

# AGENDA

## COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE MEETING



Date: Tuesday 20 September 2016

Time: 6.30 pm

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors M 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 12 September 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 (Part I) of the meeting held on 19 July 2016 1 - 7
9. Presentation of Petitions (if any)
10. Questions and statements from members of the public (if any)
11. Communities, Housing and Environment Committee Work Programme 2016-17 8 - 10
12. Reference from the Planning Committee - Air Quality Mitigation 11
13. Report of the Head of Policy and Communications - Strategic Plan Performance Update Q1 for CHE 12 - 35
14. Report of the Director of Finance and Business Improvement - First Quarter Budget Monitoring 2016/17 36 - 43
15. Report of the Head of Environment and Public Realm - Kent County Council Waste Strategy Consultation 44 - 83
16. Report of the Head of Environment and Public Realm - Fly-tipping Performance 84 - 90
17. Report of the Head of Housing and Community Services - Public Spaces Protection Order - Town Centre 91 - 125
18. Report of the Head of Housing and Community Services - Environmental Health Service Update 126 - 140
19. Report of the Head of Housing and Community Services - Air Quality Working Group 141 - 147
20. 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.**

	<b>Head of Schedule 12 A and Brief Description</b>	
21. Minutes (Part II) of the meeting held on 19 July 2016	Para 3 – info re: financial / business affairs; Para 7 – info re: crime prevention, investigation or prosecution.	148 - 149

22. Exempt Report of the Head of Housing and  
Community Services - Property Acquisition

Para 3 – info  
re: financial /  
business  
affairs.

150 - 158

# Agenda Item 8

## MAIDSTONE BOROUGH COUNCIL

### COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE

#### MINUTES OF THE MEETING HELD ON TUESDAY 19 JULY 2016

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

**Also Present:** Councillors Brice, Newton,  
Prendergast and Round

26. APOLOGIES FOR ABSENCE

There were no apologies for absence.

27. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

28. URGENT ITEMS

The Chairman stated, in her opinion, that the Urgent Exempt Report of the Head of Housing and Community Services regarding a property acquisition for homeless households should be taken as an urgent item.

29. NOTIFICATION OF VISITING MEMBERS

It was noted that the following Members were present as Visiting Members:-

Councillor Brice – for Agenda Item 14

Councillor Newton – for Agenda Item 14

Councillor Prendergast – observing but reserved her right to speak on Agenda Items 18, 19 and 20.

Councillor Round – for Agenda Items 13, 18, 19 and 21

30. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

31. DISCLOSURES OF LOBBYING

It was noted that the following Members had been lobbied in regard to Agenda Item 14:-

Councillors M Burton, Mrs Joy, D Mortimer, Perry, Mrs Ring and Mrs Robertson.

32. EXEMPT ITEMS

**RESOLVED:** That the items on Part II of the agenda be taken in private as proposed.

33. MINUTES OF THE MEETING HELD ON 21 JUNE 2016

**RESOLVED:** That the minutes of the meeting held on 21 June 2016 be approved as a correct record and signed.

34. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

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

There were no questions from members of the public.

36. COMMITTEE WORK PROGRAMME - JULY 2016 ONWARDS

The Committee noted the Committee Work Programme. A Member requested that an update on the review of public conveniences be presented to the September meeting of the Committee.

37. REFERENCE FROM LICENSING COMMITTEE - HACKNEY CARRIAGE SPECIFICATIONS

The Committee considered the Reference from Licensing Committee which recommended that the Hackney Carriage and Private Hire Licensing Policy be amended to include the Peugeot E7 within the definition of approved vehicle.

**RESOLVED:**

- 1) That the Hackney Carriage and Private Hire Licensing Policy be 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; and
- 2) That the Hackney Carriage and Private Hire Licensing Policy be amended to give delegated authority to the Head of Housing and 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.

Voting: For: 8 Against: 0 Abstentions: 0

38. 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 Committee considered the Reference from Planning Committee relating to 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.

Councillor Round, attending as a Visiting Member, addressed the Committee to appraise them of some history related to this item.

He advised that when the application was discussed at a recent Planning Committee meeting, a Member raised the issue that past experience had shown that where a retail unit of this type had been introduced in an area, there was an increase in litter.

Members of the committee felt that there was adequate provision of litter bins in Headcorn High Street and as it was a requirement for Costa to keep their area clear from litter, there should not be an issue. However, it was agreed that a good working relationship should be established with the Manager of Costa at the outset by the Parish Council and local Ward Members to ensure a standard are maintained and any resolutions to issues could be expedited. The Council's Street Scene Team would also offer relevant support when needed.

**RESOLVED:** That the local Ward Members and the Parish Council should be encouraged to engage in early discussions with Costa on the standard to be maintained and how best that can be achieved.

Voting: For: 8 Against: 0 Abstentions: 0

39. REPORT OF THE HEAD OF ENVIRONMENT AND PUBLIC REALM - STREET CLEANSING ASSET MANAGEMENT PLAN - REVIEW OF LITTER AND DOG WASTE BINS

The Committee considered the report of the Head of Environment and Public Realm relating to a review of all litter and dog waste bins.

Members were advised that the review had identified that a large number of dog waste bins were no longer fit for purpose and to replace these bins would exceed the budget available.

Councillors Brice and Newton, attending as Visiting Members, addressed the Committee.

Councillor Brice expressed her concerns that should the dog bins be taken away and not replaced with a litter bin, this could mean that the dog owners could be searching for another bin to put the dog waste in.

In response the Head of Environment and Public Realm advised that there would be a consultation with Ward Members, Parish Councils and appropriate local community groups on the phased removal of the dog waste bins should Members accept option 1 within the recommendations.

A phased operation would then be carried out to remove the dog waste bins and where possible a litter bin would replace a dog waste bin if there was not another litter bin within 400 metres.

Councillor Newton expressed his concerns over the poor state of the dog waste bins in Mallards Way and the fact that they were always overflowing.

In response the Head of Environment and Public Realm advised that there was only one operative who specifically emptied the dog waste bins around the borough but should the phased removal of these bins be approved then the service would be greatly enhanced as there are many more operatives who empty litter bins on a daily basis.

In response to Members questions, the Head of Environment and Public Realm advised that:-

- If Parishes want to fund some dog waste bins, this would remain an option
- There would be a high profile publicity campaign stating that dog waste could be put in normal litter bins

**RESOLVED:**

- 1) That the work being undertaken to record all bins on a street cleansing asset register be noted; and
- 2) That Option 2 be approved subject to the installation of the larger comingled bins where appropriate and required.

Voting: For: 8 Against: 0 Abstentions: 0

40. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - HOMELESSNESS PERFORMANCE QUARTER ONE

The Committee considered the report of the Head of Housing and Community Services relating to the Homelessness Performance Quarter One.

It was noted that between April and June this year 176 households had 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.

**RESOLVED:** That the report be noted.

41. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - HOUSING ASSISTANCE POLICY 2016-2020

The Committee considered the report of the Head of Housing and Community Services relating to a revised Housing Assistance Policy.

Members noted that the policy succeeded the previous policy that was adopted in 2014 and has now ended. The revised policy would run until 2020 and set out how the Council would use its powers under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 which set out how it intended to apply its discretion to develop schemes having regard to the needs of the borough, the availability of funding and the Council's priorities.

The scheme included the provision of mandatory disabled facilities grants that are delivered by the Council under the Housing Grants, Construction and Regeneration Act 1996 (as amended).

Members were appraised of the schemes that are contained within the Housing Assistance Policy which included the Home Hazard Grant, Disabled Facilities Grant, Home Assistance (Draft Scheme) and Empty Property Grant.

**RESOLVED:**

- 1) That the revised Housing Assistance Policy as set out in Appendix 1 to the report of the Head of Housing and Community Services be approved;
- 2) That delegated authority be given 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; and
- 3) That the action plan as set out in Appendix II to the report of the Head of Housing and Community Services be approved.

Voting: For: 8 Against: 0 Abstentions: 0

42. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - HOUSING ENFORCEMENT POLICY 2016-2020

The Committee considered the report of the Head of Housing and Community Services relating to the Housing Enforcement Policy.

Members were advised that the current Housing Enforcement Policy had been updated to take account of new legislative responsibilities of the Council. These were 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.

These regulations had introduced the use of penalty charge notices for non-compliance with the regulations.

It was noted that where a tenant makes a genuine complaint about the condition of their property that has not been addressed by their landlord, and 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.

It was also noted that the Government gave the Kent Fire and Rescue Service a large number of smoke and carbon monoxide alarms to give to landlords. Should a landlord not fit a smoke alarm on each storey of the premises on which there is a room used wholly or partly as living accommodation, there is ultimately a maximum fine of £5,000 that can be made against the landlord by the Council.

**RESOLVED:**

- 1) That the adoption of the draft revised Housing Enforcement Policy 2016, as set out in Appendix 1 to the report of the Head of Housing and Community Services be approved, including the statement of principles for determining financial penalties under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015; and
- 2) That delegated authority be given 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.

Voting: For: 8 Against: 0 Abstentions: 0

43. 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 reasons specified, having applied the public interest test.

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

Report of the Head of Housing and Community Services – Sites of Significant Interest: Matrix Scoring	Paragraph 7 – Information re the prevention, investigation and prosecution of crime
Report of the Head of Housing and Community Services – Property Acquisition – Accommodation for Homeless Households	Paragraph 3 – Information re financial/business affairs

44. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - SITES OF SIGNIFICANT INTEREST: MATRIX SCORING

Members considered the report of the Head of Housing and Community Services which related to the scoring completed by a multi-agency group on sites that were causing a significant impact on the community and/or damage to the environment.

The Head of Housing and Community Services referred to the action plan relating to the three sites as set out in the exempt appendix.

At the risk of exempt information being divulged accidentally during the debate in the public part of the meeting, Members agreed to move to private session of the meeting.

**RESOLVED:**

- 1) That the scoring completed by the multi-agency working group be noted; and
- 2) That the actions set out in the Exempt Appendix to the report of the Head of Housing and Community Services be approved subject to this remaining within existing budgets and where this cannot be achieved, the Head of Housing and Community Services be instructed to report to the Policy and Resources Committee to approve the funding requirement.

Voting: For: 6 Against: 1 Abstentions: 1

45. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - PROPERTY ACQUISITION – ACCOMMODATION FOR HOMELESS HOUSEHOLDS

The Committee considered the exempt report of the Head of Housing and Community Services which updated Members on the progress of a number of opportunities to purchase properties to use as temporary accommodation.

**RESOLVED:**

- 1) That the officers' decisions to not proceed with the property acquisitions as detailed in the exempt report of the Head of Housing and Community Services be noted; and
- 2) That a follow up report be presented to Committee once officers have successfully identified and negotiated the purchase of suitable alternative properties for use as accommodation for homeless households.

Voting: For: 8 Against: 0 Abstentions: 0

46. DURATION OF MEETING

6.30 p.m. to 8.45 p.m.

**Committee Work Programme**



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

Democratic Services Team  
E: [democraticservices@maidstone.gov.uk](mailto:democraticservices@maidstone.gov.uk)

## **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.

- 6 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)
<p><b>Communities, Housing and Environment Committee</b></p> <p>Due Date: Tuesday 18 Oct 2016</p> <p>10</p>	<p>Adoption of byelaws for cosmetic piercing and semi-permanent skin colouring</p> <p>To agree the extension of byelaws to protect public health in special beauty treatments such as body piercing and semi-permanent make-up</p>	<p>Peter Lincoln  <a href="mailto:peter.lincoln@midkent.gov.uk">peter.lincoln@midkent.gov.uk</a></p>	<p>Public</p>	<p>Adoption of byelaws for cosmetic piercing and semi-permanent skin colouring</p>
<p><b>Communities, Housing and Environment Committee</b></p> <p>Due Date: Tuesday 15 Nov 2016</p>	<p>Strategic Plan Performance Update Q2 for CHE</p> <p>Quarter 2 performance update for Communities, Housing, and Environment committee and related indicators/actions</p>	<p>Anna Collier  <a href="mailto:annacollier@maidstone.gov.uk">annacollier@maidstone.gov.uk</a></p>	<p>Public</p>	<p>Strategic Plan Performance Update Q2 for CHE</p>

# Agenda Item 12

## **MAIDSTONE BOROUGH COUNCIL**

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

**20 SEPTEMBER 2016**

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

##### **AIR QUALITY MITIGATION**

The Planning Committee, at its meeting held on 14 July 2016, considered applications 14/506264, 15/509015 and 15/509251 for housing development along the A274. One of the applications was the subject of an appeal against non-determination, but it was still necessary for the Committee to indicate what it would have done had the appeal not been lodged. The Committee gave delegated powers to the Head of Planning and Development to approve the two applications not subject to an appeal against non-determination subject to the prior completion of a suitable legal agreement and conditions. With regard to the other application, the Committee agreed that the Planning Inspectorate be informed that had the appeal not been submitted, it would have given delegated powers to approve subject to the prior completion of a suitable legal agreement and conditions.

The Committee was mindful that a low emission strategy workshop would be held in four days' time on 18 July 2016 and that an action plan might be emerging. The Committee agreed to ask the Communities, Housing and Environment Committee to look at how the Sutton Road/Loose Road area can be built into any action plan (or similar programme should one be formulated) for air quality mitigation having regard to the above mentioned housing developments coming forward.

**RECOMMENDED:** That consideration be given to how the Sutton Road/Loose Road area can be built into any action plan (or similar programme should one be formulated) for air quality mitigation having regard to the housing developments coming forward.

Note: The Planning Committee, at its meeting held on 25 August 2016, considered a duplicate application to the one which was the subject of an appeal against non-determination. The Committee gave delegated powers to the Head of Planning and Development to approve the application subject to the prior completion of a suitable legal agreement and conditions.

## Communities, Housing & Environment Committee

**20 September  
2016**

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

**No**

### Strategic Plan Performance Update Quarter 1 2016/17

<b>Final Decision-Maker</b>	Policy & Resources Committee
<b>Lead Head of Service</b>	Angela Woodhouse, Head of Policy & Communications
<b>Lead Officer and Report Author</b>	Anna Collier, Policy & Information Manager and Alex Munden, Performance and Business Information Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

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

1. Note the summary of performance for Quarter 1 2016/17 for Key Performance Indicators (KPIs) and corporate strategies and plans
2. Note where complete data is currently not available

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

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

Key Performance Indicators monitor the delivery of the Council's Corporate Priorities as set out in the Strategic Plan 2015-20. The Performance Plan provides progress against the Council's key strategies which deliver the Council's corporate priorities.

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Wider Leadership Team	19 July 2016
Policy & Resources Committee	27 July 2016
Communities, Housing & Environment Committee	20 September 2016

# Strategic Plan Performance Update Quarter 1 2016/17

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Communities, Housing, & Environment Committee is asked to note the progress of key strategies, plans, and performance indicators that support the delivery of the Strategic Plan 2015-2020
- 

## 2. INTRODUCTION AND BACKGROUND

- 2.1 Having a comprehensive set of actions and performance indicators ensures that the Council delivers against the priorities and actions set in the Strategic Plan.
  - 2.2 The Strategic Plan now has 33 Key Performance Indicators that were agreed by Committee in April 2016. This is in addition to the existing 14 plan and strategy updates.
  - 2.3 Performance indicators are judged in two ways; firstly on whether performance has improved, sustained or declined, compared to the same period in the previous year. This is known as direction. Where there is no previous data, no assessment of direction can be made.
  - 2.4 The second way is to look at whether an indicator has achieved the target set and is known as PI status. If an indicator has achieved or exceeded the annual target they are rated green. If the target has been missed but is within 10% of the target it will be rated amber and if the target has been missed by more than 10% it will be rated red.
  - 2.5 Some indicators will show an asterisk (\*) after the figure, these are provisional values that are awaiting confirmation. Data for some of the indicators were not available at the time of reporting in these cases a date has been provided of when the information is expected.
  - 2.6 Contextual indicators are not targeted but are given a direction. Indicators that are not due for reporting or where there is delay in data collection are not rated against targets or given a direction.
- 

## 3. Quarter 1 Performance Summary

- 3.1 Overall, there are 33 key performance indicators (KPIs) which were developed with Heads of Service and unit managers, and agreed by Policy & Resources Committee for 2016/17. Eleven of these relate to the Communities, Housing & Environment Committee.
- 3.2 Of these, 50% (4) achieved their target for quarter 1. 33% (2) of the KPIs showed an improvement on the same period of 2015/16.

RAG Rating	Green	Amber	Red	N/A	Total
KPIs	4	1	3	3	11
Strategic Actions	5	1	0		6
Direction	Up	Across	Down	N/A	Total
KPIs	2	0	4	5	11

### Data not available

3.3

- Percentage of relevant land and highways that is assessed as having deposits of litter that fall below an acceptable level.
- Percentage of relevant land and highways that is assessed as having deposits of detritus that fall below an acceptable level.

3.4 The acceptable levels of litter and detritus indicators require data that is collected on a four monthly period. This indicator will be included for the remaining three quarters of 2016/17, and will be reported two months in arrears due to the nature of data collection.

## 4. Performance by Priority

### *Priority 1: Keeping Maidstone Borough an attractive place for all*

- 4.1 Recycling rates were higher in April in 2014 and 2015, with overall waste reduced. Mixed recycling is higher which has increased recycling rates for April, even though composting levels were down. In June there was a significant increase in recycling rate to just over 55% following work to reduce contamination and the introduction of street sweeper recycling. Although the target was marginally missed this quarter, the figure for June indicates that performance is continuing to improve and is likely to reach target this year.
- 4.2 There has been a better than expected reduction in fly-tipping within the quarter with 199 incidences. This is a third less than was expected for the quarter. The drop in number of fly-tips compared to the target is likely to be due to seasonal shifts. This will become clearer after quarter 3.
- 4.3 No safeguarding practitioners were trained in Quarter 1. The Safeguarding Policy will be presented to Communities, Housing & Environment Committee in September. Delivery of training for practitioners will increase if the policy is implemented.
- 4.4 Crime has increased by 16.0% in the first quarter compared to the same quarter for 2015/16. Violent crime in the Borough has increased by almost 25%. It is normal for a quarter of violent crime to be domestic abuse. An increase in domestic abuse figures can be viewed as positive as it means more victims are coming forward. This also shows confidence in the police and other agencies in supporting and protecting domestic abuse victims.
- 4.5 The number of Disabled Facilities Grants (DFGs) completed in quarter 1 is below target, with nine less than estimated for completion however this is the highest number of DFGs that have been completed in the first quarter

since 2013. Performance this quarter is due to a high number of cases being finished by builders in quarter 4 to achieve their level of spend against budget before the end of the financial year.

- 4.6 The number of people that completed a course at the leisure centre in quarter 1 was 33

***Priority 1: Keeping Maidstone an attractive place for all & Priority 2: Securing a successful economy for Maidstone Borough***

- 4.7 Footfall on the High Street for Quarter 1 is around 300,000 above the quarterly target, but numbers are lower than observed in quarter 1 2015/16. Despite this, weekly data is showing an upward trend, similar to that which occurred last year. It is expected that the annual target will be met.

***Priority 2: Securing a successful economy for Maidstone Borough***

- 4.8 The number of affordable homes delivered has exceeded its target of 45. 73 affordable homes were delivered in the first quarter, 19 more than the same quarter for 2015/16. There are more than 300 affordable units forecast for completion this year, many sites have progressed quicker than anticipated. It is expected the annual target for this indicator will be met if these developments are on schedule.
- 4.9 The number of households that were housed through the housing register has also exceeded its target. This was helped by a significant amount of affordable new builds being completed. It is expected that the annual target will be achieved due to the number of affordable homes that are forecast throughout the year. This provides a supply of affordable housing to those on the housing register.

**2015/16 End of Year data**

- 4.10 This data was not available at the time of publishing the 2015/16 end of year performance plan.
- 4.11 Percentage of household waste sent for reuse, recycling or composting saw a recycling rate of 43.51% for Quarter 4 of 2015/16. The tonnage collected is higher than Quarter 4 in 13/14 and 14/15. As household waste tonnage also increase for this period, the percentage of recycling was lower, even though more material was recycled.
- 4.12 Net additional homes provided: This information could not be provided until the annual survey and data analysis took place. Analysis the data showed that 521 homes were delivered against a target of 500. This is around 20% more homes than were delivered in 2013/14 and 2014/15.

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

- 5.1 Communities, Housing & Environment Committee review the performance data presented and request further information to understand previous, current, and future performance where relevant.
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## 6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	The key performance indicators and strategic actions are part of the Council's overarching Strategic Plan 2015-20 and play an important role in the achievement of corporate objectives. They also cover a wide range of services and priority areas, for example waste and recycling.	Angela Woodhouse, Head of Policy & Information
<b>Risk Management</b>	The production of robust performance reports ensures that the view of the Council's approach to the management of risk and use of resources is not undermined and allows early action to be taken in order to mitigate the risk of not achieving targets and outcomes.	Angela Woodhouse, Head of Policy & Communications
<b>Financial</b>	Performance indicators and targets are closely linked to the allocation of resources and determining good value for money. The financial implications of any proposed changes are also identified and taken into account in the Council's Medium Term Financial Plan and associated annual budget setting process. Performance issues are highlighted as part of the budget monitoring reporting process.	Section 151 Officer
<b>Staffing</b>	Having a clear set of targets enables staff	Angela Woodhouse,

	outcomes/objectives to be set and effective action plans to be put in place.	Head of Policy and Communications
<b>Legal</b>	None identified.	Legal Team
<b>Equality Impact Needs Assessment</b>	None identified.	Policy & Information Officer
<b>Environmental/Sustainable Development</b>	None identified.	Policy and Information Manager
<b>Community Safety</b>	None identified.	Policy and Information Manager
<b>Human Rights Act</b>	None identified.	Policy and Information Manager
<b>Procurement</b>	None identified.	Policy and Information Manager
<b>Asset Management</b>	None identified.	Policy and Information Manager

**7. REPORT APPENDICES**

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

- Appendix I: Strategic Plan Performance Update Q1 for CHE

2016/17

# Quarter 1 Performance Update



For further information about Performance Management at Maidstone Council, please contact Alex Munden, Performance Officer.

**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 networks.

**OUR MISSION**

Putting People First.

**OUR PRIORITIES**

Keeping Maidstone Borough an attractive place for all

Securing a successful economy for Maidstone Borough



**ACTION AREAS**

Providing a clean and safe environment

Encouraging good health and wellbeing

Respecting the character and heritage of our Borough

Ensuring there are good leisure and cultural attractions

Enhancing the appeal of the town centre for everyone

Securing improvements to the transport infrastructure of our Borough

Promoting a range of employment opportunities and skills required across our Borough

Planning for sufficient homes to meet our Borough's needs

**OUR VALUES**

**Service**



Everything we do impacts on our customers, both internal and external. We will listen to and understand their needs, then take action to provide the right service in a positive and professional manner.

**Teamwork**



Working together to achieve our objectives and goals in a way that utilises the talents and creativity of everyone in our organisation.

**Responsibility**



We work in an environment that encourages us to take ownership for our actions. Making the right choices and decisions that lead to a satisfactory outcome for all.

**Integrity**



We have the courage to act on our convictions to build trust and honesty. We work with our partners and customers to create a feeling of openness and transparency in everything we do.

**Value**



Taking care and weighing up our options, aiming to get the maximum effect for every penny of public money we spend.

**Equality**



Valuing our differences and understanding how they can contribute to a better working environment and services that are fair and easy to access.

## Understanding Performance

### Key to performance ratings

Performance indicators are judged in two ways; firstly on whether performance has improved, been sustained or declined, compared to the same period in the previous year. For example, 2016/17 annual performance will be compared against 2015/16 annual performance. This is known as direction. Where there is no previous data, no assessment of direction can be made.

The second way in which performance is assessed looks at whether an indicator has achieved the target set and is known as PI status. Some indicators may show an asterisk (\*) after the figure, these are provisional figures that are awaiting confirmation.

Data Only indicators are not targeted but are given a direction. Indicators that are not due to be reported or where there is a delay in data collection are not rated against targets or given a direction.

RAG Rating	
	Target not achieved
	Target missed (within 10%)
	Target met
	No target to measure performance against
	Data Only

Direction	
	Performance has improved
	Performance has not changed / been sustained
	Performance has declined
	No previous performance to judge against

Strategic Actions have also been rated using the RAG Status (Red, Amber or Green). The ratings are there to provide an assessment of how well the strategy or plan is progressing.

### Performance Summary

This is the annual update on Maidstone Borough Council's Strategic Plan 2015-20. It sets out how we are performing against the Key Performance Indicators and Strategic actions that directly contribute to the achievement of our priorities: Keeping Maidstone an attractive place for all and securing a successful economy for Maidstone Borough.

Outlined below is a summary of the ratings and direction that have been given for the annual results.

RAG Rating	Green	Amber	Red	N/A	Total
KPIs	4	1	3	3	11
Strategic Actions	5	1	0		6
Direction	Up	Across	Down	N/A	Total
KPIs	2	0	4	5	11

## Priority 1: Keeping Maidstone an attractive place for all

### Providing a Clean and Safe Environment

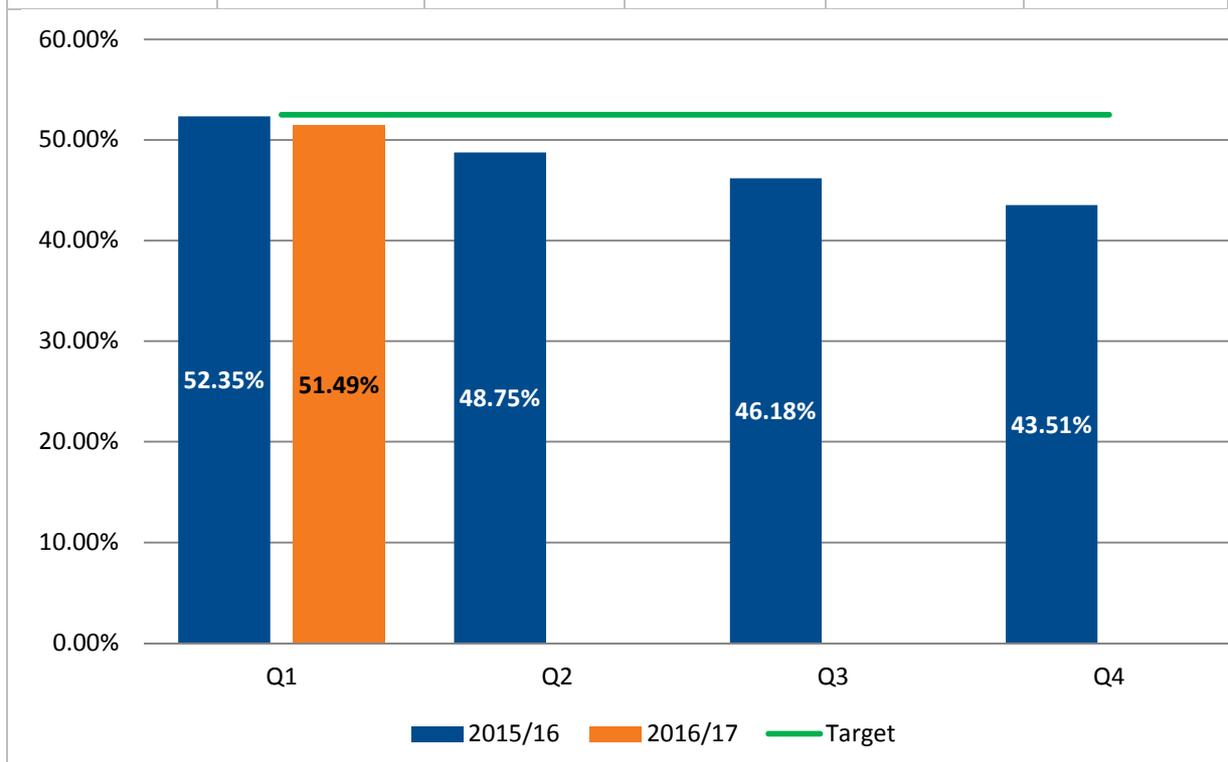
Over the past 5 years, Maidstone Borough Council has demonstrated its commitment to deliver cost effective and sustainable waste and recycling services, as a result our recycling rate has improved significantly. Maidstone does not experience high levels of crime.

#### Waste & Recycling Strategy

The Communities, Housing and Environment Committee has agreed the revised Waste Strategy 2014-19 and the action plan is now being implemented. This includes a relaunch of the Big Maidstone Food Waste Challenge, new initiatives to increase food waste recycling such as selling food waste liners at cost price and a borough-wide leaflet. The target for recycling has been revised down to 55% by 2020 to reflect the declining national trend. This is predominantly due to light weighting of packaging and increased waste arising due to the strengthening economy.

The use of enforcement powers is also being explored with managing agents and landlords to ensure that action is taken to address waste accumulations and failure to recycle. The recycling rate at the end of March 2016 fell to less than 50% due to increasing levels of contamination. The revised Waste Strategy now incorporates a target to drive down contamination and work has started to ensure residents are aware of what should not be put in their recycling bins, including "no plastic bags" stickers, warning tags for contaminated bins and additional crew training to ensure they follow the correct procedures. Initial signs are showing that contamination levels are reducing, increasing the diversion of good quality recycling.

Percentage of household waste sent for reuse, recycling or composting					
The indicator measures percentage of household waste that has been sent by the Council for reuse, recycling, composting or anaerobic digestion. This is a key measure of a local authority's progress in moving management of household waste up the hierarchy, consistent with the Government's national strategy for waste management. The Government expects local authorities to maximise the percentage of waste reused, recycled and composted.					
Current Performance	Q1 Target	Value Vs Target	Direction	Status	Expected Outcome
51.49%	52.5%	-1.01%	↓	🚨	Target will be achieved



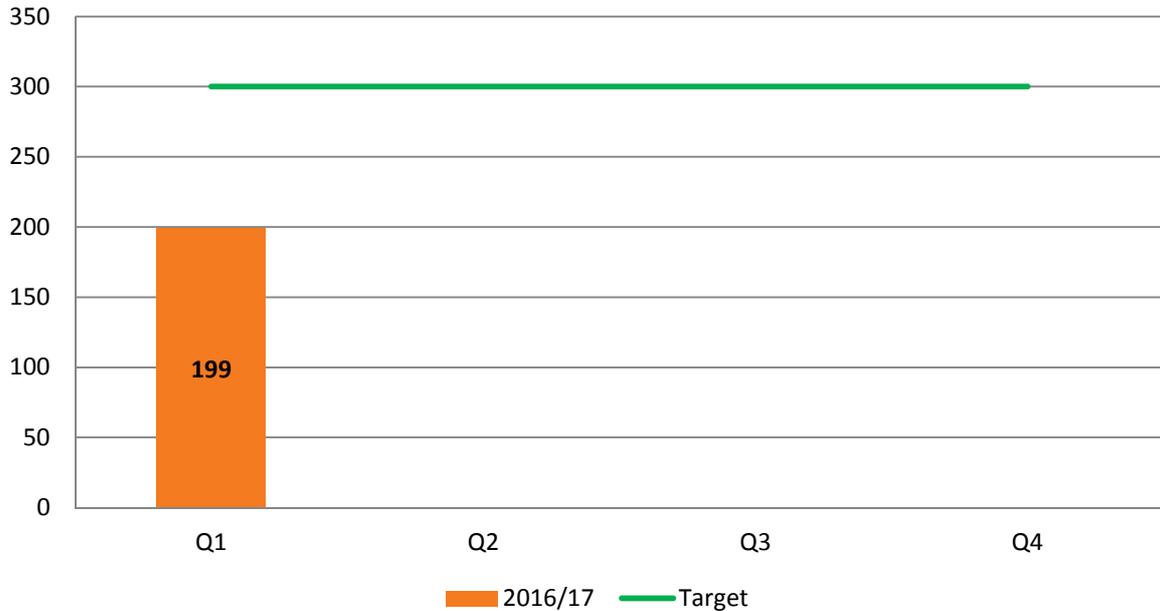
**Performance Comment:** Recycling rates were higher in April in 2014 and 2015, with overall waste reduced. Mixed recycling is higher which has increased recycling rates for April, even though composting levels were down. In June there was a significant increase in recycling rate to just over 55% following work to reduce contamination and the introduction of street sweeper recycling. Although the target was marginally missed this quarter, the figure for June indicates that performance is continuing to improve and is likely to reach target this year.

**Update for 2015/16:** Data for quarter 4 is now available. Overall performance in 2015/16 did not meet the annual target. Whilst actual tonnage of recycling and composting collected in quarter 4 was higher than for the same quarter for past two years, as the overall tonnage of household waste has also increased, this meant that the percentage of waste sent for recycling and composting is lower than in previous years.

### Number of incidences of fly-tipping

This indicator gives a wider view of the issues in waste management beyond street cleansing. It also reflects the work undertaken to reduce the level of fly-tipping in the borough through projects and deterrents. Good performance is indicated by a lower figure.

Current Performance	Q1 Target	Value Vs Target	Direction	Status	Expected Outcome
199	300	-101	?	✓	Target will be achieved



**Performance Comment:** Performance is well above expected as the number of reported fly-tips in the quarter is more than a third below target. The drop in number of fly-tips compared to the target is likely to be due to seasonal shifts.

## Community Safety Strategy

The 2016 Community Safety Action plan has been agreed and is being implemented through the Safer Maidstone Partnership's sub groups. A new sub group called Community Resilience has been established and is set to tackle a number of issues including modern slavery, child sexual exploitation, and 'Prevent' which is an agenda aimed at preventing radicalisation.

A number of action days have been held in relation to the Partnership's road safety priority and a short DVD was created to inform pedestrians of the dangers of traffic.

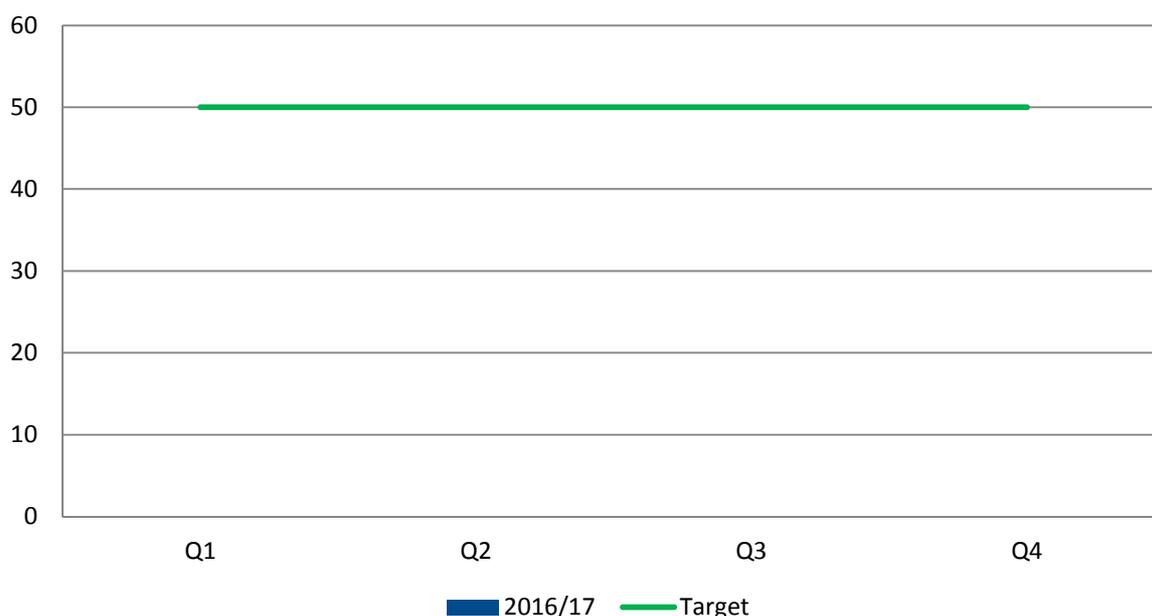
Funding allocated to the Community Safety Partnership (CSP) by the Police Crime Commissioner will help enable the strategic outcomes set out in the CSP Action Plan.

The Maidstone self-neglect forum is now self-sustaining and is being rolled out to other Districts in the county. The Community Safety Unit has also been involved in developing a Waste Management App which enables council employees to highlight areas where syringes linked to drug use are found so they can be removed quickly and then mapped to trace drug use hotspots.

### Number of safeguarding practitioners trained

Safeguarding has been identified as a national priority and a compulsory part of what we do as a Council. This indicator measures the number of internal and external staff trained in areas such as child sexual exploitation and anti-extremism. Having more practitioners trained in safeguarding ensures the protection of vulnerable adults and children across Maidstone.

Current Performance	Q1 Target	Value Vs Target	Direction	Status	Outcome
0	50	-50			Target will not be achieved



**Performance Comment:** No safeguarding practitioners have been trained this quarter. The Safeguarding Policy for Vulnerable Adults and Children will be presented to the September Communities, Housing & Environment Committee and if agreed training will be carried out.

The lack of training to date may have an effect on the ability to attain the annual target by the end of the year. Once the policy has been implemented, training will increase.

### Air Quality Strategy

Members' workshop took place on 18 July and following the workshop a further report will be submitted to the Communities, Housing & Environment Committee on 20 September. This will be on the future adoption or otherwise of the Strategy. An indicator will be developed to be measured on a yearly basis if an Air Quality Strategy is adopted.

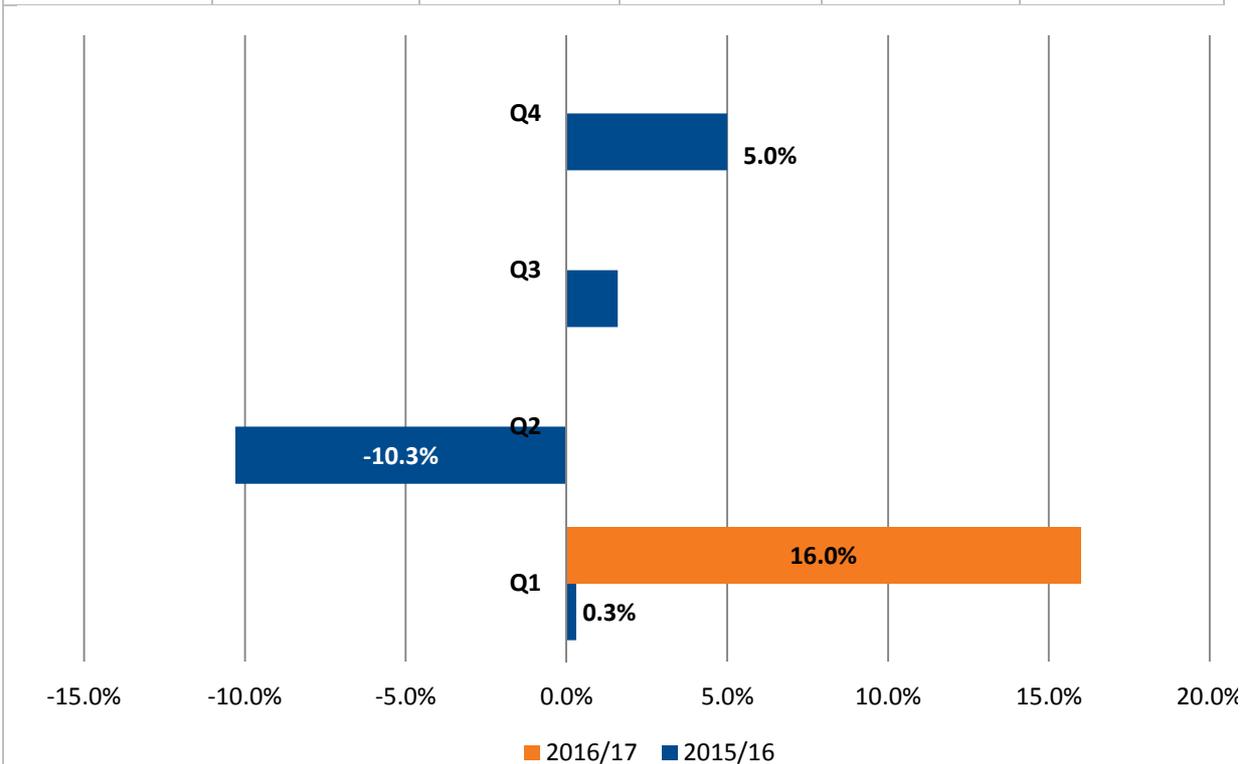
## Environmental Quality Survey

A new Environmental Performance Officer is currently being recruited and will carry out full National Indicator (NI) 195 monitoring 3 times per year to monitor the effectiveness of the current cleansing regime and to provide information to make future improvements. This monitoring will include measuring the levels of litter and detritus on land and highways. The officer is expected to be in post by September and will complete the first survey in the Autumn. The survey for 2015/16 showed Maidstone's performance to be better than the national and southern averages.

### Percentage Change in All Recorded Crime (Information Only)

This indicator reports the percentage change in the number of all recorded crime in the borough to provide an indication of the crime trends in the borough and help assess the impact of the work the Council undertakes in relation to Community Safety. *Note: Improving performance for this indicator is demonstrated by a negative figure.*

Current Performance	Q1 Target	Value Vs Target	Direction	Status	Expected Outcome
16.0%					



**Performance Comment:** There has been a 16% increase in crime this quarter which includes an almost 25% increase in violent crime compared to the same quarter in 2015/16. There has also been an increase in vehicle interference, things such as broken mirrors, possibly linked to the night time economy.

Violent offences committed around the night time economy periods had increased but numbers have now started to fall. It is normal for around a quarter of violent crime to be

### Percentage Change in All Recorded Crime (Information Only)

domestic abuse and any increase in domestic abuse could be seen in a positive light as it means victims are coming forward. It also shows confidence in the police and other agencies in supporting and protecting victims of domestic abuse. Domestic abuse is a key priority for the Safer Maidstone Partnership and is a key focus area for joint work, particularly around the One Stop Shop and the Multi-agency Risk Assessment Conference (MARAC) process. This enables local organisations to share information about high risk domestic abuse cases.

## Encouraging Good Health and Wellbeing

Deprivation in the borough is lower than average, however 15% (4,300) of children (under 16 years old) in Maidstone live in poverty. There is a larger difference in life expectancy of men and women; 7 years lower for men and 4 years lower for women in the most deprived areas of Maidstone than in the least deprived.

### Health Inequalities Action Plan Update

The Maidstone Health Inequalities Action Plan is now 2 years old. This provides an opportunity to review progress against actions and move forward in closing the gap in health inequalities.

A draft progress report was submitted to the Maidstone Health and Wellbeing Board on Monday 4th July highlighting key successes in a number of areas detailed below.

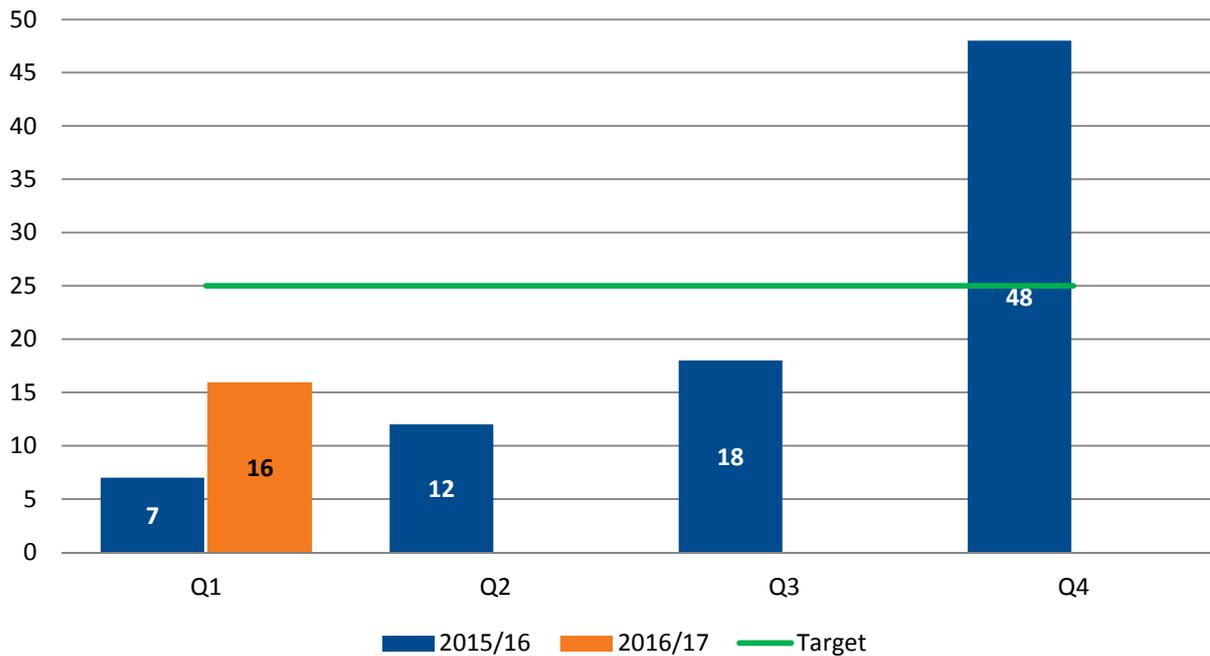
- Breastfeeding contributes significantly to the long-term health of infants and mothers and increases maternal bonding. In Maidstone, the percentage of mothers who breastfeed within 48 hours of giving birth has increased slightly from 74.6% to 75.8%.
- A reduction in hospital admissions for deliberate self-harm has been noted from 215.3 per 100,000 to 205.67 per 100,000 (2014/15).
- The baseline for the number of healthy workplaces signed up to the Kent Healthy Business Awards was 20. Currently 31 workplaces have signed up, with 5 achieving awards in 2015/16.
- The length of stay in temporary accommodation has been reduced to 39.67 days, falling below the 2015 target of 42 days.
- The number of NHS Health Checks carried out within the borough exceeded the target of 1,500, with 2,908 health checks made. This is 93.86% above target.

The report highlights the need to tackle particular areas of concern around incidences of malignant melanoma, statutory homelessness, obese adults, and violent crime. These areas of concern are for Maidstone Borough as a whole. Over the coming months, presentations will be delivered to Wider Leadership Team, Members, and officers with a view to producing a refresh of the Health Inequalities Action Plan in late 2016.

### Number of completed Disabled Facilities Grants

Disabled Facilities Grants (DFGs) are used to provide home adaptations for disabled people generally to improve access; access into and around the home and access to, or provision of, basic amenities such as bathing and WC. They are an important part of the work we do to support people who want to remain independent or stay in their own home.

Current Performance	Q1 Target	Value Vs Target	Direction	Status	Expected Outcome
16	25	-9	↑	🔴	Target will be slightly missed



#### Performance Comment:

The first quarter of a new financial year is historically lean on grant completions owing to the higher number of cases at the end of the quarter 4 being targeted for completion by builders to ensure the level of spend against budget is attained.

The same quarter last year saw 7 Disabled Facility Grants completed, less than half the number that were completed this quarter. This is the highest number of Disabled Facilities Grants that have been completed in quarter 1 since 2013. Performance is expected to improve as the year progresses.

## Housing Strategy Update

The Council adopted the final version of the Maidstone Housing Strategy 2016-2020 in March 2016. Following adoption the Strategy has now moved into the delivery stage.

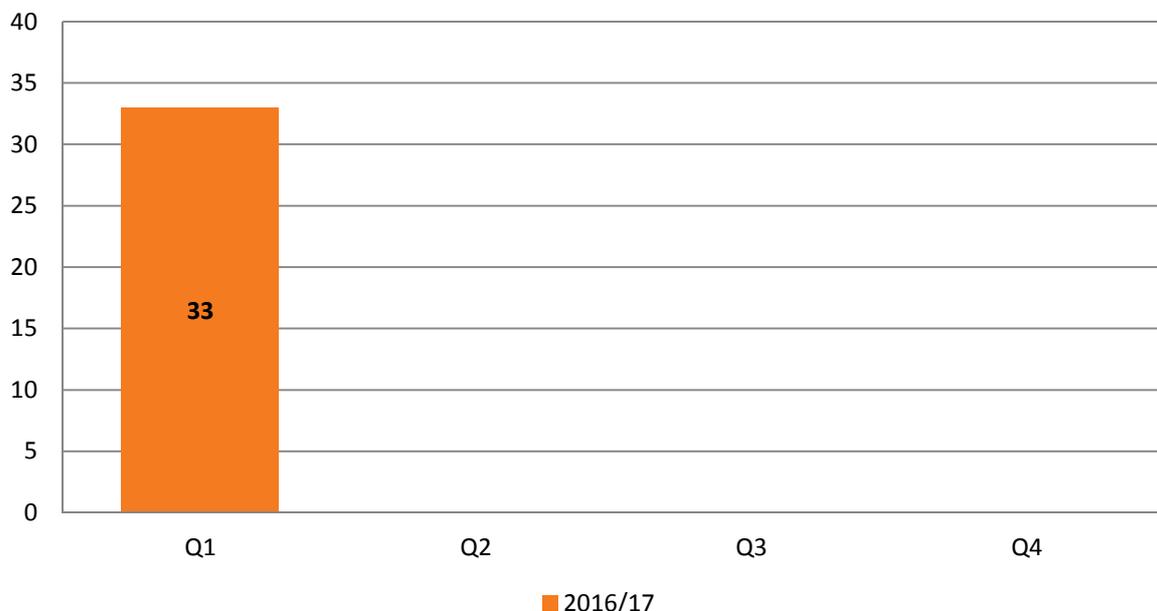
The new Strategy has three key priority themes for the Council to address over the next four years, centred around enabling the delivery of quality homes across the housing market, ensuring existing housing is safe, desirable and promotes good health and well-being and preventing homelessness and securing provision of appropriate accommodation for homeless households.

The Council has made progress during the last quarter against a number of actions stated within the Strategy, in order to help achieve the three key priority themes and stated outcomes. This includes successfully agreeing terms for the purchase of a property for use as temporary accommodation for homeless households, establishing a self/custom build register and continued work on facilitating the redevelopment of Brunswick Street.

### Number of people successfully completing a course at the leisure centre following referral by GP

This indicates the key work that is being completed at the Leisure Centre around health. This part of the Leisure Centre’s work is not reflected in ratings of satisfaction. This indicator has no target and is for information only.

Current Performance	2016/17 Annual Target	Value Vs Target	Direction	Status	Outcome
33					

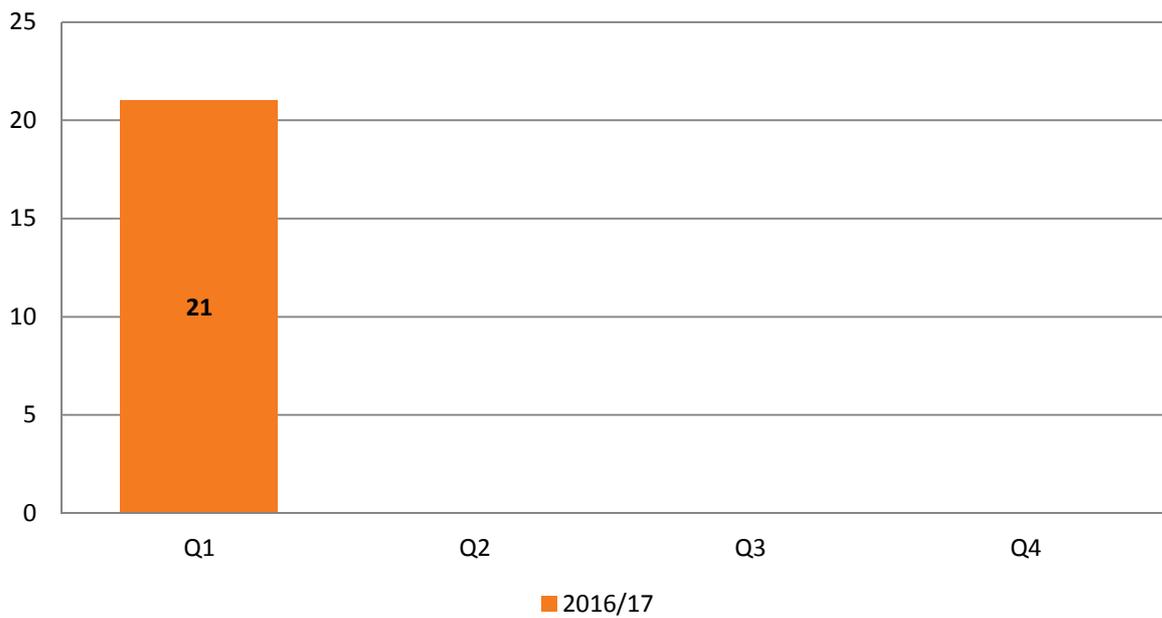


**Performance Comment:** This is an initial figure to form a baseline for following periods. The indicator methodology may need to be reviewed to look at providing this figure as a percentage of those completing courses. This will give an indication of the proportion of people who are completing courses, rather than just the number.

**Number of older isolated people prevented from social isolation through museum projects**

This is a unique sector leading project, which is currently funded. In the longer term, it will look to continue without funding. It seeks to engage older people in learning in a community group to prevent social isolation.

Current Performance	Q1 Target	Value Vs Target	Direction	Status	Expected Outcome
16					

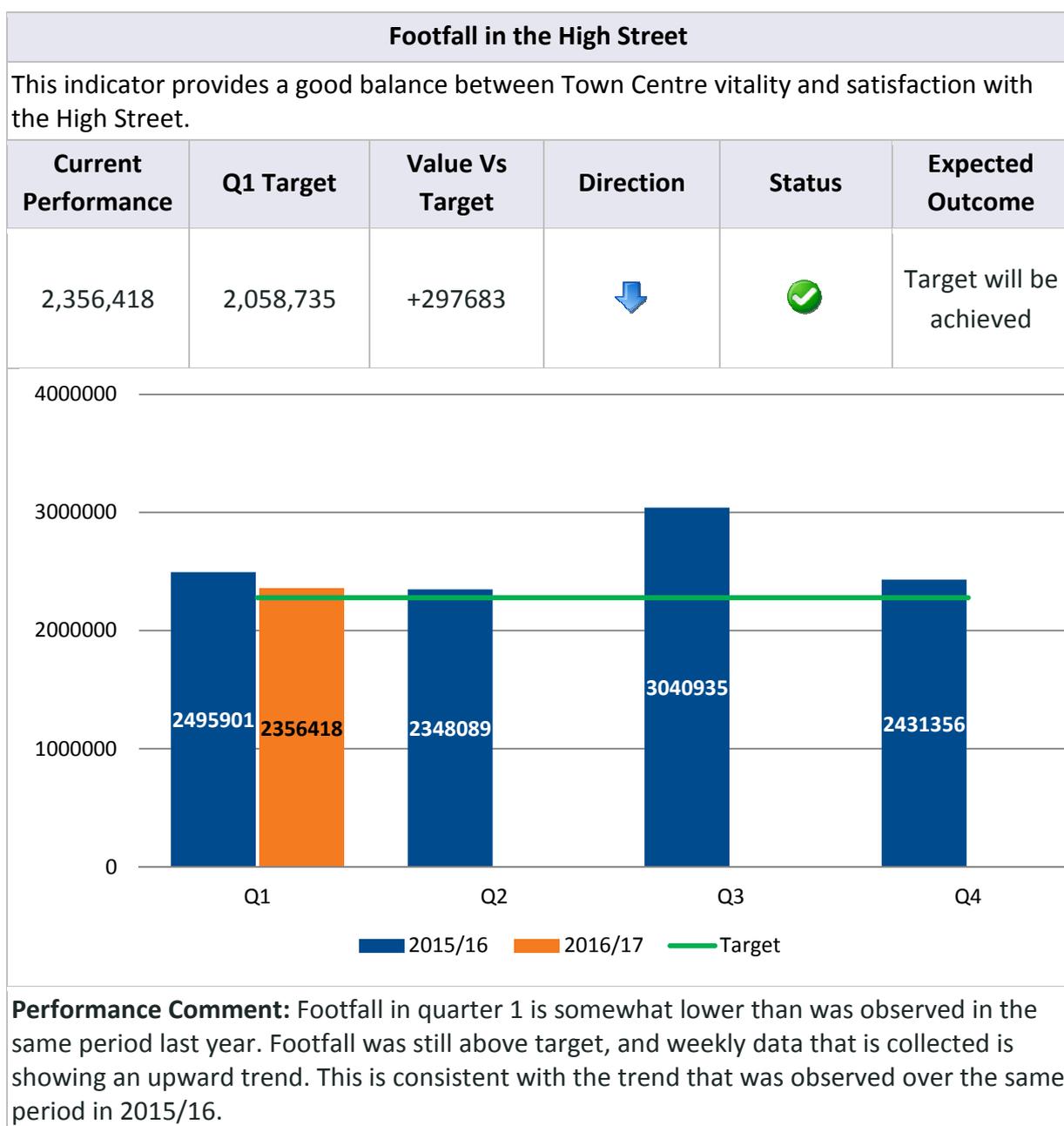


**Performance Comment:** These are mainly attendees at café culture events. Cafe Culture is a monthly event for older people to enjoy a drink and share memories over a selection of objects from the museum's collection which encourages them to explore their own lives, memories and experiences. It is a legacy project of a grant aided scheme called Museums on Prescription aimed at tackling social isolation in older residents. We would expect this figure to improve in the next quarter as we have introduced advertising material and made contacts with care providers across the borough and will no longer be relying on referrals from the Museums on Prescription scheme to attend. This is the first measure for this kind of project at the museum.

## Priority 1: Keeping Maidstone an attractive place for all & Priority 2: Securing a successful economy for Maidstone Borough

### Enhancing the Appeal of the Town Centre

Maidstone has had a historically thriving town centre however, we need to ensure that we keep pace with the changing economic environment and continue to meet the demands of businesses and consumers. Investment in Maidstone town centre is needed if it is to continue to be a popular place for leisure, to live, shop and work.



## Priority 2: Securing a successful economy for Maidstone Borough

### Planning for Sufficient Homes to meet our Borough's Needs

Over the last five years, the supply of new, affordable housing within the borough has been greater than in neighbouring authorities, although still less than historic levels. 189 new affordable homes were built in the borough in 2013/14 and 163 in 2014/15. In total 413 new homes were delivered in 2014/15, of these new homes over 75% were built on land that had previously been developed.

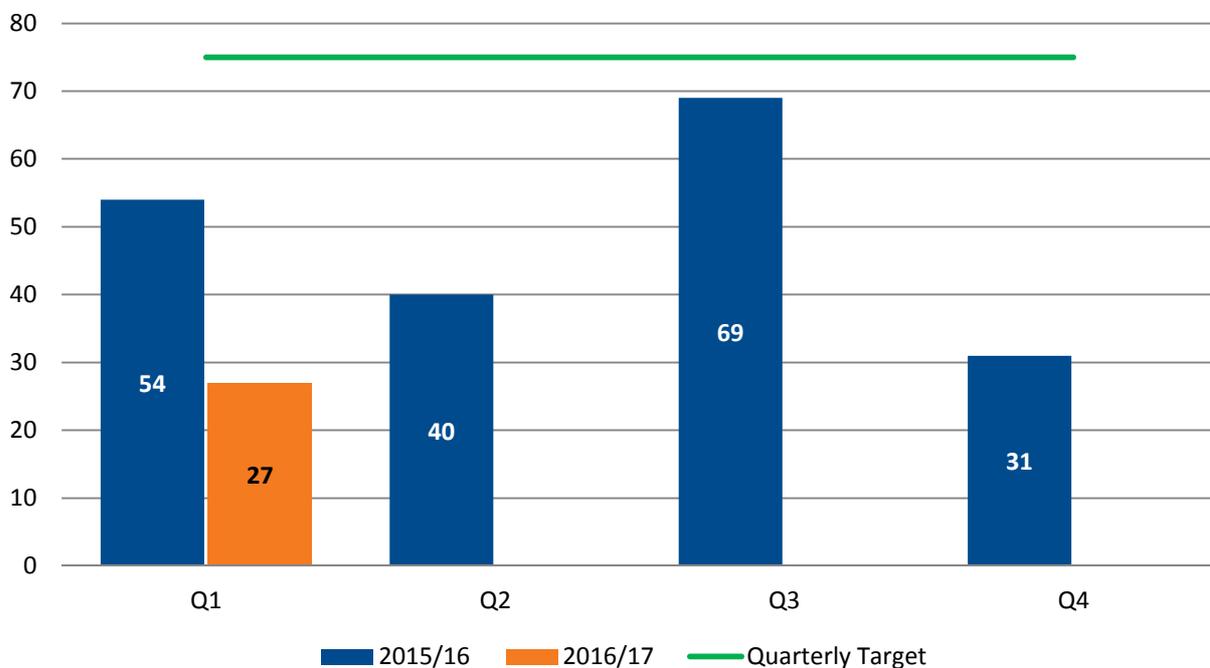
#### Housing Strategy Update

The Council adopted the final version of the Maidstone Housing Strategy 2016-2020 in March 2016. Following adoption the Strategy has now moved into the delivery stage. The new Strategy has three key priority themes for the Council to address over the next four years centred around enabling the delivery of quality homes across the housing market, ensuring existing housing is safe, desirable and promotes good health and well-being and preventing homelessness and securing provision of appropriate accommodation for homeless households. The Council has made progress during the last quarter against a number of actions stated within the Strategy, in order to help achieve the three key priority themes and stated outcomes. This includes successfully agreeing terms for the purchase of a property for use as temporary accommodation for homeless households, establishing a self/custom build register and continued work on facilitating the redevelopment of Brunswick Street.

**Number of households prevented from becoming homeless through the intervention of housing advice**

The provision of comprehensive advice plays an important part in delivering the Council’s strategy for preventing homelessness in Maidstone. This measure provides an indication of the effectiveness of housing advice given by the Council in preventing homelessness or the threat of homelessness. The annual target is split to give a quarterly target of 75.

Current Value	Q1 Target	Value Vs Target	Direction	Status	Expected Outcome
27	75	48	↓	🛑	Target will not be achieved



**Performance Comment:**

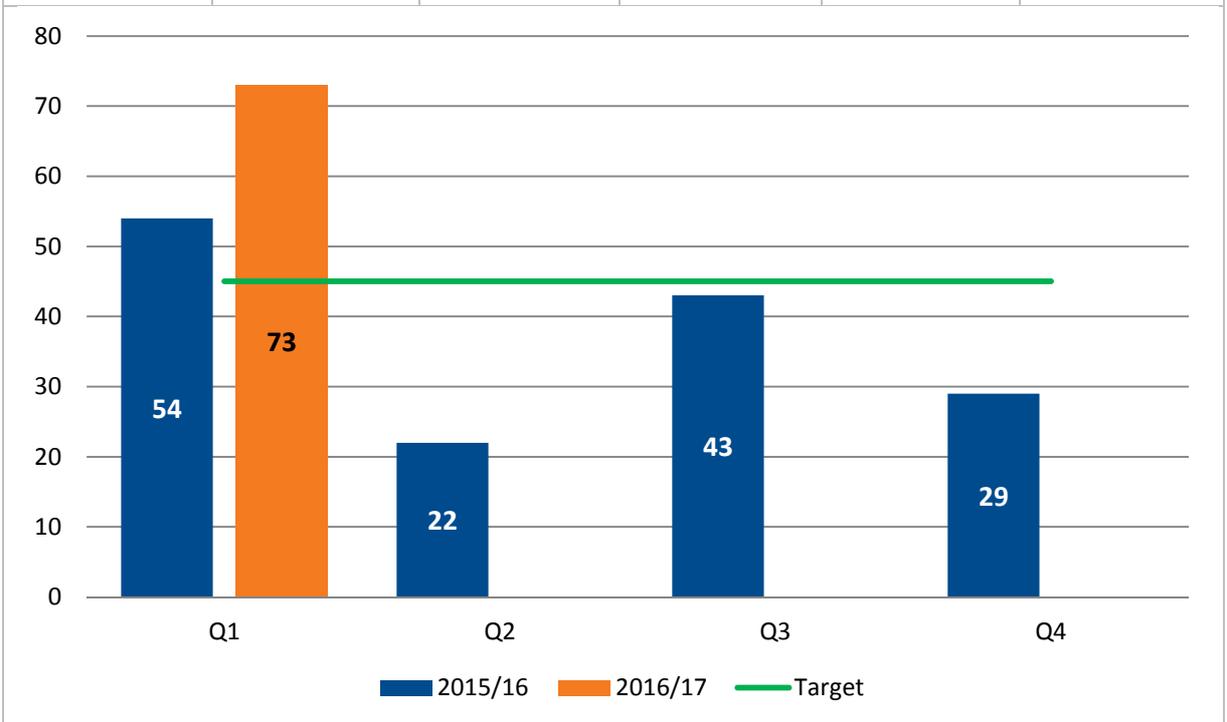
The second Housing Assistant post was vacant for the whole of this quarter. The post has now been recruited to; the successful candidate will start in post in October. A temporary member of staff will be covering the post in the meantime. The average homelessness assessment caseload during this quarter was 30 (including the senior), compared to 14 in 2014/15. Although the third Housing Advisor was recruited to in this period and received her formal training at the end of June, the number of assessments open as of 8 July would still give each advisor close to 30 cases, even with this post included.

It is necessary to prioritise statutory work over preventative, due not only to the nature of those clients already being homeless, but also in an effort to minimise the spending on temporary accommodation.

### Number of affordable homes delivered

Housing supply has not kept pace with demand. Many families are locked out of the housing market by unaffordable prices and unobtainable mortgages. Affordable dwellings include social-rented housing and intermediate housing. These can be new build or acquisitions; the figure does not take into account any losses.

Current Performance	Q1 Target	Value Vs Target	Direction	Status	Expected Outcome
73	45	+28	↑	✔	Target will be achieved

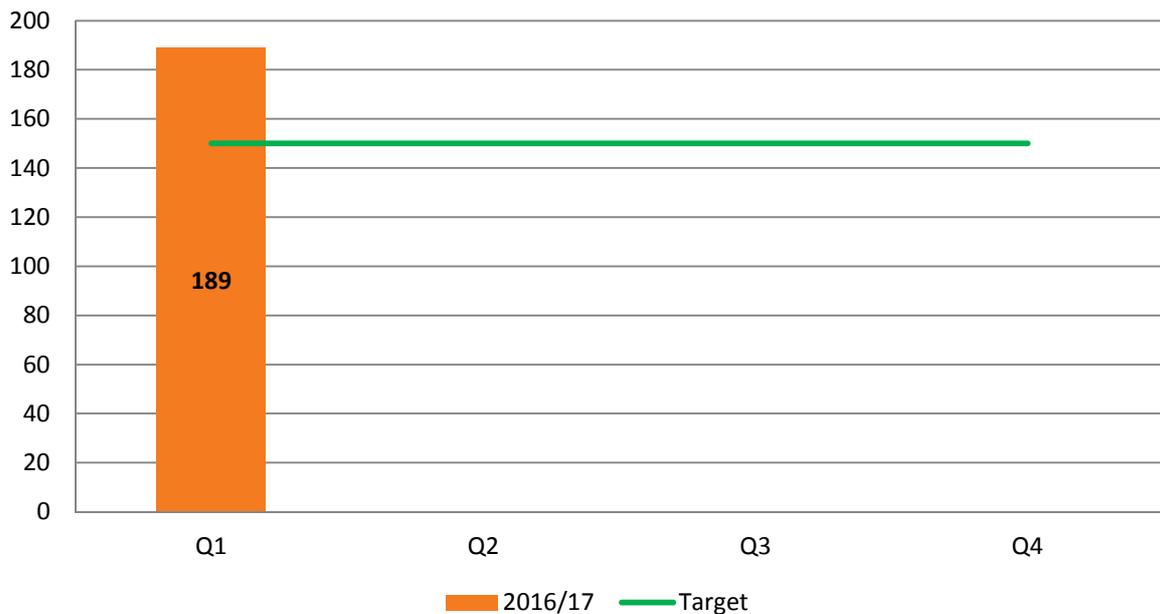


**Performance Comment:** The first quarter has seen a significant amount of newbuild affordable completions delivered, which has exceeded the quarterly target. There are in excess of 300 affordable units which are forecast for completion this year as many sites have progressed quicker than anticipated. It is therefore expected that we will easily exceed the target for the year.

### Number of households housed through housing register

This is an important indicator, which will help to monitor the number of applicants on the housing register who have been successfully rehoused. This provides a balanced view of the work of the housing service, in addition to the homeless preventions indicator.

Current Performance	Q1 Target	Value Vs Target	Direction	Status	Expected Outcome
189	150	+39	?	✓	Target will be achieved



**Performance Comment:** The quarterly target for the number of applicants housed has been achieved due to a significant amount of newbuild affordable completions which have been achieved during the first quarter. This will provide baseline data to inform future targets for this indicator. Good performance should continue throughout the year due to the expected amount of affordable units that are being built throughout the year.

## Communities, Housing and Environment Committee

**20 SEPTEMBER  
2016**

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

**Yes**

### First Quarter Budget Monitoring 2016/17

<b>Final Decision-Maker</b>	Communities, Housing and Environment Committee
<b>Lead Head of Service</b>	Director of Finance and Business Improvement
<b>Lead Officer and Report Author</b>	Ellie Dunnet, Chief Accountant
<b>Classification</b>	Public
<b>Wards affected</b>	All

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

That the committee:

1. Notes the revenue position at the end of the first quarter and the actions being taken or proposed to improve the position where significant variances have been identified.

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

The budget is a statement, in financial terms, of the priorities set out in the strategic plan. It reflects the Council's decisions on the allocation of resources to all objectives of the strategic plan. The issues raised in this report identify areas where financial performance is at variance with priority outcomes.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Communities, Housing and Environment Committee	20 September 2016

# First Quarter Budget Monitoring 2016/17

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides the committee with an overview of the revenue budget and outturn for the first quarter of 2016/17, and highlights financial matters which may have a material impact on the medium term financial strategy or the balance sheet.
  - 1.2 As at the 30 June 2016, this committee was showing an adverse variance of £72,682 overall. The individual variances for each service area are detailed within **Appendix I**.
- 

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Director of Finance & Business Improvement is the Responsible Financial Officer, and has overall responsibility for budgetary control and financial management. However in practice, day to day budgetary control is delegated to service managers, with assistance and advice from their director and the finance section.
- 2.2 The medium term financial strategy for 2016/17 onwards was agreed by full Council on 2 March 2016. This report advises and updates the committee on the current position with regards to revenue expenditure against the approved budgets.
- 2.3 Attached at **Appendix I** is a table detailing the current budget and expenditure position for this Committee's services in relation to the first quarter of 2016/17, to June 2016. The appendix details net budget per cost centre for this Committee. Actual expenditure is shown to the end of June 2016 and includes accruals for goods and services received but not yet paid for.
- 2.4 The columns of the table in the Appendix show the following detail:
  - a) The cost centre description;
  - b) The value of the total budget for the year;
  - c) The amount of the budget expected to be spent by the end of June 2016;
  - d) The actual spend to that date;
  - e) The variance between expected and actual spend;
  - f) The forecast spend to year end; and
  - g) The expected significant variances at 31 March 2017.
- 2.5 **Appendix I** shows that of an annual budget of £10,440,515 there was an expectation that £2,432,880 would be spent in the first quarter of the year. At this point in time the budget position for this committee as a whole is an overspend of £72,682. However, the full year forecast indicates that the variance could increase to £500,000 as a consequence of ongoing pressures

on the temporary accommodation budget. This forecast is based on current assumptions around the demand for this service.

- 2.6 The committee will be aware that a number of actions have already been taken to reduce the cost of providing temporary accommodation in recent years, and efforts to address the overspend in this area are ongoing. For the current financial year, the council increased the occupation charges for temporary accommodation. The increase was effective from August and the intended impact is to maximise the amount of income which can be recovered through occupation charges, which in the main are covered by housing benefit payments. Work to determine the extent to which this will alleviate the overspend in this area is ongoing.
- 2.7 Explanations for variances within individual cost centres which exceed or are expected to exceed £30,000 have been provided in accordance with the council's constitution.
- 

### **3 AVAILABLE OPTIONS**

- 3.1 In considering the current position on the revenue budget at the end of June 2016 the committee can choose to note those actions and reconsider the outcomes at the end of the second quarter or it could choose to take further action.
- 

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

- 4.1 The committee is requested to note the content of the report and agree on any necessary action to be taken in relation to the budget position.
- 

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

- 5.1 This report is not expected to lead to any consultation.
- 

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

- 6.1 The second quarter's budget monitoring reports will be presented to service committees for their consideration in November 2016.
- 6.2 Currently there are no matters which require a decision from this committee. The success of actions taken to address the overspend in the temporary accommodation budget, as set out in paragraph 2.6, will be regularly reported to this committee through later versions of this report.
-

## 7 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	This report monitors actual activity against the revenue budget and other financial matters set by Council for the financial year. The budget is set in accordance with the Council's medium term financial strategy which is linked to the strategic plan and corporate priorities.	Director of Finance & Business Improvement
<b>Risk Management</b>	The Council has produced a balanced budget for both capital and revenue expenditure and income for 2016/17 This budget is set against a backdrop of limited resources and an difficult economic climate. Regular and comprehensive monitoring of the type included in this report ensures early warning of significant issues that may place the Council at financial risk. This gives this committee the best opportunity to take actions to mitigate such risks.  The issues set out in this report do not exhibit the level of potential risk identified in previous years.	Director of Finance & Business Improvement
<b>Financial</b>	Financial implications are the focus of this report through high level budget monitoring. The process of budget monitoring ensures that services can react quickly to potential resource problems. The process ensures that the Council is not faced by corporate financial problems that may prejudice the delivery of strategic priorities.	Director of Finance & Business Improvement
<b>Staffing</b>	The budget for staffing represents approximately 50%	Director of

	of the direct spend of the council and is carefully monitored. Any issues in relation to employee costs will be raised in this and future monitoring reports.	Finance & Business Improvement
<b>Legal</b>	The Council has a statutory obligation to maintain a balanced budget this monitoring process enables the committee to remain aware of issues and the process to be taken to maintain a balanced budget for the year.	Team Leader Corporate Governance
<b>Equality Impact Needs Assessment</b>	The budget ensures the focus of resources into areas of need as identified in the Council's strategic priorities. This monitoring report ensures that the budget is delivering services to meet those needs.	Director of Finance & Business Improvement
<b>Environmental/Sustainable Development</b>	No specific issues arise.	Director of Finance & Business Improvement
<b>Community Safety</b>	No specific issues arise.	Director of Finance & Business Improvement
<b>Human Rights Act</b>	No specific issues arise.	Director of Finance & Business Improvement
<b>Procurement</b>	No specific issues arise.	Director of Finance & Business Improvement
<b>Asset Management</b>	Resources available for asset management are contained within both revenue and capital budgets and do not represent a significant problem at this time.	Director of Finance & Business Improvement

**8 REPORT APPENDICES**

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

- **Appendix I:** First Quarter 2016/17 Revenue Monitoring – Communities, Housing and Environment Committee

## **9 BACKGROUND PAPERS**

None

**Communities, Housing and Environment Committee  
First Quarter Budget Monitoring - Full Summary to June 2016**

Cost Centre	Budget for Year	To June	Actual	Variance	Forecast	Year end Variance	Explanation
Community Safety	£46,440	£7,360	£2,312	£5,048	£46,440	£0	
Building Safer Communities (BSC)	£0	-£12,900	£4,200	-£17,100	£0	£0	
C C T V	£312,820	£60,395	£62,296	-£1,901	£312,820	£0	
Drainage	£114,500	£7,925	£18	£7,907	£114,500	£0	
Licences	-£6,800	-£1,973	-£2,947	£975	-£6,800	£0	
Licensing Statutory	-£61,040	-£4,321	£1,271	-£5,592	-£61,040	£0	
Licensing Non Chargeable	£7,030	£1,758	£1,939	-£182	£7,030	£0	
Dog Control	£24,150	£6,038	£8,091	-£2,054	£24,150	£0	
Health Promotion	£1,750	£875	-£1,500	£2,375	£1,750	£0	
Health Improvement Programme	£1,000	£1,750	£7,500	-£5,750	£1,000	£0	
Pollution Control - General	£26,060	£7,941	£3,652	£4,289	£26,060	£0	
Contaminated Land	£0	£0	-£100	£100	£0	£0	
Environmental Enforcement	£13,580	-£280	-£3,283	£3,003	£13,580	£0	
Food Hygiene	£8,840	£1,381	£108	£1,273	£8,840	£0	
Sampling	£3,300	£550	£0	£550	£3,300	£0	
Occupational Health & Safety	£23,670	£4,751	£2,458	£2,294	£23,670	£0	
Infectious Disease Control	£920	£230	£230	-£0	£920	£0	
Noise Control	£2,010	£1,118	£911	£207	£2,010	£0	
Pest Control	-£12,000	-£3,000	-£3,000	£0	-£12,000	£0	
Public Conveniences	£213,930	£42,618	£45,065	-£2,447	£213,930	£0	
Licensing - Hackney & Private Hire	-£68,400	-£14,567	-£32,823	£18,256	-£68,400	£0	
Street Cleansing	£995,270	£267,648	£288,233	-£20,586	£995,270	£0	
Household Waste Collection	£1,072,020	£269,880	£271,722	-£1,842	£1,072,020	£0	
Commercial Waste Services	-£61,300	-£15,325	-£16,113	£788	-£61,300	£0	
Recycling Collection	£737,870	£168,344	£160,550	£7,794	£737,870	£0	
Switch Cafe Project	£15,060	£3,765	£0	£3,765	£15,060	£0	
Community Development	£16,350	£4,088	£465	£3,622	£16,350	£0	
Social Inclusion	£124,670	£8,953	£24,712	-£15,760	£124,670	£0	
Troubled Families	-£20,070	£9,383	£5,718	£3,664	-£20,070	£0	
Public Health - Obesity	£7,740	£1,935	-£5,661	£7,596	£7,740	£0	
Public Health - Misc Services	£5,440	£1,360	-£6,138	£7,498	£5,440	£0	
Grants	£217,270	£134,705	£135,000	-£295	£217,270	£0	
Delegated Grants	£2,100	£2,100	£1,505	£595	£2,100	£0	
Parish Services	£199,800	£148,300	£133,752	£14,548	£199,800	£0	
Strategic Housing Role	£616,540	£3,050	£5,934	-£2,884	£616,540	£0	
Housing Register & Allocations	£10,000	£8,500	£10,907	-£2,407	£10,000	£0	
Private Sector Renewal	£302,630	£658	£0	£658	£302,630	£0	
HMO Licensing	-£10,380	-£2,595	-£4,905	£2,310	-£10,380	£0	

Cost Centre	Budget for Year	To June	Actual	Variance	Forecast	Year end Variance	Explanation
Homeless Temporary Accommodation	£416,530	£104,133	£228,127	-£123,994	£916,530	-£500,000	Temporary Accommodation – The level of demand for this service has continued to increase. A number of actions have been taken in recent years to reduce the cost of providing temporary accommodation. From August of this year, the council has increased the rental charges in order to maximise the amount of income which can be recovered through occupation charges. Work to determine the extent to which this will alleviate the overspend in this area is ongoing.
Homelessness Prevention	£155,380	£30,095	£32,636	-£2,541	£155,380	£0	
Homelessness - Admin	£0	£0	£57	-£57	£0	£0	
Aylesbury House	£97,840	£9,910	£3,195	£6,715	£97,840	£0	
Magnolia House	£78,650	-£1,243	-£2,295	£1,053	£78,650	£0	
Marden Caravan Site (Stilebridge Lane)	£25,810	£4,648	£4,882	-£234	£25,810	£0	
Ulcombe Caravan Site (Water Lane)	£6,230	-£1,113	£2,812	-£3,924	£6,230	£0	
Head of Environment and Public Realm	£88,760	£24,965	£23,566	£1,399	£88,760	£0	
Street Scene Section	£236,790	£60,323	£55,081	£5,242	£236,790	£0	
Waste Collection Section	£221,390	£55,498	£37,233	£18,265	£221,390	£0	
Environmental Operations Enforcement Section	£317,050	£79,263	£77,569	£1,694	£317,050	£0	
Community Safety Co-ordinator Section	£162,040	£40,410	£45,688	-£5,278	£162,040	£0	
Licensing Section	£100,890	£25,223	£24,606	£616	£100,890	£0	
Environmental Protection Section	£242,760	£60,690	£57,426	£3,264	£242,760	£0	
Food and Safety Section	£300,940	£75,235	£63,994	£11,241	£300,940	£0	
Head of Housing & Community Services	£99,240	£24,810	£24,714	£96	£99,240	£0	
Housing Options Section	£0	£0	£0	£0	£0	£0	
Housing & Enabling Section	£306,560	£76,640	£80,046	-£3,406	£306,560	£0	
Housing & Inclusion Section	£372,655	£93,164	£93,379	-£215	£372,655	£0	
Housing & Health Section	£275,770	£68,943	£68,445	£498	£275,770	£0	
Fleet Workshop & Management	£824,110	£186,173	£180,901	£5,272	£824,110	£0	
MBS Support Crew	-£77,580	-£19,395	-£4,256	-£15,139	-£77,580	£0	
Grounds Maintenance	£1,305,930	£312,118	£305,682	£6,436	£1,305,930	£0	
	<b>10,440,515</b>	<b>2,432,880</b>	<b>2,505,562</b>	<b>-72,682</b>	<b>10,940,515</b>	<b>-500,000</b>	

## Communities, Housing and Environment Committee

**Tuesday 20  
September 2016**

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

**Yes**

### Kent Waste Disposal Strategy – Consultation Response

<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>	Head of Environment and Public Realm
<b>Classification</b>	Public
<b>Wards affected</b>	None

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

1. That the draft consultation response (Appendix B) for Kent County Council's Waste Disposal Strategy (Appendix A) is agreed and submitted as Maidstone's formal response.

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

- Keeping Maidstone Borough an attractive place for all – ensuring waste is managed and disposed of effectively across Kent to reduce the impact on the environment and provide high quality services for residents

**Timetable**

<b>Meeting</b>	<b>Date</b>
Corporate Leadership Team	Tuesday 6 September 2016
Communities, Housing and Environment Committee	Tuesday 20 September 2016

# Kent Waste Disposal Strategy – Consultation Response

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Over the past few months, Kent County Council has been developing a new long-term waste disposal strategy for Kent. A number of workshops have been held to obtain views from stakeholders including the Kent Resource Partnership and borough councils.
  - 1.2 Kent County Council has now produced a draft strategy and have launched a consultation on the priorities and objectives contained within it.
  - 1.3 The purpose of this report is to enable the Communities, Housing and Environment Committee to review the draft strategy and comment on Maidstone's consultation response.
- 

## 2. INTRODUCTION AND BACKGROUND

- 2.1 Kent County Council is the Waste Disposal Authority (WDA) for Maidstone and is responsible for managing all household waste collected in the borough, whether through Maidstone's collection service or the local household waste recycling centre.
- 2.2 Kent County Council along with the 12 district councils in Kent form the Kent Resource Partnership, formerly known as the Kent Waste Partnership.
- 2.3 The Kent Resource Partnership collectively adopted the Kent Joint Municipal Waste Management Strategy (KJMWMS) which outlines how the Partnership intends to manage household waste arisings over the period 2007 to 2027. The KJMWMS is due to be updated in 2017.
- 2.4 Maidstone already has its own 5 year waste strategy which sets ambitious targets to achieve 55% recycling by 2020 as well as reducing overall waste arisings and deliver zero waste to landfill.
- 2.5 Since 2013, Maidstone Borough Council, along with Ashford and Swale Borough Councils, has worked in partnership with Kent County Council to deliver the Mid Kent Waste Contract. As part of this there is an Inter Authority Agreement outlining the arrangements between the authorities including financial support and sharing of benefits.
- 2.6 This demonstrates the strong working relationship Maidstone has with the County Council for the delivery of high quality waste and recycling services.
- 2.7 The County Council have identified a number of drivers which require them to look differently at how the disposal service is provided, namely:
  - **Population and Housing** – the projects indicate a 22% increase in household waste between 2015 and 2031, predominantly due to an 18% growth in population.

- **Budget pressures** – there is recognition that there will need to be significant capital investment to deliver the strategy and ambition
- **Market provision** – the waste collection and disposal market has become increasingly commercially volatile with significant fluctuations in resource value
- **Current performance** – in 2014/15, 48.4% of household waste was recycled or composted and 10.9% sent to landfill, with the remainder sent for energy recovery.
- **Legislation and performance targets** – the Waste Framework Directive requires the recycling or reuse of 50% of household waste by 2020 and an expectation of a 65% target for 2030
- **Interdependent Documents** – including the KJMWMS, Kent Environment Strategy and a number of internal KCC strategies

2.8 The strategy presents the overall “Ambition” for Kent County Council as the Waste Disposal Authority up to 2035, specifically:

*“Our Ambition is to deliver a high quality, value for money household waste disposal service for the people of Kent, with an emphasis on waste reduction, recycling and achieving zero landfill.”*

2.9 The draft Kent Waste Disposal Strategy is included in Appendix A.

2.10 The Strategy sets out 6 key priorities, each with a number of objectives to achieve this. The priorities are:

- Working Together
- Innovation and Change
- HWRC Service Delivery
- Customer Service
- Commissioning
- The Environment

2.11 For Maidstone residents, the main challenge around waste disposal is the Household Waste Recycling Facility in Tovil. This facility struggles with capacity and is a significant distance for many residents to travel to.

2.12 The priorities are all key areas for Maidstone as the Waste Collection Authority to ensure maximum value is achieved from our waste and services can respond to increasing pressures including economic and population growth.

2.13 It is also important that we support the County Council to provide services for both residents and businesses in the Borough such as commercial outlets for waste and equality of access to household waste recycling facilities.

2.14 The draft consultation response is included in Appendix B.

### **3. AVAILABLE OPTIONS**

- 3.1 The Committee could agree to endorse the draft consultation response included in Appendix B and agree for this to be submitted to Kent County Council.
- 3.2 Alternatively the Committee could decide to amend the draft consultation response with additional comments before being submitted to Kent County Council.
- 3.3 The Committee could decide not to submit a response to the consultation.
- 

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

- 4.1 It is recommended that the Committee approve the submission of the consultation response to inform Kent County Council's draft strategy.
- 4.2 It is important as the Waste Collection Authority, that Maidstone has the opportunity to influence the County's Waste Disposal Strategy as this is likely to have an impact on the collection arrangements in Maidstone.
- 

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

- 5.1 Details of the consultation were sent to all Members to enable them to either submit an individual response or to provide feedback to officers to inform the Council's response.
- 

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

- 6.1 If agreed, the consultation response will be submitted to Kent County Council before the deadline of 2 October 2016.
- 

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

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	The recommended response will enable the Council to inform Kent County Council's draft Waste Disposal Strategy and ensure that it supports Maidstone's corporate priorities, specifically keeping Maidstone Borough an attractive place for all.	Head of Environment and Public Realm
<b>Risk Management</b>		

<b>Financial</b>		
<b>Staffing</b>		
<b>Legal</b>		
<b>Equality Impact Needs Assessment</b>		
<b>Environmental/Sustainable Development</b>		
<b>Community Safety</b>		
<b>Human Rights Act</b>		
<b>Procurement</b>		
<b>Asset Management</b>		

## **8. REPORT APPENDICES**

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

- Appendix A: Kent Waste Disposal Strategy – Draft Consultation Document
- Appendix B: Consultation Response

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## **9. BACKGROUND PAPERS**

None

**Appendix A -**

**Kent Waste Disposal Survey Consultation Document**

# Kent Waste Disposal Strategy

2017-2035

Draft Strategy Consultation Document



## Have your say

On our Ambition and Priorities for managing the disposal and recycling of Kent's household waste

**2** It is advised the accompanying Evidence Base document is read prior to this Strategy

50

This document can be made available in other formats or languages.

To request this, please email [alternativeformats@kent.gov.uk](mailto:alternativeformats@kent.gov.uk) or telephone 03000 421553 (text relay service 18001 03000 421553). This number goes to an answer machine, which is monitored during office hours.

# Foreword

Thank you for taking the time to read and comment on our draft Kent Waste Disposal Strategy 2017-35.

Over the last few months, the Waste Management Member Working Group has been working with Officers to develop a long-term strategy for waste disposal in Kent. This is a complex issue, with different levels of local government and private companies working together to deliver the overall service of managing Kent's household waste. As the Waste Disposal Authority, Kent County Council ensures that waste collected by the district and borough councils is disposed of in line with key environmental legislation and regulations.

From rubbish collections to Household Waste Recycling Centres, the people of Kent rely on a functioning system where all responsible authorities work together to deliver the service in an effective and reliable manner.

We are already on track to meet many of the key targets for household waste disposal well ahead of schedule, which puts Kent in a good position to address the coming challenges. However, it is important for us to plan now for how to continue to deliver a high quality service in the face of ongoing budget pressures.

This draft strategy sets out our current position, identifies the future pressures and outlines how we will maintain a sustainable waste management service.

We are consulting on this draft strategy from 11<sup>th</sup> July 2016 to 2<sup>nd</sup> October 2016. All comments and views on the draft will be considered and incorporated, where appropriate, before the Cabinet Member for Environment and Transport takes the formal decision to adopt the strategy in 2017.

You may access more information and respond to the consultation online at [kent.gov.uk/wastestrategy](http://kent.gov.uk/wastestrategy).

We are keen to know what you think about the overarching ambition of the strategy, the key priorities involved and the specific objectives we have set out. We welcome any comments or concerns that will help us improve the strategy before KCC moves forward to implementation, supported by further public consultation in 2017.



Clive Pearman  
Deputy Cabinet Member – Environment and Transport  
Chairman – Waste Management Member Working Group

# Contents

Foreword	3
Introduction	5
Approach to Strategy Development	6
Key Drivers	6
Population and housing	7
Budget pressures	7
Market provision	8
Current performance	8
Legislation and performance targets	8
Interdependent Documents	11
KCC's Strategic Statement	11
Ambition	12
Priorities and supporting objectives	12
Priority 1	12
Priority 2	13
Priority 3	14
Priority 4	14
Priority 5	15
Priority 6	16
Glossary	17

***“Our Ambition is to deliver a high quality, value for money household waste disposal service for the people of Kent, with an emphasis on waste reduction, recycling and achieving zero landfill.”***

## **Introduction**

Kent County Council (KCC) Waste Management operates in a two-tier system - as a statutory Waste Disposal Authority (WDA) for the receipt (via a network of 8 Waste Transfer Stations (WTS)) and onward processing/ disposal of Kent’s household waste collected by the district and borough councils as the Waste Collection Authorities (WCAs). In addition, KCC has the statutory responsibility to provide a Household Waste Recycling Centre (HWRC) service to residents, of which we currently have 18 in Kent. The HWRCs are for the disposal of household waste only and accept a wide range of materials. The HWRCs do not accept trade waste.

As the WDA, KCC is also responsible for the ongoing monitoring of a number of closed landfill sites around the county to ensure environmental compliance.

With sustained budget savings required across the public sector, coupled with a projected increase in waste, fluctuations in market value for recyclate, and limited local processors, it is important that we deliver even better services to the Kent taxpayer. A waste disposal strategy for KCC Waste Management is needed to protect service delivery and will be achieved through;

- Identifying further saving efficiencies.
- Building greater flexibility to deal with and react to changes with regards to quantity, composition and quality of waste streams and in line with economic and housing growth.
- Identifying risks to local supply chains and service provision.
- Making a significant contribution to the broader Outcomes Framework of the Council (Strategic Statement).
- Ensuring KCC meets its environmental compliance and public protection functions.
- Helping future proof service delivery for customers including Waste Collection Authorities (WCAs - district/ borough councils), providing equitable access to customer service for Kent residents and compliance with the Equality Act 2010.
- Equipping KCC to succeed in contributing to meeting local and national targets.
- Maximising synergies between internal and external partners.

This can only be achieved by working in partnership with our residents, local businesses and all 12 district and borough councils.

As part of the Kent Resource Partnership (KRP<sup>1</sup>), KCC is committed to joint working, including to the Kent Joint Municipal Waste Management Strategy (KJMWMS). As part of our commitment, we are investing in the development of this **new WDA Strategy for KCC**, which will inform major parts of the KJMWMS itself. Our aim is to provide a clear pathway to achieve the Partnership's desired outcomes set against financial, legal, corporate and government drivers.

## Approach to Strategy Development

This Strategy presents the overall 'Ambition' for Kent County Council as the Waste Disposal Authority up to 2035, and a series of priorities and supporting objectives that will help us to reach our ambition. This Strategy does not attempt to set out in detail how the ambition, priorities and objectives will be achieved, but following approval of the strategy an analytical and data led implementation plan and subsequent business cases will do this, with needs assessment and further public consultation undertaken, as required.

A high level **Evidence Base** document has been developed to provide background information to support the development of this strategy which sets out in detail the current waste management position, drivers for change and some early forecasting models.

The Strategy makes reference to a number of technical waste terms and acronyms. A glossary is located on page 17, which should be referred to when reading this document.

## Key Drivers

There are a number of drivers which require KCC to look differently at how the service is provided. These are summarised below.

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<sup>1</sup> The Kent Resource Partnership (KRP) is a partnership of the 13 local authorities in Kent. These are Kent County Council and the 12 District/Borough/City councils of: Ashford, Canterbury, Dartford, Dover, Gravesham, Maidstone, Sevenoaks, Shepway, Swale, Thanet, Tonbridge & Malling and Tunbridge Wells. As a group we look at how we can improve waste management in Kent.

## Population and Housing

It is forecast that an average of 7,800 houses will be built every year in Kent until 2031. This will result in a population growth of 22% over 20 years (from 2011) and 18% growth from 2015<sup>2</sup>.

Waste tonnage produced per dwelling has been declining for some years but now appears to be more stable and may increase in the future as there is a strong link between economic growth and the amount of waste produced<sup>3</sup>.

The projected figures for the years 2021 and 2031 are shown in Table 1 below. These projections suggest an increase of 22% in household waste between 2015 and 2031.

**Table 1: Dwelling and population projections<sup>4</sup>**

	2015	2021	2031
<b>Dwellings</b>	649,900	703,900	789,900
<b>Population</b>	1,522,700	1,632,000	1,795,600
<b>Waste Tonnage</b>	710,900	770, 270	864,200

## Budget pressures

Councils are facing significant budget pressures resulting in the need to do things differently, whilst maintaining service levels. Delivery of this strategy has the potential to find efficiencies, savings and income allowing the service to develop and evolve. However, it is also recognised that to reach our ambition, the cost to deliver the strategy could be high and in some instances require significant capital investment and/ or the accessing of key funding. It is unknown what this cost might be at present but is likely to be significant should the strategy and subsequent action plans be adopted.

<sup>2</sup> Source: KCC Housing Lead Population Forecast October 2015

<sup>3</sup> <http://www.wrap.org.uk/sites/files/wrap/Decoupling%20of%20Waste%20and%20Economic%20Indicators.pdf>

<sup>4</sup> The table above assumes that waste tonnage produced by household/dwelling remains that same between 2015 and 2031. There is a closer link between household numbers and waste arising than population.

## Market provision

The waste collection and disposal market is becoming increasingly commercially volatile. In particular, suppliers are finding it challenging to meet contract requirements, whilst becoming increasingly reluctant to take up new opportunities in the current waste market. This will require KCC to identify these market risks to local supply chains and service provision to plan accordingly.

## Current performance

Table 2 below shows the countywide performance for Kent in 2014/15 for the management of household waste in Kent:

**Table 2**

2014-15	% of waste
Waste Recycled or composted	48.4
Waste sent to make energy	40.7
Waste to landfill	10.9*

\*The percentage sent to landfill has decreased even further during 2015/16, on occasion achieving 5% and is projected to decrease further still due to a new contract for dealing with waste materials that would have previously been sent to landfill<sup>5</sup>.

Furthermore, in 2014/15 we achieved a 70.5% recycling and composting rate across our HWRCs.

## Legislation and performance targets

Waste services are influenced primarily by legislation, targets and requirements that are passed down from the European Union and transposed in to national law, policies and strategies. Details of key legislation can be found in the Evidence Base document.

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<sup>5</sup> 2015/16 data is currently being verified.

The European Union's approach to waste management is based on the "waste hierarchy". The hierarchy ranks waste management options according to what is best for the environment. It gives top priority to preventing waste in the first place. When waste is created, it gives priority to preparing it for re-use, then recycling, then recovery, and last of all disposal (e.g. landfill).



\*Other recovery includes the burning of waste under controlled conditions to produce steam that is used to generate electricity.

#### Waste Framework Directive:

The principal legislation affecting waste management to come out of Europe over the last few years is the revised Waste Framework Directive (Directive 2008/98/EC on waste). The Directive sets the basic concepts and definitions related to waste management, such as definitions of waste, recycling, recovery. The Directive includes 2 new recycling and recovery targets to be achieved by 2020:

- 50% preparing for re-use and recycling of certain waste materials from households and other origins similar to households; and,
- 70% preparing for re-use, recycling and other recovery of construction and demolition waste.

## European Directive on the Landfill of Waste:

The European Directive 1999/31/EC on the Landfill of Waste (Landfill Directive) aims to reduce reliance on landfill as a disposal option. The Directive sets targets for the diversion of Biodegradable Municipal Waste (BMW);

- By 2020 reduce the biodegradable waste landfilled to 35% of that produced in 1995
- Future Legislation:

It is unclear how significant the outcome of the EU referendum will be to KCC's waste management services. Given the long-term outlook of this strategy, it will periodically be reviewed and updated, allowing sufficient flexibility to respond to a wide array of changes to the waste management landscape, including a shift in the UK's relationship with the EU. In the short term, the strategy recognises imminent EU legislation and outlines how these may impact on KCC. The proposals are to amend a number of current Directives. This forms part of a Circular Economy Package; the aim of which is to help turn Europe into a circular economy<sup>6</sup>, boost recycling, secure access to raw materials and create jobs and economic growth. It did so by setting ambitious targets and adding key provisions on the instruments to achieve and to monitor them. The proposal was presented as part of the circular economy package.

The key elements of the proposals to this strategy are:

- A common EU target for recycling 65% of municipal waste<sup>7</sup> by 2030;
- A common EU target for recycling 75% of packaging waste by 2030;
- A binding landfill target to reduce landfill to maximum of 10% of all waste by 2030;

If adopted, these new targets could have a significant impact upon KCC as the WDA; whilst the target amount sent to landfill is achievable (indeed, we have already met the 2030 target), the amount of waste we currently send for burning for energy recovery would need to be reduced substantially to 30% and more waste sent for recycling or composting. Specific targets are not included in this Waste Disposal Strategy but will be included as part of the refresh of the KJMWMS due to be undertaken in 2017.

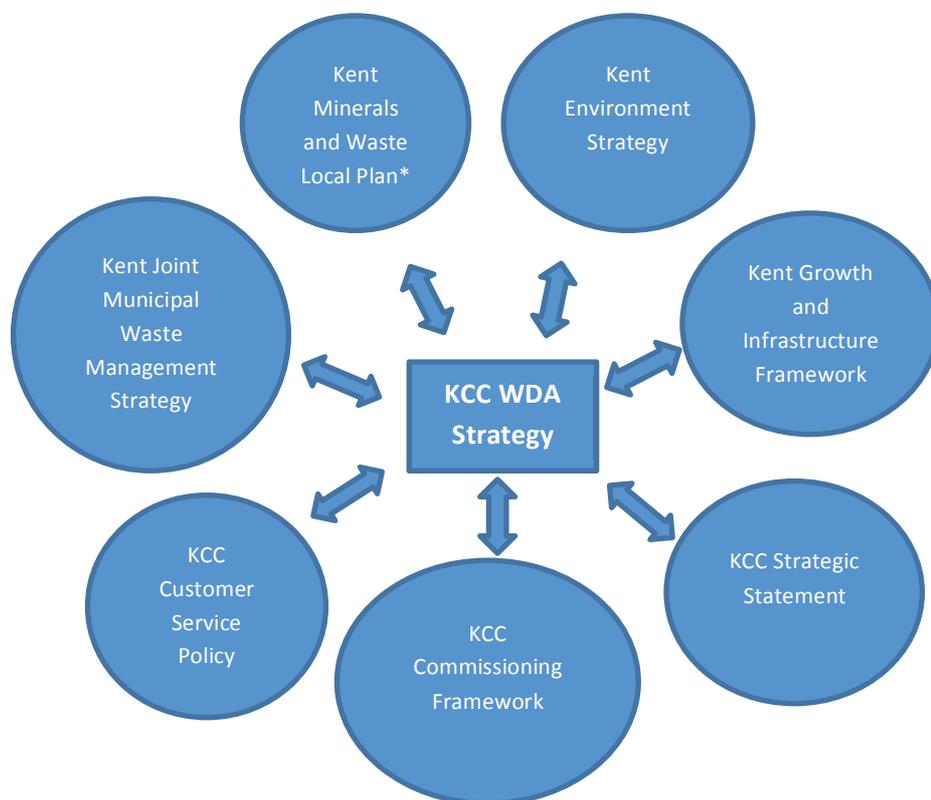
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<sup>6</sup> 'A circular economy is an alternative to a traditional linear economy (make, use, dispose) in which we keep resources in use for as long as possible, extract the maximum value from them whilst in use, then recover and regenerate products and materials at the end of each service life'. Definition from WRAP (Waste Resources Action Programme).

<sup>7</sup> Municipal Waste is defined as mixed waste and separately collected waste from households, mixed waste and separately collected waste from other sources that is comparable to household waste in nature, composition and quantity and market cleansing waste and waste from street cleaning services, including street sweepings, the content of litter containers, waste from park and garden maintenance

## Interdependent Documents

The KCC WDA Strategy will link to a number of other documents which are discussed in more detail in the Evidence Base Document. These are illustrated below as follows;



*\*The Kent Minerals and Waste Local Plan is a separate strategy document produced by KCC as the Waste Planning Authority. It provides an overarching strategy and planning policies for the management of all waste streams, not just household waste.*

## KCC's Strategic Statement

KCC wants to be an outcome-focussed organisation and as such has developed a strategic statement 'Increasing Opportunities, Improving Outcomes'. The strategic outcomes are;

- Children and young people in Kent get the best start in life.
- Kent communities feel the benefits of economic growth by being in-work, healthy and enjoying a good quality of life.
- Older and vulnerable residents are safe and supported with choices to live independently.

The key Supporting Outcome from the statement relating to the provision of the Waste Management service in KCC is “Kent’s physical and natural environment is protected, enhanced and enjoyed by residents and visitors”. The WDA strategy should help to reach this corporate outcome.

## Ambition

*“Our Ambition is to deliver a high quality, value for money household waste disposal service for the people of Kent, with an emphasis on waste reduction, recycling and achieving zero landfill.”*

## Priorities and supporting-objectives

**Priority 1** Working Together: We will work together with our key partners on projects to deliver our ambition.

**Objective A:**

Work as part of the KRP, to deliver high quality and best value services for Kent residents.

**Objective B:**

Work with the companies that manage our HWRCs and final waste disposal sites to deliver high quality services, embracing innovation and keeping the customer at the heart of the service.

**Objective C:**

Work with Kent Parish Councils, Town Councils and other community groups to share information with residents, and gather their views and opinions.

**Objective D:**

Work closely and share ideas with other Waste Disposal Authorities (WDAs) to understand where opportunities may exist to work together to improve services for everyone.

**Objective E:**

Embrace opportunities to work with other organisations where their innovative thinking could have a positive impact on our service.

**Priority 2** Innovation and Change: The services we design and provide will be resilient through accommodating change and growth.

Waste Disposal Sites:

**Objective A:**

Ensure we have the capacity needed to deal with Kent's household waste, with final disposal points located where the evidence shows they need to be.

**Objective B:**

Household Waste Recycling Centres will be located where the evidence shows they need to be.

**Objective C:**

Use technologies to ensure waste materials are recycled and reused in the most efficient and effective way.

Trade Waste:

**Objective D:**

Stop trade waste from illegally entering our HWRCs.

**Objective E:**

Where there is the need and demand, ensure a trade waste disposal service is provided for small businesses in Kent.

Out of county HWRC use:

**Objective F:**

Investigate the use of our HWRCs by people who do not live in Kent, and where our residents are using HWRCs outside of the county (including Medway\*). This will help us to understand the impact on our service and opportunities for change.

\*Medway Council operates as a Unitary Authority and therefore does not sit within the KCC Area

### **Priority 3** HWRC Service Delivery: We will provide a value for money service.

#### Material Acceptance:

##### **Objective A:**

Work as part of the KRP to encourage residents to use the most effective means of disposal for different waste materials; whether it is through kerbside collections or the HWRCs.

#### Access and availability:

##### **Objective B:**

HWRCs will be open when the evidence shows they need to be.

#### Charging:

##### **Objective C:**

Household Waste will be accepted free of charge\*. Charges may be made for non-household waste where lawful and appropriate to do so.

\*subject to current legislation

### **Priority 4** Customer service: We will provide an accessible service whilst encouraging customers to reuse and recycle, and let people know what happens to their waste.

#### Customer Service and Feedback:

##### **Objective A:**

Working with the companies that manage our HWRCs, ensure high levels of customer service and evaluate and monitor customer feedback.

#### Skills of workforce:

##### **Objective B:**

Ensure that the HWRC workforce are local and skilled to do the best possible job.

#### Equalities:

##### **Objective C:**

Ensure that all residents are able to access our HWRCs and receive a high level of service.

#### Communicating with our customers:

##### **Objective D:**

Provide information to customers to explain what happens to their waste and the impacts of not recycling, to help understanding and increase recycling.

##### **Objective E:**

Work as part of the KRP to encourage reuse and recycling through targeted campaigns, understanding how people like to receive information.

**Priority 5 Commissioning: Our commissioning and contract management approach will provide value for money and the best possible service.**

**Objective A:**

Use high quality data from within KCC and from our providers to inform our approach to procurement. We will tell potential providers what our end goal is, allowing them to suggest how we reach it.

**Objective B:**

Work with our KCC procurement team to provide support to organisations to help them to understand how our procurement processes work, so that they are more equipped to bid for work.

**Objective C:**

Engage with waste companies at the earliest opportunity to understand views, challenges, innovation and key market drivers to provide us with the information we need to make the best decisions about how to deliver our services.

**Objective D:**

Commission, design and deliver services with our partners including the district and borough councils to achieve the greatest savings, innovations and value for money for the Kent taxpayer.

**Objective E:**

Maximise community benefits from the services we commission where possible.

**Objective F:**

Share commercial risks and rewards with our contractors where appropriate.

**Objective G:**

Ensure the contracts or agreements we have in place, deliver what they set out to do, through ongoing monitoring and evaluation and through positive relationship building.

**Priority 6 The Environment: We will deliver services which consider impacts on or from the environment and climate change.**

**Objective A:**

Manage Kent's waste in accordance with the waste hierarchy, disposing of as little as possible to landfill and maximising reuse and recycling.

**Objective B:**

Where required, collect materials at our HWRCs in line with the TEEP\* approach.

**Objective C:**

Take action to reduce the negative impacts that our service has on the environment and support approaches to reduce or enforce against environmental crime.

**Objective D:**

Continuously look at new ways for materials to be recycled instead of being sent to burn for energy or sent to landfill.

**Objective E:**

Continue to monitor Kent's closed landfill sites which KCC have responsibility for, to ensure they are safe for the environment and continue to explore opportunities for alternative uses.

\*Since January 2015, new regulations for public and private waste collectors require the 'separate collection' of paper, plastic, metals & glass for recycling. Local authority activities must be assessed as being Technically Environmentally and Economically Practicable (TEEP) in relation to material collection at HWRC's. There are also emerging proposals to include food within TEEP, which will be looked at closely.

# Glossary of terms for the purpose of this strategy

Term	Definition
Commissioning	The process of planning how services are to be delivered, and the day-to-day management of these services.
Community Benefits	An improvement to the social, economic and/or environmental wellbeing of an area.
Customer	Users of KCC services to include residents, businesses, stakeholders and partners.
Environmental Crime	The crime of flytipping and illegal deposit of trade waste at HWRCs.
Evidence Base	A document to be read in conjunction with this strategy, it describes the current position of KCC Waste Management as well as the challenges and opportunities we face now and into the future.
Final disposal point	A building or site for the treatment and processing of waste for recycling, recovery or disposal.
Household Waste Recycling Centre (HWRC)	A building or site where household waste can be deposited by residents for recycling or disposal.
Kent Joint Municipal Waste Management Strategy (KJMWMS)	The strategy for the Kent Resource Partnership.
Kent Resource Partnership (KRP)	A Partnership between KCC and the 12 District/Borough/City Councils of Kent. The Partnership looks at how waste management services can be improved in Kent.
Kerbside	The regular collection of waste from households by WCAs in wheelie bins/ sacks or containers.
Procurement	The process of buying or obtaining goods or services.
Recyclate	Any material that is able to be recycled.
Recycling	Turning waste into a new product or substance, including composting.

Re-use	Checking, cleaning, repairing, refurbishing whole items or spare parts so that they can be used again.
Trade Waste	Waste produced by businesses or commercial activities.
Unitary Authority	A council established in place of, or as an alternative to, a two-tier system of local councils e.g. Medway Council will act as the WCA and WDA.
Waste Collection Authority (WCA)	District, Borough and City Councils responsible for the collection of household waste from the kerbside and delivery to a nominated delivery point.
Waste Disposal Authority (WDA)	The County Council, responsible for the receipt and onward processing/ disposal of household waste, providing a Household Waste Recycling Centre Service and monitoring closed landfills.
Waste Prevention	Using less material in design and manufacture and keeping products for longer.
Waste Recovery	Includes burning waste to produce energy.
Waste Transfer Station (WTS)	A building or site for the temporary holding of waste, where district/ borough councils will deposit waste prior to loading on to larger vehicles for transfer to final disposal point.

**Kent Waste Disposal Strategy**  
2017-2035  
Draft Strategy Consultation Document

**Appendix B -**

**Kent Waste Disposal Survey Consultation Draft Response**

# Kent Waste Disposal Strategy

2017-2035

[Consultation Questionnaire](#)

## Have your say

On our Ambition and Priorities for managing the disposal and recycling of Kent's household waste

- 3 Please read the Waste Disposal Strategy before completing this questionnaire. You may also find it useful to read the Evidence Base document**



This document can be made available in other formats or languages.

To request this, please email [alternativeformats@kent.gov.uk](mailto:alternativeformats@kent.gov.uk) or telephone 03000 421553 (text relay service 18001 03000 421553). This number goes to an answer machine, which is monitored during office hours.

# **We would be grateful if you could take the time to complete this short questionnaire to give us your views on the ambition, principles and objectives of the draft Kent Waste Disposal Strategy**

**The closing date for responses is Sunday 2 October 2016**

This questionnaire can be completed online at [www.kent.gov.uk/wastestrategy](http://www.kent.gov.uk/wastestrategy)

Alternatively, complete this form and post to:

Kent Waste Disposal Strategy  
Waste Management  
Kent County Council  
First Floor, Invicta House  
Maidstone  
Kent ME14 1XX

Or scan and email it to us at: [wastedisposalstrategy@kent.gov.uk](mailto:wastedisposalstrategy@kent.gov.uk)

Please add 'KWDS Consultation' as the subject

## **Approach**

**This consultation is Stage 1.** This stage seeks views on the Ambition, Priorities and Objectives of the Strategy. Following the Stage 1 consultation, a full analysis report will be produced by KCC Waste Management. The analysis and recommended changes to the Strategy document will then be taken to the Environment and Transport Cabinet Committee in January 2017 so that recommendations can be made to the Cabinet Member for Environment and Transport to approve the strategy and adopt it within KCC's policy framework.

Stage 2. After the strategy has been adopted, an evidence based analysis of service, coupled with a further public consultation, will be undertaken in order to develop a plan for any proposed changes to manage and meet expected demand for waste disposal across the county. A subsequent Member decision will then be required. This consultation will take place later in 2017.

## **Draft Kent Waste Disposal Strategy**

**Ambition:** *"Our Ambition is to deliver a high quality, value for money household waste disposal service for the people of Kent, with an emphasis on waste reduction, recycling and achieving zero landfill."*

**The Kent Waste Disposal Strategy has 6 Priorities including Objectives** (please see page 12 of the draft Kent Waste Disposal Strategy)

**Q1 To what extent do you agree with our Ambition: Our Ambition is to deliver a high quality, value for money household waste disposal service for the people of Kent, with an emphasis on waste reduction, recycling and achieving zero landfill?**

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
<b>Ambition</b>		<b>X</b>				

**Q1a Please provide any additional comments on this ambition:**

Overall the Ambition is focused on the key drivers and recognises the challenges ahead over the next 20 years. However, given the drive towards a circular economy and a desire to follow the principles of the waste hierarchy, retaining the reference to “disposal” may not be ambitious enough. Maidstone Borough Council would welcome the focus to be on treatment, although recognises there is already emphasis placed on waste reduction, recycling and achieving zero landfill.

**Q2 To what extent do you agree or disagree with Priority 1: Working Together: We will work together with our key partners on projects to deliver our ambition?**  
*Priority 1 and the sub-objectives can be found on page 12 of the draft Kent Waste Disposal Strategy*

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
<b>Priority 1</b>	<b>X</b>					
<b>Objective A</b>	<b>X</b>					
<b>Objective B</b>	<b>X</b>					
<b>Objective C</b>	<b>X</b>					
<b>Objective D</b>	<b>X</b>					
<b>Objective E</b>	<b>X</b>					

**Q2a Please provide any additional comments on this priority and its objectives, stating which objective your comment refers to e.g. 'A':**

Maidstone Borough Council would request that there is specific reference to Waste Collection Authorities in this priority outside of the existing work with the Kent Resource Partnership.

The Council supports this priority and welcomes the drive to improve services through partnership working, innovative solutions and public engagement.

Maidstone's experience working with the County Council as part of the Mid Kent Partnership has been positive and views that there are further opportunities to be explored which can offer mutual benefit to both authorities and local residents.

**Objective C: Work with Kent Parish Councils, Town Councils and other community groups to share information with residents, and gather their views and opinions.** The Council would like to see the Waste Collection Authorities involved with this objective to ensure a fully collective approach is achieved.

**Q3 To what extent do you agree or disagree with Priority 2: Innovation and Change: The services we design and provide will be resilient through accommodating change and growth?**

*Priority 2 and the sub-objectives can be found on page 13 of the draft Kent Waste Disposal Strategy*

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
<b>Priority 2</b>	X					
<b>Objective A</b>	X					
<b>Objective B</b>	X					
<b>Objective C</b>	X					
<b>Objective D</b>	X					
<b>Objective E</b>	X					
<b>Objective F</b>		X				

**Q3a Please provide any additional comments on this priority and its objectives, stating which objective your comment refers to e.g. 'A':**

The Council supports the County's desire to be flexible and adapt to change. Identifying innovative solutions is going to be essential in order to meet future challenges and the Council welcomes this approach.

**Objective A:**

**Ensure we have the capacity needed to deal with Kent's household waste, with**

**final disposal points located where the evidence shows they need to be.** In addition to location and capacity of waste disposal sites, there needs to be recognition of high quality outputs from these facilities. The Council would ask that the County Council explores the potential for more locally based waste treatment facilities, in particular for the treatment and use of food and green waste, as a means of stimulating rural businesses as well as providing local waste solutions. In addition, the Council would encourage the County Council to consider the use of combined heat and power plants, fuelled by household waste combustion, as a means of servicing new large housing developments.

**Objective B:**

**Household Waste Recycling Centres will be located where the evidence shows they need to be.** Maidstone Borough Council welcomes the County’s proposal for HWRCs to be located where there is a proven need. Historically there have been calls for a facility in Tonbridge and Malling despite all residents in this borough having reasonable access to facilities. There are many residents living in the South of Maidstone Borough who do not have access to a facility within a 20 minute drive and this needs to be considered as a priority. The existing facility at Tovil is also at capacity and struggles to accommodate the large number of visitors. The Council would work positively with the County to identify a suitable site for such a facility within the Borough.

**Objective E:**

**Where there is the need and demand, ensure a trade waste disposal service is provided for small businesses in Kent.** Maidstone supports the exploration of trade waste services for small businesses and as an operator of such a service would welcome the opportunity to work in Partnership with the County Council to help deliver this. This would include the exploration of a commercial transfer facility in Maidstone.

**Objective F:**

**Investigate the use of our HWRCs by people who do not live in Kent, and where our residents are using HWRCs outside of the county (including Medway\*).** This will help us to understand the impact on our service and opportunities for change. The Council agrees that the cross boundary use of household waste recycling facilities should be investigated and supports the priority to focus on delivering high quality services for Kent residents.

**Q4 To what extent do you agree or disagree with Priority 3: HWRC Service Delivery: We will provide a value for money service?**

*Priority 3 and the sub-objectives can be found on page 14 of the draft Kent Waste Disposal Strategy*

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
<b>Priority 3</b>	X					
<b>Objective A</b>	X					
<b>Objective</b>	X					

<b>B</b>						
<b>Objective C</b>	<b>X</b>					

**Q4a** Please provide any additional comments on this priority and its objectives, stating which objective your comment refers to e.g. 'A':

Kent County Council's operation of household waste recycling centres is a key priority for our residents and the Council supports the priority to provide value for money services which meet the needs of those customers.

**Objective A:**

**Work as part of the KRP to encourage residents to use the most effective means of disposal for different waste materials; whether it is through kerbside collections or the HWRCs.** It is essential that household waste recycling centres fit into the wider picture of waste collection and treatment in Kent and should complement the kerbside services provided by the Waste Collection Authorities. The Council welcomes a coordinated approach led by the Kent Resource Partnership to engage with residents about different waste streams.

**Objective B:**

**HWRCs will be open when the evidence shows they need to be.** Household Waste Recycling Centres are an integral part of managing household waste responsibly. It is essential that they meet our customers' needs to reduce the likelihood of fly tipping. The Council is keen that this objective also reflects longer opening hours when necessary, particularly at evening and weekends when many residents need them.

**Objective C:**

**Household Waste will be accepted free of charge\*. Charges may be made for non-household waste where lawful and appropriate to do so.** Ensuring the household waste recycling centres continue to accept household waste free of charge is essential to reduce the likelihood of fly tipping or illegal disposal sites being used. Whilst there is an understanding that charges may be applied to certain non-household items, the Council would encourage the County to minimise these, particularly if hazardous to the environment such as asbestos. It is essential that Priority 6 Object C is considered when reviewing the acceptance of materials at the household waste recycling centres.

**Q5** To what extent do you agree or disagree with Priority 4: Customer service: We will provide an accessible service whilst encouraging customers to reuse and recycle, and let people know what happens to their waste?

*Priority 4 and the sub-objectives can be found on page 14 of the draft Kent Waste Disposal Strategy*

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
<b>Priority 4</b>	<b>X</b>					

Objective A	X					
Objective B	X					
Objective C	X					
Objective D	X					
Objective E	X					

**Q5a Please provide any additional comments on this priority and its objectives, stating which objective your comment refers to e.g. 'A':**

Excellent customer service is paramount to being able to deliver the County's Ambition and deliver a high quality service which is able to respond to customers' needs and meet future demands.

The key aspect of this priority is "accessibility" to ensure all customers have equality of access and are supported to manage their waste responsibly.

**Objective A:**

**Working with the companies that manage our HWRCs, ensure high levels of customer service and evaluate and monitor customer feedback.** Responding to customer feedback at the Household Waste Recycling Centres will enable waste to be more effectively managed and ensure residents are given the best opportunity to recycle as much as possible. Understanding their needs and where service can be improved is essential to achieving this.

**Objective B:**

**Ensure that the HWRC workforce are local and skilled to do the best possible job.** The Council welcomes the objective to engage local residents in local job opportunities and provide them with the necessary skills to succeed. We would support multi-skilling within the industry to ensure that those working on frontline services both for the waste collection and disposal authorities are knowledgeable about local services and where possible experience and opportunities can be shared.

**Objective C:**

**Ensure that all residents are able to access our HWRCs and receive a high level of service.** It is paramount to the Council that all residents are able to access the Household Waste Recycling Centres and are supported to do so. Whilst the Council understands the need to restrict commercial waste from sites which do not have capacity to deal with this separately, these restrictions should not impact householders due to the vehicle they drive.

**Objective D:**

**Provide information to customers to explain what happens to their waste and the impacts of not recycling, to help understanding and increase recycling.** With the assumption that this objective refers to all waste whether collected at the kerbside or through a HWRC, the Council would welcome the recognition of the part Waste Collection Authorities play in achieving this.

**Q6 To what extent do you agree or disagree with Priority 5: Commissioning: Our commissioning and contract management approach will provide value for money and the best possible service?**

*Priority 5 and the sub-objectives can be found on page 15 of the draft Kent Waste Disposal Strategy*

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
<b>Priority 5</b>		X				
<b>Objective A</b>		X				
<b>Objective B</b>		X				
<b>Objective C</b>	X					
<b>Objective D</b>	X					
<b>Objective E</b>	X					
<b>Objective F</b>		X				
<b>Objective G</b>	X					

**Q6a Please provide any additional comments on this priority and its objectives, stating which objective your comment refers to e.g. 'A':**

It is important that the whole lifecycle is considered when commissioning contracts to ensure they provide value for money for both collection and treatment.

**Objective A:**

***Use high quality data from within KCC and from our providers to inform our approach to procurement. We will tell potential providers what our end goal is, allowing them to suggest how we reach it.*** There needs to be recognition of the data which waste collection authorities hold as well as the collective end goals which are likely to influence the disposal and treatment requirements.

**Objective B:**

***Work with our KCC procurement team to provide support to organisations to help them to understand how our procurement processes work, so that they are more equipped to bid for work.*** Maidstone Borough Council would request that the benefit local organisations can offer is recognised through the procurement process and that these are supported to bid for contracts.

**Objective D:**

***Commission, design and deliver services with our partners including the district and borough councils to achieve the greatest savings, innovations and value for money for the Kent taxpayer.*** The Mid Kent Contract has been testament to this approach and Maidstone would fully endorse this objective going forward. The shared benefits of the Mid Kent Contract have enabled significant

improvements to the services provided and substantial savings both in terms of collection and disposal costs.

**Objective F:**

**Share commercial risks and rewards with our contractors where appropriate.**

The Council supports this approach where appropriate and would welcome the opportunity to be involved in future dialogue relating to risk and reward particularly around recycle quality.

**Q7 To what extent do you agree or disagree with Priority 6: The Environment: We will deliver services which consider impacts on or from the environment and climate change?**

*Priority 6 and the sub-objectives can be found on page 16 of the draft Kent Waste Disposal Strategy*

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
<b>Priority 6</b>	<b>X</b>					
<b>Objective A</b>	<b>X</b>					
<b>Objective B</b>	<b>X</b>					
<b>Objective C</b>	<b>X</b>					
<b>Objective D</b>	<b>X</b>					
<b>Objective E</b>	<b>X</b>					

**Q7a Please provide any additional comments on this priority and its objectives, stating which objective your comment refers to e.g. 'A':**

Maidstone Borough Council supports the County's drive to ensure the full impact of services are considered to ensure benefits to the environment are not outweighed by negative impacts further along the supply chain.

**Objective A:**

**Manage Kent's waste in accordance with the waste hierarchy, disposing of as little as possible to landfill and maximising reuse and recycling.**

Maidstone's own waste strategy reflects the waste hierarchy and an objective of zero waste to landfill. Therefore the Council supports this approach adopted by Kent County Council for their strategy.

**Objective B:**

**Where required, collect materials at our HWRCs in line with the TEEP\* approach.**

Maidstone Borough Council recognises the importance of TEEP to consider the separate collection of recyclables. The Council feels it is important for

the connection with Waste Collection Authorities to be made at this point as the issue is far wider than the HWRCs. We would welcome the inclusion of the County working with Waste Collection Authorities to ensure waste collected in the borough is in line with the TEEP approach.

**Objective C:**

**Take action to reduce the negative impacts that our service has on the environment and support approaches to reduce or enforce against environmental crime.** As previously mentioned, it is important that this is connected with Priority 3 Objective C.

**Objective D: Continuously look at new ways for materials to be recycled instead of being sent to burn for energy or sent to landfill.** The Council welcomes this objective, but would also like the inclusion of reuse into the objective as this would support the principle of the waste hierarchy and is an area where little has been achieved over the past few years.

**Q8 Do you have any other comments about the Ambition, Priorities and Objectives?**

Overall the draft Kent Waste Disposal Strategy covers all key priorities which support the successful delivery of effective and efficient waste management in Kent. Whilst this is termed as a waste disposal strategy, it has far wider reach and benefits and therefore the focus on “disposal” in both the strategy title and ambition should be considered.

This strategy supports Maidstone’s own 5 year waste strategy and therefore the Council would be happy to support its delivery through greater partnership working on joint objectives.

Maidstone Borough Council would welcome greater recognition of the importance of the collaborative approach between the waste disposal authority and Waste Collection Authorities in the strategy.

**Q9 Are you responding to this consultation as:**

- ✕ A District/Parish/Town Council

**Q9a** If you are responding on behalf of a Council / Waste Management organisation / Business / VCS organisation, please tell us the name of the organisation:

Maidstone Borough Council

## About You

*You only need to answer these questions if you have responded as an Individual. It is not necessary to answer these questions if you are responding on behalf of an Organisation.*

We want to make sure that everyone is treated fairly and equally, and that no one gets left out. That's why we're asking you these questions.

We won't share the information you give us with anyone else. We'll use it only to help us make decision, and improve our services.

If you would rather not answer any of these questions, you don't have to.

**Q10 Are you.....?** Please select one box.

- Male  Female  I prefer not to say

**Q11 Which of these age groups applies to you?** Please select one box.

- 15 and under  25–34  50–59  65–74  85 + over  
 16–24  35–49  60–64  75–84  I prefer not to say

**Q12 What is your postcode?**

**Q13 To which if these ethnic groups do you feel you belong?** (Source: 2011 census)

Please select one box.

- |  |   |
|--|---|
| <input type="checkbox"/> White English                   | <input type="checkbox"/> Asian or Asian British Indian      |
| <input type="checkbox"/> White Scottish                  | <input type="checkbox"/> Asian or Asian British Pakistani   |
| <input type="checkbox"/> White Welsh                     | <input type="checkbox"/> Asian or Asian British Bangladeshi |
| <input type="checkbox"/> White Northern Irish            | <input type="checkbox"/> Asian or Asian British other*      |
| <input type="checkbox"/> White Irish                     | <input type="checkbox"/> Black or Black British Caribbean   |
| <input type="checkbox"/> White Gypsy/Roma                | <input type="checkbox"/> Black or Black British African     |
| <input type="checkbox"/> White Irish Traveller           | <input type="checkbox"/> Black or Black British other*      |
| <input type="checkbox"/> White other*                    | <input type="checkbox"/> Arab                               |
| <input type="checkbox"/> Mixed White and Black Caribbean | <input type="checkbox"/> Chinese                            |
| <input type="checkbox"/> Mixed White and Black African   | <input type="checkbox"/> I prefer not to say                |
| <input type="checkbox"/> Mixed other*                    |   |
| <input type="checkbox"/> Other ethnic group*             |   |

\*If your ethnic group is not specified in the list, please describe it here:

The Equality Act 2010 describes a person as disabled if they have a longstanding physical or mental condition that has lasted, or is likely to last, at least 12 months; and this condition has a substantial adverse effect on their ability to carry out normal day-to-day activities. People with some conditions (cancer, multiple sclerosis and HIV/AIDS, for example) are considered to be disabled from the point that they are diagnosed.

**Q14 Do you consider yourself to be disabled as set out in the Equality Act 2010?**

Please select one box.

Yes

No

I prefer not to say

## **Future Engagement and Communication**

If you would like to provide feedback at stage 2 of the consultation, please provide your contact details below. Our preferred method of communication is by email, however if you do not have an email address then please provide your postal address:

Name:	Jennifer Shepherd
Email:	<a href="mailto:Jennifershepherd@maidstone.gov.uk">Jennifershepherd@maidstone.gov.uk</a>
Postal address:	Maidstone House, King Street, Maidstone ME15 6JQ

**Thank you for taking the time to complete this questionnaire**

# **Kent Waste Disposal Strategy**

**2017-2035**

**Consultation Questionnaire**

## Communities, Housing and Environment Committee

**Tuesday 20  
September 2016**

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

**Yes**

### Fly tipping Performance

<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>	Head of Environment and Public Realm
<b>Classification</b>	Public
<b>Wards affected</b>	No

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

1. That the Committee notes the contents of this report relating to the fly tipping performance for Quarter 1 of 2016/17; and
2. All Members are invited to a workshop to demonstrate the mobile solution used to report and manage fly tipping and other responsive services.

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

- Keeping Maidstone Borough an attractive place for all – Tackling fly tipping through enforcement action wherever possible and ensuring it is removed within two working days to reduce the detrimental impact on the environment

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Communities, Housing and Environment Committee	20 September 2016

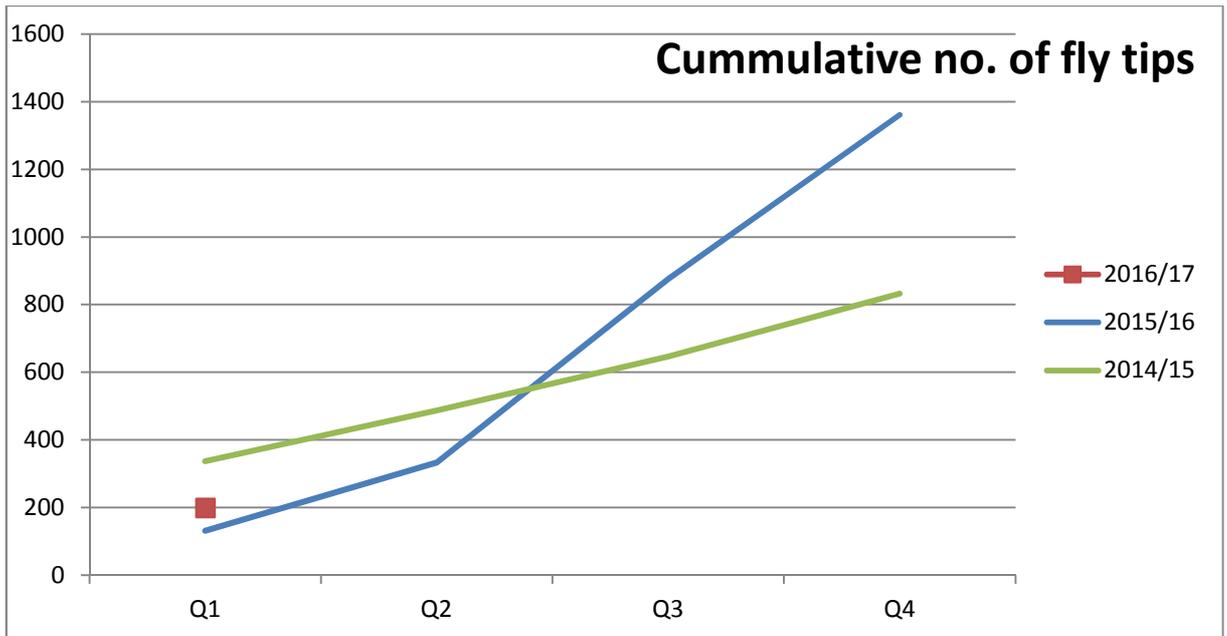
# Fly tipping Performance

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

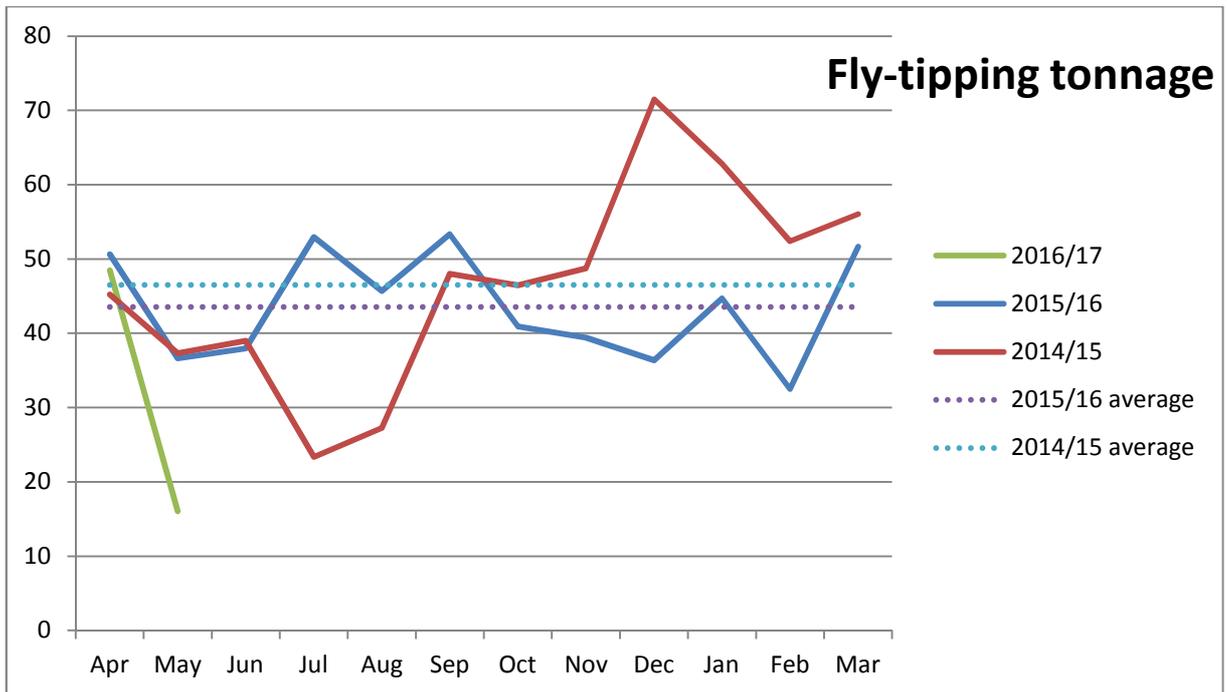
- 1.1 The Quarter 1 2016/17 performance report which was submitted to Policy and Resources Committee contained information relating to the number of fly tips and the percentage removed within two working days.
  - 1.2 The Committee raised concerns about the accuracy of this information due to the number of fly tips being lower than expected and the ability for residents to report them to the Council easily.
  - 1.3 This report for the Communities, Housing and Environment Committee provides some context to the information presented to Policy and Resources for them to consider.
- 

## 2. INTRODUCTION AND BACKGROUND

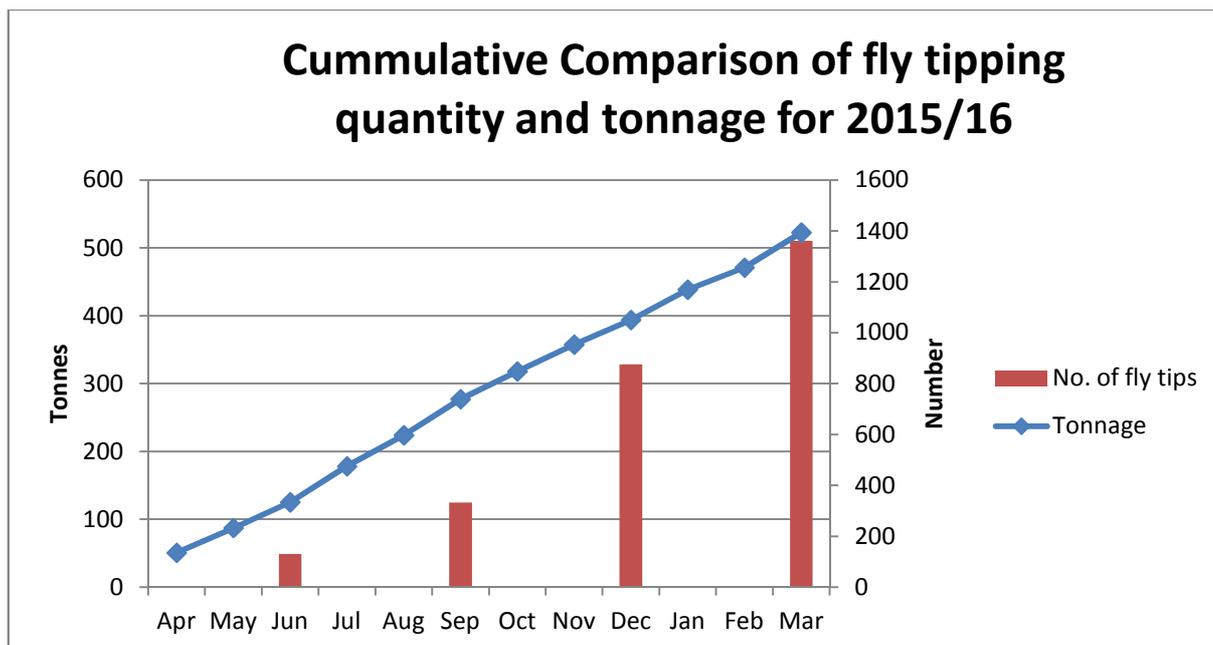
- 2.1 Fly tipping, the illegal dumping of waste, is a criminal offense which has a significant detrimental impact on the environment.
- 2.2 In Quarter 1 of 2016/17, there were 199 fly tips reported on the highway which Maidstone Borough Council has the responsibility for removing. Of these, 194 were cleared within two working days.
- 2.3 This information is captured through the Council's mobile technology solution which enables residents to report fly tipping online along with a number of other service requests including dog fouling, littering and abandoned vehicles.
- 2.4 The "Mobile Worker" system has significantly improved the information captured by the individual reporting the fly tip as well as enabling interrogation of the data by the Cleansing Team. It also enables fly tips which are removed by operatives before a resident reports them, to be recorded by the operative. Previously these would not have been recorded.
- 2.5 The system is designed to reduce the number of duplicate reports as residents are able to see previous reports and prevents reports being made on private land, offering residents the option to report these to Environmental Enforcement for investigation.
- 2.6 The graph below shows the number of fly tips reported over the past 2 years on the highway, and does not include private land. This shows that the number of fly tips reported in Quarter 1 of 2016/17 was higher than the same time last year, but was significantly lower than 2014/15.



2.7 The tonnage of fly tipping collected is also shown below and indicates that in 2015/16 there was a 6% decline in tonnage collected compared with the previous year.



2.8 Due to the varying scale of fly tips, the tonnage rarely corresponds to the number collected. This can be seen in the graph below which shows the data for 2015/16.



2.9 The Council is required to capture and submit data relating to the size and location of fly tips to the Department of Environment, Food and Rural Affairs (DEFRA).

2.10 The breakdown of this information shows that in Quarter 1 the majority of waste, 41%, was classed as "Other household waste" which is typically household waste not contained in black sacks such as mattresses or furniture. In addition 16% of fly tips were black sacks of household waste, meaning a total of over 50% of waste originated from households.

2.11 The Mobile Worker system has greatly improved the ability to interrogate and monitor responsive requests. Data preceding the implementation of this system was captured on paper records and included duplicates and reports on private land. This made it very difficult to interrogate and identify fly tipping hotspots.

2.12 It is recommended that a workshop is held with Members to fully demonstrate the Mobile Worker system and provide further reassurance about the data captured.

2.13 There have been some concerns about the private land exclusion on the system as it is difficult for residents to appreciate the different responsibilities for street scene issues. Further work is being undertaken to make the online form as clear as possible about waste on private land and ensure the Environmental Enforcement Team are able to respond to these.

2.14 It is clear that the visual appeal of the street scene is reliant on a number of stakeholders to play their part including Kent Highways, private land owners, landlords, housing trusts as well as Maidstone Borough Council.

2.15 Unfortunately the Council does not have the resources to remove fly tipping or waste accumulations from private land and therefore there is a requirement for a clear distinction between what action we can take in respect to cleansing and enforcement.

- 2.16 Whilst the Mobile Worker system has improved the back office management of the service and improved the transfer of information from residents to the frontline workforce, it is accepted that there are other platforms which offer a simpler customer experience.
- 2.17 Littergram, a privately developed App, was launched earlier this year and has been promoted by a number of authorities including the Kent Resource Partnership as part of the Love Kent Hate Litter campaign.
- 2.18 This app offers the customer a simpler way to report littering and fly tipping and for authorities who do not have an integrated back-office system, the app provides a method for data to be captured. However there are some constraints with the App, particularly with the improvements Maidstone's system has already delivered.
- 2.19 The main issue is that the App emails the information to the Council which means the data is not recorded within Maidstone's system and has to be manually assigned to the appropriate operative or would need to be re-reported using Maidstone's website. It also does not differentiate between issues on private or public land meaning it may provide unrealistic expectations to the person reporting the issue that the Council will remove the waste.
- 2.20 Operating two systems is not practical and will reduce the team's ability to respond quickly and efficiently. Whilst the App may reduce the time taken for the resident to report the issue by a minute or two, this is significantly outweighed by the increase in time it takes to be allocated and assigned to an operative and therefore ultimately the time taken to clear the waste.
- 2.21 The Council is currently exploring the possibility of integrating the Littergram App into the Mobile Worker system to enable residents to use it to report issues. In the meantime, Littergram users have been advised to report any issues through Maidstone's website so action can be taken.
- 

### **3. AVAILABLE OPTIONS**

- 3.1 The Committee could note the information provided to them regarding the Quarter 1 fly tipping performance and agree that a Members' workshop is arranged to demonstrate the Mobile Worker system.
- 3.2 Alternatively the Committee could decide that further information is required.
- 3.3 The Committee could reject the proposal for a Members' workshop or suggest an alternative option is identified to engage Members with the Mobile Worker technology solution.
- 

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

- 4.1 It is recommended that the Committee note the information provided relating to the Quarter 1 performance for fly tipping. This information is captured through the Mobile Worker system, which is significantly more accurate than the paper based system previously used.
- 4.2 The data presented relates to actual fly tips which were reported and removed from public land during Quarter 1 of 2016/17.
- 4.3 Given that the Mobile Worker system is relatively new and has undergone a number of improvements since it was first implemented, it is recommended that a Members' workshop is held to demonstrate the capabilities of the system and how it is being used by the workforce. This will provide reassurance to Member's about the system and enable them to provide feedback.

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

- 5.1 Feedback from the Policy and Resources Committee in July indicated a concern about the level of fly tipping in Maidstone as well as the accuracy of the data captured through the Council's website.
- 5.2 It was felt that the Quarter 1 performance for 2016/17 was not representative of perception of fly tipping in the Borough and that it is a bigger problem than the data suggested.
- 5.3 In addition the Committee raised questions about the reporting function and improvements which would enable more residents to report problems more easily.
- 5.4 The Street Cleaning Team have been trialling the use of Littergram, a privately developed App for reporting littering and fly tipping and will continue to explore options with the developer to see how this could be integrated into the Council's existing platform.

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

- 6.1 If agreed, a workshop will be organised in October for all Members to demonstrate the Mobile Worker system.
- 6.2 Quarter 2 performance will be reported at the beginning of October.

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

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	Tackling fly tipping through enforcement action wherever possible and ensuring it is removed within two working	Head of Environment and Public Realm

	days to reduce the detrimental impact on the environment	
<b>Risk Management</b>	Failure to manage fly tipping and responsive requests will have a reputational risk for the Council and negatively impact the environment and attractiveness of the Borough. The Mobile Worker system was introduced to ensure that the frontline team can react to issues as swiftly as possible, with customer reports being immediately directed to the cleansing operatives, and ensure the team can be held accountable for their performance. This will reduce the reputational risk to the Council for failing to act to responsive requests and ensure a high standard of cleansing is achieved.	Head of Environment and Public Realm
<b>Financial</b>		
<b>Staffing</b>	Use of Littergram without integration into Maidstone's system would require additional admin support.	Head of Environment and Public Realm
<b>Legal</b>		
<b>Equality Impact Needs Assessment</b>	No detrimental impact on the protected characteristics of individuals identified.	Equalities and Corporate Policy Officer
<b>Environmental/Sustainable Development</b>		
<b>Community Safety</b>		
<b>Human Rights Act</b>		
<b>Procurement</b>		
<b>Asset Management</b>		

## 8. REPORT APPENDICES

None

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## 9. BACKGROUND PAPERS

None

# Agenda Item 17

## Communities, Housing & Environment Committee

20 September 2016

Is the final decision on the recommendations in this report to be made at this meeting?	<b>Yes</b>
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### Public Spaces Protection Order – Town Centre

<b>Final Decision-Maker</b>	Communities, Housing & Environment Committee
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Matt Roberts, Community Partnerships & Resilience Manager
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	High Street, Bridge, Fant, East, North.

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

1. That a PSPO be enacted in the town centre area defined by Appendix IV including prohibitions for Drinking in a public place and Begging as set out in Section 5.2.
2. That the Committee delegate authority to the Head of Housing and Community Services to make any minor amendments or corrections to the Order before it is enacted.

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

- **Keeping Maidstone Borough an attractive place for all:** The proposed Public Spaces Protection Order will assist with providing a clean and safe environment and enhance the appeal of the town centre for everyone by deterring anti-social behaviour and create new measures for enforcement against those persons who by their behaviour cause alarm and distress to other members of the community.
- **Securing a successful economy for Maidstone:** the Order would support the Purple Flag initiative and the ongoing policy to support and enhance the town centre through regeneration, investment and management.

#### Timetable

<b>Meeting</b>	<b>Date</b>
Committee (CHE)	20 September 2016

# Public Spaces Protection Order – Town Centre

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to update the Communities Housing and Environment Committee on the consultation responses received on proposals to implement a town centre Public Spaces Protection Order and recommend that an Order be made with the prohibitions as set out in section 4 of this report.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 The powers given to local authorities to introduce Designated Public Place Orders (DPPO) were contained under Section 13 of the Criminal Justice and Police Act 2001 and Section 26 of the Violent Crime Act 2006. These powers were repealed under the Anti-Social Behaviour, Crime and Policing Act 2014 and replaced with a new power, Public Spaces Protection Orders (PSPO).
- 2.2 A PSPO is an order designed to stop anti-social behaviour being committed in a public place. They can cover a wide range of behaviours and enable Local Authorities to deal with a particular nuisance or problem in a particular area that is detrimental to the local communities' quality of life.
- 2.3 On the 17 November 2015 a report was presented to this Committee which proposed that the public be consulted on the implementation of a PSPO incorporating areas of the town centre (High Street ward), Whatman Park (Bridge) and Riverside (Fant, South and Tovil). This report is included as Appendix I.
- 2.4 Four prohibitions were proposed in the draft PSPO on which the public were consulted;
  - 2.4.1 Begging;
  - 2.4.2 New emerging drugs (Legal Highs);
  - 2.4.3 Sleeping in a public space (rough sleeping) and;
  - 2.4.4 Drinking in a public space.
- 2.5 The consultation responses provided information on public opinion towards the four proposed prohibitions but also captured information on the feelings of safety of the consultation responders; that 86.4% of the 188 persons who completed the survey felt safe during the day, the same number also said they felt safe in the evening and 53.5% felt safe at night. In terms of public perception and feelings of safety this is encouraging and should be considered as positive feedback. Information on the consultation findings are included in section 2.7 and a summary of the consultation responses is contained in Appendix II.

- 2.6 Given the wide scope of the prohibitions set out in the consultation and the large area covered by the prospective order, the number of responses (188) is lower than expected. At least one other Local Authorities in Kent and others nationally that have consulted on a PSPO, especially where the order included a prohibition around rough sleepers, have had much higher response rates with groups such as Liberty or the homelessness charity Crisis, lobbying to challenge the Authority.
- 2.7 Following a petition of 72,000 signatures against the inclusion of prohibition around rough sleeping Oxford City Council felt compelled to change their PSPO. Gravesham Borough Council received 650 responses to their consultation, a high number of these came from members of the group Liberty. However Shepway Borough Council only received 30 responses when they consulted on their PSPO which included a 'rough sleepers' prohibition, this is possibly due to Shepway being amongst the first to make use of the new power before its use was higher profile in the local and national press.
- 2.8 MBC's PSPO consultation began on 30 November 2015 and was open for a period of 8 weeks. A total of 188 responses were received, a summary of the responses are as follows;
- 2.8.1 Responses showed that 61.6% were in favour of the drinking in a public place prohibition, however there were comments that the current DPPO is never enforced and some cross-over with responses for the sleeping in a public space prohibition with people feeling it would 'criminalise the homeless'. 26.7% were against and 11.6% who did not answer the question/didn't know. There may be some confusion due to a lack of clarity with the consultation questions with members of the public uncertain about whether the order will tackle nuisance street drinking or drunken/disorderly behaviour linked to the night time economy.
- 2.8.2 The responses for the prohibition on begging were split with 45.2% both in favour of and against. 9.6% who did not answer the question/didn't know. There was a feeling expressed that many of those who were begging in the town centre were polite and inoffensive with some genuine public concern expressed for the wellbeing of those who find themselves having to beg and who were homeless.
- 2.8.3 Responses on prohibition to prevent sleeping in a public space showed that 55.5% were against this condition, several comments capturing feelings that this would essentially be criminalising vulnerable people and was the wrong thing to do. 37.7% were in favour of the prohibition with 6.8% who did not answer the question/didn't know.
- 2.9 The full summary of consultation responses is provided in Appendix II.
- 2.10 The Act requires that the Council consults with the chief police officer/local policing body covered by the PSPO; a copy of the response from the Kent Police & Crime Commissioner is included as Appendix III.

### 3. PROHIBITIONS RECOMMENDED FOR REMOVAL

- 3.1 As mentioned there were four prohibitions proposed in the consultation. Due to the following reasons; new legislation coming into effect; negative public opinion and; the availability of other powers, it is recommended that the prohibitions for new emerging drugs (legal highs) and; Sleeping in a public space are removed from the PSPO.
- 3.2 **New emerging drugs;** at the time the recommendations for the PSPO was being drawn up there was a great deal of focus on 'legal highs' and the nuisance associated with their use in and around the town centre. There were three 'head shops' in the town selling legal highs and other paraphernalia, two of these have now closed and it is unknown whether the one remaining shop is still in business following the introduction of the Psychoactive Substances Act 2016.
- 3.2.1 The Psychoactive Substances Act received Royal Assent on 28 January 2016 and came into force on 26 May 2016, the Act makes it an offence to produce, supply, offer to supply, possess with intent to supply, possess on custodial premises e.g. prisons, import or export psychoactive substances; that is, any substance intended for human consumption that is capable of producing a psychoactive effect. The maximum sentence is 7 years imprisonment.
- 3.2.2 The Act also includes provision for civil sanctions – prohibition notices, premises notices, prohibition orders and premises orders (breach of the 2 orders will be a criminal offence) – to enable the police and local authorities to adopt a graded response to the supply of psychoactive substances in appropriate cases as well as powers to stop and search persons, vehicles and vessels, enter and search premises in accordance with a warrant, and to seize and destroy psychoactive substances.
- 3.2.3 There has not been any statutory guidance released to assist in applying the powers granted by the Psychoactive Substances Act, however, with the Act now in place the need for a PSPO prohibition to tackle legal highs is now redundant.
- 3.3 **Sleeping in a public place;** the number of people who have presented as homeless and, to a lesser extent, those who are living on the street has increased over recent years, not just in Maidstone but across the County and indeed nationally. In Maidstone alone the number of people who presented as homeless increased from 593 in 2014 to 667 in 2015 and so far in 2016 the number has already reached 429.
- 3.3.1 Anecdotal information suggests that the PSPO introduced by Shepway Borough Council, which contains a prohibition on sleeping in a public place, has displaced rough sleepers from Folkestone to the nearby towns of Ashford and Canterbury. Rather than addressing the cause of homelessness or assisting those who are sleeping on the street the PSPO has merely moved it.
- 3.3.2 Maidstone has a number of hostels and Church based / voluntary sector groups which offer support to those who have found themselves

homeless, Maidstone Borough Council brought key stake holders together in 2014 to form the Maidstone Assertive Outreach project.

- 3.3.3 Not every person engaged with through the Assertive Outreach project is indeed homeless, they may be sofa surfing or even hold a tenancy but they choose to sleep rough, they often have chaotic lifestyles, mental health issues or substance dependency. A small number of these individuals (less than 10) are linked to anti-social behaviour or crime and disorder in the town centre.
- 3.3.4 PSPO's that have included prohibitions to address rough sleeping have garnered some very negative press nationally and locally the responses from our consultation show that public opinion is not in favour of these measures, with many feeling that it effectively criminalises those who are homeless. There is a potential risk to the Council's reputation if this prohibition is included and it is feasible that as only 37.7% of those who answered the consultation survey were in favour of this prohibition there could be a High Court challenge within the time period allowed which could see the PSPO overturned.
- 3.3.5 There is an alternative power which could be used, specifically with those individuals who do not engage with the Assertive Outreach project and when all other avenues have been exhausted. Community Protection Notices (CPN) under the Anti-Social Behaviour Crime and Policing Act 2014 provides an alternative power than use of a PSPO.
- 3.3.6 Once a Community Protection Warning is issued the person must comply with the direction set out in the warning, if they do not a formal Notice is issued. If the Notice is breached then the enforcement options are the same as they would be if the PSPO was in effect, i.e. a Fixed Penalty Notice or prosecution and possibly a Criminal Behaviour Order.
- 3.4 **Drinking in a public place;** curbing anti-social behaviour linked to the consumption of alcohol in a public place is one of the primary focuses for the PSPO and was supported by 61.6% of those who answered the consultation.
  - 3.4.1 The proposed PSPO is intended to tackle the nuisance caused by persons who consume alcohol in a public space and then act anti-socially, not to create new offences for being drunk in public or tackle nuisance caused by those who having been drinking in licensed premises as there are already powers to deal with this type of behaviour.
  - 3.4.2 Data used to support this prohibition was presented in the form of 'hot spot' maps showing incidents of rowdy/nuisance behaviour reported to the police between June 2014 and May 2015. However there was no temporal analysis of this data i.e. it was not broken down into time periods or day/days of the week. Therefore it is likely that this skewed the picture of day time nuisance street drinking towards incidents which took place during night time economy periods, particularly over the weekends, where people have been drinking in licensed premises, rather than incidents caused by the consumption of alcohol including 'super

strength' alcohol, which has been purchased from an off-license, in a public place.

- 3.4.3 The both the proposed area of the PSPO and the hot spot maps primarily covered High Street ward but overlapped with parts of North, East and Shepway North Wards and covered areas that were not included within the original town centre Designated Public Place Order (DPPO). It is likely that reports of rowdy/nuisance behaviour or drunkenness in those areas could be attributed to people drinking in their homes and then causing a disturbance rather than openly drinking in the street.
- 3.4.4 A small part of Mote Park was also covered by the proposed PSPO area and the hot spot maps. There is a DPPO currently in place which covers the entire park, and this could be the next area considered for a PSPO to replace the DPPO. On 17 October 2017 the DPPO will elapse and automatically become a PSPO with the same alcohol control conditions as the DPPO.

#### **4. Enforcement following the implementation of a PSPO**

- 4.1 In terms of enforcing the prohibitions set out in the PSPO we must consider the resources needed; i.e. the demand placed on both the Council's and Kent Police's officers. If action is not seen to be taken when breaches of the order occurs it is likely that the public will form the opinion that the PSPO is ineffective, this could result in reputational damage to the Council and to the Police.
- 4.2 Enforcement of breaches can be undertaken via two routes, a Fixed Penalty Notice (FPN) or taking the matter to Court to gain an Order to prevent further breaches such as; Injunctions, Criminal Behaviour Orders (CBO) or whichever Order the Court sees as necessary.
- 4.3 While issuing a FPN might be seen as the fastest way to deal with a breach, there is little to be gained from issuing one to a person who does not have the means to pay it, or has no intention of paying it. This is particularly relevant where it relates to a person who is alcohol dependant, is potentially homeless and yet causes a persistent nuisance. In this scenario it would be prudent to deal with the breach by way of a prosecution and seeking a CBO with conditions which prohibits the person being drunk in a public place and has a positive condition that they engage with an alcohol treatment service.
- 4.4 Due to these factors it is recommended that the PSPO area originally proposed be reduced to remove areas which are primarily residential, scaling the PSPO back to the area covered by the original DPPO.

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

- 5.1 There are three options for the Committee to debate and decide upon;

- 5.2 Option one; Do nothing. On the 20th October 2017 the Designated Public Place Order (DPPO) currently in place will cease. Under s 75 of the Anti-Social Behaviour Crime and Policing Act 2014 the authority could renew the DPPO, essentially by turning it in to a PSPO with the same conditions, i.e. requiring people to surrender alcohol when requested to do so. This is not recommended as it does not deal with those individuals who comply with the direction given to them at the time but then continue to drink in the area, purchasing single containers of alcohol at a time.
- 5.3 Option two; The Committee can choose to agree the implementation of a PSPO with the originally proposed prohibitions, covering a wider part of the town centre and surrounding area. This is not recommended as it would essentially ignore public opinion and the responses provided by the public during the consultation period and in doing so may provide a legitimate reason to challenge the PSPO through the High Court.
- 5.4 Option three; The preferred option is for the Committee to agree the implementation of a Public Spaces Protection Order containing the following prohibitions covering an area defined by the map provided as Appendix IV.

### **Prohibition One: Drinking in (the defined) Public Space**

- 5.5 The current DPPO has a flaw in that it only requires a person to surrender open containers of alcohol if they are requested to do so by an authorised officer. It does not address the issue of persistent street drinking effectively as individuals can then purchase more containers of alcohol meaning that an authorised officer has to revisit the location to make the same request for the alcohol to be surrendered. This can often be repeated throughout the day and is a drain on resources for both Kent Police and Maidstone Borough Council. It also seen as ineffective by members of the public who continue to be subjected to the anti-social behaviour of those persistent street drinkers.
- 5.6 It is proposed that there be a two part direction introduced by the PSPO, firstly a direction to surrender the container of alcohol and a second direction for an individual to stop drinking in that location for a period of time if the officer has reason to believe that said individual will continue to drink alcohol and cause anti-social behaviour.
- 5.7 The prohibitions of the PSPO would require the following test be met, that;
  - 5.7.1 As a result of consuming alcohol a person's behaviour has, or is likely to have, a detrimental effect on the quality of life of those in the locality;
  - 5.7.2 That said behaviour is likely to be persistent or continuing and therefore be unreasonable and justify the restrictions under the PSPO.
- 5.8 An authorised officer reasonably believes that the test has been met whereby an individual;
  - 5.8.1 Is or has been consuming alcohol in circumstances which would be a breach of this Order; or

- 5.8.2 Intends to consume alcohol in circumstances which would be a breach of this Order;
- 5.9 The authorised officer can then require the person to;
  - 5.9.1 Surrender anything in the person’s possession which is, or which the authorised officer reasonably believes to be, alcohol or a container for alcohol and;
  - 5.10 If the authorised officer reasonably believes that the person will continue to consume alcohol in that location after surrendering any in their possession they can also request that the person;
    - 5.10.1 Not further consume alcohol or anything which the authorised officer reasonably believes is alcohol in breach of this Order in the area for a period of 24 hours;
  - 5.11 This provision would not apply to alcohol being consumed within premises licensed under the Licensing Act 2003 or S115e of the Highways Act 1980.
  - 5.12 Any open containers would need to be emptied and disposed of appropriately, i.e. pouring the contents away via a drain and disposing of the container in a litter bin.

### **Prohibition Two: Begging**

- 6. The other key issue the originally proposed PSPO was intended to address is rough sleeping, however the anti-social behaviour at the heart of this can be refined to those persons who aggressively beg for money. To address this it is proposed that the PSPO contain the following prohibition.
  - 6.1 All persons are prohibited from sitting or loitering in the public space, where behaviour is clearly inappropriate, excessive, or harmful to the public in degree or kind and; lacking justification in fact or circumstance; or with any receptacle used to contain monies for the purpose of begging. This includes the use of signage, children or animals to solicit monies from another other person.
  - 6.2 These prohibitions do not apply to any authorised collections or activity made on behalf of a registered charity.

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### **Other activity which supports the PSPO**

- 7. The Killing with Kindness and Assertive Outreach projects will continue to effectively to be able to offer another solution to tackling the begging and street homelessness problems in the Town Centre ward.
  - 7.1 There are seven other DPPPO’s currently in place in the Borough;

- Mote Park;
- Barming recreation ground;
- Cumberland green;
- Northumberland Court;
- Parkwood green;
- Parkwood parade;
- Snowdon parade.

7.2 Once this PSPO has been put into place in the town centre, if there is a perceived issue with anti-social behaviour linked to street drinking in these locations there will need to be some research and evidence found of the true level of nuisance street drinking before the DPPOs elapse in October 2017, at which point if there is sufficient evidence of alcohol related anti-social behaviour the DPPOs can be renewed as PSPOs. If new prohibitions are required to address other forms of anti-social behaviour then appropriate consultation will also need to be undertaken before a PSPO can be put into place.

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

8.1 A summary of the consultation findings has been included as Appendix II.

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

- 9.1 The Communities, Housing and Environment Committee approve the recommendations for the PSPO and permit the Chief Executive to sign the Order.
- 9.2 Notify the Chief Constable and Kent County Council that the order is to be implemented.
- 9.3 To comply with the requirements of the Act we will need to communicate the introduction of Order to the public. Appropriate signage will be needed to inform the public of the Order around the boundaries of the area covered and in key places, i.e. Jubilee Square, Brenchley Gardens, Whatman Park and around the town centre.
- 9.4 In order to enforce the prohibitions of the PSPO a process to allow the issuing and payment of Fixed Penalty Notices (FPNs) will need to be put into place. An agreement with Kent Police will need to be created if they are to enforce the PSPO via the issuing of penalty notices.

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

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	<p>Keeping Maidstone Borough an attractive place for all.</p> <p>Securing a successful economy for Maidstone.</p> <p>Public Space Protection Orders provide Councils with a flexible power to implement local restrictions to address the effect on quality of life caused by a range of anti-social behaviour issues in public places in order to prevent future problems and ensure safe and attractive environment.</p>	Head of Housing and Community Services
<b>Risk Management</b>	The management of Public Space Protection Orders will be subject to the current performance management arrangements within the service, with performance benchmarking as part of the process.	Head of Housing and Community Services
<b>Financial</b>	<p>It is anticipated that implementation will be resourced from within existing budgets. There may also be additional legal costs and costs associated with the introduction of the PSPO. These will be looked at on a case by case basis as they occur. The payment of fixed penalty notices within the new regime could generate a small income for the council. This will be pooled with the existing FPN income from other enforcement activities and used to fund awareness campaigns and legal action as appropriate in the delivery of a cleaner, safer Maidstone.</p> <p>Additionally, there is a cost of signage and promotion which could reach £5,000 and require on-going maintenance budgets if the order is approved. These</p>	Head of Finance & Resources

	costs will need to be met from within the Housing and Community Services existing budget.	
<b>Staffing</b>	Authorised officers will need to have completed appropriate training in order to be able to issue fixed penalties and deal with prosecutions.	Head of HR Shared Service
<b>Legal</b>	As contained within the body of the report any enforcement by way of prosecution, or non-payment FPN and any other legal process will have resource implications for MKLS	Head of Legal Partnership
<b>Equality Impact Needs Assessment</b>	Incidents of ASB will continue to be dealt with in line with the emerging strategy and in line with our equalities framework. These legislative changes are designed to have a significant community impact in preventing and limiting anti-social behaviour.  EQIA to support this report.	Policy & Information Manager
<b>Environmental/Sustainable Development</b>	None.	Head of Housing and Community Services
<b>Community Safety</b>	The introduction of Public Space Protection Orders will contribute to making Maidstone town centre a safer place by promoting the message and enforcement of appropriate standard of conduct and behaviour.	Head of Housing and Community Services
<b>Human Rights Act</b>	The council must ensure that all statutory conditions are satisfied before a PSPO can be adopted and ensure it complies with its duties under the Equality Act 2010.  The council must consider if the proposed PSPO will breach of the council's code of conduct – including disproportionate	Head of Housing and Community Services

	interference with a number of fundamental rights protected by the Human Rights Act.  The council must ensure it balanced the problems of anti-social behaviour in its town centre with the rights of individuals	
<b>Procurement</b>	Appropriate procurement methods will used to procure consultation, publicity and signage.	Head of Finance & Resources
<b>Asset Management</b>	None.	Head of Housing and Community Services

## 11. REPORT APPENDICES

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

- Appendix I: PSPO Committee Report, 17 November 2015
- Appendix II: PSPO Consultation responses summary
- Appendix III: PCC response letter on PSPO consultation
- Appendix IV: Map of proposed (revised) PSPO area

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## 12. BACKGROUND PAPERS

- Home Office website Guidance  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/352562/ASB\\_Guidance\\_v8\\_July2014\\_final\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf)
- Anti-social Behaviour Crime and Policing Act 2014  
<http://www.legislation.gov.uk/ukpga/2014/12/contents>

**Appendix I -**

**PSPO Report to Committee on 17 November 2015**

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

**Yes**

## Public Spaces Protection Order

<b>Final Decision-Maker</b>	Communities, Housing and Environment Committee
<b>Lead Director or Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Sarah Robson, Housing and Community Manager
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	High Street, South, Fant, Bridge, North, Tovil

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

It is recommended that the Committee agrees:

1. In principle to proceed with public consultation on the implementation of a Public Space Protection Order (PSPO). See Appendix 1 for proposed PSPO location map and boundaries, which incorporates the town centre (High Street ward), Whatman Park (Bridge) and Riverside (Fant, South and Tovil) areas.
2. That the Borough Council commences an 8 week public consultation from 30 November 2015.
3. That the Head of Housing and Community Services be authorised to amend the details of the proposals for consultation including the definition of the area and activities to be covered in line with the principles outlined in this report, subject to consultation with the Chairman and Vice Chairman of the Communities, Housing and Environment Committee

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

- **Keeping Maidstone Borough an attractive place for all:** The introduction of a Public Space Protection Order will create safer communities and deter and reduce crime and anti-social behaviour. Perpetrators of ASB will be dealt with effectively and the victims of ASB are supported. This will support the achievement of lower levels of ASB and crime and in turn contribute to a safer town centre.
- **Securing a successful economy for Maidstone:** the order would support the Purple Flag initiative and the ongoing policy to support and enhance the town centre through regeneration, investment and management.

### Timetable

<i>Meeting</i>	<i>Date</i>
Corporate Leadership Team	15 September 2015
Communities, Housing and Environment Committee	17 November 2015

# Public Spaces Protection Order

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of the Report is to enable Maidstone Borough Council to consult on the introduction of a Public Space Protection Order to give the Council greater powers in relation to dealing with anti-social behaviour in public spaces within its town centre.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 In the last three years, our preventative approach to ASB has led to a reduction in the number of incidents of ASB across the Maidstone borough recorded by Police of 25% over the three year period. However, Maidstone still has the 5th highest number of reported incidents in the County (after Thanet, Canterbury, Swale and Dover). Analysis of ASB including environmental nuisances across Maidstone, highlights that the High Street ward continues to experience the highest volumes, with Fant and Bridge wards seeing a significant increase.
- 2.2 As a Council, we are determined to reduce this figure further, and use the new tools and powers within the Anti-Social Behaviour, Crime and Policing Act 2014 to develop our joint work where appropriate.
- 2.3 The Council continues to receive repeated complaints from residents, visitors and local businesses about unreasonable anti-social behaviour including street drinking, increased littering from legal highs (e.g. empty laughing gas canisters) and verbal intimidation from the street population, including beggars and rough sleepers over the last year. Complaints showed that the anti-social behaviour was having a detrimental effect on the quality of life of those living in or using certain areas, reducing their ability to feel safe in, use or enjoy public spaces.
- 2.4 One of the key powers of interest to the Council, partners and the community is the Public Spaces Protection Order (PSPO). PSPO's are designed deal with a particular nuisance or problem in an area by placing conditions on the use of the area and providing sanctions for those that do not comply..
- 2.5 On 20 October 2014, the Government implemented most of the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act). The purpose of the Act is to give local authorities and Others more effective powers to tackle anti-social behaviour (ASB), providing better protection for victims and communities.
- 2.6 Amongst these new tools and powers are Public Spaces Protection Orders (PSPO's), which are designed to control use of public spaces. It is for each individual Council to determine what behaviour(s) they want to make the subject of a Public Space Protection Order.
- 2.7 Public Space Protection Orders provide Councils with a flexible power to implement local restrictions to address a range of anti-social behaviour issues in

public places in order to prevent future problems. An Order should help to significantly reduce incidents of relevant asb in the area over the long-term and improve the quality of life for residents, visitors to the town and local businesses.

2.8 Local authorities can make an order as long as two conditions are met:

**First condition:**

- Activities carried out in a public space within the local authority's area have had a detrimental effect on the quality of life of those in the locality, or;
- It is likely that activities will be carried out in a public place within the area that will have such an effect.

**Second condition:**

The effect or likely effect of the activities:

- Is, or is likely to be, of a persistent or continuing nature
- Is, or is likely to be, such as to make activities unreasonable and
- Justifies the restrictions imposed by the notice.

2.9 Local authorities, when considering implementing a Public Space Protection Order, must have particular regard to the rights of freedom of expression and the freedom of assembly before making an order.

2.10 In terms of any consultation, local authorities must consult with the Chief Officer of Police, the Police and Crime Commissioner, whichever community representatives the local authority deems appropriate and, as far as is reasonably practicable, with the owner or occupier of the land in question.

2.11 The local authority must also notify the County Council and any Parish Council (where appropriate) before making any Order.

2.12 The Order must identify and publicise (e.g. on social media and through the provision of public signage in the designated areas) the public space as a 'restricted area' and must prohibit specified activities being carried out in the restricted area (prohibitions), or require specified things to be done by persons carrying out specific activities in that area (requirements), or both.

2.13 Any prohibition or requirement must be reasonable in order to prevent the detrimental effect from occurring or reoccurring, or must reduce the detrimental effect or reduce the risk of its occurrence, reoccurrence or continuance.

2.14 A prohibition or requirement may be framed so that it applies to all persons, persons in specified categories, or to all persons except those in specified categories. It can be applicable at all times, or only at specified times, or at all times except those specified. Also, so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified. Public Space Protection Orders can be made for a maximum of three years. The legislation provides that they can be extended at the end of the period, (if the authority is satisfied on reasonable grounds that it is necessary for various

reasons), but only for a further period of up to three years. However, orders can be extended more than once. Local authorities can increase or reduce the restricted area of an existing order, amend or remove a prohibition or requirement, or add a new prohibition or requirement. They can also discharge an order but further consultation must take place for varying or discharging orders.

- 2.15 The orders can be enforced by Police Officers, and Council Officers and in relation to Fixed Penalty Notices or requirements not to consume alcohol authorised PCSOs
- 2.16 Before making the order the local authority must notify potentially affected people of the proposed order, inform those persons of how they can see a copy of the proposed order, notify them of how long they have to make representation, and consider any representations made.
- 2.17 Any interested person can challenge the validity of a Public Space Protection Orders in the High Court but the challenge must be made within six weeks of the making of the Order. An 'interested person' means an individual who lives in the restricted area or who regularly works in or visits that area.
- 2.18 It is proposed that the Council considers consulting upon a Public Space Protection Order to cover prohibiting the following activities, which will support the current efforts to improve town centre public spaces where behaviours have a detrimental effect on the quality of life of those in the locality.
- 2.19 There are currently 4 key issues identified by the Council's Strategic Assessment, alongside Kent Police and other partners for the use of a PSPO to be investigated. These are begging, new emerging drugs, sleeping in a public space and drinking in a public space.

### **Begging - Why is this a priority?**

- 2.20 Begging in Maidstone town centre is a persistent and continuing issue and in recent years there has been a marked increase in the severity and volume of this problem. 10 persistent beggars who deploy aggressive begging techniques have been identified in the town centre area by partners (including the Council, Kent Police and Town Centre Management). There is a real concern begging is contributing to anti-social behaviour and is detrimental to quality of life of those in the locality. If this trend continues to grow, begging will become unmanageable and damage the reputation of the town centre, including loss of trade and attractiveness to new businesses considering locating to Maidstone. It is therefore unreasonable to allow this persistent issue to grow and justifies action.
- 2.21 The Killing with Kindness campaign was launched to enable people to combat begging in Maidstone town centre by donating directly to charities supporting the street homeless and not on the street. Its success led to the Maidstone Assertive Outreach project, led by Maidstone Borough Council alongside Kent Police, local businesses and voluntary and community organisations, such as Maidstone Day Care Centre, Porchlight and CRI to support people out of

homelessness and into support. However, we have identified a number of individuals that have been offered, but declined assistance for alternatives to begging, instead choosing to continue with begging. In addition, there are a growing number of people begging who are not homeless and persuade people into giving them money which is then spent on misusing drugs and alcohol. Anti-social behaviour from beggars is a drain on Police resources, who are increasingly being asked to attend calls relating to street begging and anti-social behaviour. Both have the potential to harm the town centre economically and socially. Therefore, alongside any prohibitions in the proposed new Order, the Maidstone Assertive Outreach project would continue to support these individuals both in a compassionate manner and through the established charities that have the skills in place to support them.

#### 2.22 Begging – Proposed prohibited activities:

- a) All persons are prohibited from approaching another person either in person or verbally in order to beg from the other person;
- b) All persons are prohibited from sitting or loitering in the public space for an unreasonable time, where behaviour is clearly inappropriate, excessive, or harmful to the public in degree or kind and; lacking justification in fact or circumstance; or with any receptacle used to contain monies for the purpose of begging. This includes the use of signage, children or animals to solicit monies from the other person.

*These prohibitions do not apply to any authorised collections or activity made on behalf of a registered charity.*

#### **New Emerging Drugs (Legal Highs and Nitrous Oxide – Laughing Gas) - Why is this a priority?**

2.23 This is a growing area of concern. Whilst a Public Space Protection Order cannot apply to businesses in the area trading in such substances, it is possible to prevent behaviour caused as a result of use of these substances in public areas. Evidence has shown through Maidstone's Street Population work, that at least 75% (approximately 80 individuals) who were engaged with since January 2014, have taken legal highs on a regular basis, culminating in reports of increased ASB in areas such as Wheeler Street (including the cemetery), Union Street, Mill Street and Archishop's Palace, due to their close vicinity to 'head shops'. Kent Police deployed additional staffing resources to the area, establishing the link between the purchase of legal highs at the head shop and the increase in complaints of ASB in the area. The council's street cleaning team has also seen a rise in finds of used laughing gas canisters in the town centre. At a recent event, in excess of 300 empty laughing gas canisters and legal high packages were found, which the Police directly attributed to increased reports of ASB in the specific locations. No standard drug paraphernalia, such as used needles were found.

2.24 The location maps provided in the Appendices shows an overlap of ASB and criminal activities (robbery, theft, sexual assault) in areas where street begging, rough sleeping and use of legal highs and alcohol have been identified. Local

drug support agency, CRI, have commented that using legal highs at the same time as alcohol can often contribute to increasingly aggressive behaviours which may add to the levels of violence. These behaviours have a detrimental effect on the Maidstone town centre economy and quality of life. The council and police first started receiving complaints from residents about legal highs in the summer of 2014. Following discussion amongst police and council officers regarding the substantial rise in both complaints to the police and council, and the noticeable degradation of the environment in affected areas, the local police requested that the council investigated the implementation of a PSPO to tackle the issue. Ward councillors had also highlighted the rising problem of legal highs in the town centre and surrounding areas.

#### 2.25 New Emerging Drugs (Legal Highs) – Proposed prohibited activities:

- a) All persons are prohibited from ingesting, inhaling, injecting or smoking any substance which has the capacity to stimulate or depress the nervous system. This includes prohibiting the sharing or passing of legal highs.

This prohibition does not apply where:

- i) The substance is used for a valid and demonstrable medicinal purpose;
- ii) The substance is given to an animal as a medicinal remedy;
- iii) The substance is a cigarette (tobacco) or vapouriser; or
- iv) The substance is a food product regulated by food, health and safety legislation.

Any person who breaches this prohibition shall surrender the substance or substances in his or her possession to an authorised person who has been trained in tackling ASB and substance identification. Through this order we seek to reduce the number of criminal incidents involving legal highs dealt with by the police, decrease the number of complaints regarding legal high usage from residents and ensure a cleaner, safer environment around our night time economies.

#### **Sleeping in a public space – Why is this a priority?**

2.26 In Maidstone town centre, rough sleepers have been found living in primitive shelters, including tents, or derelict buildings unfit for habitation, often without any sanitation. As well as creating considerable risks for the inhabitants, such habitations can create community safety and health and hygiene problems for people living in the surrounding area. Some hotspots are conspicuous and attract a lot of local attention, but others provide shelter for Maidstone's 'hidden homeless' who survive without basic amenities in dangerous surroundings.

2.27 The Maidstone Assertive Street Outreach project established in early 2014, participates in constructive and planned interventions where partner organisations provide skilled outreach staff alongside enforcement teams to offer advice and practical assistance in areas such as health, finding accommodation and work and being supported to return home. Over the past year, the project team has engaged with more than 100 individuals. Not every person engaged with is street homeless and may be sofa surfing or housed, but with a chaotic lifestyle or complex mental health issues. However, the

Maidstone Assertive Street Outreach ensures that every person understands the options available to them (including opportunities to address the accommodation, health and employment-related issues that have led to them living in destitution) and to provide support to enforcement colleagues and those responsible for matters relating to health and safety to carry out their responsibilities. As a result of this work increased needle exchanges have been installed in local pharmacies and parks; a local TB outbreak amongst the street population was dealt with quickly and effectively with health colleagues and some of our most entrenched street population have now entered into housing with floating support.

2.28 This identified cohort of Maidstone's street population plays a part in detrimentally affecting the quality of life for those who live, work in or visit the town centre. The Maidstone Community Safety Unit has witnessed increased reports of significant ASB and nuisance in the town centre, including defecation in public spaces, drunk and disorderly behaviour and used drug paraphernalia discarded in parks and children's play areas, alongside damage and vandalism to business premises caused by the identified street population. This group has been identified and continues to be engaged with through the street outreach team, but with no success in reducing ASB to date and it will be this group that are likely to be affected by the terms of the PSPO. Continued intervention and recovery support would be offered through the partners.

2.29 Sleeping in a public space – Proposed prohibited activities:

Rough sleeping (see i-iv below) in the town centre and surrounding areas has led to increased Police reports of fires, criminal damage and a proliferation of abandoned drugs paraphernalia, which has a detrimental effect on the quality of life for those who live, work or visit the area.

All persons are prohibited from sleeping in any public space which is or includes:

- i) Open to the air;
- ii) Within a vehicle;
- iii) Within a car park;
- iv) A non fixed structure, including tents

*Without the prior permission of the owner or occupier of the land.*

*Other than a place designated for the purpose of sleeping including designated camp sites.*

It should be made clear that this proposed restriction, would only apply to those individuals who were rough sleeping and who already had accommodation or has refused the support to which they are entitled.

At all times, the Council must ensure that the enforcement of the PSPO complies with its duties under the Equality Act 2010 and ensure it does not breach of the council's code of conduct – including disproportionate interference with a number of fundamental rights protected by the Human Rights Act. As is

standard practice, any enforcement of the PSPO must have regard for safeguarding concerns for identified vulnerable adults and children.

### **Drinking in a public space - Why is this a priority?**

- 2.30 Alcohol drives much crime. There are well-documented links between excessive alcohol consumption and crime or ASB. The consumption of super strength alcohol is often linked to ASB, particularly anti-social drinking in public places.
- 2.31 Anti-social behaviour covers a variety of unacceptable activities that affect community life and can impact upon families, individuals and entire communities. Terms such as nuisance, disorder, and harassment are also used to describe this behaviour. Due to the easy accessibility of super strength alcohol, it is often consumed by young people, which causes a significant concern in relation to underage drinking. Other community problems, from vandalism, graffiti, litter and noise can all be exacerbated by excessive alcohol consumption.
- 2.32 In Maidstone nearly 800 crimes were recorded as directly alcohol related in 2012/13, out of a total of 8,457 victim based crimes (9.5%). However, recorded figures are not available at ward level. For alcohol related conditions, Maidstone is ranked 10th out of the 12 Kent districts for hospital admissions due to alcohol in the county, and has the 9th worst rate of alcohol related deaths. High Street is one of the highest ranking wards for persistent alcohol related ASB and hospital admissions. An existing Alcohol Control Zone is in place within the proposed PSPO area based on the continued, detrimental effect alcohol and related ASB has on the quality of life during both the day and evening. In line with the new Anti-Social Behaviour Crime and Policing Act 2014, the proposed PSPO location will replace the existing Alcohol Control Zone, but increase the coverage area to include Whatman Park and Len Valley Nature Reserve.

### **2.33 Drinking in a public space – Proposed prohibited activities:**

All persons are prohibited from drinking alcohol within a public place, where their behaviour as a result of consuming alcohol, affects the quality of life to those who live, work or visit in the area. This provision does not apply to alcohol being consumed within premises licensed under the Licensing Act 2003 or s115E of the Highways Act 1980.

Where an authorised person reasonably believes that a person:

- a) Is or has been consuming alcohol in breach of this Order; or
- b) Intends to consume alcohol in circumstances which would be a breach of this Order

The authorised person can require the person:

- i) Not to consume alcohol or anything which the authorised person reasonably believes is alcohol in breach of this Order;
- ii) To surrender anything in the person's possession which is, or which the authorised person reasonably believes to be, alcohol or a container for alcohol.

- 2.34 An authorised person who imposes a requirement under 2.33 (i) and (ii) above must tell the person that failing without reasonable excuse to comply with the requirement is an offence. A requirement imposed by an authorised person is not valid if the authorised person:
- a) Is asked by the person to show evidence of his or her authorisation, and
  - b) Fails to do so.
- 2.35 An authorised person may dispose of anything surrendered under 2.33 (i) and (ii) in whatever way he or she thinks appropriate.
- 2.36 A person who fails without reasonable excuse to comply with a requirement imposed on him or her under 2.33 (i) or (ii) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
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### **3. AVAILABLE OPTIONS**

- 3.1 Do nothing (not recommended). This is not a recommended option as local authorities should demonstrate good practice and consider all available powers, including its discretionary responsibility to respond the Anti-Social Behaviour, Crime & Policing Act 2014.
- 3.2 Support the proposal to use consult on a PSPO, with the aim of addressing the detrimental effects on the quality of life of those in the locality resulting from street begging, taking legal highs, sleeping in public spaces, drinking alcohol in public spaces and sleeping in public spaces, which have been identified as persistent issues resulting in the decline of quality of life for those living, working or visiting the town centre. For these reasons set out under point 2., it is recommended that the council consults on the introduction of a PSPO in Maidstone town centre with respect to the behaviours set out in this report.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Move forward with the consultation, then review responses received and consider whether or not to proceed with the proposed PSPO, with any such amendments as are required,
- 4.2 Maidstone Borough Council and Kent Police first started seeing an increase in complaints from residents, business and visitors about legal highs, particularly laughing gas users, street drinking, street begging and rough sleepers in the summer of 2013. Following discussion amongst police and council officers regarding the substantial rise in complaints to the police and council, and the noticeable degradation of the environment in affected areas, the local police requested that the council investigate the implementation of a PSPO to tackle the issues. High Street ward councillors had also highlighted the rising problems in the town centre and surrounding areas, such as Whatman Park and the riverside reaching towards Fant and Tovil.

- 4.3 Therefore, officers consider that consultation relating to street begging, street drinking, the taking of new emerging drugs (legal highs and nitrous oxide) and sleeping in a public space should be carried out within the identified town centre areas (refer to appendices) in which these activities occur or where it is likely that these activities will be carried out and this is having or it is likely to have a detrimental effect on the quality of life of those in the locality.
- 4.4 At this stage, we are only seeking endorsement to undertake a consultation exercise on the Council's proposal for a PSPO in order to gather evidence to support any future decision.

## 5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 It is proposed that public consultation exercise will take place with the chief Officer of Police, the Police Crime Commissioner, community representatives including Council Members, relevant partners, landowners, residents, businesses and community groups for a period of 8 weeks from 30 November 2015. The specific consultation questions are detailed in Appendix III and will be made available online ([www.maidstone.gov.uk](http://www.maidstone.gov.uk)), in hardcopy at The Maidstone Gateway and publicised in the local press.

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

- 6.1 Following the consultation period, the responses received will be presented to the Communities, Housing and Environment Committee to decide whether to proceed with a PSPO and in what form at their January 2016 meeting. There is a statutory right of appeal to the High Court within 6 weeks if a PSPO is considered to be unreasonable. If agreed, suitable signage will need to be erected prior to implementation of a PSPO. A PSPO can be made for a maximum of three years. Following the initial period, the PSPO must be reviewed to ensure that it is still necessary.

## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<b>Keeping Maidstone Borough an attractive place for all:</b> Public Space Protection Orders provide Councils with a flexible power to implement local restrictions to address the effect on quality of life caused by a range of anti-social behaviour issues in public places in order to prevent future problems and ensure safe and attractive environment.	Head of Housing and Community Services
<b>Risk Management</b>	The management of Public Space Protection Orders will be subject to the	Head of Housing and

	current performance management arrangements within the service, with performance benchmarking as part of the process.	Community Services
<b>Financial</b>	<p>It is anticipated that implementation will be resourced from within existing budgets. There may also be additional legal costs and costs associated with the introduction of the individual PSPOs. These will be looked at on a case by case basis as they occur. The payment of fixed penalty notices within the new regime will generate a small income for the council. This will be pooled with the existing FPN income from other enforcement activities and used to fund awareness campaigns and legal action as appropriate in the delivery of a cleaner, safer Maidstone.</p> <p>Initial costs of consultation of this type would be in the region of £500. Additionally, there is a cost of signage and promotion which could reach £5,000 and require on-going maintenance budgets if the order is approved. These costs will need to be met from within the Housing and Community Services existing budget.</p>	Head of Finance & Resources
<b>Staffing</b>	Authorised officers will need to have completed appropriate training in order to be able to issue fixed penalties and deal with prosecutions.	Head of HR Shared Service
<b>Legal</b>	<p>Legal implications for the process of consulting upon and implementing a PSPO are covered in the body of the report.</p> <p>Should an Order be implemented MKLS will need to be instructed to act in respect of any unpaid FPN and/or prosecution matters arising and resourced according to the volume of matters likely to arise.</p>	Head of Legal Partnership
<b>Equality Impact Needs Assessment</b>	<p>Incidents of ASB will continue to be dealt with in line with the emerging strategy and in line with our equalities framework. These legislative changes are designed to have a significant community impact in preventing and limiting anti-social behaviour.</p> <p>EQIA to support this report.</p>	Policy & Information Manager
<b>Environmental/Sustainable Development</b>	None.	Head of Housing and Community

		Services
<b>Community Safety</b>	The introduction of Public Space Protection Orders will contribute to making Maidstone town centre a safer place by promoting the message and enforcement of appropriate standard of conduct and behaviour.	Head of Housing and Community Services
<b>Human Rights Act</b>	<p>The council must ensure that all statutory conditions are satisfied before a PSPO can be adopted and ensure it complies with its duties under the Equality Act 2010.</p> <p>The council must consider if the proposed PSPO will breach of the council's code of conduct – including disproportionate interference with a number of fundamental rights protected by the Human Rights Act.</p> <p>The council must ensure it balanced the problems of anti-social behaviour in its town centre with the rights of individuals</p>	Head of Housing and Community Services
<b>Procurement</b>	Appropriate procurement methods will used to procure consultation, publicity and signage.	Head of Finance & resources
<b>Asset Management</b>	None.	Head of Housing and Community Services

## 8. REPORT APPENDICES

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

- Appendix I: Location map of proposed PSPO area
- Appendix II: Crime heat map area of PSPO area
- Appendix III: Street Population locations
- Appendix IV: Draft consultation timetable
- Appendix V: Draft questionnaire
- Appendix VI: EQIA

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## 9. BACKGROUND PAPERS

- Home Office website Guidance  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/352562/ASB\\_Guidance\\_v8\\_July2014\\_final\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf)
- Anti-social Behaviour Crime and Policing Act 2014  
<http://www.legislation.gov.uk/ukpga/2014/12/contents>

**Appendix II -  
PSPO Consultation responses summary**

# Rough Sleepers

Survey themes								
Do you feel safe?			Are Rough Sleepers a problem, if at all?		Qualitative detail - Rough Sleepers		In favour of PSPO - Rough Sleepers?	
safe	During the day	86.40%	not a very big problem/not a problem at all	63.10%	Positive	The approach outlined seems reasonable and compassionate	No	55.50%
	Early evening	86.40%						
	After dark	53.50%						
unsafe	During the day	2.40%	fairly big problem/big problem	29.20%	Negative	Criminising the vulnerable is wrong, moving the problem elsewhere could be dangerous, local government/government at fault. MBC should be providing shelter	Yes	37.70%
	Early evening	2.40%						
	After dark	13.10%						
(not answered/don't know)		Day - 11.3%/ Eve -24.4%/ Dark -33.3%		7.75%				6.80%

## Rough Sleepers

Demographic/equality information on respondents							
Live in the borough	Live in the area affected by the PSPO	Male	female	Age group	Disability yes/no	Religion	Ethnicity
Yes - 70.2%	Yes - 17.7%	41.90%	58%	Under 16 - 0.7%, 16-24 - 6.4%, 25-34 - 17.9%, 35-44 - 22.9%, 45-64 - 34.3%, 65-74 - 14.3%, 75 or over - 3.6%	Yes - 87.5% No - 12.5%	Christian - 39.4%, Buddist - 2.4%, Hindu - 0, Sikh-0, Jewish - 0, Muslim - 0.8%, 40.2%, Prefer not to say - 17.3%	<b>White Bristish</b> - 98.3%.Irish 1.7%. <b>Asian/Asian British</b> - 33.3%, Pakistani 0 ), Bangladeshi - 33.3%, Chinese - 33.3%, <b>Black/ Black British</b> - 0%, Carribbean - 0% <b>Mixed</b> - white/black Carribbean - 0%, White/Black/African 0%, White/Asian - 100%
No - 13.9%							

# Rough Sleepers

And how it compares to actual picture for Maidstone...

**Population - 161,000** (*nomis*)

**Male - 79,000 (49.38%)** (*nomis*)

**Female - 81,900 (50.62%)** (*nomis*)

**Disabled population - 4,700 (2.9%)** (*nomis*)

**Region** - 62.9% Christian, 26.2% No religion, 1.1% Muslim, 1.0% Hindu, 0.6% Buddhist, 0.1% Sikh, 0.1% Jewish, 0.1% Agnostic. 11,043 people did not state a religion. 627 - Jedi Knight and 14 people- Heavy Metal (2011 Census)

**Ethnicity** - 88.6% of people living in Maidstone were born in England. Other top answers for country of birth were 1.1% Scotland, 0.8% Wales, 0.5% South Africa, 0.5% Ireland, 0.5% India, 0.3% Northern Ireland, 0.3% Hong Kong , 0.2% Zimbabwe, 0.2% United States (2011 Census)

# Rough Sleepers

Qualitative detail:

<p>This enters dangerous territory of criminalising people who need support and help.</p>	<p>The town centre is relatively safe and warm. Driving homeless and often sick residents into dark and cold outlying areas will cost lives.</p>
<p>It is immoral to criminalise people who are homeless and are forced to sleep rough especially when this is a failure of local government to provide adequate housing or central government to address mental health needs / provide appropriate benefits.</p>	<p>The approach you outline above seems reasonable and compassionate enough to advise and assist, even though we know there maybe some individuals who choose this lifestyle. But their behaviour does make some people feel unsafe.</p>

**Appendix III -**

**PCC response letter on PSPO consultation**

Nicolas Rathbone  
Maidstone Borough Council  
Community Safety Partnerships Officer  
Community Team  
Housing & Community Services  
Maidstone House  
King Street  
Maidstone ME15 6JQ

21 December 2015

Ref: OPCC/GC/313/15

Please quote reference on all replies

*Dear Nicholas,*

**Re: Proposed Public Space Protection Order – Maidstone Town Centre**

Thank you for your recent letter regarding the proposed Public Space Protection Order (PSPO) in Maidstone Town Centre. I recognise the multi-agency work undertaken in developing the proposed PSPO as I understand the Community Safety Unit has been closely involved.

I note that public consultation has commenced and that this is due to conclude on 25 January 2016. Pending the outcome of this consultation I am happy to provide my support to the proposed PSPO in Maidstone Town Centre.

I look forward to hearing an update in due course

*Best wishes,  
Ann*

**Ann Barnes**  
Kent Police & Crime Commissioner

**Appendix IV -**

**Map of proposed (revised) PSPO area**



MAIDSTONE



## Communities, Housing and Environment Committee

**20 September 2016**

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

**Yes**

### Environmental Health Service Update 2015/16

<b>Final Decision-Maker</b>	Communities, Housing & Environment Committee
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Tracey Beattie, Mid Kent Environmental Health Manager
<b>Classification</b>	Public
<b>Wards affected</b>	All

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

That the committee note the service delivery made by Mid Kent Environmental Health in Maidstone Borough during 2015/16.

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

- Keeping Maidstone Borough an attractive place for all - **by ensuring noise, contaminated land and air quality issues are addressed through development control consultations. That the pollution prevention and control scheme is implemented and that private water supplies are monitored and assessed.**
- Securing a successful economy for Maidstone Borough - **by ensuring that public health is protected through food safety, health & safety interventions in line with statutory guidance to ensure that businesses are dealt with transparency and consistently. That infectious disease controls are implemented in line with Public Health England guidance.**

**Timetable**

<i>Meeting</i>	<i>Date</i>
Communities, Housing and Environment Committee	20 September 2016

# Environmental Health Service Update Report 2015/16

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

- 1.1 The environmental health functions for Maidstone Borough Council have been delivered through the Mid Kent Environmental Health Service since June 2014.
  - 1.2 The functions delivered with Mid Kent Environmental Health include; Food Safety, Health & Safety, Infectious Disease control, Contaminated Land, Pollution Prevention Control, Private Water Supplies Air Quality and responding to consultations on planning applications.
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## **2. INTRODUCTION AND BACKGROUND**

- 2.1 The Mid Kent Environmental Health Service deal with a range of environmental health matters to protect public health and ensure that the statutory functions within Maidstone Borough are delivered to a high professional standard.
  - 2.2 As part of the Mid Kent Environmental Health we have a wide range of expertise and professional backgrounds working in the Service. Officers within the Food & Safety team have to meet specified levels of competencies to carry out food safety law inspections or health and safety competencies to inspect and protect employees in the workplace. Within Environmental Protection, officers have specialisms across contaminated land, air quality and acoustics and ensure that appropriate permits are issued and appropriate conditions are made on planning application.
  - 2.3 Appendix I summarises the work delivered within Environmental Health for Maidstone. It provides an overview of the food hygiene work carried out, the number of complaints made to the service and planning applications consulted on and environmental permits issued.
  - 2.4 You may recall that the Food & Safety service is delivered from Sittingbourne and the Environmental Protection functions from Tunbridge Wells. Although officers from both teams work from home and from Maidstone House for meetings with other service areas as needed.
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## **3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 3.1 An annual report to the Communities, Housing and Environment Committee is considered an important means of communicating the work being delivered for Maidstone Borough Council by the Mid Kent Environmental Health Service. It provides an overview of the range of work produced and the issues being addressed by officers.

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#### 4. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

4.1 Previous Communities, Housing and Environment Committee meetings have received verbal updates of the work of the Mid Kent Service. No consultation is proposed for this report.

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#### 5. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>Keeping Maidstone Borough an attractive place for all - by ensuring noise, contaminated land and air quality issues are addressed through development control consultations. That the pollution prevention and control scheme is implemented and that private water supplies are monitored and assessed.</p> <p>Securing a successful economy for Maidstone Borough - by ensuring that public health is protected through food safety, health &amp; safety interventions in line with statutory guidance to ensure that businesses are dealt with transparency and consistently. That infectious disease controls are implemented in line with Public Health England guidance.</p>	Mid Kent Environmental Health Manager
<b>Risk Management</b>		
<b>Financial</b>	None	Mid Kent Environmental Health Manager
<b>Staffing</b>	None identified	Mid Kent Environmental Health Manager
<b>Legal</b>	None identified	Team Leader Corporate Governance
<b>Equality Impact Needs</b>	No equalities issues identified	Policy &

<b>Assessment</b>		Information Manager
<b>Environmental/Sustainable Development</b>	None identified	Mid Kent Environmental Health Manager
<b>Community Safety</b>	None identified	Mid Kent Environmental Health Manager
<b>Human Rights Act</b>	None identified	Mid Kent Environmental Health Manager
<b>Procurement</b>	None identified	Mid Kent Environmental Health Manager
<b>Asset Management</b>	None identified	Mid Kent Environmental Health Manager

## 6. REPORT APPENDICES

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

- Appendix I: Summary of work activities for Environmental Health April 2015 – March 2016

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## 7. BACKGROUND PAPERS .

2015 Updating and Screening Report on Air Quality for Maidstone  
[www.kentair.org.uk](http://www.kentair.org.uk)

## Summary of Service Delivery for Maidstone Environmental Health April 2015 – March 2016

### 1. Staffing

During the year we have seen the appointment of a new EHO to the Food and Safety Team from Tunbridge Wells B C and a Food & Safety Officer qualify and gain registration to undertake food hygiene inspections following a two year training and professional competency programme. This has strengthened the overall resilience of the team and helped to deliver the service outcomes below.

### 2. Food Safety

#### 2.1. Food Premises Profile

Food premises in the borough range from manufacturers, restaurants to retailers and low risk food businesses like home registered cake makers or child minders.

Each business is risk rated from A to E with A being businesses presenting the highest risk to public health and E the lowest. Some element of the risk is inherent in the type of business (due to vulnerable clients like nursing homes). But all businesses can manage risk by demonstrating good management practices, staff training and good structural conditions. Recognition of good standards is displayed to the public via the Food Hygiene Rating Scheme. Table 1 identifies the profile of food businesses in Maidstone based on their risk assessment by officers.

<b>Risk Rating at 31 March</b>	<b>2014/15</b>	<b>2015/16</b>
A	2	1
B	25	24
C	211	143
D	405	504
E	565	522
<b>Total</b>	<b>1208</b>	<b>1194</b>

**Table 1: Premises Profile by risk rating**

#### 2.2. Programmed Work

The work of the team involves a range of measures to protect public health including; advice & guidance, audits & inspections, verification and surveillance visits, sampling visits, and information and intelligence gathering. This work is generally programmed throughout the year and determined by the risk rating of the businesses based on officers' last visit to the premises. Table 2 provides an overview of the work carried out within Maidstone and compares the work to 2014/15.

	14/15	15/16
Total Number of Food Premises within Maidstone	1,248	1,248
Number of Food Interventions Achieved <sup>1</sup>	699	933
Number of Food Interventions Due	778	938
Inspections achieved as percentage	90%	99%

**Table 2: Programmed Food Interventions**

If we assess this range of interventions further this it shows that the most common intervention is the inspection and audit of food businesses (Table 3). The increase in information gathering interventions between 2014/15 and 2015/16 is due to a project to contact all registered low risk food businesses and ascertain if they are still operating and entering this information onto the database. This work has been undertaken by admin and overseen by the team leader and officers.

<b>Intervention</b>	<b>2014/15</b>	<b>2015/16</b>
Inspection & Audit	528	511
Verification	16	32
Sampling	0	17
Advice and Education	23	38
Information gathering	132	335

**Table 3: Interventions by Type**

Unfortunately there will always be a few businesses that cannot be inspected due to seasonal working, opening times or volume of reactive or enforcement workload. The percentage of outstanding interventions for Maidstone does not suggest poor performance compared with Kent or national figures and has seen a significant improvement form 2014/15 to 2015/16.

<b>Premise Risk Rating</b>	<b>2014/15</b>		<b>2015/16</b>	
	<b>Achieved</b>	<b>Outstanding</b>	<b>Achieved</b>	<b>Outstanding</b>
<b>A</b>	5		7	
<b>B</b>	37	1	53	
<b>C</b>	237	10	204	
<b>D</b>	152	15	219	2
<b>E</b>	109	53	252	3
<b>Unrated <sup>2</sup></b>	159		198	
<b>Outside Programme</b>			0	
<b>Total</b>	699	79	933	5

**Table 3: Interventions Achieved by risk rating**

<sup>1</sup> Food Interventions are visits for advice & guidance, audits & inspections, verification and surveillance visits, sampling visits, and information and intelligence gathering. The categories are defined in the Local Authority Enforcement Management System returns to the FSA.

<sup>2</sup> Unrated premises are new businesses not previously risk rated

### 2.3. Reactive Work

Complaints about the hygiene standards at a food premises or concerns about the food purchased by consumers in Maidstone are proportionately small to the number of food businesses and food consumed, but it is an important means of food intelligence for the team. All complaints are assessed and allocated to officers by the Team Leader. We discourage anonymous requests from the public to enable us to investigate and respond back to complainants following the investigation of allegations.

	14/15	15/16
<b>Food Complaints (complaints of foreign bodies, mould etc)</b>	67	65
<b>Food Hygiene Complaints (associated with a food business)</b>	35	29
<b>Total Number</b>	102	94

**Table 4: Food Complaints and Service Requests**

### 2.4. Enforcement Outcomes

Intervention outcomes reflect our Enforcement Policy of having a stepped the By far the greatest outcome for food businesses remains a positive report of inspection with recommendations being made to the businesses for improvements. Written warnings are in effect letters which identify contraventions of the law, what needs to be done to remedy this and the timescale for its completion. Escalating the matter further would be reflected in serving improvement notices.

During the 2015/16 food was seized and taken before the magistrate for condemnation. This was due to potential cross contamination of raw to cooked ready to eat food on sale at a retail shop. The Magistrates confirmed the notice served by the officers and the food was destroyed. Costs for the destruction were charged to the retailer. The voluntary closure recorded in 2014/15 has led to a successful prosecution of a butchers shop in 2016.

	2014/15	2015/16
Written Warnings	172	114
Hygiene Improvement Notice	1	4
Seizure and Detention	1	1
Voluntary Closure	1	0
Prosecutions	0	0

**Table 5: Enforcement outcomes by type**

**3. Health & Safety**

- 3.1. Health and safety enforcement is divided between the HSE and local authorities. We have responsibility for health and safety within the service, and leisure industries, in general. Each year the HSE produce guidance on the inspection programmes for local authorities based on intelligence and analysis of data from accidents and incidents. During 2015-16 no Kent wide proactive health and safety projects were undertaken.
- 3.2. Maidstone received a number of accident notifications through the HSE RIDDOR website, the official method for businesses to notify authorities of accident, incidents and dangerous occurrences. Some accidents may be reported by businesses which do not necessarily require reporting (for example they may involve a member of the public or no work activity is associated with the accident), these incidents are considered to be non reportable and are recorded but may not warrant investigation.

	<b>14/15</b>	<b>15/16</b>
<b>Accident Reports Received</b>	120	138
<b>Non Reportable Accidents</b>	41	46
<b>H&amp;S Advice Requests</b>	15	6
<b>Complaints of H&amp;S</b>	16	9
<b>LOLER notifications</b>	3	6
<b>Asbestos Advice</b>	0	1
<b>Total Number</b>	195	206

**Table 6: Reactive health and safety work in Maidstone**

**4. Tattoo Hygiene Rating Scheme**

In December 2015 as part of a Kent wide initiative to encourage high standards in the tattooing industry within the county, Mid Kent Environmental Health launched a Tattoo Rating Scheme. Similar to the Food Hygiene Rating Scheme it is based on Welsh Chartered Institution of Environmental Health criteria, which need to be achieved before the award can be issued. A Maidstone tattoo business, Stainless Steve achieved the first Level 4 award, the best award possible, within the shared service and remains one of the few across Kent to achieve this high standard.

**5. Infectious Disease Control**

The officers in the Food & Safety team work closely with Public Health England to follow up cases of notifiable disease, such as Campylobacter, E.coli or Legionella reported through the medical notification from a GP.

Cases are investigated to control the spread of infection or prevent further cases of food poisoning.

## **6. Environmental Protection**

The Environmental Protection team focuses on identifying means of preventing future problems occurring or carrying out specialist inspection regime work under the pollution prevention and control scheme, air quality, contaminated land and the private water supply legislation. The Environmental Enforcement team deal with the reactive work and complaints about noise and other nuisances (bonfires, pests, fly tipping, dogs) which relate to domestic and commercial premises.

### **6.1. Private Water Supplies**

There are six private water supplies in the Maidstone area. These are a mix of private residences, commercial sites and combined commercial and residential systems. The scheme we operate under is strictly controlled by the Drinking Water Inspectorate. We are required to carry out a risk assessment every five years on each supply to ensure the system and water quality is satisfactory. We also carry out a number of water samples each year for each supply.

### **6.2. Pollution Prevention Control**

This is a DEFRA lead management scheme for the control of various potentially polluting industrial/commercial processes. We issue permits with conditions to ensure the businesses achieve the required environmental standards. We inspect these processes under a risk based scheme which produces an annual inspection programme.

Maidstone have 42 premises with permits under this scheme, which range from complex processes associated with Vinters Park Crematorium to more straight forward controls at petrol stations and dry cleaners. During 2015/16 31 inspections were undertaken by officers.

Across the shared service, the PPC scheme was contracted out at Swale and Tunbridge Wells. But during 2015/16 through a range of training programmes and using the expertise and knowledge from Maidstone's officers, the whole scheme will be brought in house from 1 April 2016.

### **6.3. Air Quality**

Maidstone have a duty to monitor the air quality within the district for pollutants which are potentially harmful to public health, this includes nitrogen dioxide and particulate matter. We fulfil this duty

through our continuous monitoring stations at Detling and Fairmeadow in the town centre (currently being relocated due to town centre road works) and using 54 NOx tubes throughout the district. The 2015 Updating & Screening Assessment Report was submitted to and approved by Defra it is published at [www.kentair.org.uk](http://www.kentair.org.uk) this report contains the verified monitoring data collected during the year.

We continue to work to the Air Quality Action Plan 2010 submitted and approved by DEFRA, but we are in the process of reviewing and updating this.

#### **6.4. Contaminated Land**

In March 2016 the reviewed Contaminated Land Strategy was approved by Communities, Housing and Environment Committee. This was necessary to reflect changes in DEFRA guidance, and the economic climate of central and local government. The strategy still reflects the statutory duties placed on the authority and its commitment to improving the level of information it holds on possible sites and the mitigation of contaminated land through development control processes. This was approved at the meeting in March 2016.

#### **6.5. Planning Consultations**

A large part of the work of the team relates to providing the Development Management teams with consultation responses on air quality, noise, potentially contaminated land and lighting. This work is important to resolve current and future environmental issues through design or mitigation controls.

	<b>2014/15</b>	<b>2015/16</b>
<b>Planning Consultations</b>	469	656
<b>Planning Appeals</b>	21	34
<b>Contaminated Land Enquiries</b>	69	48
<b>Private Water Enquiries</b>	3	5
<b>Total</b>	<b>562</b>	<b>743</b>

**Table 7: Consultation and reactive work undertaken by Environmental Protection in Maidstone.**

<b>Average Number of Days Spent per Planning Consultations</b>					
	<b>Annual</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
2014/15	13.96	16.5	21.23	9.3	12.14
2015/16	9.01	9.32	10.9	7.4	7.7

**Table 8: Average number of days per planning consultation response to Planning Support**

## **7. Better Business for All**

As a regulatory service the work of many environmental health officers take them into businesses. Much of our work is about providing advice and guidance to make sure businesses comply with regulation and ensuring that there is a level playing field between businesses through consistent and transparent enforcement.

Kent and Medway regulators (environmental health, trading standards, fire and rescue services, environment agency and others) have worked with the government's Regulatory Office (and its former iteration LBRO) to develop a website [www.bbfa.biz](http://www.bbfa.biz) and a start up pack for businesses trying to navigate through the complex world of regulation.

All officers within the service have attended training delivered for regulators in Kent to raise awareness of how we can be perceived by businesses and to understand the world of business a little more clearly. The Mid Kent Environmental Health has clear service objectives which consider how we can improve our communications with businesses to ensure compliance rather than a more heavy handed enforcement approach. This has been the underlying rationale in updating the enforcement policy during 2015 and other initiatives implemented. This work continues.

## **8. Future Development and Changes in Regulation**

During a sequence of seminars across the UK the Food Standards Agency has indicated that they are considering a review of how food safety enforcement is delivered. To date we have not been informed what form this may take but they consider that the current system is not sustainable.

With regard to Air Quality, the Defra review of the guidance provided to local authorities didn't in the end deliver the changes to monitoring responsibly we anticipated. It does mean that we will no longer have to complete complex three yearly Updating Screening and Assessment reports but will in future complete a short and less detailed Annual Status Report.

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### 2. Food Safety

#### 2.1. Programmed Work

The work of the team involves a range of measures to protect public health including; advice & guidance, audits & inspections, verification and surveillance visits, sampling visits, and information and intelligence gathering. This work is generally programmed through out the year and determined by the risk rating of the businesses based on officers' last visit to the premises. Table 1 provides an overview of the work carried out within Maidstone and compares the work to 2014/15.

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Cases are investigated to control the spread of infection or prevent further cases of food poisoning.

## **6. Environmental Protection**

In contrast to the work of the Environmental Enforcement team the work of the Environmental Protection team focuses on identifying means of preventing future problems occurring or carrying out specialist inspection regime work under the pollution prevention and control scheme and the private water supply legislation.

### **6.1. Private Water Supplies**

There are six private water supplies in the Maidstone area. These are a mix of private residences, commercial sites and combined commercial and residential systems. The scheme we operate under is strictly controlled by the Drinking Water Inspectorate. We are required to carry out a risk assessment every five years on each supply to ensure the system and water quality is satisfactory. We also carry out a number of water samples each year for each supply.

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town centre road works) and using 54 NOx tubes throughout the district. The 2015 Updating & Screening Assessment Report was submitted to and approved by Defra it is published at [www.kentair.org.uk](http://www.kentair.org.uk) this report contains the verified monitoring data collected during the year.

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#### **6.4. Contaminated Land**

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#### **6.5. Planning Consultations**

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<b>Private Water Enquiries</b>	3	5

**Table 4: Consultation and reactive work undertaken by Environmental Protection in Maidstone.**

# Agenda Item 19

## Communities, Housing and Environment Committee

20 September 2016

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

Yes

### Air Quality Working Group

<b>Final Decision-Maker</b>	Communities, Housing and Environment Committee
<b>Lead Head of Service</b>	John Littlemore, Health of Housing and Community Services
<b>Lead Officer and Report Author</b>	Tracey Beattie, Mid Kent Environmental Health Manager
<b>Classification</b>	Public
<b>Wards affected</b>	All

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

1. To establish a member working group of five members.
2. Agree three members to represent the committee on the working group.
3. Invite Strategic Planning, Sustainability and Transportation Committee to nominate two members to represent that committee on the working group.
4. That the terms of reference are agreed by the working group.

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

- Keeping Maidstone Borough an attractive place for all – Improving Air Quality for the borough is a statutory responsibility which can be delivered through a meaningful and effective strategy on Air Quality.
- Securing a successful economy for Maidstone Borough – ensuring that future policies and actions affecting transport, procurement, planning control reflect support air quality improvement.

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Communities, Housing and Environment Committee	20 September 2016

# Air Quality Working Group

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Following the Low Emissions Strategy Workshop on 18 July 2016, members expressed an interest in exploring the themes raised during the presentation by consultant Andrew Whittles in more detail. There was interest in how the themes raised within the workshop could be applied to Maidstone through the adoption of a strategy that considered realistic and achievable actions to improve air quality.
  - 1.2 The main themes for development are public health, transport, procurement, planning controls, and carbon emissions.
  - 1.3 While the themes to be covered within the working group are cross cutting the primary responsibility has been allocated by Council to this Committee. However, aspects are within the remit of the Strategic Planning, Sustainability and Transportation Committee. Due to the cross cutting nature of the subject matter it is proposed to ask the Communities, Housing and Environment Committee to approve the establishment of a working group composed of members from both committees.
- 

## 2. INTRODUCTION AND BACKGROUND

- 2.1 Currently there is no legal requirement for Maidstone to have a Low Emissions Strategy or Air Quality Strategy, but such framework documents are recognised as good practice by Defra.
- 2.2 In 2015/16 there was a review of guidance by Defra to local authorities on local air quality management which changed the requirement for an Update and Screening Assessments every three years to an Annual Status Report, within which there would be an opportunity to review the action plans associated with the air quality management areas and identify all the work undertaken by the authority to improve air quality. The completion of the Annual Status Report and the review of the action plans are a statutory requirement.
- 2.3 The workshop on the 18 July provided members with the background to how low emissions strategies have evolved and examples of authorities who have adopted such strategies to improve air quality together with the actions they have taken.
- 2.4 The key themes identified at the workshop that influence air quality were transport, planning control, procurement and licensing policy and the impact that district councils can have on air quality through the use of these tools. The workshop identified that some drivers of poor air quality fell outside the sphere of control of the district councils and lay more within areas of influence for Maidstone. There were examples of initiatives from similar district authorities that could be delivered by Maidstone B C.

- 2.5 There was a strong interest to explore how Maidstone could shape the drivers of air quality improvement within the district and influence others to make changes that would have a positive impact on the areas of poor air quality in the borough.
  - 2.6 To ensure that there is good representation from relevant committees it is proposed that the members of the working group come from the Communities, Housing and Environment and the Strategic Planning and Sustainable Transport Committees and comprises of at least five members. Other non committee members with strong interested in air quality may also need to be considered for the working group where they bring experience or expertise to the agenda.
  - 2.7 A review of the current Air Quality Action Plan is also under consideration by officers in the Environmental Protection Team. The current action plan is from 2010 and needs to be revising to reflect the progress made in delivering current actions, changes in the economic situation and technological advances. The Air Quality Action Plan is a statutory requirement for any local authority with an Air Quality Management Area.
  - 2.8 It is also proposed to review the current boundaries of the existing Air Quality Management Area to ensure that we are using focusing our resources effectively and utilising developers' resources to best effect.
- 

### **3. AVAILABLE OPTIONS**

- 3.1 Establish a working group to consist of five or more members from the Communities, Housing and Environment and the Strategic Planning and Sustainable Transport committees to explore the relevant themes to improve air quality. The group will be able to inform the action plan for the proposed Low Emissions strategy and influence the actions associated with the statutory Air Quality Action Plan. The emerging low emissions strategy will also form the statutory AQAP. This work should provide clear guidance to officers on the priorities for Maidstone and a clear direction of travel for this work.
  - 3.2 To allow officers to develop a strategy and action plan based on professional decisions. This may result in limited support from other Maidstone services that can influence air quality and hamper the delivery of air quality improvements by the officers in the Environmental Protection Team. In addition the opportunity to influence outside agencies is diminished through reduced political engagement.
  - 3.3 To advise officers that no further work should be undertaken on the Low Emissions Strategy for Maidstone. That the work of the Environmental Protection Team focuses on the development of a reviewed Air Quality Action Plan as part of the new Annual Status Report to Defra in 2017. That the actions plan should be drawn up by the officers of the Environmental Protection Team without reference to the committee.
-

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

- 4.1 To establish a working group to consist of five members. Three from the Communities, Housing and Environment Committee and two from the Strategic Planning, Sustainability and Transportation Committee to explore the relevant themes to improve air quality. The group will be able to inform the action plan for a proposed strategy on air quality under the themes of transport, planning controls, procurement and licensing. These actions will also inform the statutory actions plans needed for the review of the Local Air Quality Management Area. This work will provide clear guidance to officers on the priorities for Maidstone and give a clear direction of travel for air quality
- 4.2 The group will be able to inform the action plan for the proposed Low Emissions strategy and influence the actions associated with the statutory Air Quality Action Plan. Defra have indicated that the proposed merging of the two documents into one Low Emissions Strategy will be favourably received and demonstrate an effective strategic approach to air quality.
- 4.3 This option demonstrates the commitment that Maidstone gives to air quality and will provide a realistic framework for officers to deliver identified priority work for air quality with member endorsement.

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

- 5.1 The Committee should request that the Strategic Planning Sustainability and Transportation Committee nominate two members to join the working group.
- 5.2 Once membership is agreed to establish a number of working group meetings with key officers to develop deliverable actions.

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

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	Keeping Maidstone Borough an attractive place for all Securing a successful economy for Maidstone Borough	Environmental Protection Team Leader
<b>Risk Management</b>	None identified at this time	Environmental Protection Team Leader

<b>Financial</b>	No financial implications at this stage.	Chief Accountant
<b>Staffing</b>	None identified at this stage	Environmental Protection Team Leader
<b>Legal</b>	None identified provided other issues are completed	Senior Lawyer Contentious
<b>Equality Impact Needs Assessment</b>	No detrimental impact on the protected characteristics of individuals identified at this stage.	Equalities and Corporate Policy Officer
<b>Environmental/Sustainable Development</b>	None identified at this stage	Environmental Protection Team Leader
<b>Community Safety</b>	None identified at this stage	Environmental Protection Team Leader
<b>Human Rights Act</b>	None identified at this stage	Environmental Protection Team Leader
<b>Procurement</b>	None identified at this stage	Environmental Protection Team Leader
<b>Asset Management</b>	None identified at this stage	Environmental Protection Team Leader

## **7. REPORT APPENDICES**

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

- Appendix I: Proposed Working Group Work Plan

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## **8. BACKGROUND PAPERS**

Developing a Low Emissions Strategy for Maidstone Borough Council – Briefing Note for Members May 2016

Extract from Defra Air Quality – Maidstone Action Plan

## **Proposed Outline Work Plan on Air Quality & Low Emission Strategy**

### **1. Introduction**

The proposed plan is not definitive and at the discretion of the working group. However it is suggested that there would be a series of meetings, organised to cover the following topics. Officer will work with the Chairman of the Working Group to arrange the meetings and provide feedback to the Communities, Housing and Environment Committee in a timely manner.

### **2. The Preliminaries**

- 2.1.** To agree terms of reference for the working group. Following agreement on who will sit on the working group, the group will need to agree an outline of the future timetable for its work.
- 2.2.** Organisation of the working group meetings to consider air quality and proposed themes of the Low Emission Strategy including consideration of organising a theme per meetings for the significant themes such as planning, transportation. Minor themes, such as procurement and carbon management, could be combined for a single meeting.
- 2.3.** Under each theme there would be a need to establish the current work and achievements to improve air quality and carbon emissions and develop new actions which would be incorporated into the Low Emission Strategy. The working group may wish to consider the most appropriate officers or experts to invite to meetings for each theme.

### **3. Transport theme**

- 3.1.** This will be the most important of the themes. It is envisaged that discussions around existing work, both at MBC and KCC, and consideration of ideas for new actions.
- 3.2.** Relevant ongoing work for discussion could include, Local Transport Plan 4 (currently out for consultation), Kent Environment Strategy (KES), Walking and Cycling Strategy, Active Travel Strategy, Zip Car Schemes.
- 3.3.** A review MBC's own vehicle fleet and future needs could be considered under this theme or under procurement theme.
- 3.4.** Bus emissions standards and working with bus companies to access grant funding for fleet improvements.
- 3.5.** Consideration of relevant officers and specialists to be invited could include:-the Licensing Partnership Manager, KCC Public Transport Manager, Kent Environment and Sustainability Intelligence and Commissioning Manager (KCC), MBC Head of Waste and Street Scene, Representative from KCC Transport Planning.

#### **4. Public Health theme**

- 4.1. This is an important theme as with the transport theme, the working group may wish to consider ongoing relevant projects, with a view to developing new actions to be included in the Low Emission Strategy.
- 4.2. There are a number of links between air quality and public health outcomes that currently have KCC strategic plans such as West Kent Obesity Action Plan (includes active travel measures), Kent Healthy Business Awards, the Walking and Cycling Strategy, Kent Active Travel Strategy. There is also potential funding and links to explore through the Department for Transport Sustainable Travel access fund.
- 4.3. Relevant Officers to be invited could include, KCC Director of Public Health, MBC Healthy Lifestyles Commissioning Officer, KCC Public Health Programme Manager, Workplace Health Officer.

#### **5. Planning theme**

- 5.1. Possible areas for discussion might be the Low Emissions Strategy in the context of the new Local Plan, and in particular, the new draft Supplementary Planning Document recently prepared by the Environmental Protection Team.
- 5.2. Relevant Officers to be invited could include; MBS Head of Development Control, MBS Head of Planning Policy or their representatives.

#### **6. Carbon Management and Procurement themes**

- 6.1. Since the completion of the Carbon Management Plan the working group may wish to consider whether or not the Council should continue to pursue carbon management projects and whether a Low Emission Strategy is the most appropriate way to do this.
- 6.2. The working group may wish to consider MBC's current procurement strategy, and whether it can be updated in order to make a bigger contribution towards reducing emissions.
- 6.3. Relevant Officers to be invited could include, Head of Procurement and the Head of Facilities Management

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