHEATH LINDEN ROAD FIELD BEHIN DLARGE METAL GATE NEAR NUMBER 32
COXHEATH WHITEBEAM DRIVE BEHIND PLAY AREA
COXHEATH HUNTINGDON ROADON LEFT GRASSED AMENITY AREA
HUNTON VILLAGE HALL PLAYING FIELD OFF WEST STREET FROM HUNTON HILL
SOUTH PARK ARMSTRONG ROAD NORTH VIEW RD ENTRANCE
SOUTH PARK ARMSTRONG ROAD OPPOSITE VIEW ENTRANCE BY SMALL GATE
SOUTH PARK ARMSTRONG ROAD MAIN ENTRANCE BY CAR PARK
SOUTH PARK ARMSTRONG ROAD THE GARDENS RIGHT HAND SIDE OF GATE
SOUTH PARK ARMSTRONG ROAD HOCKEY FIELD ENTRANCE BY HEALTH CLUB
SOUTH PARK HOCKEY FIELD ARMSTRONG ROAD BY POSTLEY ROAD ETNRANCE

TOVIL WOODBRIDGE DRIVE SITED OPEN SPACE AT REAR OF ESTATE
TOVIL BRIDGEMILL WAY SITED IN OPEN SPACE AT THE END OF THE ROAD
TOVIL FLUME END ON THE CHILDRENS PLAY AREA
TOVIL ALBERT REED GARDENS PLAY AREA
TOVIL THE STAMPERS ON NEARBY OPEN AREA
TOVIL THE STAMPERS ON RIVERSIDE FOOTPATH
TOVIL THE STAMPERS TOWN SIDE OF HOUSE NEAR FOOTBRIDGE
TESTON THE STREET BEHIND VILLAGE HALL
NETTLESTEAD VILLAGE HALL ON GRASS BANK TO THE SIDE OF HALL
NETTLESTEAD BISHOPS CLOSE ON THE GRASS VERGE
NETTLESTEAD RECREATION GROUND MAIDSTONE ROAD RIGHT HAND SIDE ON CORNER
NETTLESTEAD STATION ROAD BEHIND STATELY PARK FOOTPATH
LADDINGFORD THE LEES LEES ROAD BY NO CAMPING SIGN
YALDING THE LEES CAR PARK ENTRANCE OFF HAMPSTEAD LANE
YALDING THE LEES CAR PARK BY FOOTBRIDGE TO CAFÉ
YALDING THE LEES OPPOSITE LEES HOUSE ACROSS THE STREAM
YALDING LYNGS CLOSE ON THE GRASSED AREA
YALDING CRICKET GROUND TRACK ON RIVER SIDE OFF VICARAGE LANE
MOTE PARK CLAYGATE ENTRANCE 20 METERS INSIDE
MOTE PARK SCHOOL LANE ENTRANCE NEAR CHILDRENS PLAY AREA
MOTE PARK SCHOOL LANE ENTRANCE IN CAR PARK
MOTE PARK MINIATURE GOLF COURSE AT THE FAR END OF THE ADJACENT ROAD
MOTE PARK MINIATURE GOLF COURSE IN THE MIDDLE OF SAME ROAD RIGHT HAND SIDE
MOTE PARK THE CHANGING ROOMS
MOTE PARK BY THE CAFÉ CAR PARK
MOTE PARK CHILDRENS PLAY AREA LOWER END
MOTE PARK FAIRGROUND SITE ON RIGHT HAND SIDE OF EXIT ROAD
MOTE PARK MOTE AVENUE ENTRANCE DOUBLE BIN
MOTE PARK MOTE AVENUE ENTRANCE DOUBLE BIN
MOTE PARK PASSED 186 ON RAISED FOOTPATH ON LEFT HAND SIDE
MOTE PARK CAR PARK BY LAKE VIA GATE RIGHT HAND SIDE
MOTE PARK ON BANK OPPOSITE BOATHOUSE LEFT HAND SIDE
MOTE PARK MIDWAY BETWEEN BOATHOUSE AND WC BLOCK RIGHT HAND SIDE
MOTE PARK UP MINIATURE RAILWAY ACCESS ROAD AT JUNCTION
MOTE PARK ASHFORD ROAD ENTRANCE OPPOSITE WEAVERING STREET
MOTE PARK BY LOW FENCE LEFT HAND SIDE BEFORE MINI RAILWAY STATION
MOTE PARK BY MINI RAILWAY STATION
MOTE PARK JUST PASSED MINI RAILWAY STATION END OF ROAD
MOTE PARK ADJACENT TO TOILET BLOCK ON LEFT HAND SIDE ON LOWER ROAD
MOTE PARK LWR ROAD OVER BRIDGE IN LAYBY ON RIGHT HAND SIDE
MOTE PARK LOWER ROAD OVER BRIDGE JUST ABOVE LAYBY ON LEFT HAND SIDE
MOTE PARK ASHFORD ROAD ENTRANCE OPPOSITE FAUCHIONS LANE
MOTE PARK WILLINGTON ST PARK AND RIDE SITE BY ENTRANCE
MOTE PARK BUNGALOW ACCESS FROM WILLINGTON STREET AT SIDE
MOTE PARK PASSED MOTE BUNGALOWS BY HIGH VICTORIAN WALL

MOTE PARK CHESHIRE HOME FAR END OF DRIVE BY GATE
MOTE PARK CONTINUE AFTER CHESHIRE HOME BY STREAM BENCH RIGHT HAND SIDE
MOTE PARK CONT AFTER ABOVE ROAD REACHES BRIDGE OVER STREAM LEFT HAND SIDE
MOTE PARK WILLINGTON STREET ENTRANCE AT OTHAM LODGE BOTTOM OF DIP
MOTE PARK WILLINGTON STREET ENTRANCE AT COBTREEE HALL TOP OF THE DIP
MOTE PARK LEISURE CENTRE PASSED THE CENTRE TO BOTTOM ON LEFT DOUBLE BIN
MOTE PARK LEISURE CENTRE PASSED THE CENTRE TO BOTTOM ON LEFT DOUBLE BIN
MOTE PARK REAR OF BOWLS CLUB CAR PARK ON RIGHT
OTHAM SPOT LANE OFF DERINGWOOD DRIVE ON GRASS BANK
OTHAM FOXDEN DRIVE RECREATION AREA
OTHAM CHURCH ROAD NEXT TO RECTORY
OTHAM VILLAGE THE GREEN TOP SIDE
OTHAM VILLAGE THE GREEN LOWER SIDE NEAR TREES
DOWNSWOOD MALLARD WAY PLAY AREA
DOWNSWOOD MALLARD WAY PLAY AREA END OF ALLEY BY STREAM
DOWNSWOOD MALLARD WAY PLAY AREA OTHER SIDE OF STREAM
BEARSTED IN THE GARDENS ROSEMARY RD OFF ROYSTON ROAD
BEARSTED MERTON ROAD AT TOP END NEAR SHOPS AND SUPERMARKET
BEARSTED BUTTON LANE
BEARSTED CROSS KEYS ON THE GRASS OPPOSITE NUMBER 35
BEARSTED CROSS KEYS ON THE GRASS OPPOSITE OAP BUNGALOWS
BEARSTED CROSS KEYS IN ELIZABETH HARVE PLAYING FIELD
BEARSTED ON LEFT OUTSIDE HOLY CROSS CHURCH
BEARSTED ON LEFT OUTSIDE HOLY CROSS CHURCH
BEARSTED HOLY CROSS CHURCH CAR PARK END OF CHURCH LANE
BEARSTED VILLAGE GREEN CHURCH LANE OPPOSITE PRIVATE SCHOOL
BEARSTED VILLAGE GREEN OPPOSITE WHITE HORSE PUBLIC HOUSE
BEARSTED SHARSTEAD WAY ON BANK RIGHT HAND SIDE
BEARSTED ROSEACRE LANE PUBLIC FOOTPATH VILLAGE END OPPOSITE NO71
BEARSTED ST FAITHS LANE OFF TOWER LANE FOOTPATH BY WHITE GARAGE
BEARSTED PERVAL DRIVE CHILDRENS PLAY AREA
BEARSTED FITZWILLIAM DRIVE CHILDRENS PLAY AREA
BEARSTED BEARSTED ROAD JUNCTION HAMPTON ROAD OPPOSITE STAKIS HOTEL
BEARSTED ENTRANCE TENNIS AND BOWLING AREA OFF A20 INSIDE WOOD FENCE PASS SHOPS
GROVE GREEN GROVEWOOD DRIVE LEFT HAND SIDE GRASS VERGE
GROVE GREEN GROVEWOOD DRIVE LEFT HAND SIDE PLAY AREA VERGE
GROVE GREEN GROVEWOOD DRIVE OPEN SPACE RIGHT HAND SIDE NEAR TESCO
GROVE GREEN GROVEWOOD DRIVE OVER WEAVERING OPEN SPACE RIGHT HAND SIDE
GROVE GREEN OPEN SPACE AS ABOVE PLAY AREA ACCESS FAR END
GROVE GREEN PENSHURST CLOSE OFF GROVEWOOD DRIVE AT THE FAR END
GROVE GREEN GROVEWOOD DRIVE VERGE NEAR ACCESS TO TESCO GARAGE

GROVE GREEN SHEPHERDS GATE DRIVE FIELD OPPOSITE NO30
GROVE GREEN HENLEY FIELDS LFIELD BEHIND THIS ROAD BEHIND WALL
GROVE GREEN GROVEWOOD DRIVE OPPOSITE MEADOWN
GROVE GREEN GROVEWOOD DRIVE PROVENDER WAY OPPOSITE WINGROVE DRIVE
GROVE GREEN GROVEWOOD DRIVE JUNCTION CROWNFIELD OPPOSITE ON GRASS
VINTERS PARK SNOWDEN AVENUE ADJACENT TO BUS STOP NEAR SHOPS
VINTERS PARK LOMBARDY DRIVE OFF BARGROVE ROAD
VINTERS PARK LOMBARDY DRIVE ALLEY SCHOOL END
VINTERS PARK BEDGEBURY CLOSE OFF HAMPTON ROAD PLAY AREA
VINTERS PARK GARRINGTON CLOSE OFF FARNINGHAM CLOSE PLAY AREA
VINTERS PARK ASHURST ROAD THE PLAY AREA
VINTERS PARK COMMODORE ROAD VERGE
A249 SITTINGBOURNE ROAD GRASS VERGE OPPOSITE JUNCTION TUDOR AVENUE
A249 SITTINGBOURNE ROAD GRASS VERGE NEARLY OPPOSITE WHATMAN CLOSE
A249 SITTINGBOURNE ROAD GRASS VERGE NEAR ROUNDABOUT OPPOSITE CHILTERN 100S
PENENDEN HEATH THE MAIN CAR PARK
PENENDEN HEATH OPPOSITE THE RECYCLING SITE
PENENDEN HEATH PEN HEATH ROAD ALMOST OPPOSITE FARADAY ROAD
PENENDEN HEATH PEN HEATH ROAD JUNCTION BOXLEY ROAD BY CLOCKTOWER
PENENDEN HEATH OFF CAR PARK BY THE BULL PUBLIC HOUSE
MARDEN THE SPORTS GROUND ALBION ROAD LEFT HAND SIDE
MARDEN LIBRARY CAR PARK HIGH STREET
MARDEN FOOTPATH TO RECREATION GROUND OFF HIGH STREET LEFT HAND SIDE FAR END
MARDEN FOOTPATH TO RECREATION GROUND OFF HIGH STREET LEFT HAND SIDE OPPOSITE L WHITE HOUSE
MARDEN PLAY AREA FROM ROUNDEL WAY
MARDEN CRANHAM SQUARE OFF CHANTRY ROAD
MARDEN GOUHURST ROAD FOOTPATHH NEAR WEST END STORES
MARDEN FOOTPATH TO THE COCKPTS OFF GOUDHURST ROAD
MARDEN SOVERIGNS WAY OFF PATTENDEN LANE ON GRASS
STAPLEHURST ON RIGHT HAND SIDE OF STATION ROAD AT BOTTOM OF AN ALLEY
STAPLEHURST ON LEFT HAND SIDE OF STATION ROAD AT BOTTOM OF AN ALLEY
STAPLEHURST SURRENDEN ROAD REC GROUND BATHURST ROAD ENTRANCE
STAPLEHURST SURRENDEN ROAD REC GROUDN SURRENDEN RD ENTRANCE
STAPLEHURST SURRENDEN RD REC GROUND PRIMARY SCHOOL ENTRANCE
STAPLEHURST POPE DRIVE ON GRASS VERGE
STAPLEHURST FOOTPATH OPPOSITE VILLAGE CENTRE THE HIGH STREET
STAPLEHURST POYNTELL ROAD ON GRASS VERGE
STAPLEHURST A229 OPPOSITE ELF GARAGE
HEADCORN RECREATION GROUND NORTH STREET SIDE
HEADCORN RECREATION GROUND BY CHILDRENS PLAY AREA
HEADCORN RECREATION GROUND KINGS ROAD SIDE
HEADCORN AT RECYCLING SITE OFF NORTH STREET AND NEAR CHURCH



HEADCORN ULCOMBE ROAD PLAYING FIELD ENTRANCE ON THE LEFT
HEADCORN ULCOMBE ROAD PLAYING FIELD FAR SIDE ACROSS FIELD
HEADCORN GRIGG LANE
ULCOMBE CRICKET CLUB FIELD HEADCORN ROAD NEAR ENTRANCE
KINGSWOOD VILLAGE HALL GRAVELLY BOTTOM ROAD ENTRANCE
KINGSWOOD LENHAM ROAD BY SMALL GATE ENTRANCE TO WOODS
KINGSWOOD WOODS END CHARLESFORD AVENUE
KINGSWOOD KINGSWOOD REC GROUND LENHAM ROAD BY MAIN GATE
LEEDS VILLAGE HALL OPPOSITE GARAGE AND NEAR JUNCTION WITH FORGE LANE
LANGLEY BY VILLAGE HALL ENTRANCE HORSESHOE LANE
LANGLEY SHEPHERDS WAY OFF HEATH ROAD
SUTTON VALENCE WAR MEMORIAL FIELD NORTH ST OPPOSITE NEW PLAY AREA
SUTTON VALENCE WAR MEMORIAL FIELD NORTH ST BY THE HALL
SUTTON VALENCE ON GREEN JUNC LOWER ROAD AND SOUTH LANE
SUTTON VALENCE TUMBLERS HILL UP BANK OPPOSITE CASTLE ENTRANCE
SUTTON VALENCE THE HARBOUR PLAYING AT REAR NEAR TO GARAGES
CHART SUTTON WARMLAKE ROAD ENTRANCE TO REC GROUND
CHART SUTTON WARMLAKE ROAD VILLAGE GREEN VILLAGE CENTRE
CHART SUTTON CHART HILL ROAD WOODEN HALL ON LEFT HAND SIDE
LENHAM ON THE GREEN NEAR JUNCTION ROBINS CLOSE AND HIGH STREET
LENHAM ROBINS AVENUE RAILWAY FENCE
LENHAM ON THE GREEN NEAR JUNCTION ROYTON AVENUE AND FAVERSHAM ROAD
LENHAM GLEBE POND PICNIC SITE OLD ASHFORD ROAD
CHURCH SQUARE GRAVEYARD BY GATE TO FIELD BACK OF GRAVE YARD
LENHAM OLD HAM LANE GRASS VERGE OPPOSITE DEPOT
LENHAM HAM LANE ON FROGMORE WALK
HARRIETSHAM CHURCH LANE DOWN ALLEY OPPOSITE CHURCH HALL
HARRIETSHAM CHURCH ROAD OPPOSITE LAKELANDS IN THE FIELD
HARRIETSHAM STATION ROAD BY SCOUT HUT
HARRIETSHAM HOOK LANE JUNCTION ASHFORD ROAD OPPOSITE CAR DEALERS
NETTLESTEAD BOAT YARD
ASTON CLOSE WALDERSLADE

**APPENDIX B - Dog Waste Bin DRAFT Communications Plan****Aim**

- 1 - To educate dog owners that bagged dog waste can be put into any litter bins across the borough
- 2 - To educate residents on why the council is removing the bins and allay any fears of an increase in dog fouling

**Key Messages**

Bag that poo, any rubbish bin will do

Dog poo is litter too

**Objectives & Actions**

Objective	Action	Measurement
1	<p>To make sure that all dog owners are aware that bagged dog waste can be put into any litter bin</p> <p>-Stickers and posters on bins and nearby street furniture.            -Short video to be featured on MBC social media channels including RK9            -40,000 Digital adverts to be featured on Kentonline website            -Sponsored editorial</p> <p>-Dog owner merchandise for key events (poo bag &amp; ball launcher) branded to include key messages            -Article for July/August Borough Update</p>	<p>n/a</p> <p>Views of video, shares of video</p> <p>Analytics to be provided by Kent Messenger</p> <p>Hosted for 28 days and include 60,000 online advertisements, 10,000 digital alerts and social media campaign</p> <p>n/a</p> <p>60,000 homes receive Downs Mail</p>
2	<p>To promote the phased removal of dog waste bins across the borough</p> <p>Press release to local media</p>	<p>Note coverage</p>
3	<p>To explain the reason for the removal of the dog waste bins</p> <p>Key message on FAQs for online channels and in press release/internal communications</p>	<p>Note any coverage</p>

**Audience, Tactics and Timetable**

Audience: Dog owners, councillors; MBC staff (both as general information, and for those who are dog owners), local press.

	<b>Tactic</b>	<b>Date</b>	<b>Audience targeted</b>	<b>Responsible</b>	<b>Notes</b>
1	Stickers & Posters on dog waste bins and litter bins, street furniture such as lamp posts	From 01/08/16	Dog owners	Comms team design, Enforcement to put up	
2	Short animated video to be used on MBC social media channels, key events for RK9	From 08/08/16	Dog owners, residents	Comms team commission KM, Comms team responsible for social media & website upload	
3	Digital advert with key messages to be featured on Kentonline	From 08/08/16	Dog owners, residents	Comms team commission KM	
4	Sponsored editorial	From 08/08/16	Dog owners, residents	Comms team to assist with content, KM to produce	
5	Dog owner merchandise	From 08/08/16	Dog owners	Comms to order merchandise	
6	Borough Update article	To be printed end of July 2016	Residents	Comms to draft with enforcement team	
7	Social media	From 08/08/16 immediately prior to the press release	Residents	Comms team	
8	Press release	From 01/08/16 coincide with posters going up	Dog owners, residents	Comms team	
9	FAQs for MBC website and social media	From 01/08/16 coincide with posters going up	Dog owners, residents	Comms team	

**Draft press release for media**

Maidstone Borough Council is launching a campaign to educate dog owners about how to clean up after their pet as changes to bins are made across the borough.

Residents can now dispose of their dog poo in any litter bins in the borough, including those in parks but the message is – just make sure it's bagged before it goes in!

The removal of dog poo bins will be phased across the next year with those that need maintenance or repair being replaced with litter bins if appropriate.

XXX from Maidstone Borough Council said: "We want to make it as easy as possible for dog owners to dispose of their pets poo. Any responsible dog owner will always ensure this is bagged up and put into the nearest bin. This won't change but they can now put it into any litter bin as well. If there are dog owners who don't clean up after their pet and are caught, they will be issued with a Fixed Penalty Notice or could face going to court."

**Draft text for litter and dog bins**

For the post where a dog bin has been removed:	For the litter bins
<p><u>POLITE NOTICE-DOG WASTE BIN</u></p> <p>Unfortunately this dog bin has reached the end of its life and has been removed.</p> <p>Bagged dog waste can be placed in the nearby litter bin and any of the 2500 litter bins across the borough. It can even go in your refuse bin at home.</p> <p>Your cooperation will make our cleansing service more efficient.</p> <p>Bag that poo, any rubbish bin will do</p>	<p><u>POLITE NOTICE-BAGGED DOG WASTE</u></p> <p>Bagged dog waste can be placed in any of the 2500 litter bins across the borough and can even be placed in your refuse bin at home.</p> <p>Please ensure the bag is tied tight and place it in the bin as normal.</p> <p>Collecting dog waste this way makes our cleansing service more efficient. Your cooperation is appreciated.</p> <p>Bag that poo, any rubbish bin will do</p>

Potential graphics and key messages to be used for campaign



96



Thoughtless dog owners

We're watching you!

9 out of 10 dog owners  
clean up after their dog.  
Are you the one who doesn't?

Bag that poo, any rubbish bin will do



## Communities, Housing and Environment

19<sup>th</sup> July 2016

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

**Yes**

### Homelessness Performance Quarter One 2016/17

<b>Final Decision-Maker</b>	Communities, Housing and Environment
<b>Lead Head of Service</b>	John Littlemore
<b>Lead Officer and Report Author</b>	Ellie Kershaw
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### This report makes the following recommendations to this Committee:

1. That the Committee notes the performance for quarter one 2016/17

#### This report relates to the following corporate priorities:

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

#### Timetable

<b>Meeting</b>	<b>Date</b>
Communities, Housing and Environment	19 <sup>th</sup> July 2016



# Homelessness Performance Quarter One

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The council has a statutory duty to provide housing advice and assistance, the scale of which will depend on each household's individual circumstances. Homelessness has been rising over the past few years, both locally and nationally. This has naturally led to an increase in work and expenditure for the council. It is therefore important that the Committee is kept apprised of up to date information.

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## 2. INTRODUCTION AND BACKGROUND

- 2.1 Over the past five years, Maidstone has seen a year on year increase in homelessness applications, from 84 in 2010/11 to 630 in 2015/16. The Committee therefore requested that quarterly information be provided concerning homelessness and the work that the council is undertaking.
- 2.2 Between April and June of 2016, 176 households have met the threshold to make a homelessness application. 149 decisions were made. In the same quarter in 2015/16 there were 150 applications and 132 decisions made. Therefore, it appears that over the year the figures are likely to be at least on a par with, if not higher than last financial year.
- 2.3 The Homelessness code of guidance suggests that where possible decisions should be made within 33 days. In quarter one 57% were made within this timeframe. There are two main reasons for this; the officers currently have a caseload of 30-40 each which is double the caseload that an officer can comfortably manage. In addition to this, there have been a number of cases where there have been complex financial matters to untangle. In many cases, the officer is reliant on the client bringing in information for them to assess and a number of clients have been slow in presenting this information. In order to assist with this issue, the use of credit checks to ascertain debt levels is currently being considered.
- 2.4 The high number of homelessness applications has an impact on the amount spent on temporary accommodation. The level at which the council must provide temporary accommodation pending investigation is a low standard; where the household is homeless, eligible, and the council has reason to believe they may be in priority need, the duty to ensure that suitable accommodation is available to the client pending investigation is triggered. This is a far lower test than 'being satisfied' that the household has a priority need. If a negative decision is reached, households in temporary accommodation must be given 'reasonable' time to vacate. This is usually between seven and 28 days. Finally, the highest proportion of time spent in temporary accommodation is by those households to whom the main housing duty is owed, but for whom suitable settled accommodation has not been identified. In the last quarter, for example,

two households who had been in temporary accommodation for 12 months were rehoused in settled accommodation.

- 2.5 In April and May, over £182,000 was spent on temporary accommodation (gross), which again is an increase on the £165,000 spent in the same quarter this year. A proportion of costs can be recovered through a reasonable charge to households. In the last quarter just over £119,000 was charged to households, with 96% of that having been collected at this time.
- 2.6 There are currently 72 households in nightly paid temporary accommodation with a further 12 in long term temporary accommodation. This is a significant decrease from the New Year when over 100 households were in nightly paid accommodation.
- 2.7 27 preventions were carried out in this quarter. A prevention is where someone threatened with homelessness does not become homeless and the authority has had some part in the reason why. For example, this could be liaison with friends, parents or a landlord, assisting the household to make an application for a discretionary housing payment or helping with a bond to secure a new property. The more preventions that can be carried out, the more people we can help at an earlier stage and the less it costs the council. Unfortunately this low figure (the target is 75) is an unavoidable consequence of having such a high number of active homelessness applications. Ways of being pro-active about prevention are being considered, such as approaching households who have applied for a discretionary housing payment, and those who we know will be subject to the benefit cap this year.

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### 3. CROSS-CUTTING ISSUES AND IMPLICATIONS

None identified, report is for information only.

Issue	Implications	Sign-off
Impact on Corporate Priorities		[Head of Service or Manager]
Risk Management		[Head of Service or Manager]
Financial		[Section 151 Officer & Finance Team]
Staffing		[Head of Service]
Legal		[Legal Team]

<b>Equality Impact Needs Assessment</b>		[Policy & Information Manager]
<b>Environmental/Sustainable Development</b>		[Head of Service or Manager]
<b>Community Safety</b>		[Head of Service or Manager]
<b>Human Rights Act</b>		[Head of Service or Manager]
<b>Procurement</b>		[Head of Service & Section 151 Officer]
<b>Asset Management</b>		[Head of Service & Manager]

## Communities Housing and Environment Committee

Date 19<sup>th</sup> July 2016

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

Yes

## Housing Assistance Policy 2016-2020

<b>Final Decision-Maker</b>	Communities Housing and Environment Committee
<b>Lead Director or Head of Service</b>	Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Ellie Kershaw/ Nigel Bucklow
<b>Classification</b>	Public
<b>Wards affected</b>	All

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

1. To approve the draft of the new housing assistance policy at Appendix I.
2. To give delegated authority to the Head of Housing and Communities to make minor amendments to the policy if required following the completion of the BRE stock condition survey and for the allocation of the capital budget to achieve the outcomes identified in the housing assistance policy.
3. Agree the action plan at Appendix II.

### This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all: Encouraging good health and wellbeing
- Securing a successful economy for Maidstone Borough:

### Timetable

<b>Meeting</b>	<b>Date</b>
Corporate Leadership Team	5th July 2016
Communities, Housing & Environment	19 <sup>th</sup> July 2016

# Housing Assistance Policy 2016-2020

## **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 This report seeks approval of a revised Housing Assistance Policy which documents how the Council wishes to provide financial assistance to home owners and tenants. This policy succeeds the previous policy that was adopted in 2014 and has now ended. This Housing Assistance Policy directly links to the 2016-2020 Council's Housing Strategy (priority 2) and the outcomes that flow from this priority to "Ensure that existing housing in the Maidstone Borough is safe, desirable and promotes good health and wellbeing".
  - 1.2 The Council is required to adopt a Housing Assistance Policy under the Regulatory Reform (Housing Assistance)(England) and Wales) Order 2002 which sets out how it intends to apply its discretion to develop schemes having regard to the needs of the Borough, the availability of funding and the Council's priorities.
  - 1.3 The policy is in draft format pending the completion of a borough wide survey of the housing stock by the Building Research Establishment later this year. In addition Officers are consulting with Officers from KCC on the impact of a larger than expected capital grant award from the Better Care Fund for expenditure on disabled facility grants.
  - 1.4 An action plan detailing the anticipated timetable is set out in Appendix II.
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## **2. INTRODUCTION AND BACKGROUND**

- 2.1 The attached policy at appendix I sets out how the Council will use its power under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to provide assistance to home owners in need to ensure that homes affected by serious health and safety hazards can be improved. The Order enables local housing authorities to implement their policy having regard to the needs of the Borough, the Council's priorities, and the availability of funding.
- 2.2 Additionally the scheme includes the provision of mandatory disabled facilities grants that are delivered by the Council under the Housing Grants, Construction and Regeneration Act 1996 (as amended).
- 2.3 The attached document at appendix II sets out the action plan for the completion of actions that will underpin the launch of the policy.
- 2.4 The current Housing Assistance Policy was adopted by the Council in May 2014 and now requires refreshing to ensure that it continues to meet the Council's strategic priorities and values.



2.5 Maidstone Borough Council's vision for residents of the borough is: "That our residents live in decent homes; enjoy good health and a pleasant environment with a successful economy that is supported by reliable transport links".

2.6 The previous policy aimed to deliver assistance through the following schemes:

- The Home Hazard Grant delivering assistance to homeowners on limited income to remedy certain Category 1 hazards and serious category 2 hazards found at their homes. It is proposed that this scheme will be retained and expanded to cover all Category 1 and serious category 2 hazards.
- The mandatory disabled facilities grant delivering assistance to assist disabled residents to remain living independently; private sector offer incentive supporting Council nomination rights in private rented properties. As a mandatory grant the Council will continue to award assistance under the guidance of the legislation.
- The private sector offer incentive delivered a financial incentive to landlords in exchange for the Council taking fixed term nomination rights to help those residents in priority need of housing. This scheme will no longer be delivered under the housing assistance policy as it is now delivered under the homelessness strategy.
- The empty homes advance offering a repayable loan to owners of empty properties to bring the properties back into use. This scheme will no longer be offered as the incentive attracted no expressions of interest from property owners and anecdotally the scheme was thought to be uncompetitive. This scheme is proposed to be replaced by the empty property grant.
- The HCA Empty Homes Scheme offering assistance to owners of empty homes to return their properties back into use through a 5 year lease agreement. This scheme will no longer be offered as the scheme was partially funded through the Homes and Community Agency on a time limited basis which has now expired.
- The Home Energy Efficiency grant offering assistance to top up Eco or Green Deal cash is to be withdrawn as assistance for measures to reduce fuel poverty is now taken under the Council's affordable energy strategy.

2.7 The Council's Housing Strategy 2016-2020 sets out the strategic priorities over the next five years and actively seeks to address the action areas of encouraging good health and wellbeing and planning for sufficient homes to meet the Borough's needs. Under this strategy three key priorities are identified. Priority 2 of the strategy identifies that the Council will ensure that existing housing in the Maidstone Borough is safe, desirable and promotes good health and wellbeing. To address this priority four outcomes were identified for achievement:

(a) To raise housing quality and standards across all tenures and improve the condition of existing homes to maximise health and wellbeing outcomes for all.

- (b) To improve health outcomes for residents by reducing health inequality to ensure a healthy standard of living for all.
  - (c) Promote ways for residents to improve their health and wellbeing by tackling fuel poverty, energy efficiency advice and managing domestic bills.
  - (d) Bring empty homes back into use in order to increase the housing options available for local residents.
- 2.8 The housing assistance scheme set out in Appendix I aims to address some of these outcomes by assisting residents with a range of financial assistance schemes that the Council will make available in accordance with the eligibility criteria and conditions that will be applied.
- 2.9 Assistance will be offered under the following headings:
- (a) Home Hazard Grant
  - (b) Disabled Facilities Grant
  - (c) Home Assistance(Draft scheme)
  - (d) Empty Property Grant
- 2.10 It is recognised that the responsibility for repairing and maintaining housing in the private sector remains with the owners of their properties but also that some owners may not have the necessary financial resources to fully carry out this responsibility.
- 2.11 The Council will wherever possible through the work of the Housing and Health team offer advice to residents of the Borough to help meet the main outcomes of this policy.
- 2.12 The 5 year capital budget for funding works under this policy was agreed by the Council's Policy & Resources Committee in February 2016. An amount of £450,630 for the current year and an amount of £350,000 for the remaining 4 years to 2021 was agreed for housing incentives. A further amount of £450,000 representing the estimated contribution from Dept. of Communities and Local Government (DCLG) for allocation to mandatory disabled facilities grant assistance was also agreed for each of the 5 years to 2021.
- 2.13 The capital grant from DCLG has now been absorbed into the Better Care Fund and is distributed from KCC to district councils. In the current year 2016/2017 the funding was significantly strengthened and an amount of £867,000 was paid in the current year to the Council in support of the mandatory disabled facilities grant obligation.
- 2.14 The amount of assistance given each year by the council will be dependent upon the level of capital resources available.
- 2.15 To ensure that the policy remains appropriate and flexible to the level of need during the term of the policy it is proposed that the Head of Housing and Community have delegated authority to agree minor amendments to the policy

and to agree the allocation of the capital budget to achieve the outcomes identified in the policy.

### **3. AVAILABLE OPTIONS**

- 3.1 To approve the policy as set out in Appendix I of this report. This action will address a number of key concerns expressed in the Housing strategy outlined earlier.
- 3.2 The Council could choose not to adopt the policy but this would mean that some vulnerable residents remain living in properties that are unsafe and hazardous. For information the disabled facilities grant listed under the types of assistance measures are mandatory for the Council to offer whereas the other assistance schemes are discretionary. This would not be recommended given the stated priorities of the Housing Strategy and the Council's Strategic vision for the Borough and would also not be permissible in terms of offering mandatory disabled facilities grant assistance.
- 3.3 The Council could choose to support only the disabled facilities grant under this policy as this grant is mandatory under the provisions of the Housing Grants and, Construction and Regeneration Act 1996. This option is not recommended as this would not offer other forms of assistance that addresses the stated priorities of the Council.

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The Committee is recommended to adopt the Housing Assistance Policy as set out in the Appendix I to this report as this option ensures compliance with the statutory requirement for the award of the disabled facility grant whilst helping to meet the Council's strategic vision and priorities for the borough.

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### **5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 5.1 The policy will be launched following the completion of a borough wide stock condition survey that is to be conducted later this year. The assistance scheme will be available on the Council's website along with the publication of leaflets advertising the availability of assistance.

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### **6. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	Meets the priorities	[Head of Service or Manager]
<b>Risk Management</b>	Reputational and financial if DFG were not to be made available	[Head of Service or Manager]
<b>Financial</b>	The annual budget for the disabled facility grant is awarded through the better care fund settlement direct from KCC upon central government direction. Other forms of housing assistance are taken from the discretionary capital budget agreed annually by the Council	[Section 151 Officer & Finance Team]
<b>Staffing</b>	Existing staff resources will deliver the measures outlined in the policy	[Head of Service]
<b>Legal</b>	The disabled facilities grant is a mandatory grant available to all residents subject to prescribed criteria and must be made available by the Council.	[Legal Team]
<b>Equality Impact Needs Assessment</b>	To be completed	[Policy & Information Manager]
<b>Environmental/Sustainable Development</b>	N/a	[Head of Service or Manager]
<b>Community Safety</b>	N/a	[Head of Service or Manager]
<b>Human Rights Act</b>	There are no rights considered to be breached under the respective articles of the Human Rights Act in the delivery of housing assistance	[Head of Service or Manager]
<b>Procurement</b>	N/a	[Head of Service & Section 151 Officer]
<b>Asset Management</b>	N/a	[Head of Service & Manager]

## 7. REPORT APPENDICES

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

- Appendix I: The Housing Assistance Policy 2016-2020
- Appendix II: Housing Assistance Policy action plan

# Maidstone Borough Council Housing Assistance Policy

2016 – 2020

DRAFT



## Contents

1. Introduction .....	2
2. Background .....	2
3. Aims and priorities .....	3
4. Raising housing standards to maximise health and wellbeing .....	4
5. Bringing empty homes back into use. ....	5
APPENDIX 1: Housing Assistance Schemes 2016-2020 .....	7
Home Hazard Grant .....	7
Disabled Facilities Grant.....	8
Home Assistance (Draft Scheme) .....	9
Empty Property Grant.....	10

## **1. Introduction**

- 1.1 Maidstone is the county town of Kent. The Borough covers 40,000 hectares and is largely rural with approximately 50% of the Borough's population living in a parished area<sup>1</sup>. The Borough comprises the large urban area of Maidstone town and a rural area containing a number of smaller villages and the Kent Downs Area of Outstanding National Beauty.
- 1.2 Within the borough, there are 65,526 dwellings<sup>2</sup> with 86% of them being privately owned or rented. The council has a key role to play to support investment and improvement within the sector for the benefit of Maidstone's residents.
- 1.1. Maidstone Borough Council's Strategic Plan identifies our vision "That our residents live in decent homes; enjoy good health and a pleasant environment, with a successful economy that is supported by reliable transport links".
- 1.2. A key action area is encouraging good health and wellbeing. To support, the Council aims to maintain and improve the condition of housing through providing support, enforcement, and assistance to home owners, tenants, and landlords and hence maximise the supply of high quality housing within the borough. This policy details how the Council intends to use its mandatory and discretionary powers and resources to ensure Maidstone is a decent place to live.
- 1.3. The council's over-arching Housing Strategy (2016-20) sets out the strategic priorities over the next five years. This Housing Assistance Policy flows from the council's Housing Strategy and should be read in conjunction with the council's Housing Enforcement Policy and Affordable Energy Strategy.

## **2. Background**

- 2.1. The right home environment is critical to our health and wellbeing. Good housing helps people stay healthy, and provides a base from which to sustain a job, contribute to the community, and achieve a decent quality of life. Safe and suitable housing also aids recovery from periods of ill-health, and enables people to better manage their health and care needs.
- 2.2. Housing is a key determinant of health, and by promoting good quality housing this policy will contribute to reducing health inequalities for Maidstone's residents and contribute to the key action area of encouraging good health and wellbeing.
- 2.3. Poor housing also has the potential to impact negatively on both the local neighbourhood but also on the wider housing market and by supporting investment in private sector housing the council will contribute to the key

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<sup>1</sup> Maidstone Borough Council's Strategic Plan 2015-2020

<sup>2</sup> 2011 Census, Table KS401EW

action areas of securing a successful economy and providing a clean and safe environment.

- 2.4. By 2020, Office for National Statistics projections predict an increase in population in Maidstone across all age bands, most notably in the 85 and above population. This is expected to increase by 24.6%, representing 994 people. Across Maidstone, the overall population will rise by 5.6%; 9,062 people between 2015 and 2020<sup>3</sup>.
- 2.5. Deprivation in the Borough is lower than England average; however 14.1% of children (under 16 years old) live in poverty. There is a difference of life expectancy in men and women; 7.4 years lower for men and 4.4 lower for women in the most deprived areas of Maidstone than in the least deprived<sup>4</sup>.

### **3. Aims and priorities**

- 3.1. The Housing Strategy (2016-20) has 3 priorities, the second of which is to ensure that existing housing in the borough is safe and desirable and promotes good health and wellbeing. This policy sets out in greater detail these priorities and how we intend to accomplish them. It also details how we will work to maintain and improve housing conditions. The policy also details how the council will meet its statutory obligations in respect of funding aids and adaptations to disabled residents.
- 3.2. Maidstone Borough Council is required to adopt a Housing Assistance Policy which sets out how it intends to use its discretion to develop schemes having regard to the needs of the borough, the availability of funding and the council's priorities<sup>5</sup>.
- 3.3. Appendix 1 details the schemes that the council intends to offer during the life of this policy and sets out specific criteria relating to each scheme.

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<sup>3</sup> Office for National Statistics

<sup>4</sup> Public Health England

<sup>5</sup> The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 [SI 2002 No 1860]

#### **4. Raising housing standards to maximise health and wellbeing**

- 4.1. Outcome 2a of the Council's Housing Strategy 2016-2020 is to raise housing quality and standards across all tenures and improve the condition of existing homes to maximise health and wellbeing outcomes for all<sup>6</sup>
- 4.2. There is a direct impact on the health and well-being of residents resulting from the homes in which they live, in essence; poor housing contributes to poor health.
- 4.3. Each year hazards in the home result in unnecessary injuries, episodes of ill-health, and harm to mental health, and in many cases the occupiers do not link the poor condition of their homes with a potential negative impact on their health.
- 4.4. Residents living in rented accommodation are safeguarded through the statutory obligations on their landlords to undertake repairs and maintenance to ensure that their health, safety and well-being is not compromised by hazards in the home.
- 4.5. While the poorest housing stock can be found in the rented sector. The council has wide-ranging powers to intervene and take enforcement action to require private landlords to improve their properties. The council also supports accreditation for private landlords, and is a member of the Kent Landlord Accreditation Scheme (KLAS).
- 4.6. Some home owners find themselves to be 'equity-rich' but are 'cash-poor', i.e. their homes represent a significant capital resource, but they are on a low income, and as a result they lack the funds to carry out repairs and maintenance on their homes. For these home owners, equity release products may provide the ability to finance repairs without impacting on income streams.
- 4.7. There are a number of reasons why home owners do not maintain their homes, for example:
  - § lack of trust in builders;
  - § inadequate funds to pay for repairs;
  - § lack of awareness of need to take action;
  - § belief that repairs will be too expensive to afford, and;
  - § lack of experience in property maintenance.
- 4.8. Very often older home owners are those most affected by their inability to maintain their homes, as are those on the lowest incomes. The council aims to target assistance at these homeowners.
- 4.9. We usually inspect Owner Occupied properties when owners are requesting financial assistance. We may identify hazards that the owner

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<sup>6</sup> Housing Strategy 2016-2020 Priority 2, Outcome 2a

has not been aware of, (electrical wiring being old or dangerous is a typical example). Owners may be reluctant to have this work done particularly if their have requested assistance to renew windows for example. Every effort should be made to encourage the owners to carry out works in order to deal with the most serious hazards first, but if this fails then grant aid may be refused.

**4.10. Assisting residents to remain in their homes.**

- 4.11. The council has a statutory obligation to administer mandatory Disabled Facilities Grants (DFGs) to provide aids and adaptations to enable disabled residents to live independently within their own homes.
- 4.12. The eligibility requirements, scope of works, and the general requirements governing mandatory DFGs are prescribed and the council is unable to deviate from these requirements.
- 4.13. The council is required to administer Disabled Facilities Grants to all eligible applicants irrespective of their tenure, and the council aims to work collaboratively with housing associations to fund aids and adaptations within subsidised housing in accordance with the pan-Kent protocol<sup>7</sup> for delivering DFGs which shares the cost between the council and the housing association that owns the property being adapted.
- 4.14. In some cases the use of Disabled Facilities Grants is able to assist with reducing the length of stay in hospital and facilitating a quick return to home. This also reduces the demand for residential care placements.

**5. Bringing empty homes back into use.**

- 5.1. Outcome 2d of the Council's Housing Strategy 2016-2020 is to bring empty homes back into use in order to increase the housing options available for local residents<sup>8</sup>.
- 5.2. Maidstone is an area of high housing demand, coupled with significant levels of housing need, and consequently the private rented sector plays an important role in providing affordable accommodation for Maidstone's residents.
- 5.3. For many residents, private rented accommodation provides the ability to find accommodation of the right size, type, location and cost to suit individual circumstances and lifestyles.
- 5.4. The private rented sector provides a key opportunity to provide homeless households with sustainable and stable accommodation, and this policy seeks to provide assistance to landlords who make accommodation available to the council for offering to applicants to the council's housing register.

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<sup>7</sup> Kent Housing Group

<sup>8</sup> Housing Strategy 2016-2020 Priority 2, Outcome 2d



- 5.5. Just over 0.2% of Maidstone's housing stock is classified as long term empty properties. There are 147 which have been empty for at least 6 months<sup>9</sup>. There are a wide range of reasons why properties remain empty; however these properties remain a wasted resource.
- 5.6. The council's Empty Homes Policy details the key actions that the council intends to take to maximise the number of homes that are occupied, and as part of this plan the council aims to promote the return to use of long-term empty homes through the provision of assistance. Where assistance is provided the council will retain the ability to nominate homeless households to future tenancies.

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<sup>9</sup> Source Maidstone Borough Council Tax May 2016 Category 'C' empty property list

## APPENDIX 1: Housing Assistance Schemes 2016-2020

To deliver the aims and priorities detailed within this policy, we will implement the following assistance schemes during the life of this policy. These schemes are detailed below; however each scheme may be withdrawn or offered on a time-limited basis to enable the council to respond to local market conditions and funding constraints.

Home Hazard Grant	
<b>Assistance:</b>	Between £1,000 and £20,000 per application
<b>Purpose:</b>	To remedy Category 1 hazards and serious Category 2 hazards (bands D-F) as defined within the Housing Health and Rating Safety System (HHSRS).
<b>Assessment:</b>	By Housing & Health Team through a HHSRS inspection.
<b>Eligibility:</b>	<p>Applicants must:</p> <ul style="list-style-type: none"><li>• own their home and have occupied it as their only home for a minimum of 5 years,</li><li>• be in receipt of the state retirement pension which is their main source of income and have savings or investments of less than £16,000, or be in receipt of a means tested benefit,</li><li>• intend to continue to occupy the home for a minimum of 5 years following completion of the grant, and</li><li>• not have received assistance from the council within the preceding 5 years.</li></ul>
<b>Conditions:</b>	<ul style="list-style-type: none"><li>• Applications must include completed application form, and two estimates from local contractors for the works in the required format,</li><li>• Works to be completed within 12 months of grant approval and completed to the satisfaction of the council.</li></ul>
<b>Repayment:</b>	<ul style="list-style-type: none"><li>• Assistance to be registered as a local land charge against the property and repaid in full in the event that the property is sold, transferred, assigned or becomes unoccupied by the applicant's household for more than 6 months.</li></ul>

## Disabled Facilities Grant

<b>Assistance:</b>	Maximum assistance of £30,000 per application
<b>Purpose:</b>	Meet the council's statutory obligation to assist disabled residents to live independently in their homes.
<b>Assessment:</b>	<ul style="list-style-type: none"><li>• aids and adaptations to be recommended by Kent County Council's Occupational Therapist, and</li><li>• meet the regulations governing eligibility for works,</li><li>• adaptations to aid access into and around the property,</li><li>• works to ensure the safety of the applicant,</li><li>• provision of suitable bathroom or sleeping facilities, heating, and access to lighting and power,</li><li>• provision of suitable kitchen facilities or adaptation of existing kitchen, and</li><li>• disabled resident to care for dependant residents.</li></ul>
<b>Eligibility:</b>	<ul style="list-style-type: none"><li>• disabled home owners;</li><li>• disabled tenants (both in the private sector and subsidised housing sector);</li><li>• disabled persons living at home with their family;</li><li>• parents or guardians of a disabled child;</li></ul>
<b>Conditions:</b>	<ul style="list-style-type: none"><li>• Applications must include completed application form, and two estimates from preferably local contractors for the works in the required format,</li><li>• Works to be completed within 12 months of grant approval and completed to the satisfaction of the council.</li><li>• Applications subject to means test through standard test of resources except where the grant is approved in respect of a disabled child under the age of 19.</li></ul>
<b>Repayment:</b>	<ul style="list-style-type: none"><li>• Assistance in excess of £5,000 to be registered as a local land charge against the property and a maximum of £10,000 to be repaid (disregarding the first £5,000) in the event that the property is sold, transferred, or assigned.</li><li>• Exception if the property disposal takes place more than 10 years following the date of the local land charge.</li><li>• Exception if the council considers that it is unreasonable to require repayment having regard to the relevant regulations<sup>10</sup>.</li></ul>

<sup>10</sup> The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grants (Conditions relating to approval or payment of Grant) General Consent 2008.

### Home Assistance(Draft scheme)

<b>Assistance:</b>	Maximum assistance of £5,000 per application
<b>Purpose:</b>	To provide assistance to support hospital discharge to enable residents to return home quickly
<b>Assessment:</b>	<ul style="list-style-type: none"><li>• A range of aids and adaptations as identified by clinical specialist or Occupational Therapist to be essential to enable the resident to return home.</li></ul>
<b>Eligibility:</b>	<ul style="list-style-type: none"><li>• Any resident who has a short term need (less than 12 months) for equipment as a consequence of needing discharge from hospital or other facility</li></ul>
<b>Conditions:</b>	<ul style="list-style-type: none"><li>• Applications must include completed application form, and an estimate for the works in the required format.</li><li>• Works to be completed within 12 months of grant approval and completed to the satisfaction of the council,</li><li>• The equipment will be loaned. Equipment to be removed from the dwelling and recycled when no longer required by the applicant ( maximum period 12 months).</li><li>• Assistance to be registered as a local land charge against the property until equipment returned.</li><li>• Only one application will be considered</li></ul>
<b>Repayment:</b>	<ul style="list-style-type: none"><li>• Not required</li></ul>

## Empty Property Grant

- Assistance:** Between £1,000 and £20,000 per property
- Purpose:** To remedy Category 1 hazards and serious Category 2 hazards (bands D-F) as defined within the Housing Health and Rating Safety System (HHSRS) and to get the dwelling ready for occupation.
- Assessment:** By Housing & Health Team through a HHSRS inspection.
- Eligibility:** Applicants must:
- be a private individual (not a Registered Provider or Organisation),
  - own the property, which also has been empty for more than 6 months, for a minimum of 3/5 years,
  - agree to rent their property through an agreed provider for a minimum of 3/5 years following completion of the grant,
  - ordinarily have good title in respect of the property and there be no financial charges in respect of the property, and
  - not have received assistance from the council for the dwelling within the preceding 5 years.
- Conditions:**
- Applications must include a completed application form, and two estimates from local contractors for the works in the required format,
  - Property to be offered at rents no greater than the Local Housing Allowance rates applicable at the time of letting, be let on a minimum 12 month tenancy, and be managed by a provider,
  - Property to be advertised by the Council as necessary, and
  - Works to be completed within 12 months of grant approval and completed to the satisfaction of the council.
- Repayment:**
- Assistance to be registered as a local land charge against the property and repaid in full in the event that the property is sold, transferred, or assigned,
  - If the premises stops being rented through the scheme within 5 years of the completion of the grant.



Action Plan Housing Assistance Policy- in conjunction with 'Maidstone Housing Strategy',

<b>Housing Strategy 2016-20 Outcomes</b>	<b>What we plan to do</b>	<b>Key partners</b>	<b>Target</b>
<b>2a-</b> To raise housing quality and standards across all tenures and improve the condition of existing homes to maximise health and wellbeing outcomes for all	Obtain a housing stock condition survey from the Building Research Establishment (BRE)	BRE Mid Kent Authorities Legal Housing and Health team	September 2016
<b>2a-</b> To raise housing quality and standards across all tenures and improve the condition of existing homes to maximise health and wellbeing outcomes for all	Amend as required housing assistance policy, to reflect findings from the stock condition survey	Housing and Health team	October 2016
<b>2a-</b> To raise housing quality and standards across all tenures and improve the condition of existing homes to maximise health and wellbeing outcomes for all	Launch the Housing Assistance Policy- to include: - Home Hazard Grant - Disabled Facilities Grant - Home Assist Grant - Empty Property Grant	Housing and Health team	November 2016
<b>2d-</b> Bring empty homes back into use in order to increase the housing options available for local residents	Launch Empty property grant -Write to owners - Owner event	Housing and Health team	September 2016
<b>2a-</b> To raise housing quality and standards across all tenures and improve the condition of existing homes to maximise health and wellbeing outcomes for all	Devise details of Home Assist Grant - Work in collaboration with other key partners	Housing and Health team  Kent Local Authorities  Kent County Council	September 2016

## Communities Housing and Environment Committee

19<sup>th</sup> July 2016

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

**Yes**

### Housing Enforcement Policy 2016

<b>Final Decision-Maker</b>	Communities Housing and Environment Committee
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Ellie Kershaw/Nigel Bucklow
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### This report makes the following recommendations to this Committee:

1. To approve adoption of the draft revised Housing Enforcement Policy 2016(appendix I) including the statement of principles for determining financial penalties under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
2. To delegate authority to the Head of Housing and Community Services to hear mitigation for non-compliance of a landlord's responsibilities under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to reduce the level of fine imposed as set out under the statement of principles

#### This report relates to the following corporate priorities:

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

#### Timetable

<b>Meeting</b>	<b>Date</b>
Communities Housing and Environment Committee	19 <sup>th</sup> July 2016

# Housing Enforcement Policy 2016

## **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 To update the current housing enforcement policy taking account of new legislative responsibilities of the Council.
  - 1.2 The Council's Housing Strategy 2016 sets out the Council's strategy for tackling housing priorities within the borough. It also refers to public health priorities for reducing inequalities in health and wellbeing, and aims to achieve some of these through targeted housing interventions.
  - 1.3 As a regulatory service the Housing and Health team's role is to maintain and improve housing conditions in the Borough across a range of tenures.
  - 1.4 The team use a range of methods to achieve these outcomes including assessing properties and enforcement under the Housing Health and Safety Rating System; improving the management of and licensing of Houses in Multiple Occupation; empty homes; overcrowding; public health matters; and provision of housing assistance.
  - 1.5 Where possible the team's approach is to give informal advice, information to those seeking assistance.
  - 1.6 Where this approach fails or it is necessary to protect the health, safety or welfare of residents in line with the Council's statutory responsibilities the team will take necessary enforcement action.
  - 1.7 The Housing Enforcement Policy 2016 sets out the criteria and priorities that we will use when enforcing a range of legislation so it is clear, proportionate, consistent, transparent and accountable.
- 

## **2. INTRODUCTION AND BACKGROUND**

- 2.1 The draft Housing Enforcement policy 2016 set out in appendix I updates the previous policy introduced in 2007.
- 2.2 The new draft policy reflects new legislative responsibilities placed upon Local Authority Housing authorities since then.
- 2.3 These responsibilities are The Redress Scheme for Lettings Agency work and Property Management Work (Requirement to Belong to a Scheme etc)(England) Order 2014 and The Smoke and Carbon Monoxide Alarm (England) Regulations 2015.
- 2.4 These regulations introduced the use of penalty charge notices for non-compliance with the regulations.
- 2.5 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 further require that the Housing Authority prepare and publish a statement of

principles which it proposes to follow in determining the amount of penalty charge to be levied in the event of non-compliance. The draft statement is set out in the policy document to this report.

- 2.6 Since the introduction of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 only one direct complaint has been made to the Council. However, it is expected that taking a pro-active approach will see this increase significantly.
- 2.7 Where penalty notices are issued, the Regulations provide for a review of the level of the penalty charge issued. It is recommended that any review request in the first instance be considered by the Head of Housing and Community Services.
- 2.8 Linked to the enforcement of Housing Standards in privately rented property by way of Housing Act notice is the Deregulation Act 2015. On 1 October 2015 a number of provisions affecting private housing tenants was introduced. These provisions apply to all new shorthold tenancies that start on or after 1 October 2015. (They are not retrospective)
- 2.9 Among a number of simplified processes introduced for the benefit of both the landlord and the tenant the Act deals with the matter of retaliatory eviction. This is where a tenant makes a legitimate complaint to their landlord about the condition of their property and, in response, instead of making the repair their landlord serves them with an eviction notice.
- 2.10 Where a tenant makes a genuine complaint about the condition of their property that has not been addressed by their landlord, their complaint has been verified by a local authority inspection, and the local authority has served either an improvement notice or a notice of emergency remedial action, a landlord cannot evict that tenant for 6 months using the 'no-fault' eviction procedure (a section 21 eviction). A 'no fault' eviction is one where the tenant does not have to have done anything wrong, for example not paying the rent, to be asked to leave. The landlord is also required to ensure that the repairs are completed.
- 2.11 Examples of repairs that are covered by these rules would include a leak in the property or a problem with the heating, especially in colder weather. The sort of repair that would not be covered by these rules is a dripping tap, or changing a lightbulb. The vast majority of landlords will address these sorts of serious issues quickly. This legislation is targeted at those who not only fail to make these repairs, but then attempt to evict the tenant in response to their complaint.
- 2.12 Retaliatory eviction is an unacceptable practice and no tenant should fear becoming homeless because they have asked for a necessary repair.
- 2.13 These provisions also require that landlords provide all new tenants with information about their rights and responsibilities as tenants. They provide that a landlord cannot serve a section 21 notice (unless they have complied with certain legal responsibilities, and introduce a new standard form that landlords must use when evicting a tenant under the 'no fault' (section 21)

procedure. This will make it more straightforward for landlords to evict a tenant where it is legitimate to do so.

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### **3. AVAILABLE OPTIONS**

- 3.1 The committee can approve the draft policy (appendix I) and the statement of principles for determining the amount of civil penalty charges under regulation 13 of The Smoke and Carbon Monoxide Alarm(England) Regulations 2015 as drafted.
- 3.2 The committee can approve the draft policy (appendix I) including the statement of principles for determining the amount of civil penalty charges under regulation 13 of The Smoke and Carbon Monoxide Alarm(England) Regulations 2015 subject to amendments; or
- 3.3 To not adopt the draft policy.

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option is the approval and adoption of the draft policy (appendix I) and the statement of principles for determining the amount of civil penalty charges under regulation 13 of The Smoke and Carbon Monoxide Alarm(England) Regulations 2015 .The current policy requires updating to reflect the recent changes in legislation.

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### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 No consultation has been sought as this is an update in accordance with legislation.

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### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 Should the revised policy be approved the enforcement policy will become published on the Housing and Health website.

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### **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	Supports the delivery of key priorities under the Housing Strategy 2016and the wider strategic vision for the borough	[Head of Service or Manager]
<b>Risk Management</b>	Having a current enforcement policy ensures that the Council are able to consider a range of	[Head of Service or Manager]

	options to achieve regulatory compliance.	
<b>Financial</b>		[Section 151 Officer & Finance Team]
<b>Staffing</b>	None	[Head of Service]
<b>Legal</b>		[Legal Team]
<b>Equality Impact Needs Assessment</b>		[Policy & Information Manager]
<b>Environmental/Sustainable Development</b>		[Head of Service or Manager]
<b>Community Safety</b>		[Head of Service or Manager]
<b>Human Rights Act</b>	This policy is compliant with the Human Rights Act	[Head of Service or Manager]
<b>Procurement</b>	None	[Head of Service & Section 151 Officer]
<b>Asset Management</b>	None	[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:

Housing Enforcement Policy 2016 including the statement of principles for determining the amount of civil penalty charges under regulation 13 of The Smoke and Carbon Monoxide Alarm(England) Regulations 2015



# Maidstone Borough Council

## Housing Enforcement Policy

VERSION: JULY 2016

## **Contents**

<b>Section</b>	<b>Title</b>	<b>Page</b>
1.0	Introduction	4
2.0	Background	4
3.0	Aims of policy	5
4.0	Partners	5
5.0	Governance and ethics	6
6.0	Methods of enforcement	8
7.0	No action	8
8.0	Informal action and advice (Owners)	9
9.0	Informal action and advice (Tenants)	9
10.0	Enforcement Action	10
11.0	Charges For Enforcement Action	10
12.0	Works In Default	11
13.0	Monitoring	11
14.0	Serving Notices	11
15.0	Authorisations	11
16.0	Application Of This Policy	12
17.0	Access To The Policy	12

18.0	Review Of Policy	12
19.0	Complaints	12
Appendix 1:	Housing Act notices	13
Appendix 2:	Other legislation	20
Appendix 3:	Smoke And Carbon Monoxide Alarm Regulations	24
Appendix 4:	Houses in multiple occupation	29
Appendix 5:	The Redress Schemes For Letting Agents/Managers	32

## **1.0 Introduction**

- 1.1. Maidstone is the county town of Kent. The Borough covers 40,000 hectares and is largely rural with approximately 50% of the Borough's population living in a parished area<sup>1</sup>. The Borough comprises the large urban area of Maidstone town and a rural area containing a number of smaller villages and the Kent Downs Area of Outstanding National Beauty.
- 1.2. Within the borough, there are 65,526 dwellings with 86% of them being privately owned or rented<sup>2</sup>. The council has a key role to play to support investment and improvement within the sector for the benefit of Maidstone's residents.
- 1.3. Maidstone Borough Council's Strategic Plan identifies our vision "That our residents live in decent homes; enjoy good health and a pleasant environment, with a successful economy that is supported by reliable transport links".
- 1.4. A key action area is encouraging good health and wellbeing. To support, the council aims to maintain and improve the condition of housing through providing support, enforcement action, and assistance to home owners, tenants, and landlords and hence maximise the supply of high quality housing within the borough. This policy details how the council intends to use its mandatory and discretionary powers and resources to ensure Maidstone is a decent place to live.
- 1.5. We have a direct duty or authority to enforce relevant legislation. We are committed to the principles of good enforcement when this applies. Each case is unique and must be considered on its own merits.
- 1.6. General principles apply to each situation. This policy sets out factors to be taken into account when considering the type of enforcement action we take. The policy must be followed except in exceptional circumstances.
- 1.7. Priority will be given to addressing poor housing conditions that threaten the safety and wellbeing of occupiers. Resources will be targeted particularly at situations where occupiers have little influence over the condition of the accommodation they occupy.

## **2.0 Background**

- 2.1 The right home environment is critical to our health and wellbeing. Good housing helps people stay healthy, and provides a base from which to sustain a job, contribute to the community, and achieve a

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<sup>1</sup> Maidstone Borough Council's Strategic Plan 2015-2020

<sup>2</sup> 2011 Census, Table KS401EW

decent quality of life. Safe and suitable housing also aids recovery from periods of ill-health, and enables people to better manage their health and care needs.

- 2.2 Housing is a key determinant of health, and by promoting good quality housing this policy will contribute to reducing health inequalities for Maidstone's residents and contribute to the key action area of encouraging good health and wellbeing.
- 2.3 Poor housing also has the potential to impact negatively on both the local neighbourhood but also on the wider housing market and by supporting investment in private sector housing the council will contribute to the key action areas of securing a successful economy and providing a clean and safe environment.

### **3.0 Aims of policy**

- 3.1 The council's over-arching Housing Strategy (2016-20) sets out the strategic priorities over the next five years. This Housing Enforcement Policy flows from the council's Housing Strategy and should be read in conjunction with the council's Housing Assistance Policy, Empty Homes Policy and Affordable Energy Strategy.
- 3.2 To set out in greater detail our priorities and how we intend to accomplish them. It also details how we will work to maintain and improve housing conditions. The policy also details how the council will meet its statutory obligations.
- 3.3 To ensure that housing enforcement decisions are always consistent, balanced, fair, transparent, proportionate and relate to common standards.
- 3.4 To inform the community at large of the principles by which enforcement action is taken.
- 3.5 To empower Officers to deliver on the Council's objectives to ensure that the housing conditions comply with statutory standards, making the most effective use of capital and manpower resources and reduce the number of long term empty dwellings (please see the Empty Homes Policy).
- 3.6 To provide customer focused, effective, intelligence driven services that support empower and secure a safe and healthy environment for all residents.
- 3.7 To support a growing economy where all landlords meet their legal responsibilities.
- 3.8 To set out the factors to be taken into account when considering enforcement action.

### **4.0 Partners**

- 4.1 Officers shall consider if there are relevant internal or external partners. Some of these are listed below (this is not an exhaustive list):

Internal partners include:

- Community Safety
- Planning
- Planning Enforcement
- Environmental Health
- Environmental Enforcement

External partners include:

- Kent Fire and Rescue
- Kent Police
- Maidstone Mediation Service
- Voluntary sector organisations
- UK Border Agency

## **5.0 Governance and ethics**

- 5.1 We will take into account the legal and procedural implications of both The Human Rights Act 1998 and European Convention on Human Rights.
- 5.2 We will also have regard to our responsibilities as described in the Maidstone Borough Council Equality Policy. We recognise there is diversity within the community. Care will be taken to ensure enforcement actions are clearly understood by all. For example, we will provide documents in an appropriate language wherever possible. We may also arrange for an interpreter.
- 5.3 The code for crown prosecutors and legislative and regulatory reform sets out what people being regulated can expect from us. It commits us to good enforcement practice with effective procedures and clear policies.
- 5.4 This document has been prepared with regard to the current principal legislation and statutory guidance including:
- The Regulatory Enforcement and Sanctions Act 2008;
  - Legislative and Regulatory Reform Act 2006;
  - Legislative and Regulatory Reform (Regulatory Functions) Order 2007;
  - Regulators' Compliance Code;
  - Housing Health & Safety Rating System Enforcement Guidance.
- 5.5 The Regulatory Enforcement and Sanctions Act established The Local Better Regulation Office. It also imposed upon us a duty to:
- Have regard to any guidance given to us by Local Better Regulation Office.



- Comply with guidance where we are directed to do so by Local Better Regulation Office
  - Have regard to any list of enforcement priorities published by Local Better Regulation Office.
- 5.6 The Legislative and Regulatory Reform Act, Part 2, requires us also to have regard to the Principles of Good Regulation. We recognise that our regulatory activities should be carried out in a way which is:
- Proportionate,
  - Accountable,
  - Consistent,
  - Transparent,
  - Targeted to situations which need action.
- 5.7 We have had regard to the Regulators' Compliance Code in the preparation of this policy and will base our enforcements on the principles within:
- Change the behaviour of the offender,
  - Change attitudes in society to offences which may not be serious in themselves, but which are widespread,
  - Eliminate any financial gain or benefit from non-compliance,
  - Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction,
  - Be proportionate to the nature of the offence and the harm caused,
  - Restore the harm caused by regulatory non-compliance, where appropriate,
  - Deter future non-compliance.
- 5.8 This Policy has also been prepared having regard to the Code for Crown Prosecutors and the Regulators Compliance Code and the Principles of Good Enforcement:
- Standards
  - Openness
  - Helpfulness
  - Complaints
  - Proportionality
  - Consistency
- 5.9 Our primary function is to achieve regulatory compliance in order to protect residents. However, we may take enforcement action in some cases after compliance has been achieved if it is in the public interest to do so.
- 5.10 When considering formal enforcement action, we will, where appropriate/reasonably practicable, discuss the circumstances with those suspected of a breach. And take these discussions into account when deciding on the best approach. This paragraph does not apply where immediate action is required to prevent or respond to a breach

or where to do so is likely to defeat the purpose of the proposed enforcement action.

## **6.0 Methods of enforcement**

6.1 We recognise that prevention is better than cure. But where it becomes necessary we will take enforcement action. The term "enforcement" has a wide meaning and applies to all dealings between the Council and those on whom the law places a duty. The range of actions available to the authority are:-

- No action
- Informal action and advice
- Housing Act Notices
- Local Government Act Notices
- Public Health Act Notices
- Building Act Notices
- Smoke and Carbon Monoxide Alarm Regulations
- Protection from Eviction Act
- Works in default
- Charges for enforcement
- Standards of Houses in Multiple Occupation
- Management of Houses in Multiple Occupation
- Licensing of Houses in Multiple Occupation
- Simple Caution
- Prosecution
- Rent Repayment Orders
- Compulsory Purchase Orders
- The Redress Scheme for Letting Agents and Property Managers

## **7.0 No action**

7.1 Before considering taking any action in tenanted properties, we will require the tenant to have contacted their Landlord. This applies to both private and housing association tenants. Legislation covering landlord and tenant issues requires that tenants notify their landlords of any problems with the property. Landlords can only carry out their repairing obligations once they are made aware of any problems. Any copies of correspondence between the tenant and landlord should be provided to officers.

7.2 Tenants will be expected to keep officers informed of any contact they have with their landlord (or landlords agent, builder etc.) that may have an effect on what action we take.

7.3 The following situations may lead us to withdraw the service or not provide the service, are as follows:

- Where tenants of their own free will shortly move out of the property;
- Where the tenants unreasonably refuse access to the landlord, landlords agent or builder to arrange or carry out the works;

- Where the tenants, in our opinion, have clearly caused the damage they are complaining about, and there is no other disrepair;
- Where the tenant has requested a service and then failed to keep an appointment and not responded to a follow-up letter or appointment card.

## **8.0 Informal action and advice (Owners)**

- 8.1 Owner/Occupiers generally have control over the repair of their property and as such taking formal action, serving notices requiring works may appear heavy handed and it is for this reason that we will adopt a policy of notifying owner/occupiers of risks by letter rather than by notice. (Even Hazard awareness notices may seem officious to elderly owners).
- 8.2 We usually inspect Owner/Occupied properties when owners are requesting some financial assistance under our Housing Assistance Policy and we may identify hazards that the owner has not been aware of, (electrical wiring being old or dangerous is a typical example). Owners may be reluctant to have this work done particularly if their have requested assistance to renew windows for example. Every effort should be made to encourage the owners to carry out works in order to deal with the most serious hazards first, but if this fails then grant aid will be refused.
- 8.3 Where category 1 hazards are left, after maximum financial assistance has been used we would inform the owner by letter or if very serious hazards we would consider the service of a more formal notice. If the house is so defective of course we would consider other actions such as re-housing the occupant/owner.
- 8.4 Where category 2 hazards, band D-F are left after maximum financial assistance has been used we would inform the owner of the hazards by letter.
- 8.5 Where an owner qualifies for financial assistance for dealing with hazards, but does not want work done, maybe wanting lesser hazards dealt with we will inform the owner by letter/notice of the category 1 hazards, and informed that they will not get a grant if they do not deal with category 1 hazards first.
- 8.6 Where an owner does not qualify for any financial assistance due to their financial circumstances we will inform the owner of the category 1 hazards by notice and the category 2 hazards by letter.

## **9.0 Informal action and advice (Tenants)**

- 9.1 We may initially take informal action to secure improvements. This will be most likely where the assessed level of risk to current occupiers is low and cooperation is being received from the person having control of the property.

## **10.0 Enforcement Action**

10.1 For information on the different forms of enforcement action please see the attached appendices.

## **11.0 Charges For Enforcement Action**

11.1 We can charge the reasonable expenses incurred in taking formal enforcement action against property owners. Whilst this has not generated much income for us it has proved to be a valuable deterrent and has encouraged prompt cooperation from landlords in carrying out required works.

11.2 Landlords have a duty of care to their tenants and should provide accommodation that is both free from significant hazards and properly maintained, thus avoiding the need for our intervention. The Housing Act 2004 enables us to recover our reasonable expenses associated with Hazard Awareness Notices, Improvement Notices, Prohibition Notices and other enforcement activity.

11.3 Charges will therefore normally be made when the following types of notice are served:

- Improvement Notices,
- Prohibition Notices,
- Emergency Prohibition Orders, and
- Emergency Remedial Action Notices.

11.4 Charges for enforcement action will include all expenses incurred from the point that enforcement action was deemed necessary including the cost of preparing and serving the notice.

11.5 Charges in respect of us taking enforcement action will be notified to recipients by way of a formal demand for expenses on which there is a right of appeal to the First-tier Tribunal.

11.6 Charges in respect of Suspended Improvement Notices or Prohibition Orders will not be invoked until such notices and orders come into force.

11.7 Charges in certain circumstances can be waived by agreement in the following circumstances:

- The Landlord / Person having control of the property could not reasonably have known about the existence of the hazard or the need for the remedial works;
- The Notice was served as the result of a consultation or request for assistance;
- The Notice relates to matters caused solely by the actions of tenants;
- The person responsible for carrying out the remedial works / prohibiting its use is cooperating fully with us.

## **12.0 Works In Default**

- 12.1 Most notices allow carrying out work in default. This ensures ultimately that the work is completed if the recipient of any notice does not carry out the work required by the notice. We may employ a contractor to enter the property and carry out the work required. We may charge the appropriate person for the cost of works together with the costs involved in arranging for the work to be done.
- 12.2 The decision as to whether to carry out works in default we will take into account the following (not exclusive) matters:
- The prospect of the person responsible carrying out the work e.g. if the owner is absent or infirm;
  - There is imminent risk to an individuals or public health and safety;
  - A prosecution has been brought, is successful, but the works have not been carried out;
  - A prosecution is not appropriate;
  - It is appropriate to carry out the works quickly.
- 12.3 Following the completion of works in default we will send the appropriate person an invoice requesting payment. If this is not paid the matter may be referred to the Councils legal services for further action. We will place a charge on the property, or may enforce the sale of the property.

## **13.0 Monitoring**

- 13.1 All notices will be signed by an authorised officer, normally a different officer than the one who prepared it. This allows the opportunity to review cases to ensure compliance with this policy.
- 13.2 All enforcement activity will be monitored regularly.

## **14.0 Serving Notices**

- 14.1 If the service of a notice is appropriate we will use the following procedure. If the recipient of the notice lives with the Borough, the Case Officer may hand deliver the notice either by handing it to the recipient in person or by posting the notice through their letterbox or by first class mail. We may email notices if the recipient has agreed to receive notices via email.
- 14.2 If the recipient of the notice lives outside of the Borough, the Case Officer will send the notice by first class mail. We may email notices if the recipient has agreed to receive notices via email.

## **15.0 Authorisations**

- 15.1 No Officer will carry out enforcement work unless they are suitably trained, experienced and authorised to do so in writing.

- 15.2 Individuals authorised to sign and serve various documents shall have the level of competence and ability as required in their job descriptions and specifications. Individuals authorised will carry identification and will have evidence of their authorisation.

## **16.0 Application Of This Policy**

- 16.1 The principles contained within this policy shall be applied to the enforcement of legislation relating to investigations by the Housing & Health Team.
- 16.2 This policy provides the overarching principles applied by Maidstone Borough Council Housing and Health Team when enforcing the legislation within its remit.

## **17.0 Access To The Policy**

- 17.1 The policy is available on Maidstone Borough Councils website and at the Maidstone Borough Council Offices. The Case Officer will be able to provide copies of this policy given suitable notice. On request and where practicable this policy may be made available on tape, in braille, large type, or in a language other than English.

## **18.0 Review Of Policy**

- 18.1 The policy will be kept under review to take into account changes in legislation and amendments found necessary as a result of internal monitoring. Minor revisions of this policy may be authorised by the relevant Director for the service on receipt of a report documenting proposed changes.

## **19.0 Complaints**

- 19.1 If you are dissatisfied with the service you receive please let us know. We are committed to providing quality services and your suggestions and criticisms about any aspect of our service will help us to improve. We will deal with all complaints in the strictest confidence.
- 19.2 Wherever possible we will attempt to resolve your complaint informally through the Case Officer or the Team Leader. If we cannot do this we have a Corporate Complaints procedure. Details of this are available on request and on our website.
- 19.3 If you are still unhappy you can discuss your complaint with your local ward Councillor, MP or you can complain to the Local Government Ombudsman.



## Appendix 1: Housing Act notices

- 1.1 The Housing Health and Safety Rating System (The Rating System) assesses the risk to the health & safety of occupiers posed by certain specified housing related hazards. The Rating System involves the assessment of 29 potential hazards and scoring of their severity to decide whether improvements are needed. Assessed hazards are banded Category 1 or Category 2 depending on the seriousness of the risk. Where Category 1 hazards are found we have a duty to take action. If Category 2 hazards are found, we have a discretionary power to take action.
- 1.2 The process can be summarised as:
- Determine hazards present.
  - Assess hazard score.
  - Power or duty to take action?
  - Determine the most appropriate action to deal with the hazard(s).
- 1.3 A range of enforcement options are available to us, how these discretionary powers are used will depend on the circumstances of each case. In making decisions the following will be taken into account excepted that where a category 1 hazard exists within a property we must take some action:
- The nature of the hazard;
  - The nature and circumstances of the current occupier (Age, vulnerability etc.);
  - Views of Occupiers;
  - Local priorities for improving housing conditions;
  - Availability of other forms of Housing Assistance;
  - Action must be proportionate to the risk.
- 1.4 When a hazard is identified, we must decide the most practical course of action to take. We can choose to deal with matter informally as an alternative to enforcement action. This will be most likely where the assessed level of risk to current occupiers is low and cooperation is being received from the person having control of the property or in the case of Owner Occupiers where they have control over their circumstances. This does not prevent subsequent service of enforcement notices.
- 1.5 We will, other than in exceptional cases, for instance where it will result in an unacceptable delay in alleviating a serious hazard, always ensure that landlords, tenant(s) and owners have the opportunity to discuss our proposed action before a notice is served.
- 1.6 The Housing Act requires us to produce a Statement of reasons justifying the type of action they are taking. This must accompany all improvement notices and orders served.
- 1.7 Notices available
- Power to require documents to be produced (s235)

- Power of entry (s239)
- Warrant (s240)
- Improvement Notice (s.11 + s.12);
- Prohibition Order (s.20 + s.21);
- Emergency Remedial Action Notice (s.40 + s.41);
- Emergency Prohibition Order (s.43);
- Demolition Order (Housing Act 1985);
- Clearance Areas (Housing Act 1985);
- Statutory Overcrowding Notice (Housing Act 1985)
- HMO Overcrowding Notice (s139)
- Management Orders / Interim Management Orders;
- Hazard Awareness Notice (s.28 + s.29);
- Suspended Orders / Notices

## **1.8 Power to require documents to be produced**

1.9 This notice allows us to require the relevant person to provide documents which they may hold to help us determine the course of action we may take. The notice is useful for requiring documents such as tenancy agreements, gas safety certificates, and electrical inspection reports.

1.10 The documents must be produced on (or before) the date specified in the notice. If the relevant person does not comply with the notice we may prosecute them which could result in a fine.

## **1.11 Power of entry**

1.12 This notice enables us to enter premises at any reasonable time. If the premises is being entered in order to ascertain whether an offence has been committed under section 72 (failing to licence an HMO), section 95 (failing to selectively licence a premises, not relevant in Maidstone), or section 234(3) Management of Houses in Multiple Occupation we do not need to give 24 hours' notice to the owner or the occupier of the premises.

1.13 If we are entering the premises for other reasons we must give the owner and occupier at least 24 hours' notice. We may give notice by phone, text or in person but we will normally give notice via a letter or a more formal notice.

1.14 If we fail to enter the premises we may serve another notice giving the owner and occupier at least 24 hours' notice of our intended visit.

1.15 It is an offence if an owner or occupier obstructs us in the course of our duties. We may therefore take evidence such as witness statements. We may also caution the relevant person.

1.16 If we fail to enter the property after one or two attempts of giving notice we may apply for a warrant at the Magistrate's Court to gain entry to the premises by force.

## **1.17 Warrant**

- 1.18 We may apply for a Warrant to the Magistrate's Court to enter premises for the purposes of carrying out our functions.
- 1.19 We may apply for a warrant if we have failed to inspect the property after giving repeated notice of our intention to inspect.
- 1.20 We may also apply for a warrant if the purpose of the entry would be defeated by giving the owner or occupier prior warning. Such as the collection of evidence for a prosecution.
- 1.21 We will endeavour to take a Police Officer or Police Community Support Officer with us when we gain entry. We will leave the premises as secure as it was before we entered.

## **1.22 Improvement Notices**

- 1.23 Improvement Notices are the most practical formal remedy for most hazards, particularly in tenanted property. Repair or renewal will generally be cost-effective because of the high value of property in Maidstone.
- 1.24 An improvement notice can be used for Category 1 or 2 hazards and can deal with more than one hazard of either type

## **1.25 Prohibition Orders**

- 1.26 Prohibition Orders may be applied to part or all of a dwelling, for example, where there it is not practical or cost effective to alleviate an identified hazard. Also where there are other restrictions on the improvement of the property e.g. Listed Building status. They may be used in conjunction with Improvement Notices to prohibit parts of a premise that cannot reasonably be improved. An example might be where there is inadequate natural lighting to a basement or where there is no possible safe means of fire escape from an attic room.
- 1.27 A Prohibition Order must specify whether the prohibition relates to Category 1 or 2 hazards, must detail the remedial works deemed necessary to alleviate the hazard(s), and may allow the owner / occupier to apply for compensation.

## **1.28 Emergency Remedial Action**

- 1.29 Emergency Remedial Action will be used where immediate action is required to remove an unacceptable and imminent risk to occupiers or other persons. This action enables us to carry out remedial works ourselves and recover all expenses incurred.
- 1.30 To carry out Emergency Remedial Action there must be a Category 1 Hazard + an imminent risk, and notices must be served within seven days of taking action.

## **1.31 Emergency Prohibition Orders**

1.32 Emergency Prohibition Orders are the same as Prohibition Orders but they have immediate effect to prevent occupation of all or part of the premises.

1.33 To carry out an Emergency Prohibition there must be Category 1 Hazard + an imminent risk, notices should be served on the day the order is made, and may allow the owner / occupier to apply for compensation.

### **1.34 Demolition Orders**

1.35 Demolition Orders enable the compulsory demolition of an individual property where the house is considered to be beyond economic repair. Such action is considered unlikely in Maidstone where property values are high. Demolition of property will only be considered on housing grounds after a full Neighbourhood Renewal Assessment has been completed which indicates that this is the most appropriate course of action.

1.36 Compensation will be payable to the owner / occupier in all cases.

### **1.37 Clearance Areas**

1.38 Clearance Areas enable the compulsory clearance of neighbourhoods where the housing is considered to be beyond economic repair. Such action is considered unlikely in Maidstone where property values are high. Clearance will only be considered on housing grounds after a full Neighbourhood Renewal Assessment has been completed which indicates that this is the most appropriate course of action.

1.39 Compensation will be payable to the owner / occupier in all cases.

### **1.40 Overcrowding Notices**

1.41 If a premise is statutory overcrowded Part X of the Housing Act 1985 still applies and we may serve a notice.

1.42 We will measure the floor areas of each bedroom and living room. We will determine the ages and sexes of the occupants and determine whether the premises is statutorily overcrowded having regard to the room sizes and maximum number of persons per room as given below.

Room size	Maximum number of persons
5m <sup>2</sup> to 6.5m <sup>2</sup>	0.5
6.5m <sup>2</sup> to 9m <sup>2</sup>	1 person
9m <sup>2</sup> to 11m <sup>2</sup>	1.5 persons
11m <sup>2</sup> +	2 persons

Age	Calculation of persons
0 to 1 year	0
1 to 10 years	0.5 persons
10 years+	1 person

### 1.43 HMO Overcrowding Notices

1.44 If a premise is an HMO which is not licensable and is crowded we may serve an HMO Overcrowding Notice.

1.45 We will measure the floor areas of each bedroom / living room. We will count the number of facilities provided such as bathrooms and kitchens. We will determine the number of occupants and whether the premises is overcrowded having regard to:

### 1.46 Room sizes:

Use of room:	Minimum Room Size:
Bedroom occupied by 1 person	9m <sup>2</sup>
Bedroom occupied by 2 people	14m <sup>2</sup>
Kitchen used by up to 5 people	7m <sup>2</sup>
Kitchen used by up to 10 people	10m <sup>2</sup>
Living room used by up to 5 people	11m <sup>2</sup>
Living room used by up to 10 people	16.5m <sup>2</sup>

### 1.47 Amenities:

Use of room:	Number required:
Bathroom	1 for every 5 people
WC	1 for every 5 people
Kitchen	1 for every 5 people

### 1.48 Facilities:

Facility:	Number required:
Bath or shower	1 for every 5 people
WC	1 for every 5 people
Wash hand basin	1 for every 5 people
Kitchen sink	1 for every 5 people
Fridge	1 for every 5 people
Freezer	1 for every 5 people
Cooker (4 hot ring, grill and oven)	1 for every 5 people
Food storage	1 base unit per person (or equivalent)
Worktop (shared)	2 meters for every 5 people
Worktop (individual)	1 meter for every unit

- 1.49 If the premises is, or is likely to be overcrowded, we may serve an intention to serve an overcrowding notice on each person with an interest in the property such as occupiers, owners, managers and mortgagee's.
- 1.50 The intention to serve an overcrowding notice gives the recipient of the notice at least fourteen days to make representations.
- 1.51 After the consultation period has ended we may serve an overcrowding notice which will require the relevant person to either not add additional occupants or to seek possession of the property back from the occupants.
- 1.52 The overcrowding notice will be placed as a charge on the property and failure to comply with it is an offence.

### **1.53 Management Orders / Interim Management Orders**

- 1.54 We may use Management Orders / Interim Management Orders if Houses in Multiple Occupation (HMO's) are not licensed, do not comply with the required standards or if the person in control is not a "Fit and Proper" person.
- 1.55 If a landlord fails to bring an HMO up to the required standard, or fails to meet the Fit and Proper person criteria, we can take over the management of the property. An Interim Management Order (IMO), allows us to manage the property for up to a year, until suitable management arrangements have been made. The owner does keep their right as an owner.
- 1.56 If the IMO expires and no improvement in management has been made, then we can issue a Final Management Order (FMO). This can last up to five years and be renewed following this period.

### **1.57 Hazard Awareness Notices**

- 1.58 Hazard Awareness Notices are advisory notices only. They may be appropriate where the hazard is minor or where remedial action is unreasonable and impractical. They may also be used as an alternative to informal action where the owner has agreed to take remedial action.
- 1.59 This does not prevent subsequent formal action should an unacceptable hazard remain.
- 1.60 We may choose to use Hazard Awareness Notices where significant hazards have been identified in owner occupied accommodation. And in other circumstances where we consider the occupier has some control over his circumstances. In these cases other forms of enforcement action may be inappropriate.



## **1.61      Suspended Notices**

1.62      Improvement Notices / Prohibition Orders may be suspended until such time or event specified. We may consider this:

- As an alternative to Hazard Awareness Notices;
- Where the most vulnerable age group for particular hazard are not present;
- As a consequence of the current occupiers views;
- As an option for a more strategic approach;

1.63      Suspended Notices and Orders must be reviewed (not less than annually). In deciding what action is necessary and appropriate in each case we will take account of:

- The severity of hazard;
- Nature of hazard;
- Risk posed to existing occupants;
- Practicality of remedial action;
- Cooperation of the Person Having Control;
- Tenure;
- Occupiers wishes;
- All relevant Local Housing Strategies / Policies. Fees & Charges.

## **Appendix 2: Other legislation**

- 2.1 **Local Government (Miscellaneous Provisions) Act 1982, section 33.**
- 2.2 This section enables us to re-connect or prevent the disconnection of gas, electricity or water supply in tenanted properties. These powers will be used in exceptional circumstances when all other negotiation has failed. These powers will only be used where the tenant is not responsible for the payment of the bill. We may re-charge our costs and place a charge on the property.
- 2.3 **Local Government (Miscellaneous Provisions) Act 1982, section 29.**
- 2.4 This section enables us to board up unsecure empty properties. We will attempt to contact the owner to carry out the work. If the property remains unsecure we may serve a notice giving the owner 48 hours to make the property secure. If the property remains unsecure after this we may carry out the work, re-charge our costs and place a charge on the property.
- 2.5 **Local Government (Miscellaneous Provisions) Act 1976, section 16**
- 2.6 This section enables us to obtain information about the interest in land. The notice is used to determine who owns, manages, and occupies a dwelling. The information must be provided within 14 days of service of the document. Failure to provide the information may result us prosecuting the relevant person. On summary conviction the Magistrates Court can issue a fine.
- 2.7 **Public Health Act 1936, section 17**
- 2.8 This section enables us to require owners / occupiers to unblock or repair toilets. If negotiation fails we may serve a notice requiring the toilet to be unblocked within 7 days. If the toilet remains blocked we may carry out the work and re-charge our costs.
- 2.9 If the toilet requires repair we may serve a notice requiring the toilet to be repaired within 14 days. If the toilet remains in disrepair we may carry out the work and re-charge our costs.
- 2.10 **Building Act 1985, section 59**
- 2.11 This section allows us to require owners to provide new, repair, or upgrade existing: drains, guttering, cesspools, sewers, drains, soil pipes, and rainwater pipes etc.
- 2.12 We must give the owner of the property at least 21 days to carry out the work. If the owner fails to carry out the work we may carry out the work ourselves and also prosecute the owner. The fine on summary conviction is level 4 on the standard scale.

2.13      **Protection From Eviction Act 1977**

2.14      We are responsible for enforcing the Protection from Eviction Act 1977. This is when landlords unlawfully evict or harass tenants with the intention of causing their tenant to vacate their home. The maximum penalty on summary conviction is up to 6 months years' imprisonment and a fine of up to £400. On conviction of an indictment to a fine and/or to imprisonment up to 2 years.

2.15      There is no formal notice; therefore the only course of action would be to prosecute the landlord if they commit an offence under the act.

2.16      We will normally negotiate with the landlord in order to prevent an illegal eviction from occurring. If this fails we may provide advice to the tenant in order to allow re-entry into the dwelling.

2.17      If we deem that an offence has occurred we may caution the landlord and invite them in for a formal interview which will be in accordance with the Police and Criminal Evidence Act. We may also obtain evidence from the tenant.

2.18      We may decide not take further action if the landlord desists with their actions and the tenant remains in the dwelling.

2.19      If the landlord does not desist with their actions and the tenants are unable to remain in the dwelling we will consult with legal services and determine whether it is in the public interest to take forward a prosecution.

2.20      **Simple Cautions**

2.21      A simple caution may be an appropriate course of action where there is a criminal offence but the public interest does not require a prosecution. Ministry of Justice guidance – simple cautions for adult offenders 2013 states that the purpose of the caution is:

- §      To offer a proportionate response to low level offending where the offender has admitted the offence;
- To deliver swift, simple and effective justice that carries a deterrent effect;
- To record an individual's criminal conduct for possible reference in future criminal proceedings or in criminal record or other similar checks;
- To reduce the likelihood of re-offending;
- To increase the amount of time officers spend dealing with more serious crime and reduce the amount of time officers spend completing paperwork and attending court, whilst simultaneously reducing the burden on the courts.

2.22      In considering whether a Caution is appropriate, we will consider the following questions:-

- Has the suspect made a clear and reliable admission of the offence (either verbally or in writing)?

- Is there a realistic prospect of conviction if the offender were to be prosecuted?
  - Is it in the public interest to use a Caution as the appropriate means of disposal?
- 2.23 The decision to issue a simple caution will be made by the Head of Housing & Community Services or the Director of Regulation and Communities in consultation with the Head of Legal Services.
- 2.24 **Compulsory Purchase Orders**
- 2.25 Making a Compulsory Purchase Order is an option that will only be taken in exceptional circumstances and must be approved by the relevant Secretary of State before it can be made. It may be an option: -
- Where a property has been derelict for some time and is having a detrimental effect on the local environment or neighbouring properties,
  - Where the property appears to have been abandoned and the owner cannot be traced,
  - Where all other avenues for bringing the property back into use have been exhausted, or
  - Where the property is suitable for immediate residential use but it is unlikely to be occupied for residential purposes unless bought by us.
- 2.26 **Interviewing Under Caution**
- 2.27 As soon as it is determined that an offence has been committed we will caution the person(s) suspected of the offence if they are present.
- 2.28 We will normally invite the person(s) suspected of committing the offence to our offices to carry out an interview under caution. The interview will be recorded in accordance with the Police and Criminal Evidence Act.
- 2.29 The interview is to determine whether the person suspected of the offence has a defence and to hear their side.
- 2.30 If the person suspected of committing the offence does not attend the interview will prepare a case for prosecution with the help of our Legal Department.
- 2.31 **Deregulation Act 2015**
- 2.32 The Deregulation Act has amended section 21 of the Housing Act 1988 for tenancies starting on or after 1 October 2015.
- 2.33 If we serve a Housing Act 2004 section 11 or 12 Improvement Notice or carry out Emergency Remedial Action under section 40 any section 21 notices served on a tenant by a landlord are invalid for a period of six months from the date of service of the notice.

- 2.34 We may inform the landlord and tenant about the effect of the Deregulation Act in relation to section 21 notices during our consultation and/or when we serve the notice.
- 2.35 If we become aware that a tenant has received a section 21 notice within six months of the date of service of an improvement notice, we may advise the tenant or landlord of the section 21 notice's invalidity.

### **Appendix 3: Smoke And Carbon Monoxide Alarm Regulations**

- 3.1 We must serve a notice (within 21 days) on a private landlord if there is no smoke alarm fitted on each storey of the premises on which there is a room used wholly or partly as living accommodation.
- 3.2 We must serve a notice on a private landlord if there is no a carbon monoxide alarm fitted in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance.
- 3.3 The notice will allow 28 days to make written representations. If the landlord makes representations to us we will consider these and confirm in writing of our decision.
- 3.4 If the private landlord fails to carry out the work, unless they have taken all reasonable steps, we will within 28 days following the end of the notice period carry out the work (if there is consent by the occupier) after giving the occupier 48 hours' notice.
- 3.5 If a private landlord fails to carry out the work we may impose a penalty charge (amount as agreed in the Maidstone Borough Council, Smoke and Carbon Monoxide Alarms Statement of Principles), within 6 weeks of determining that the landlord has breached the regulations.
- 3.6 If the private landlord pays the charge or provides written representations within 14 days following service of the notice the fixed penalty notice is reduced to an amount as detailed in the Maidstone Borough Council, Smoke and Carbon Monoxide Alarm Statement of Principles.
- 3.7 Following service of a penalty charge notice the landlord may review our decision to serve the penalty charge notice. Following which we will serve a notice on the landlord of our decision to confirm, vary or withdraw the penalty charge notice.
- 3.8 The landlord may appeal to the First-tier Tribunal following a decision by us to confirm or vary a penalty charge notice if the decision was based on an error of fact, the decision was wrong in law, the amount of penalty charge was unreasonable, or the decision was unreasonable for any other reason.
- 3.9 The Tribunal may quash, vary or confirm the penalty charge notice, but may not increase the amount of penalty charge.



- 3.10 Statement of principles for determining financial penalties  
Smoke And Carbon Monoxide Alarm Regulations**
- 3.11 The purpose of this statement is to set out the principles, which we will apply in exercising our powers to require a relevant landlord to pay a financial penalty.
- 3.12 The legal framework**
- 3.13 Regulation 8 of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (the regulations) provides that we may require a landlord to pay a penalty charge if we are satisfied on the balance of probabilities that when served with a remedial notice under regulation 5 they failed to take the required action within the period specified.
- 3.14 The scope of this document**
- 3.15 Regulation 13 of the regulations requires us to prepare and publish statement of principles, which we propose to follow in determining the amount of a penalty charge.
- 3.16 We may revise our statement of principles and, when we do so, we must publish the revised statement.
- 3.17 Where a penalty charge is made, we must have regard to the statement of principles published and in place at the time when the breach in question occurred, when determining the amount of the penalty charge.
- 3.18 This document sets out the principles, which we will apply and will have regard-to when exercising our powers under regulation 8.
- 3.19 Applicable principles**
- 3.20 The primary purpose of the exercise of our regulatory powers is to protect the interests of the public, although they may have a punitive effect.
- 3.21 The primary aims of financial penalties will be to:
- Change the behaviour of the landlord,
  - Eliminate any financial gain or benefit from non-compliance with the regulations,
  - Be proportionate to the nature of the breach of the regulations and the potential harm outcomes,
  - Aim to deter future non-compliance, and
  - Reimburse the costs incurred in undertaking work in default.
- 3.22 Criteria for the imposition of a financial penalty**
- 3.23 By virtue of regulation 8, a failure to comply with the requirements of a remedial notice allows us to require payment of a penalty charge. In considering the imposition of a penalty we will have regard to:

- The evidence of a breach of the requirement of the remedial notice.
- 3.24 In deciding whether it would be appropriate to impose a penalty, we will take full account of the particular facts and circumstances of the breach under consideration. Factors which we will take into consideration are:
- That we are satisfied on the balance of probabilities that the landlord on whom was served a remedial notice has failed to take the remedial action specified in the notice within the period specified.
- 3.25 A financial penalty allows us, amongst other things, to eliminate financial gain or benefit from non-compliance. A financial penalty charge will be considered appropriate in the following circumstances:
- Where the landlord has failed to comply with the requirements of a remedial notice.
- 3.26 Criteria for determining the quantum of a financial penalty**
- 3.27 Regulation 8(2) states the amount of the penalty charge must not exceed £5,000. The penalty charge comprises two parts, a punitive element for failure to comply with the absolute requirement to comply with a remedial notice (subject to any representation made by a landlord to us) and a cost element relating to the works carried out by us.
- 3.28 The period within which the penalty charge is payable is 30 days beginning with the day on which the penalty charge notice is served.
- 3.29 Early repayment period**
- 3.30 We have discretion to specify that if a landlord pays the penalty charge within a specified earlier period a reduction in the penalty charge may be applied. We will exercise this discretion to reduce the penalty charge in relation to payment within a specified “early payment” period.
- 3.31 The specified period for early payment is within 14 days beginning with the day on which the penalty charge notice was served. Early repayment will attract a discount of 50% on the charge.
- 3.32 Review of penalty charge**
- 3.33 We may also exercise a similar discretion where the landlord gives written notice to us that they wish the authority to review the penalty charge notice. We may exercise the discretion to reduce the penalty charge where a landlord gives written notice, including evidence of mitigating factors, to us to review the penalty charge notice.
- 3.34 The mitigating factors are that the landlord has taken all reasonable steps to comply, the landlord has been actively co-operating with the Council, has effective systems in place for monitoring compliance, and

has been pro-active on their approach to the legislation. Each case will be considered by officers on the basis of the information available.

3.35 **Landlord has taken all reasonable steps to comply**

3.36 Landlords will not be able to provide evidence that they have taken all reasonable steps to comply if they have done nothing, have not written to the tenant to explain the legal requirement and that it is for their own safety, or they have not checked the alarms are in good working order on the first day of the tenancy.

3.37 **Landlord has been actively co-operating with the Council.**

3.38 Landlords will not be able to provide evidence that they have been actively been co-operating with the Council if they have not provided officers when requested access to the property, alarm service records, and tenancy records. Landlords will also not be able to provide evidence that they have been actively been co-operating with the Council if they have not responded promptly, honestly and accurately to officers or have not disclosed any evidence which may assist the Council in their investigations.

3.39 **Landlord has effective systems in place for monitoring compliance**

3.40 Landlords will not be able to provide evidence that they have effective systems in place for monitoring compliance if they do not have robust document checking systems in place, records of alarms for the premises, or records of testing the alarms on the first day of the tenancy (i.e. an inventory showing the alarm has been checked as working and signed by the tenant).

3.41 **Landlord has been pro-active on their approach to the legislation**

3.42 Landlords will not be able to provide evidence that they have been proactive on their approach to the legislation if they have not informed, preferably in writing, the Housing & Health Team Council that they have had difficulty with complying with the legislation before a notice is served under regulation 5 of the regulations.

3.43 **Levels of fine**

3.44 For a first breach the penalty charge applied will be £2,500.

3.45 For subsequent breaches the penalty charge will be £4,000 to deter continued non-compliance.

3.46 If a landlord provides evidence of mitigating factors the Council may reduce the penalty charge notice by £500 for each mitigating factor. Therefore the fine may be reduced by a maximum of £2,000.

3.47 Early repayment of the penalty charge will attract a discount of 50%.

### **3.48 Procedural matters**

- 3.49 The regulations impose a number of procedural steps which must be taken before we can impose a financial penalty.
- 3.50 Before imposing a requirement on a landlord to pay a penalty charge we must, within a period of six weeks from the point at which we are satisfied that the landlord has failed to comply with the requirements of the Remedial Notice, serve a penalty charge notice setting-out:
- The reasons for imposing the penalty charge;
  - The premises to which the penalty charge relates;
  - The number and type of prescribed alarms (if any) installed at the premises;
  - The amount of the penalty charge;
  - The obligation to pay that penalty charge or to give written notice of a request to review the penalty charge;
  - How payment of the charge must be made; and
  - The name and address of the person to whom a notice requesting a review may be sent.
- 3.51 The landlord can request a review in writing within 28 days of service of the notice. In conducting the review, we will consider any representations made by the landlord, and serve notice of our decision whether to confirm, vary or withdraw the penalty charge to the landlord.
- 3.52 A landlord who, having requested a review of a penalty charge notice, is served with a notice confirming or varying the penalty charge may appeal to the First-tier Tribunal (Property) against our decision.

## **Appendix 4: Houses in multiple occupation**

- 4.1 Houses in multiple occupation are defined in section 254 of the Housing Act 2004.
- 4.2 We will inspect Houses in multiple occupation having regard to the Housing Health and Safety Rating System, our own standards and the Management Regulations.
- 4.3 If after the inspection it is found that the property does not meet our HMO standards, or has hazards under the Rating System, enforcement action will be considered.
- 4.4 If works are required in relation to the Hazard of Fire, we will consult with the Kent Fire and Rescue Service as to the works required. A letter will be sent to the interested parties of the property stating what works are required.
- 4.5 If the work remains outstanding we may serve an Improvement Notice or if an Improvement Notice is not appropriate a Prohibition Order may be considered so as to reduce the risk.
- 4.6 If the HMO is overcrowded, or may be overcrowded we may serve an intention to serve an overcrowding notice on the interested parties. Following representations (if any) we may serve an overcrowding notice.
- 4.7 **Management of houses in multiple occupation**
- 4.8 The Management of Houses in Multiple Occupation (England) Regulations 2006 applies to Houses in Multiple Occupation ("HMOs") in England apart from Housing Act 2004 section 257 HMOs to which the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 apply.
- 4.9 The Regulations impose duties on a person managing an HMO in respect of-
- Providing information to occupiers;
  - Taking safety measures, including fire safety measures;
  - Maintaining the water supply and drainage;
  - Supplying and maintaining gas and electricity, including having it regularly inspected;
  - Maintaining common parts, fixtures, fittings and appliances;
  - Maintaining living accommodation; and
  - Providing waste disposal facilities.
- 4.10 Regulation 10 imposes duties on occupiers of an HMO for the purpose of ensuring that the person managing it can effectively carry out the duties imposed on him by these regulations.
- 4.11 The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 apply to converted blocks of flats to which section 257 of the Act applies. These are

buildings that have been converted into and consist of self-contained flats where the building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them, and less than two-thirds of the self-contained flats are owner occupied.

- 4.12 If after the property is inspected there are issues related to the management of the property that in our opinion requires further action the following procedure will be followed.
- 4.13 We will write to the owner/manager of the HMO detailing the defects which should be addressed and under what regulation. We will give the owner/manager a period of time to carry out the work, dependant on the severity of the defect and the work involved to eliminate it. For Example rectify faulty alarm system – up to 7 days.
- 4.14 We will determine who is responsible for remedying the defect. If the property is licensed this would be through the licence details, if not, we may serve a Notice requiring this information.
- 4.15 If after the period of time to remedy the defect has expired and the defect has not been rectified we may, collate evidence for a prosecution. If a prosecution is deemed appropriate the evidence will be passed to our Legal Department who may prepare a case for prosecution.
- 4.16 A person who fails to comply with these Regulations commits an offence under section 234(3) of the Housing Act 2004, punishable on conviction with a fine not exceeding level 5 on the standard scale (currently unlimited).
- 4.17 **Licensing Of Houses In Multiple Occupation**
- 4.18 Mandatory Licensing of Houses in Multiple Occupation (HMO) is contained under Part 2 of the Housing Act 2004. We are required to have a licensing scheme in place, seek properties that require licences and licence those properties that are licensable (currently HMO's with three floors and five persons in two or more households, and where there is sharing of an amenity or the units are not self-contained).
- 4.19 Failure to licence a 'licensable' property is an offence with the maximum fine on summary conviction being an unlimited fine. The other actions that could be taken are rent repayment orders to recover up to one years' worth of rent and section 21 notices (Notice requiring possession) are invalid.
- 4.20 If we identify a house in multiple occupation which should be licensed but isn't we will send out a letter and application pack. The letter will inform the owner/manager of the need to licence their property.
- 4.21 If the owner/manager has not returned the licensing application form and fee within 1 month we will send a reminder letter with another copy of the licence application form and give another month.

- 4.22 If no licence application or fee is received after a further month we may inspect the property and gain evidence.
- 4.23 If a prosecution is deemed appropriate the evidence will be passed to our Legal Department who will prepare a case for prosecution.
- 4.24 If a property is identified as a licensed house in multiple occupation but there is a breach of the licence conditions or that the property is occupied by more than allowed by the licence we may collect evidence for a prosecution.
- 4.25 At this time we will also consider the implementation of a Management Order to take over the management of the property. Our use of HMO management orders will be in accordance with Government guidance.



## **Appendix 5: The Redress Schemes For Letting Agents/Managers**

5.1 Letting Agents and Managers of privately rented dwellings must belong to one of three Government approved redress schemes. The three schemes are:

- Ombudsman Services Property [www.ombudsman-services.org/property](http://www.ombudsman-services.org/property)
- Property Redress Scheme [www.theprs.co.uk](http://www.theprs.co.uk)
- The Property Ombudsman [www.tpos.co.uk](http://www.tpos.co.uk)

### **5.2 Notice of intent**

5.3 Where on the balance of probability that a letting agent or manager is not registered we may serve a notice of intent on the letting agent or manager. The notice of intent must be served within six months of when we became satisfied that the letting agent or manager had failed to comply. The notice of intent must specify:

- The reasons for imposing the monetary penalty,
- The amount of the penalty (which must not exceed £5,000), and
- The right to make representations and objections within 28 days of service of the notice.

### **5.4 Penalty charge notice**

5.5 After the representations and objection period ends we must decide whether to impose the penalty with or without modifications. If we decide to impose a penalty we must serve a final notice. The final notice must contain:

- The reasons for imposing the monetary penalty,
- The amount to be paid (which must not exceed £5,000),
- How the payment may be made,
- The period within which the payment must be made (min 28 days),
- Information about the rights of appeal to the First-tier Tribunal, and
- Information about the consequences of failing to comply with the notice.

### **5.6 Withdrawals / reductions to the fine**

5.7 We may withdraw a notice of intent or final notice. And we may also reduce the penalty charge subject on a case by case basis at our discretion. We will reduce the amount of the penalty charge if the charge is paid within 14 days of the date of service of the notice penalty charge notice.

5.8 Typical reason for reducing the penalty charge include the letting agent / manager providing evidence that they have taken all reasonable steps to comply with the notice.

5.9      **Level of fines**

5.10      For first time breaches we may impose a financial penalty of £2,500.

5.11      For subsequent breaches we will normally impose a financial penalty of £3,000.

5.12      If the letting agent or manager fails to register with a scheme after 28 days of a final notice we may then serve another notice of intent. We may repeat this process until the letting agent or manager has registered with a redress scheme.

5.13      We may recover the monetary penalty by way of a Court Order.

5.14      **Appeals**

5.15      The letting agent or manager can appeal the penalty charge notice to the First-tier Tribunal (Property Chamber).

5.16      If the letting agent or manager appeals to the First-tier Tribunal following service of a final notice they Tribunal may confirm, vary or quash the notice.

## Communities, Housing & Environment Committee

19 July 2016

### Sites of Significant Interest – Matrix Scoring

<b>Final Decision-Maker</b>	Communities, Housing & Environment Committee
<b>Lead Head of Service</b>	Head of Housing & Community Services
<b>Lead Officer and Report Author</b>	Head of Housing & Community Services
<b>Classification</b>	Public
<b>Wards affected</b>	All

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

1. That the Committee notes the scoring completed by the multi-agency working group
2. That the Communities, Housing & Environment Committee approves the actions set out in the exempt Appendix A.

**This report relates to the following corporate priorities:** *(please explain how your report relates to either or both of these, delete as appropriate)*

- Keeping Maidstone Borough an attractive place for all

#### Timetable

<b>Meeting</b>	<b>Date</b>
Communities, Housing & Environment Committee	19 July 2016

# Sites of Significant Interest – Matrix Scoring

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 In April 2016 the Communities, Housing & Environment Committee approved for use a Matrix to enable a multi-agency working group to score sites that are causing significant impact on the community and/or damage to the environment.
  - 1.2 The working group has now met and scored each known site, which has highlighted three sites where action is proposed. This report asks the Committee to approve the approach taken and agrees the action plan contained within this report.
- 

## 2. INTRODUCTION AND BACKGROUND

- 2.1 Following extensive discussions with councillors, individual parish councils and members of the community concerning a small number of sites that were disproportionately affecting their local communities and the environment a working group was established to draw together a range of agencies in order to find a multi-disciplinary solution.
- 2.2 To enable an objective assessment of the harm being caused by the known sites a Matrix was developed based on the tool used by the planning team, which was adopted by the Communities, Housing & Environment Committee for use by the working group. A total of 6 sites that had been brought to the group's attention were scored. Day to day action will continue across all 6 sites. Scoring the sites will enable the limited resources of each agency to be utilised in the most effective way on 3 of the sites through the working group.
- 2.3 The working group comprises of
  - Housing & Community Service
  - Planning Enforcement
  - Environmental Services
  - Legal Services
  - Kent Police
  - Environment Agency
  - Trading Standards
- 2.4 The resultant scoring using the Matrix is reproduced in Table 1 below. The sites that scored most highly are Bell Lane, Boxley; Hammer Stream Paddock, Headcorn; and The Meadows in Headcorn.

Table 1

	<b>St Martins Garden</b>	<b>The Meadows</b>	<b>Hammer Stream Paddock</b>	<b>Lenham Road</b>	<b>Perfect Place/ Maplehurst Site</b>	<b>Bell Lane</b>
<b>Total</b>	<b>135</b>	<b>164.5</b>	<b>160.5</b>	<b>55.5</b>	<b>150</b>	<b>177.3</b>

- 2.5 Bell Lane consists of a site near the M2 that is ancient woodland with no adjoining residential properties. The site consists of a clearing hidden within the centre of the wood that has been systematically cleared of trees over a growing area and used to deposit spoil and other activities that are not currently licensed or permitted. It does not appear to be used for residential purposes and appears to be wholly 'commercial'.
- 2.6 The landowner is known to the agencies who have engaged with him in relation to other matters. Whilst the unlawful activity taking place on the site has been known to agencies for some time there has been no recent intelligence as to the true nature and extent of what the site is being used for. However, photographs available via Google demonstrate a significant enlargement of the site over a period of years.
- 2.7 Hammer Stream Paddock is a site near Headcorn that is being used to store a large number of cars that appear to be 'end of life vehicles' (ELV). In addition there are mobile homes on the site that allegedly are being used for residential purposes without being permitted. Trading Standards (KCC) has no evidence to suggest the site is being used as a commercial activity, either as a vehicle breaking operation or scrap metal dealing. Nor has there been an application for a Scrap Metal Dealer's licence made to the Council.
- 2.8 In response to the latest pressure being applied by the Council the main contact (the partner of the landowner) on the site has communicated with the Council's planning enforcement team. This enabled a site visit to be undertaken that resulted in this person admitting running a car sales business, to living at the site and now claiming gypsy & traveller status. The main contact has indicated his willingness to co-operate with the Council if a resolution can be achieved to everyone's satisfaction.
- 2.9 Some vehicles have been removed from the adjoining land and the recent traveller incursion has also moved off the site. The situation remains difficult, as threats have been made to staff in the recent past that caused the officers to leave the site on police advice. Negotiation, whilst retaining the ability to enforce will be the twin-track approach to recent developments.
- 2.10 The Meadows consists of agricultural land that was purchased by a member of the gypsy community and subsequently divided into a number of plots that are being used for residential purposes. The site has expanded over time and now consists of a mixture of permitted and plots with temporary permissions. Some

plots with temporary permissions have now expired and new planning applications have been submitted.

- 2.11 The site has been a cause for community concern with allegations of anti-social behaviour and criminality being alleged. The site was also subject to a police investigation into modern-day slavery, although to date no charges have been in relation to this.
- 2.12 An action plan for each of these sites is attached as Appendix A
- 2.13 Advice has been obtained from counsel on the various actions available to the Council. In his view obtaining court orders to return the land back to its original use and then fining the relevant party for non-compliance is not the most effective course of action. Advice has been received on how best to take punitive action that would involve obtaining the necessary orders to enter onto the land and to commence clearance and disposal of objects that are not in compliance with the permitted use of the land.
- 2.14 This course of action will have a cost implication. Specialist companies that carry out this type of clearance work have quoted in the region of £300,000, in addition there will be significant legal costs that may also result in further legal challenge and it could be foreseeable that the total cost could reach £500,000.
- 2.15 There is no budget set aside at this level that could be utilised for significant enforcement work and it is therefore a prerequisite to any work being undertaken, beyond that which would normally be carried out in the course of officers' daily duties, that a report requesting an enforcement budget would be submitted to the Policy & Resources Committee.

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### **3. AVAILABLE OPTIONS**

- 3.1 To approve the approach being taken by the multi-agency working group that will enable officers to pursue the range of options within the action plan, subject to this remaining within existing budgets. If additional funds are required a further report will be required to the Policy & Resources Committee.
- 3.2 To only pursue action through the service of notices for breaches of planning regulations but not to undertake direct action, for example removing vehicles and returning land to its original use.

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 In order to reflect a growing concern that Maidstone should not be, or seen to be, as an area where it is possible to flout planning regulations and cause disturbance & distress to the local communities it is proposed that the recommendation supported by paragraph 3.1 is the preferred option.
-

## 5. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities		[Head of Service or Manager]
Risk Management		[Head of Service or Manager]
Financial		[Section 151 Officer & Finance Team]
Staffing		[Head of Service]
Legal		[Legal Team]
Equality Impact Needs Assessment		[Policy & Information Manager]
Environmental/Sustainable Development		[Head of Service or Manager]
Community Safety		[Head of Service or Manager]
Human Rights Act		[Head of Service or Manager]
Procurement		[Head of Service & Section 151 Officer]
Asset Management		[Head of Service & Manager]

## 6. REPORT APPENDICES

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

- Exempt Appendix A: Sites of Significant Interest Action Plan  
Exempt by virtue of para 7: info regarding the prevention, investigation and prosecution of crime.

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## 7. BACKGROUND PAPERS



7.1 Report to the Communities, Housing & Environment Committee on the  
Unauthorised Developments Matrix April 2016

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted