

HOUSING, HEALTH AND ENVIRONMENT POLICY ADVISORY COMMITTEE MEETING

Date: Thursday 7 September 2023
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Hastie, Jeffery, Joy (Vice-Chairman), Khadka, Knatchbull
(Chairman), Mortimer, Riordan, Rose and Springett

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

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Issued on Wednesday 30 August 2023

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

- | | |
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INFORMATION FOR THE PUBLIC

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email committee@maidstone.gov.uk by 4 p.m. one clear working day before the meeting (i.e. by 4 p.m. on Tuesday 5 September). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899**.

To find out more about the work of the Committee, please visit the [Council's Website](#).

MAIDSTONE BOROUGH COUNCIL

HOUSING, HEALTH AND ENVIRONMENT POLICY ADVISORY COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 11 JULY 2023

Attendees:

Committee Members:	Councillor Joy (Vice Chairman in the Chair) and Councillors Conyard, Forecast, Hastie, Jeffery, Joy, Mortimer, Riordan, Webb and J Wilkinson
Cabinet Members:	Councillor Parfitt-Reid, Cabinet Member for Housing and Health and Councillor Garten, Cabinet Member for Environmental Services

19. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Khadka, Knatchbull, Rose and Springett.

20. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were present:

- Councillor Conyard for Councillor Khadka
- Councillor Forecast for Councillor Knatchbull
- Councillor Webb for Councillor Springett
- Councillor Wilkinson for Councillor Rose

21. URGENT ITEMS

There were no urgent items.

22. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

Note: Councillor Webb left at 19:30 p.m. and returned at 19:33 p.m.

23. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

24. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

25. EXEMPT ITEMS

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

26. MINUTES OF THE MEETING HELD ON 13 JUNE 2023

RESOLVED: That the Minutes of the meeting held on 13 June 2023 be approved as a correct record and signed with the following amendment:

Item 17 – Property Acquisition for 1,000 Affordable Homes Programme - the number “48” to be removed from the resolution.

27. FORWARD PLAN RELATING TO THE COMMITTEE'S TERMS OF REFERENCE

The Committee enquired whether the NHS Kent and Medway consultation on integrated care strategy could be on the Forward Plan and the Cabinet Member for Housing and Health stated it would be taken forward.

RESOLVED: That the Forward Plan relating to the Committee’s Terms of Reference be noted.

28. REVISIONS TO THE COVERT SURVEILLANCE AND ACCESS TO COMMUNICATIONS DATA POLICY AND GUIDANCE NOTES

The Cabinet Member for Housing and Health introduced the report and stated the Home Office Code of Practice recommends that the policy is reviewed annually and that minor revisions were being sought.

RESOLVED: That the Cabinet Member for Housing and Health be recommended to approve the revisions to the Covert Surveillance and Access to Communications Data Policy.

29. BIODIVERSITY AND CLIMATE CHANGE ACTION PLAN UPDATE AND COST FOR ACHIEVING NET ZERO 2030

The Cabinet Member for Environmental Services introduced the report, which provided an update on the progress and implementation of the Council’s Biodiversity and Climate Change Action plan (the plan), and the estimated costs for achieving net zero emissions for the Council’s operations by 2030. The plan’s actions that related to the Committee’s terms of reference were outlined.

During the discussion, concern was expressed on how much progress had been made since the last update on the plan was provided, including to mitigation measures and tree planting. It was requested that indicative statistics on the actions’ progress be included in future updates to demonstrate the progress of each action.

In response, the Biodiversity and Climate Change Manager confirmed that as the Council had allocated funding within its Capital Strategy for the de-carbonisation of its properties, it was eligible for the Public Sector Decarbonisation Scheme, allowing the Council to potentially receive up to two thirds of the cost of decarbonising its properties. The report outlined the mitigating actions being taken, with further information on Housing Energy Performance Certificates and the allocation of funding across the plan to be provided outside of the meeting.

In response to questions, the Cabinet Member for Environmental Services confirmed that there were enough resources available to achieve the outcomes set out in the plan, with a significant amount of time being spent in preparing for and developing the actions prior to implementation; an example of the ongoing work with The Mall's waste contractors to provide recycling facilities was given.

The Committee's comments would be shared with the Cabinet ahead of its consideration of the report.

RESOLVED to RECOMMEND to the Cabinet: That the action plan implementation updates and indicative costs of achieving net zero by 2030 for the Council's operations be noted.

30. PUBLIC SPACES PROTECTION ORDER – TOWN CENTRE RENEWAL

The Cabinet Member for Housing and Health introduced the report and stated that the Public Spaces Protection Order (PSPO) had to be renewed every three years and was made of two provisions, begging and street drinking. It was emphasised that the council's approach is to support those who were most vulnerable in society that is captured in the Council's Enforcement Policy and other Strategies. Assisting street homeless was part of this policy framework in conjunction with the Homeless Support Service. In the main, the PSPO acted as a deterrent for professional beggars who were not actually homeless. For street drinking the PSPO acted as a collaborative tool between Maidstone Police and Maidstone Ambassadors and was used in a wider policy to reduce anti-social behaviour in the town centre.

The Committee expressed concern that supportive measures for vulnerable residents were not explicit in the PSPO and that the Council had received correspondence from Liberty Human Rights which raised concerns over the potential misuse of PSPOs. The committee considered whether additional legal advice was required before the decision should be taken by the Cabinet Member.

The Cabinet Member for Housing and Health stated that the Homeless Support team at the Council provided support for vulnerable residents and was working as intended. The Head of Housing and Regulatory Services stated the PSPO was a prescribed legal document and that it was part of a wider approach, including engagement and the community safety partnership plan. Help was provided to those in need before any punitive action was considered. It was clarified that legal advice had been obtained from Mid Kent Legal Services in preparation for the renewal of the PSPO, when the PSPO was drafted in 2020 and the Service had reviewed recent case law in regard to PSPOs. The likelihood of a successful legal challenge to the PSPO was considered to be remote.

RESOLVED: That the Cabinet Member for Housing and Health be recommended to authorise the Head of Housing and Regulatory Services to renew the existing Town Centre Public Space Protection Order for a further 3 years.

31. HOUSING STRATEGY 2023 - 28 ACTION PLAN

The Cabinet Member for Housing and Health introduced the report highlighting three priorities: the delivery of a range of housing types, ensuring existing homes in the Borough are maintained, and securing the very best support for the most vulnerable residents. The Action Plan set out the framework to achieve the aims of the Housing Strategy and included an increase in temporary accommodation and supported housing options, interventions to prevent homelessness and sustained tenure for vulnerable people. The funding of the Action Plan was outlined including the Council's support to Golding Homes who had applied for the Social Housing Decarbonisation Fund, and how we are signposting residents to schemes such as the Home Upgrade grant which retrofitted houses that have no access to gas.

In considering the report, the Committee suggested that the Housing Strategy should connect its actions more coherently with the Biodiversity and Climate Change Action Plan. The Committee also enquired about the progress of Golding Homes' bid for the Social Housing Decarbonisation Fund and were informed that the Council is working collaboratively with Golding Homes to identify properties most likely to be affected by damp and mould.

The Committee expressed concern that demand for affordable and social housing was increasing nationally and whether a 'Right to Rent' policy could be introduced to mitigate the situation for mortgage payers. They were informed that there was no government scheme to help residents with mortgage payments similar to a 'Right to Rent' policy but this was being raised with the Department for Levelling Up, Homes & Community. It was noted that the Housing Options team understood the pressures of the market in Maidstone and had received the highest number of approaches in Kent for homeless applications, but were dealing with the issue effectively as Maidstone was in the lower quartile in temporary accommodation per thousand population. The 1,000 Affordable Homes project would assist with increasing demand in time, and achieving this target was the priority, but it could be revised in the future.

RESOLVED: That the Cabinet Member for Housing and Health be recommended to adopt the Housing Strategy 2022-23 Action Plan.

32. DURATION OF MEETING

6:30 p.m. to 7:37 p.m.

MAIDSTONE BOROUGH COUNCIL FORWARD PLAN FOR THE FOUR MONTH PERIOD 1 SEPTEMBER 2023 TO 31 DECEMBER 2023

This Forward Plan sets out the details of the key and non-key decisions which the Cabinet or Cabinet Members expect to take during the next four-month period.

A Key Decision is defined as one which:

1. Results in the Council incurring expenditure, or making savings, of more than £250,000; or
2. Is significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough

The current Cabinet Members are:

5	 Councillor David Burton Leader of the Council DavidBurton@maidstone.gov.uk 07590 229910	 Councillor Paul Cooper Deputy Leader and Cabinet Member for Planning, Infrastructure and Economic Development PaulCooper@Maidstone.gov.uk 01622 244070	 Councillor John Perry Cabinet Member for Corporate Services JohnPerry@Maidstone.gov.uk 07770 734741
	 Councillor Claudine Russell Cabinet Member for Communities, Leisure and Arts ClaudineRussell@Maidstone.gov.uk	 Councillor Patrik Garten Cabinet Member for Environmental Services PatrikGarten@Maidstone.gov.uk 01622 807907	 Councillor Lottie Parfitt-Reid Cabinet Member for Housing and Health LottieParfittReid@Maidstone.gov.uk 07919 360000

Anyone wishing to make representations about any of the matters listed below may do so by contacting the relevant officer listed against each decision, within the time period indicated.

Under the Access to Information Procedure Rules set out in the Council's Constitution, a Key Decision or a Part II decision may not be taken, unless it has been published on the forward plan for 28 days or it is classified as urgent:

The law and the Council's Constitution provide for urgent key and part II decisions to be made, even though they have not been included in the Forward Plan.

Copies of the Council's constitution, forward plan, reports and decisions may be inspected at Maidstone House, King Street, Maidstone, ME15 6JQ or accessed from the [Council's website](#).

Members of the public are welcome to attend meetings of the Cabinet which are normally held at the Town Hall, High St, Maidstone, ME14 1SY. The dates and times of the meetings are published on the [Council's Website](#), or you may contact the Democratic Services Team on telephone number **01622 602899** for further details.

David Burton
Leader of the Council

Details of the Decision to be taken	Decision to be taken by	Relevant Cabinet Member	Expected Date of Decision	Key	Exempt	Proposed Consultees / Method of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated
<p>1st Quarter Finance, Performance and Risk Monitoring Report</p> <p>7</p>	Cabinet	Cabinet Member for Corporate Services.	20 Sep 2023	No	No Open	<p>Communities, Leisure and Arts Policy Advisory Committee 5 Sep 2023</p> <p>Planning, Infrastructure and Economic Development Policy Advisory Committee 6 Sep 2023</p> <p>Housing, Health and Environment Policy Advisory Committee 7 Sep 2023</p> <p>Corporate Services Policy Advisory Committee 11 Sep 2023</p>	1st Quarter Finance, Performance and Risk Monitoring Report	<p>Paul Holland</p> <p>paulholland@maidstone.gov.uk</p>

Details of the Decision to be taken	Decision to be taken by	Lead Member	Expected Date of Decision	Key	Exempt	Proposed Consultees / Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated
<p>Waste Crime Fixed Penalty Notices</p> <p>Review of the value of the FPNs for waste crime offences following the Government's increase in the maximum value.</p>	Cabinet	Cabinet Member for Environmental Services	20 Sep 2023	No	No Open	Housing, Health and Environment Policy Advisory Committee 7 Sep 2023	Waste Crime Fixed Penalty Notices	<p>Jennifer Stevens</p> <p>Head of Environmental Services & Public Realm</p> <p>jenniferstevens@maidstone.gov.uk</p>
<p>Medium Term Financial Strategy 2024 to 2029 - Saving Proposals</p> <p>∞</p>	Cabinet	Cabinet Member for Corporate Services.	20 Sep 2023	Yes	No Open	<p>Communities, Leisure and Arts Policy Advisory Committee 5 Sep 2023</p> <p>Planning, Infrastructure and Economic Development Policy Advisory Committee 6 Sep 2023</p> <p>Housing, Health and Environment Policy Advisory Committee 7 Sep 2023</p>	Medium Term Financial Strategy 2024 to 2029 - Saving	<p>Mark Green, Adrian Lovegrove</p> <p>Director of Finance, Resources & Business Improvement, Head of Finance</p> <p>markgreen@maidstone.gov.uk, adrianlovegrove@maidstone.gov.uk</p>

Details of the Decision to be taken	Decision to be taken by	Lead Member	Expected Date of Decision	Key	Exempt	Proposed Consultees / Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated
						Corporate Services Policy Advisory Committee 11 Sep 2023 Overview & Scrutiny Committee 19 Sep 2023		
<p>Public consultation in relation to the Kent Community Warden Scheme (KCWS)</p> <p>Kent County Council are currently undertaking a public consultation on the provision of Kent Community Wardens. In order to meet financial pressures there is a proposal to significantly reduce the wardens. This is likely to significantly impact on vulnerable residents who are supported by this well established service.</p>	Cabinet Member for Housing and Health	Cabinet Member for Housing and Health	Before 29 Sep 2023	Yes	No	Housing, Health and Environment Policy Advisory Committee 7 Sep 2023 Overview & Scrutiny Committee 19 Sep 2023	Public consultation in relation to the Kent Community Warden Scheme (KCWS)	<p>Martyn Jeynes</p> <p>martynjeynes@maidstone.gov.uk</p>

Details of the Decision to be taken	Decision to be taken by	Lead Member	Expected Date of Decision	Key	Exempt	Proposed Consultees / Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated
This report asks the Cabinet Member for Housing and Health to consider responding on behalf of Maidstone Borough Council								
MBC Housing Management Policies Views are sought on a range of housing management policies that will inform officers and tenants of the Council's new affordable housing portfolio.	Cabinet Member for Housing and Health	Cabinet Member for Housing and Health	2 Oct 2023	No	No Open	Housing, Health and Environment Policy Advisory Committee 7 Sep 2023	MBC Housing Management Policies	John Littlemore Head of Housing & Regulatory Services johnlittlemore@maidstone.gov.uk
Air Quality Action Plan Air quality action plan developed as a result of revised air quality management area	Cabinet	Cabinet Member for Housing and Health	25 Oct 2023	No	No Open	Housing, Health and Environment Policy Advisory Committee 10 Oct 2023	Air Quality Action Plan	Stuart Maxwell, Duncan Haynes stuart.maxwell@midkent.gov.uk, duncan.haynes@midkent.gov.uk

Details of the Decision to be taken	Decision to be taken by	Lead Member	Expected Date of Decision	Key	Exempt	Proposed Consultees / Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated
<p>Tackling Anti-Social Behaviour relating to dogs Updating our enforcement tools</p> <p>The current Dog Control PSPO expires on 20th October. PSPOs have to be renewed every 3 years. A public consultation has been undertaken on a number of updated measures to tackle a range of issues, including fouling, dogs out of control and areas where dogs should be excluded or kept on a lead.</p>	Cabinet Member for Housing and Health	Cabinet Member for Housing and Health	Before 28 Oct 2023	Yes	No	Housing, Health and Environment Policy Advisory Committee 7 Sep 2023	Tackling Anti-Social Behaviour relating to dogs Updating our enforcement tools	<p>Martyn Jeynes</p> <p>martynjeynes@maidstone.gov.uk</p>
<p>Response to Kent County Council's consultation on Household Waste Recycling Centres</p> <p>To agree the Council's response to Kent County Council's consultation on the future household waste recycling site provision including</p>	Cabinet Member for Environmental Services	Cabinet Member for Environmental Services	Before 31 Oct 2023	Yes	No	Housing, Health and Environment Policy Advisory Committee 10 Oct 2023	Response to Kent County Council's consultation on Household Waste Recycling Centres	<p>Jennifer Stevens</p> <p>Head of Environmental Services & Public Realm</p> <p>jenniferstevens@maidstone.gov.uk</p>

Details of the Decision to be taken	Decision to be taken by	Lead Member	Expected Date of Decision	Key	Exempt	Proposed Consultees / Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated
proposed closure of a Maidstone site.								
Housing Revenue Account The report sets out the options for management and financial accounting of the 1,000 new affordable homes.	Cabinet	Cabinet Member for Housing and Health	22 Nov 2023	Yes	No Open	Housing, Health and Environment Policy Advisory Committee 14 Nov 2023	Housing Revenue Account	John Littlemore Head of Housing & Regulatory Services johnlittlemore@maidstone.gov.uk

Housing Health and Environment Policy Advisory Committee

7th September 2023

Member Agenda Item Request from Cllr Stuart Jeffery – Toilet provision

Timetable	
Meeting	Date
Housing Health and Environment Policy Advisory Committee	7th September 2023

Has this Member Agenda Item Request been submitted urgently?	No
Final Decision-Maker	Cabinet/Cabinet Member for Environmental Services
Wards affected	All but specifically High Street and wards with Council toilet blocks

Executive Summary

Residents have voiced concerns about the provision of toilets across the Borough, both in terms of the state of the facilities and their signposting.

This report provides a snapshot of some issues with the current provision and requests actions be discussed and proposed to the Cabinet to improve this.

Purpose of Report

To request that an officer report be presented (with the member agenda item request) directly to the Cabinet.

Member Agenda Item Request – Toilet provision

1. INTRODUCTION AND BACKGROUND

- 1.1 The provision and accessibility of toilets across the Borough has been the subject of concern among residents recently.
- 1.2 The location of toilets, both council run and privately provided but accessible for the public, is not widely known. While information about Council toilets is available on the <https://maidstone.gov.uk/home/primary-services/community-support/tier-2-additional-areas/public-toilets> and there are eight hard signs and finger signs dotted around the town centre promoting the Community Toilet Scheme, however the toilets are not signposted on the main boards in the town centre and the current signposts are easily missed including one that points to a closed facility (see attached photos in Appendix 1).
- 1.3 There have been concerns about the state of council owned toilets leading to one facility being proposed to transfer to private hands (there has been no committee discussion about this yet). The Council has six public toilets (Mote Park, Penenden Heath, Claire Park, South Park, Whatman Park and Mid Kent Shopping) the rest are operated by private businesses, parishes or trusts.
- 1.4 Toilets are cleaned once a day with the new Mote Park toilet permanently manned during opening times.
- 1.5 Residents haven't been surveyed on their views on the provision for a number of years.
- 1.6 There is renovation programme happening this year, but this planned work isn't a full refurbishment (more of repaint and regrouting). A full refurbishment of toilets the cost will be around £120K each toilet block. Examples of one toilet are shown in Appendix 2 demonstrating a poor state of cleanliness and condition.
- 1.7 The Health, Housing and Environment Policy Advisory Committee are asked to discuss how the provision of toilets for the public may be improved.

2. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

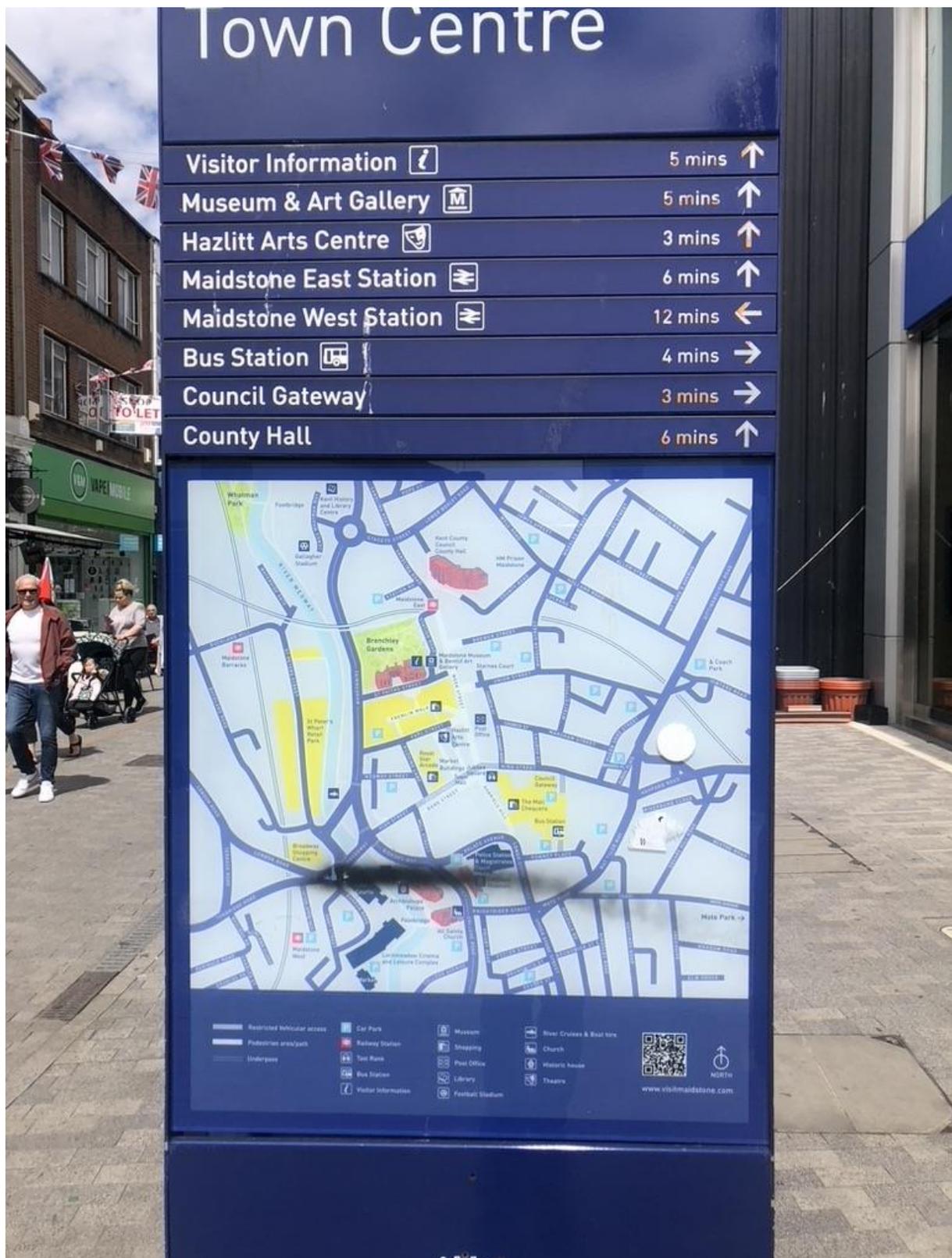
- 1.8 A report with options based on the discussion by the Housing, Health and Environment Policy Advisory Committee and any other additional information from officers be taken to the Cabinet.

3. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 3.1 No discussions have been had on this since 2019:
 - 3.1.1 15 March 2016 – See Review of public conveniences report & minute: Your Councillors - Maidstone Borough Council

- 3.1.2 17 July 2018 – See Town Centre Public Convenience Provision report & Minute: Your Councillors - Maidstone Borough Council
 - 3.1.3 19 March 2019 – see Q3 report & Minute: Your Councillors - Maidstone Borough Council
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Appendix 1 – Signposting in the Town Centre



Week St, no mention of toilets.



High St, no mention of toilets



High St, no mention of toilets and no map.



Week St, key signpost with no mention of toilets.



St Faiths St, away from key town shopping area. Maidstone Library closed in 2012.



King St, away from main shopping area.

Appendix 2 Example condition of toilets owned by MBC





Agenda Item 11

Housing Health and Environment Policy Advisory Committee

7th September 2023

Member Agenda Item Request from Cllr Stuart Jeffery – Rivers Task Force

Timetable	
Meeting	Date
Housing Health and Environment Policy Advisory Committee	7th September 2023

Has this Member Agenda Item Request been submitted urgently?	Not Applicable
Final Decision-Maker	Cabinet/Cabinet Member for Environmental Services
Wards affected	All

Executive Summary

An amendment to the motion on the Rights of Rivers was tabled at the Council meeting on 19th July 2023 requesting the setting up of a task force to clean the River Len. This report proposes a revised version of that amendment be discussed and requests that the proposal be taken to the Executive for agreement.

Purpose of Report

To request that an officer report be presented (with the member agenda item request) directly to the Cabinet containing costs and benefits of the scheme with a preferred option to agree the scheme.

Member Agenda Item Request – Rivers Task Force

1. INTRODUCTION AND BACKGROUND

- 1.1 The state of the rivers running through the Borough has been the subject of much discussion and work over the past 12 months but so far no actions have been taken to improve the quality of those rivers.
 - 1.2 An amendment to the motion on the Rights of Rivers was tabled at the Council meeting on 19th July 2023 requesting the setting up of a task force to clean the River Len. This amendment was not passed.
 - 1.3 The River Len is one of three main tributaries to the River Medway within the Borough. Each of these, plus the main River Medway, are in need of urgent support. Only 14% of rivers in England have good ecological status.
 - 1.4 The last assessment provided by the Environment Agency gave an overall 'Moderate' rating but with 'Poor' phosphate levels and 'Fail' on hazardous substances including mercury, see <https://environment.data.gov.uk/catchment-planning/WaterBody/GB106040018440>
 - 1.5 Healthy rivers are vital for biodiversity and to human health and well-being. Rivers provide habitats for a range of wildlife, protect against flooding and provide beautiful places for recreation and reflection. Freshwater ecosystems are in crisis globally and in England there are concerns about the multiple stresses being placed on riverine biodiversity and the dangers posed to swimmers and other river users from bacteria from sewage pollution.
 - 1.6 It is noted that the separation of river water from the water table and other vital ecological/biosphere phenomena is an artificial one and that they should be considered as a system rather than as separate parts.
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2. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 2.1 That an officer report be presented (with the member agenda item request) directly to the Cabinet containing costs and benefits of the creation of a task force with a preferred option to agree the scheme:
 - 2.1.1 That a task force be created to drive the improvements to the River Medway and its tributaries.
 - 2.1.2 The Medway River Basin Task Force will be comprised of local landowners and their representatives, water companies, the Environment Agency, Kent Wildlife Trust, South East Rivers Trust and other influential players (see Appendix) under the chairmanship of the Leader of the Council.
 - 2.1.3 The Medway River Basin Task Force will enable:
 - 2.1.3.1 More naturally functioning river channels and floodplains that are resilient to climate change and can provide: natural flood management; a healthy habitat; a secure, clean water supply; and an attractive, resilient landscape that supports sustainable agriculture and flourishing wildlife.
 - 2.1.3.2 Progressive removal and/or bypassing of manmade barriers to ecological movement i.e. restoring the right to a natural flow, while ensuring that natural barriers are in place to provide a variety of flow and pooling;

- 2.1.3.3 Setting measurable targets and achieving continuous improvement across flow rates;
 - 2.1.3.4 Ensure that water quality is measured and improved year on year (e.g. mitigating current pathways for diffuse pollutants including agricultural and highway run-off);
 - 2.1.3.5 Provide direction on supportive and enforcement measures to those currently polluting the rivers;
 - 2.1.3.6 Enhancing and recreating riparian habitats along the course of the rivers and its tributaries, including wet woodland, marsh and fen, wet heathland, flood meadow, ponds and ditches; and
 - 2.1.3.7 Restoration, expansion and reintroductions of declining or lost riparian flora and fauna associated with the rivers.
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3. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 3.1 *The first report of the Overview and Scrutiny Committees Water Cycle work was presented to Cabinet on 26th July 2023.*
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Appendix

Potential stakeholders

- Kent County Council
- Borough councils
- Parish councils
- Upper Medway Internal Drainage Board
- Natural England
- Environment Agency
- Historic England
- National Farmers Union
- Water companies
- Network Rail
- Kent Highways
- Private landowners and farmers
- Angling clubs
- Kent Fisheries Consultative Association
- Medway Flood Partnership
- Medway Catchment Partnership
- Country Land and Business Association
- Kent Wildlife Trust
- Medway Valley Countryside Partnership
- Joint Parish Flood Group
- South East Rivers Trust
- Friends of the River Medway
- Local residents.

**HOUSING, HEALTH &
ENVIRONMENT POLICY
ADVISORY COMMITTEE**

7 September 2023

**1st Quarter Finance Update & Performance Monitoring
Report 2023/24**

Timetable	
Meeting	Date
Housing, Health & Environment Policy Advisory Committee	7 September 2023
Cabinet Meeting	20 September 2023

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Cabinet
Lead Head of Service	Mark Green, Director of Finance, Resources & Business Improvement
Lead Officer and Report Author	Paul Holland, Senior Finance Manager Carly Benville, Senior Information Analyst
Classification	Public
Wards affected	All

Executive Summary

This report sets out the 2023/24 financial and performance position for the services reporting into the Housing, Health & Environment Policy Advisory Committee (HHE PAC) as at 30th June 2023 (Quarter 1). The primary focus is on:

- The 2023/24 Revenue and Capital budgets; and
- The 2023/24 Key Performance Indicators (KPIs) that relate to the delivery of the Strategic Plan 2019-2045.

The combined reporting of the financial and performance position enables the Committee to consider and comment on the issues raised and actions being taken to address both budget pressures and performance issues in their proper context, reflecting the fact that the financial and performance-related fortunes of the Council are inextricably linked.

Budget Monitoring

Overall net expenditure at the end of Quarter 1 for the services reporting to HHE PAC is £0.795m, compared to the approved profiled budget of £0.632m, representing an overspend of £0.163m.

Capital expenditure at the end of Quarter 1 for HHE PAC was £1.887m against a total budget of £32.522m.

Performance Monitoring

71.2% (5 of 7) the targetable quarterly KPIs reportable to this Committee achieved their Quarter 1 target.

UK Shared Prosperity Fund Update

An update on progress made against schemes using this funding is shown at Appendix 3.

Purpose of Report

The report enables the Committee to consider and comment on the issues raised and actions being taken to address both budget pressures and performance issues as at 30th June 2023.

This report makes the following recommendations to the Housing, Health & Environment Policy Advisory Committee:

1. That the Revenue position as at the end of Quarter 1 for 2023/24, including the actions being taken or proposed to improve the position, where significant variances have been identified, be noted;
2. That the Capital position at the end of Quarter 1 for 2023/24 be noted;
3. That the Performance position as at Quarter 1 for 2023/24, including the actions being taken or proposed to improve the position, where significant issues have been identified, be noted.
4. That the UK Shared Prosperity Fund update, attached at Appendix 3 be noted.

1st Quarter Finance Update & Performance Monitoring Report 2023/24

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<p>Impact on Corporate Priorities</p>	<p>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.</p> <p>The Key Performance Indicators and strategic actions are part of the Council’s overarching Strategic Plan 2019-45 and play an important role in the achievement of corporate objectives. They also cover a wide range of services and priority areas.</p>	<p>Director of Finance, Resources and Business Improvement (Section 151 Officer)</p>
<p>Cross Cutting Objectives</p>	<p>This report enables any links between performance and financial matters to be identified and addressed at an early stage, thereby reducing the risk of compromising the delivery of the Strategic Plan 2019-2045, including its cross-cutting objectives.</p>	<p>Director of Finance, Resources and Business Improvement (Section 151 Officer)</p>
<p>Risk Management</p>	<p>This is addressed in Section 5 of this report.</p>	<p>Director of Finance, Resources and Business Improvement (Section 151 Officer)</p>
<p>Financial</p>	<p>Financial implications are the focus of this report through high level budget monitoring. Budget monitoring ensures that services can react quickly enough 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.</p> <p>Performance indicators and targets are closely linked to the allocation of resources and determining good value for money.</p>	<p>Senior Finance Manager (Client)</p>

	The financial implications of any proposed changes are also identified and taken into account in the Council's Medium-Term Financial Strategy and associated annual budget setting process. Performance issues are highlighted as part of the budget monitoring reporting process.	
Staffing	<p>The budget for staffing represents a significant proportion 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.</p> <p>Having a clear set of performance targets enables staff outcomes/objectives to be set and effective action plans to be put in place.</p>	Director of Finance, Resources and Business Improvement (Section 151 Officer)
Legal	<p>The Council has a statutory obligation to maintain a balanced budget and the monitoring process enables the Committee to remain aware of issues and the process to be taken to maintain a balanced budget.</p> <p>There is no statutory duty to report regularly on the Council's performance. However, under Section 3 of the Local Government Act 1999 (as amended) a best value authority has a statutory duty to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. One of the purposes of the Key Performance Indicators is to facilitate the improvement of the economy, efficiency and effectiveness of Council services. Regular reports on Council performance help to demonstrate best value and compliance with the statutory duty.</p>	Senior Legal Advisor – Corporate Governance
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Policy and Information Team
Equalities	There is no impact on Equalities as a result of the recommendations in this report. An EqIA would be carried out as part of a	Equalities and Communities Officer

	policy or service change, should one be identified.	
Public Health	The performance recommendations will not negatively impact on population health or that of individuals.	Director of Finance, Resources and Business Improvement (Section 151 Officer)
Crime and Disorder	There are no specific issues arising.	Director of Finance, Resources and Business Improvement (Section 151 Officer)
Procurement	Performance Indicators and Strategic Milestones monitor any procurement needed to achieve the outcomes of the Strategic Plan.	Director of Finance, Resources and Business Improvement (Section 151 Officer)
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and there are no direct implications on biodiversity and climate change.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 The Medium-Term Financial Strategy for 2023/24 to 2027/28 - including the budget for 2023/24 - was approved by full Council on 22nd February 2023. This report updates the Committee on how its services have performed over the last quarter with regard to revenue and capital expenditure against approved budgets.
- 2.2 The financial position for HHE needs to be considered within context of the overall financial position for Maidstone. Currently there is a forecast overspend that will need to be managed over the rest of the year to come back within budget. We know this may fluctuate as demand as costs settle during the year. The HHE PAC will need to consider any actions it may need to take to ensure it manages within its controllable budgets.

- 2.3 Attached at Appendix 1 is a report setting out the revenue and capital spending position at the Quarter 1 stage. Overall net expenditure at the end of Quarter 1 for the services reporting to HHE PAC is £0.795m compared to the approved profiled budget of £0.632m, representing an overspend of £0.163m. There is one significant variance that is currently forecast by the end of the year and is detailed in Appendix 1. Capital expenditure at the end of Quarter 1 for HHE PAC was £1.887m against a total budget of £32.522m. There are two significant variances that are currently forecast by the end of the year, and these are detailed in Appendix 1.
- 2.4 Attached at Appendix 2 is a report setting out the position for the KPIs for the corresponding period. Attached at Appendix 3 is an update on the UK Shared Prosperity Fund.
-

3. AVAILABLE OPTIONS

- 3.1 The Committee is asked to note the contents but may choose to comment.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 In considering the current position on the Revenue budget, the Capital Programme, and the KPIs at the end of June 2023, the Committee can choose to note this information or could choose to comment.
-

5. RISK

- 5.1 This report is presented for information only and has no direct risk management implications.
- 5.2 The Council produced a balanced budget for both revenue and capital income and expenditure for 2023/24. The budget is set against a continuing backdrop of limited resources and the continuation of a 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 the Cabinet the best opportunity to take actions to mitigate such risks.
-

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The KPIs update ("Performance Monitoring") are reported to the Policy Advisory Committees (PAC) quarterly: Communities, Leisure & Arts PAC, Housing, Health & Environment PAC and Planning, Infrastructure & Economic Development PAC. Each committee also receives a report on the relevant priority action areas. The report was also presented to the Corporate Services PAC reporting on the priority areas of "A Thriving Place", "Safe, Clean and Green", "Homes and Communities" and "Embracing Growth and Enabling Infrastructure".

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 The Quarter 1 Budget & Performance Monitoring reports are being considered by the relevant Policy Advisory Committees during September 2023.

8. REPORT APPENDICES

- Appendix 1: First Quarter Budget Monitoring 2023/24
 - Appendix 2: First Quarter Performance Monitoring 2023/24
 - Appendix 3: UK Shared Prosperity Fund Update 2023/24
-

9. BACKGROUND PAPERS

None.

APPENDIX 1 – FIRST QUARTER BUDGET MONITORING

Contents

Part A: First Quarter Revenue Budget 2023/24

- A1) Revenue Budget
- A2) Significant Variances

Part B: First Quarter Capital Budget 2023/24

- B1) Capital Budget
- B2) Significant Variances

Part A - First Quarter Revenue Budget 2023/24

A1) Revenue Budget: Housing, Health & Environment (HHE) PAC

- A2.1 The table below provides a detailed summary of the budgeted net expenditure position for the services reporting directly into HHE PAC at the end of Quarter 1. The financial figures are presented on an accruals basis (i.e. expenditure for goods and services received, but not yet paid for, is included).
- A2.2 This table now shows the variance split between expenditure and income to give more of an insight into the nature of the variance.

HHE Revenue Budget: NET EXPENDITURE (@ 1st Quarter 2023/24)

Cost Centre	Approved Budget for Year	Approved Budget to 30 June 2023	Actual as at 30 June 2023	Variance as at 30 June 2023			Forecast March 2024	
	Net £000	Net £000	Net £000	Expenditure £000	Income £000	Net £000	Forecast Net £000	Forecast Variance £000
Lettable Halls	-4	-1	-3	2	1	3	-4	0
Community Halls	52	19	11	11	-2	9	52	0
Parks & Open Spaces	1,026	262	259	3	-0	2	1,026	0
Playground Maintenance & Improvements	154	37	14	23	0	23	154	0
Parks Pavilions	48	12	4	8	0	8	48	0
Mote Park	307	73	87	-12	-1	-14	307	0
Allotments	15	3	3	-0	0	-0	15	0
Cemetery	-19	28	37	-7	-2	-8	-19	0
National Assistance Act	-0	-0	0	1	-1	-0	-0	0
Crematorium	-962	-195	-171	-29	4	-24	-962	0
Community Safety	33	-169	-168	-2	1	-2	33	0
PCC Grant - Building Safer Communities	0	-16	-19	3	0	3	0	0
C C T V	37	9	8	2	0	2	37	0
Licences	-5	-0	2	-0	-2	-2	-5	0
Licensing Statutory	-63	-16	-14	-1	-1	-1	-63	0
Licensing Non Chargeable	9	2	2	-0	0	-0	9	0
Dog Control	30	5	18	-13	-1	-14	30	0
Health Improvement Programme	6	6	0	6	0	6	6	0
Pollution Control - General	16	10	6	4	0	5	16	0
Contaminated Land	-3	-1	-1	0	0	1	-3	0
Waste Crime	-1	-2	3	2	-7	-5	-1	0
Food Hygiene	10	1	-2	2	1	3	10	0
Sampling	4	1	0	0	0	0	4	0
Occupational Health & Safety	-8	-2	-1	0	-1	-1	-8	0
Infectious Disease Control	1	0	0	0	0	0	1	0
Noise Control	1	0	0	0	0	0	1	0
Pest Control	-12	-3	-0	0	-3	-3	-12	0
Public Conveniences	300	64	48	16	0	16	300	0
Licensing - Hackney & Private Hire	-67	-23	-47	-0	25	25	-67	0
Street Cleansing	1,313	331	326	-2	7	5	1,313	0
Household Waste Collection	2,276	366	341	11	13	25	2,276	0
Commercial Waste Services	-47	-14	-27	7	6	13	-47	0
Recycling Collection	1,846	305	292	24	-11	13	1,846	0

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Cost Centre	Approved Budget for Year	Approved Budget to 30 June 2023	Actual as at 30 June 2023	Variance as at 30 June 2023			Forecast March 2024	
	Net £000	Net £000	Net £000	Expenditure £000	Income £000	Net £000	Forecast Net £000	Forecast Variance £000
Social Inclusion	0	-16	7	26	-49	-23	0	0
Public Health - Obesity	0	-116	-79	-0	-37	-38	0	0
Public Health - Misc Services	0	-22	-46	2	22	24	0	0
Strategic Housing Role	12	5	5	0	0	0	12	0
Housing Register & Allocations	15	12	11	1	0	1	15	0
Private Sector Renewal	-47	-25	-35	9	0	9	-47	0
HMO Licensing	-20	-5	-6	0	1	1	-20	0
Homeless Temporary Accommodation	910	198	427	-269	40	-229	1,728	-818
Homelessness Prevention	186	-41	-34	-23	15	-8	186	0
Aylesbury House	31	20	9	8	3	11	31	0
Magnolia House	44	11	10	0	1	2	44	0
St Martins House	5	1	1	0	0	0	5	0
Marsham Street	42	11	7	4	-1	3	42	0
Sundry Temporary Accommodation (TA) Properties	26	6	3	3	1	3	26	0
2 Bed Property - Temporary Accommodation	-26	-7	-8	2	-1	0	-26	0
3 Bed Property - Temporary Accommodation	-58	-15	15	-31	1	-30	-58	0
4 bed Property - Temporary Accommodation	-16	-4	-8	6	-2	4	-16	0
1 Bed Property- Temporary Accommodation	17	9	8	1	0	2	17	0
Trinity	-13	14	22	-9	1	-8	-13	0
Chillington House	-5	-1	-2	2	-1	1	-5	0
Long Lease Properties	10	3	5	-2	-0	-2	10	0
St Pauls Vicarage	0	0	4	-5	2	-4	0	0
Marden Caravan Site (Stilebridge Lane)	-22	-5	-1	-12	7	-4	-22	0
Ulcombe Caravan Site (Water Lane)	7	-1	26	-30	3	-27	7	0
Head of Environment and Public Realm	119	30	29	0	0	0	119	0
Bereavement Services Section	322	81	75	7	0	7	322	0
Community Partnerships & Resilience Section	553	138	125	13	0	13	553	0
Licensing Section	127	32	23	3	6	8	127	0
Environmental Protection Section	294	74	50	23	0	23	294	0
Food and Safety Section	288	72	75	-3	0	-3	288	0
Depot Services Section	968	241	203	39	-2	38	921	47
New Business & Housing Development	121	30	30	1	-1	-0	121	0
Head of Housing & Community Services	117	29	29	0	0	0	117	0
Homechoice Section	258	-22	-24	1	0	1	258	0
Housing & Inclusion Section	285	-511	-528	17	0	17	285	0
Housing & Health Section	300	-179	-205	23	3	26	300	0
Housing Management	338	-80	-92	12	0	12	338	0
Homelessness Outreach	52	-363	-364	0	0	0	52	0
Accommodation Resource Team	118	-6	-8	2	0	2	118	0
Salary Slippage	-439	-110	0	-110	0	-110	-439	0
Fleet Workshop & Management	251	63	44	19	0	19	251	0
MBS Support Crew	-44	-11	-18	11	-4	7	-44	0
Totals	11,422	632	795	-200	37	-163	12,193	-771

By Cabinet Member

Cost Centre	Approved Budget for Year	Approved Budget to 30 June 2023	Actual as at 30 June 2023	Variance as at 30 June 2023			Forecast March 2024	
	Net	Net	Net	Expenditure	Income	Net	Forecast Net	Forecast Variance
	£000	£000	£000	£000	£000	£000	£000	£000
Lettable Halls	-4	-1	-3	2	1	3	-4	0
Community Halls	52	19	11	11	-2	9	52	0
Community Safety	33	-169	-168	-2	1	-2	33	0
PCC Grant - Building Safer Communities	0	-16	-19	3	0	3	0	0
C C T V	37	9	8	2	0	2	37	0
Social Inclusion	0	-16	7	26	-49	-23	0	0
Public Health - Obesity	0	-116	-79	-0	-37	-38	0	0
Public Health - Misc Services	0	-22	-46	2	22	24	0	0
Strategic Housing Role	12	5	5	0	0	0	12	0
Housing Register & Allocations	15	12	11	1	0	1	15	0
Private Sector Renewal	-47	-25	-35	9	0	9	-47	0
HMO Licensing	-20	-5	-6	0	1	1	-20	0
Homeless Temporary Accommodation	910	198	427	-269	40	-229	1,728	-818
Homelessness Prevention	186	-41	-34	-23	15	-8	186	0
Aylesbury House	31	20	9	8	3	11	31	0
Magnolia House	44	11	10	0	1	2	44	0
St Martins House	5	1	1	0	0	0	5	0
Marsham Street	42	11	7	4	-1	3	42	0
Sundry Temporary Accommodation (TA) Properties	26	6	3	3	1	3	26	0
2 Bed Property - Temporary Accommodation	-26	-7	-8	2	-1	0	-26	0
3 Bed Property - Temporary Accommodation	-58	-15	15	-31	1	-30	-58	0
4 bed Property - Temporary Accommodation	-16	-4	-8	6	-2	4	-16	0
1 Bed Property- Temporary Accommodation	17	9	8	1	0	2	17	0
Trinity	-13	14	22	-9	1	-8	-13	0
Chillington House	-5	-1	-2	2	-1	1	-5	0
Long Lease Properties	10	3	5	-2	-0	-2	10	0
St Pauls Vicarage	0	0	4	-5	2	-4	0	0
Marden Caravan Site (Stilebridge Lane)	-22	-5	-1	-12	7	-4	-22	0
Ulcombe Caravan Site (Water Lane)	7	-1	26	-30	3	-27	7	0
Community Partnerships & Resilience Section	553	138	125	13	0	13	553	0
New Business & Housing Development	121	30	30	1	-1	-0	121	0
Head of Housing & Community Services	117	29	29	0	0	0	117	0
Homechoice Section	258	-22	-24	1	0	1	258	0
Housing & Inclusion Section	285	-511	-528	17	0	17	285	0
Housing & Health Section	300	-179	-205	23	3	26	300	0
Housing Management	338	-80	-92	12	0	12	338	0
Homelessness Outreach	52	-363	-364	0	0	0	52	0
Accommodation Resource Team	118	-6	-8	2	0	2	118	0
Salary Slippage	-439	-110	0	-110	0	-110	-439	0
Sub-Total: Cabinet Member for Health & Housing	2,922	-1,201	-865	-343	8	-335	3,740	-818

Cost Centre	Approved Budget for Year	Approved Budget to 30 June 2023	Actual as at 30 June 2023	Variance as at 30 June 2023			Forecast March 2024	
	Net £000	Net £000	Net £000	Expenditure £000	Income £000	Net £000	Forecast Net £000	Forecast Variance £000
Parks & Open Spaces	1,026	262	259	3	-0	2	1,026	0
Playground Maintenance & Improvements	154	37	14	23	0	23	154	0
Parks Pavilions	48	12	4	8	0	8	48	0
Mote Park	307	73	87	-12	-1	-14	307	0
Allotments	15	3	3	-0	0	-0	15	0
Cemetery	-19	28	37	-7	-2	-8	-19	0
National Assistance Act	-0	-0	0	1	-1	-0	-0	0
Crematorium	-962	-195	-171	-29	4	-24	-962	0
Licences	-5	-0	2	-0	-2	-2	-5	0
Licensing Statutory	-63	-16	-14	-1	-1	-1	-63	0
Licensing Non Chargeable	9	2	2	-0	0	-0	9	0
Dog Control	30	5	18	-13	-1	-14	30	0
Health Improvement Programme	6	6	0	6	0	6	6	0
Pollution Control - General	16	10	6	4	0	5	16	0
Contaminated Land	-3	-1	-1	0	0	1	-3	0
Waste Crime	-1	-2	3	2	-7	-5	-1	0
Food Hygiene	10	1	-2	2	1	3	10	0
Sampling	4	1	0	0	0	0	4	0
Occupational Health & Safety	-8	-2	-1	0	-1	-1	-8	0
Infectious Disease Control	1	0	0	0	0	0	1	0
Noise Control	1	0	0	0	0	0	1	0
Pest Control	-12	-3	-0	0	-3	-3	-12	0
Public Conveniences	300	64	48	16	0	16	300	0
Licensing - Hackney & Private Hire	-67	-23	-47	-0	25	25	-67	0
Street Cleansing	1,313	331	326	-2	7	5	1,313	0
Household Waste Collection	2,276	366	341	11	13	25	2,276	0
Commercial Waste Services	-47	-14	-27	7	6	13	-47	0
Recycling Collection	1,846	305	292	24	-11	13	1,846	0
Head of Environment and Public Realm	119	30	29	0	0	0	119	0
Bereavement Services Section	322	81	75	7	0	7	322	0
Licensing Section	127	32	23	3	6	8	127	0
Environmental Protection Section	294	74	50	23	0	23	294	0
Food and Safety Section	288	72	75	-3	0	-3	288	0
Depot Services Section	968	241	203	39	-2	38	921	47
Fleet Workshop & Management	251	63	44	19	0	19	251	0
MBS Support Crew	-44	-11	-18	11	-4	7	-44	0
Sub-Total: Cabinet Member for Environmental Services	8,500	1,833	1,660	143	30	173	8,453	47
Totals	11,422	632	795	-200	37	-163	12,193	-771

A2) HHE Revenue Budget: Significant Variances

A2.1 Within the headline figures, there are a number of both adverse and favourable net expenditure variances for individual cost centres. It is important that the implications of variances are considered at an early stage, so that contingency plans can be put in place and, if necessary, be used to inform future financial planning. Variances will be reported to each of the Policy Advisory Committees on a quarterly basis throughout 2023/24.

A2.2 The table below highlights and provides further detail on the most significant variances at the end of Quarter 1.

HHE PAC Variances (@ 1st Quarter 2023/24)

	Positive Variance Q4	Adverse Variance Q4	Year End Forecast Variance
Housing, Health & Environment	£000		
Homeless Temporary Accommodation – The ongoing economic crisis means that demand for this service continues to be high. Properties are continuing to be purchased to provide further accommodation which should reduce costs going forward.		-229	-818

Part B - First Quarter Capital Budget 2023/24

B1) Capital Budget 2023/24 (@ 1st Quarter 2023/24)

Capital Programme Heading	Adjusted Estimate 2023/24 £000	Actual to June 2023 £000	Budget Remaining £000	Q2 Profile £000	Q3 Profile £000	Q4 Profile £000	Projected Total Expenditure £000	Projected Slippage to 2024/25 £000
Housing, Health & Environment								
Private Rented Sector Housing	3,948	766	3,182	1,000	1,092	957	3,815	133
1,000 Homes Affordable Housing Programme - Expenditure	8,618	1,617	7,001	600	760	970	3,947	4,671
1,000 Homes Affordable Housing Programme - Social Housing Grant	-5,790	-2,371	-3,419	-2,100	-629	-690	-5,790	
Temporary Accommodation	15,879	1,573	14,306	5,355	3,791	5,161	15,879	
Commercial Development - Maidstone East	356		356	10	10	50	70	286
Heather House Community Centre	319		319		50	100	150	169
Housing - Disabled Facilities Grants Funding	1,212	203	1,009	250	300	300	1,053	159
Acquisitions Officer - Social Housing Delivery Partnership	180	18	161	40	40	40	138	41
Street Scene Investment	50	37	13	13			50	0
Flood Action Plan	618	6	612		40		46	572
Installation of Public Water Fountains	15		15					15
Crematorium & Cemetery Development Plan	9	1	8				1	8
Continued Improvements to Play Areas	144	3	142				3	142
Parks Improvements	69	29	40	20		20	69	0
Gypsy & Traveller Sites Refurbishment	131		131	50			50	81
Waste Crime Team - Additional Resources	25		25	25			25	
Section 106 funded works - Open Spaces	517		517	150	175	192	517	0
Expansion of Cemetery	80		80	15	15	10	40	40
Expansion of Crematorium	340	6	334		100	234	340	-0
Purchase of New Waste Collection Vehicles	5,800		5,800			5,800	5,800	
Total	32,522	1,887	30,635	5,428	5,744	13,144	26,203	6,319

B2) Capital Budget Variances (@ 1st Quarter 2023/24)

Housing, Health & Environment

Private Sector Rented Housing/1,000 Homes Affordable Housing Programme - A number of schemes are at various stages of development at present, and further land/property acquisitions are likely to take place before the end of the financial year. Some schemes will also contain elements of both private rented and affordable housing so the costs may change depending on the mix at the sites where this happens.

Flood Action Plan - The flood action plan budget was set up to allow the Council to deliver, or contribute towards, schemes that would mitigate flood risk. At this stage, the only schemes that have been identified have been small scale natural flood management schemes. Officers are discussing with counterparts in the Environment Agency, Kent County Council and the Upper Medway Internal Drainage Board what can be done to promote appropriate and practical schemes in the future.

APPENDIX 2 – FIRST QUARTER PERFORMANCE MONITORING

Key to performance ratings

RAG Rating	
	Target not achieved
	Target slightly missed (within 10%)
	Target met
	Data Only

Direction	
	Performance has improved
	Previous data not captured
	Performance has declined
N/A	No previous data to compare

Performance Summary

RAG Rating	Green	Amber	Red	N/A ¹	Total
KPIs	5	1	4	14	24
Direction	Up	No Change	Down	N/A	Total
Last Quarter	12	0	7	5	24
Last Year	9	0	10	5	24

- 50% (5 of 10) the targetable quarterly key performance indicators (KPIs) reportable to this Committee achieved their quarter 1 (Q1) target¹.
- Compared to last quarter (Q4 22/23), performance for 63.2% (12 of 19) KPIs have improved, and for 36.8% (7 of 19) KPIs have declined¹.
- Compared to last year (Q1 21/22), performance for 47.4% (9 of 19) KPIs have improved, and for 52.6% (10 of 19) KPIs have declined¹.

Housing & Health Q1 Performance

Performance Indicator	Q1 2023/24				
	Value	Target	Status	Short Trend (Last Quarter)	Long Trend (Last Year)
Housing					
Number of Rough Sleepers accommodated by the Council on the last night of the month	25				
Number of homeless cases where the cause of homelessness is domestic abuse	40				
Number of households living in temporary accommodation last night of the month (NI 156 & SDL 009-00)	254				

¹ PIs rated N/A are not included in the summary calculations.

Performance Indicator	Q1 2023/24				
	Value	Target	Status	Short Trend (Last Quarter)	Long Trend (Last Year)
Number of households living in nightly paid temporary accommodation last night of the month	149				
Percentage of successful Prevention Duty outcomes	67.23%	65%			
Number of households prevented or relieved from becoming homeless	237	125			
Percentage of successful Relief Duty outcomes	38.98%	40%			
Private Sector Housing					
Number of private sector homes improved (<i>through PSH interventions</i>)	39	45			
Total number of Disabled Facilities Grants processed within the period	15				
Number of completed housing assistances	Annual Indicator				
Housing Allocation & Strategy					
Number of affordable homes delivered excluding first homes (Gross)	50	50			
Affordable homes as a percentage of all new homes	Annual Indicator				
Community Safety					
Percentage of CPWs to CPNs in period (CPT/SMP)	5.7%				
Number of Community Protection Notices (CPNs) in period (CPT/SMP)	2				
Number of Community Protection Warnings (CPWs) in period (CPT/SMP)	35				
Health, Biodiversity & Climate Change					
Improvement in Air Quality	Annual Indicator				
Borough wide carbon emissions reduction (Gov Data)	Annual Indicator				

Private Sector Housing

The key performance indicator (KPI) monitoring **"The number of private sector homes improved (*through PSH interventions*)"** missed target by over 10%, achieving 39 homes improved against a target of 45 homes. The reason for this dip in performance is due to staffing vacancies in the team, which have now been filled. And as the newer members of the team become fully trained, we expect performance to improve for next quarter.

Environmental Services Q1 Performance

Performance Indicator	Q1 2023/24				
	Value	Target	Status	Short Trend (Last Quarter)	Long Trend (Last Year)
Public Realm					
The percentage of relevant land and highways that is assessed as having acceptable levels of litter	79.83%	98%			
The percentage of relevant land and highways that is assessed as having acceptable levels of detritus	82.16%	95.00%			
Waste Services					
Percentage of household waste sent for reuse, recycling and composting	54.79%	53.00%			
Contaminated tonnage (rejected) as a percentage of tonnage of household waste sent for reuse, recycling or composting	5.22%	6.00%			
Tonnage of household waste produced per household	0.207				
Missed bins per 100,000 collections	53.4	40			
Biodiversity & Climate Change					
Number of trees planted/size of area rewilded	Annual Indicator				

Public Realm

The KPI monitoring **“The percentage of relevant land and highways that is assessed as having acceptable levels of litter”** missed target by over 10%, achieving 79.83% against a target of 98%. The main factor to this low outcome was due to the ‘litter level survey’ being conducted a few days before the scheduled grass cutting and litter picking was undertaken along the high-speed roads in Boxley, Detling/Thurnham and Lenham/Harrietsham wards. These roads have now been litter picked and the required level of cleanliness has been achieved.

The indicator monitoring **“The percentage of relevant land and highways that is assessed as having acceptable levels of detritus”** missed the "acceptable levels of detritus" target by over 10%, achieving 82.16% against a target of 95%. The levels of detritus during this quarter along the 5 chosen wards was high and therefore this target was not achieved. The main factors to this missed target were due annual night-time closures of A249 and A20, to allow street cleansing activities as undertaken the a few days after the survey was completed. The current detritus levels are now at a much lower level and within target.

Going forward, we will coordinate the survey schedule more effectively to avoid such conflicts and ensure accurate assessments of litter levels. By doing so, we aim to improve the performance and achieve the target in the upcoming quarters.

Waste Services

At the time of writing the report, Waste Services have not received data from Kent County Council for quarter one of this year. Once received, the updated figures will be circulated with

the quarter two report. The indicator monitoring the number of “**Missed bins per 100,000 collections**” missed its Q1 target by more than 10%, achieving 53.4 against its target of 40. Performance has declined compared to the previous quarter but is improved compared to the same period last year. These numbers are generally higher than in previous years as we are now using the unfiltered data from Biffa, so these results do have a direct impact on the performance mechanism and, therefore, the contract payments made to the contractor.

UKSPF 2023/4 Quarter 1 Update:

In July 2023 the Department for Levelling up, Housing & Communities (DLUHC) confirmed that the End of Year Report submitted in May 2023 for the year 2022/23 was approved, this also confirmed our approach to the underspend from Year 1 is accepted. We have also returned the Memorandum of Understanding and should receive the grant for Year 2 shortly.

Rural Fund: The authority has been allocated £134,932 for this financial year, the first round for submissions was opened in April and closed in June. The submissions were reviewed by a panel in July, further information is required on those that have made it through the initial filtering stage, this includes detailed costings and project delivery timeline. The panel will then come back together in September to review and finalise Year 1 projects.

Year 2 projects and an update:

Intervention	Project	Detail	2023/24 budget	Amount spent:	£ Committed	Q1 Update:
E6: Local arts, cultural, heritage & creative activities	Project A - Building Pride in Place through promotion of the Town Centre and Events.	Creative communities fund for local organisations and groups to support events	£35,830	£30,000	£0	19 applications were received for the last round of which 11 will be awarded grants.
		Literature Festival	£15,000	£0	£0	The event will be held in October, organising and advertising for the event has begun. A company has been commissioned to support the delivery of the event.
		Iggy Sculpture Trail	£60,000	£510	£0	Locations for the sculptures has been agreed, and an artist to produce the sculptures has been commissioned. The trail will be supported by a digital trail app, that has been procured and is currently being designed.
		Equipment purchases to support events	£2,751	£62	£2,510	£2,510 has been committed to purchase a set of temporary exhibition walls, and 2 microphones have been purchased as well.
		Arts Carnival	£20,000	£20,000	£0	Due to adverse weather the original date for the Arts Carnival was cancelled, it has been rescheduled for Saturday 9 th September.

		Partner for Elmer 2	£40,000	£0	£0	Contract is in the process of being signed.
	Project C- A Community Arts Hub & Maker Space	Feasibility Study	£5,000	£0	£3,200	The final feasibility report was received at the end of July.
E8: Campaigns to encourage visits and exploring of local area	Project A - Building Pride in Place through promotion of the Town Centre and Events.	Advertising budget to promote events across all channels	£15,000	£3,924	£0	The majority has been allocated to promote events later in the year.
		Borough Insight Events and Town centre focussed	£30,000	£0	£0	This will be spent on the Autumn 2023 edition of the magazine.
		Promotional video for business and events in TC	£5,000	£0	£0	This will be used later in the year to capture footage of events.
E9: Impactful Volunteering and/or Social action Projects	Project B- A Safe and Attractive Town Centre achieved through Greening and Lighting	An externally commissioned green Volunteering Project to Improve Town Centre Green Spaces, Increase Volunteering and Improve Wellbeing.	£60,000	£0	£0	Five sites have been worked with 18 volunteers involved. The sites are Maidstone Community Support Centre, Trinity House, Brenchley Gardens, Fairmeadow and planters in the Town Centre.
Management Overheads			£9,897	£2,474	£7,423	
Total:			£298,478	£57,480	£75,302	
				£132,782		

HOUSING, HEALTH AND ENVIRONMENT POLICY ADVISORY COMMITTEE

7 September 2023

Medium Term Financial Strategy and Budget Proposals

Timetable	
Meeting	Date
Housing, Health and Environment Policy Advisory Committee	7 September 2023
Cabinet	20 September 2023
Will this be a Key Decision?	Yes
Urgency	Not Applicable
Final Decision-Maker	Council
Lead Head of Service	Mark Green, Director of Finance, Resources and Business Improvement
Lead Officer and Report Author	Adrian Lovegrove, Head of Finance
Classification	Public
Wards affected	All

Executive Summary

This report forms part of the process of agreeing a budget for 2024/25 and setting next year's Council Tax. The report sets out a draft Medium Term Finance Strategy for 2024/25 – 2028/29 and budget proposals for services within the remit of the Committee. These proposals will then be considered by the Cabinet at its meeting on 20 September 2023.

The Cabinet will subsequently consider any remaining budget issues at its meeting on 7 February 2024, with a view to determining a final set of proposals for submission to Council on 21 February 2024.

Purpose of Report

Recommendation to Cabinet

This report makes the following recommendations to the Cabinet:

1. That the draft Medium Term Financial Strategy for 2024/25 to 2028/29 set out in Appendix A be approved.
2. That the budget proposals set out in Appendix B be approved.

Medium Term Financial Strategy and Budget Proposals

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The Medium Term Financial Strategy and the budget are a re-statement in financial terms of the priorities set out in the strategic plan. They reflect the Council's decisions on the allocation of resources to all objectives of the strategic plan.	Section 151 Officer & Finance Team
Cross Cutting Objectives	The MTFS supports the cross-cutting objectives in the same way that it supports the Council's other strategic priorities.	Section 151 Officer & Finance Team
Risk Management	This has been addressed in section 5 of the report.	Section 151 Officer & Finance Team
Financial	The budget strategy and the MTFS impact upon all activities of the Council. The future availability of resources to address specific issues is planned through this process. It is important that the committee gives consideration to the strategic financial consequences of the recommendations in this report.	Section 151 Officer & Finance Team
Staffing	The process of developing the budget strategy will identify the level of resources available for staffing over the medium term.	Section 151 Officer & Finance Team
Legal	Under Section 151 of the Local Government Act 1972 (LGA 1972) the Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the authority, including securing effective arrangements for treasury management. The legal implications are detailed within the body of the report which is compliant with statutory and legal regulations such as the CIPFA Code of Practice on Treasury Management in Local Authorities. The Council is required to set a council tax by the 11 March in any year and has a statutory obligation to set a balanced budget. The budget requirements and basic amount of Council Tax must be calculated in accordance	Section 151 Officer & Finance Team

	<p>with the requirements of sections 31A and 31B to the Local Government Finance Act 1992 (as amended by sections 73-79 of the Localism Act 2011).</p> <p>The Council is required to determine whether the basic amount of council tax is excessive as prescribed in regulations – section 52ZB of the 1992 Act as inserted under Schedule 5 to the Localism Act 2011. The Council is required to hold a referendum of all registered electors in the borough if the prescribed requirements regarding whether the increase is excessive are met.</p> <p>Approval of the budget is a matter reserved for full Council upon recommendation by Policy and Resources Committee on budget and policy matters.</p>	
Privacy and Data Protection	Privacy and Data Protection is considered as part of the development of new budget proposals. There are no specific implications arising from this report.	Section 151 Officer & Finance Team
Equalities	The MFTS report scopes the possible impact of the Council's future financial position on service delivery. When a policy, service or function is developed, changed or reviewed, an evidence-based equalities impact assessment will be undertaken. Should an impact be identified appropriate mitigations will be identified.	Section 151 Officer & Finance Team
Public Health	The resources to achieve the Council's objectives are allocated through the development of the Medium Term Financial Strategy.	Section 151 Officer & Finance Team
Crime and Disorder	The resources to achieve the Council's objectives are allocated through the development of the Medium Term Financial Strategy.	Section 151 Officer & Finance Team
Procurement	The resources to achieve the Council's objectives are allocated through the development of the Medium Term Financial Strategy.	Section 151 Officer & Finance Team
Biodiversity and Climate Change	The resources to achieve the Council's objectives are allocated through the development of the Medium Term Financial Strategy.	Section 151 Officer & Finance Team

2. INTRODUCTION AND BACKGROUND

Medium Term Financial Strategy

- 2.1 The Medium Term Financial Strategy (MTFS) sets out in financial terms how the Council will deliver its Strategic Plan over the next five years. The Council adopted a Strategic Plan for the period 2021 – 2045 in December 2018, and the existing MTFS for the period 2023/24 to 2027/28 reflects the Strategic Plan. The new MTFS will continue to reflect the Strategic Plan priorities.
- 2.2 A draft MTFS is attached to this report as Appendix A. As background, it comprises an assessment of the economic environment and the Council's own financial position. It will be seen that the Council faces a budget gap, given the expected impact of inflation on costs, compared with the lower projected rate of growth in Council resources.

Budget Savings

- 2.3 A key outcome of the process of updating the MTFS is to set a balanced budget and agree a level of council tax for 2024/25 at the Council meeting on 21 February 2024. The draft MTFS describes how, in bridging the budget gap, the Council needs to balance the requirement to make savings or generate increased income against the key priorities set out in the Council's Strategic Plan.
- 2.4 The draft MTFS explains that all budgets are reviewed in detail to identify opportunities for savings, or increased income, which can be delivered with the minimum impact on the strategic priorities. To the extent that further growth is planned, above and beyond existing budgets, this would need to be offset by further savings.
- 2.5 The following growth and savings have been identified in the services falling within the remit of this committee and are shown in Appendix B.

Existing Savings approved February 2023

Garden Waste – Changes to charging arrangements - £80,000 saving

As part of changes to charging arrangements, the Executive and Council agreed to increase the garden waste subscription from £45 to £47.50 in 2024/25. Customers renewing or joining the service will start paying the new charge with effect from 1st October 2023, so that the change will be phased in over the twelve month period October 2023 – September 2024.

New Savings

Environment and Public Realm - Withdrawal from Kent Resource Partnership - £10,000 saving

The Council currently contributes £15,000 per year to the Kent Resource Partnership - £5,750 funds the core operation and £9,250 funds project work including joint communications. The Council could decide to withdraw

from the Partnership and no longer contribute to its operation. There are likely to be ongoing costs relating to Waste Crime, but it is still expected that a saving of £10k could be achieved.

Withdrawing from the Partnership is unlikely to have any significant impact on the Council's Strategic Objectives as there is little evidence to show the County-wide work of the KRP has directly impacted Maidstone's recycling rate which is one of the highest in Kent. Maidstone already has its own Waste Strategy which is due to be updated following confirmation of Government's plans on Deposit Return Schemes (DRS) and Extended Producer Responsibility (EPR) and consistency.

Environment and Public Realm- Disposal of Public Conveniences at Mid Kent Shopping Centre - £8,000 saving

It is proposed that the public conveniences at Mid Kent Shopping Centre be handed over to Mid Kent Shopping Centre, who wish to take over their management and operation. The site currently costs £5,500 per year for cleaning plus £2,570 planned maintenance costs. Disposing of the site to the shopping centre management would enable the service to still be available to the site users but without placing an unnecessary burden on Maidstone taxpayers. These toilets are only of benefit to the visitors to these commercial premises.

Housing - Housing grant maximisation - £150,000 saving

The Council receives grant from central government to support its work on homelessness. This has offset the growth in the Council's own funding of homelessness. A review of this funding and the demands on the service indicates that, even with a potential reduction in future grant levels, there is more scope for applying grant against expenditure.

Housing - Reduce landlord incentive budget - £35,000 saving

The Council currently has a budget of £85,000 which is used to make one-off grants to landlords as an incentive for them to provide accommodation to homeless families. In the current climate it is apparent that the incentives we can offer are insufficient to persuade landlords (in large numbers) to let their properties to households currently residing in TA. Accordingly, it is proposed to give less weight to this strategy as part of our approach to addressing homelessness.

Housing - Temporary accommodation new pressures - £600,000 growth less £400,000 saving

Numbers in temporary accommodation are higher than assumed in the 2023/24 budget and it is currently projected that there will be an overspend of £800,000 for the year. It is expected that expenditure will fall back in 2024/25, assisted by the acquisition of new street properties for temporary accommodation. However, it is projected that there will still be net growth of £200,000 as compared to the 2023/24 budget (ie £600,000 impact from ongoing elevated numbers in TA less £400,000 mitigation from acquisition of new property).

Community Protection - Remove surplus budgets - £11,000 saving

There are budgets within Community Protection that are now no longer required for Safety in Action (now funded by the Police and Crime Commissioner) and for standby budgets for out of hours work.

- 2.6 Savings have been identified within the remit of the other Policy Advisory Committees which, all other factors remaining equal, and assuming fees and charges are increased in line with the MTFS inflation assumption, would allow the Council to set a balanced budget for 2025/26.
-

3. AVAILABLE OPTIONS

- 3.1 Agree the Medium Term Financial Strategy and the budget proposals relating to this Committee as set out in Appendix A and B respectively for onward submission to the Cabinet.
 - 3.2 Propose changes to the budget proposals.
 - 3.3 Make no comment on the budget proposals.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The Cabinet must recommend to Council at its meeting on 7 February 2024 a balanced budget and a proposed level of Council Tax for the coming year. The overall strategy and the budget proposals included in this report will assist the Cabinet in doing this. Accordingly, the preferred option is that this Committee agrees the Medium Term Financial Strategy and the budget proposals at Appendices A and B respectively.
-

5. RISK

- 5.1 The Council's finances are subject to a high degree of risk and uncertainty. The draft MTFS includes an evaluation of the Council's financial resilience, from which it can be seen that it has adequate, but not excessive, reserves and is positioned well to manage the financial challenges that it faces.
 - 5.2 In order to address risk on an ongoing basis in a structured way and to ensure that appropriate mitigations are developed, the Council has developed a budget risk register. This seeks to capture all known budget risks and to present them in a readily comprehensible way. The budget risk register is updated regularly and is reviewed by the Audit, Governance and Standards Committee at each of its meetings.
-

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The Cabinet received an initial report on the MTFS at its meeting on 26 July 2023 and it agreed the approach set out in that report to development of an MTFS for 2024/25 - 2028/29 and a budget for 2024/25.
- 6.2 Public consultation on the budget has been carried out, with a survey which is due to close on 28 August 2023. Details will be circulated to members once they are available and they are encouraged to review the findings and assess whether the budget proposals are consistent with public expectations and aspirations.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 The timetable for developing the budget for 2024/25 is set out below.

<i>Date</i>	<i>Meeting</i>	<i>Action</i>
September 2023	All Policy Advisory Committees	Consider 24/25 budget proposals and draft MTFS
20 September 2023	Cabinet	Agree 24/25 budget proposals and draft MTFS
5 February 2024	Corporate Services Policy Advisory Committee	Consider final budget proposals and MTFS
7 February 2024	Cabinet	Agree final budget proposals and MTFS for recommendation to Council
21 February 2023	Council	Approve 24/25 budget

8. REPORT APPENDICES

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

- Appendix A: Draft Medium Term Financial Strategy 2024/25 – 2028/29
 - Appendix B: Budget Proposals 2024/25
-

9. BACKGROUND PAPERS

There are no background papers.

MAIDSTONE BOROUGH COUNCIL

MEDIUM TERM FINANCIAL STRATEGY 2024/25 – 2028/29



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1. OVERVIEW AND SUMMARY OF MEDIUM TERM FINANCIAL STRATEGY

- 1.1 The Medium Term Financial Strategy (MTFS) sets out in financial terms how the Council will deliver its Strategic Plan over the next five years. The Council's Strategic Plan, agreed in December 2018, covers the period 2019 to 2045. The Strategic Plan incorporates four key objectives: embracing growth and enabling infrastructure; homes and communities; a thriving place; and safe, clean and green. Further details are set out in **Section 2**.
- 1.2 Delivering the Strategic Plan depends on the Council's financial capacity and capability. Accordingly, the MTFS considers the economic environment and the Council's own current financial position. The external environment (**Section 3**) is challenging because of high inflation and the state of the UK's public finances. In assessing the Council's current financial position (**Section 4**), attention is paid to its track record of budget management, current financial performance and the level of reserves that it holds.
- 1.3 It is imperative that the MTFS both ensures Maidstone Council's continuing financial resilience and is sufficiently flexible to accommodate a range of potential scenarios. The Council has prepared financial projections under different scenarios, continuing a practice that has been followed for several years. Details of the different scenarios are set out in **Section 5**.
- 1.4 Planning assumptions for the different scenarios are set out in **Section 6**. A key assumption is the level of Council Tax, as this is the council's principal source of income. Increases in Council Tax are subject to a referendum limit, which at the time of writing (August 2023) is expected to be 3% for 2024/25. This is significantly less than the current rate of inflation, which means that there will be a budget gap, all other factors being equal. The position for future years is even more challenging, given that the expected reset of local government funding is unlikely to be favourable for Maidstone.
- 1.5 Fees and charges in aggregate make an equally important contribution to the Council's resources. Given the rise in the Council's input costs, it is important that these rise in line with inflation. For the purpose of the 2024/25 budget this has been assumed to be 5%.
- 1.6 The MTFS sets out financial projections based on these assumptions in **Section 7**. These are based on scenario 4, which assumes that inflation will remain elevated and central government continues to give the council limited funding flexibility. The table below shows projections for scenario 4, before taking account of the budget changes that are due to be considered by members at meetings of the PACs, Overview and Scrutiny Committee and Cabinet in September 2023.

Table 1: MTFS Revenue Projections 2024/25 – 2028/29

	24/25	24/25	25/26	26/27	28/29
	£m	£m	£m	£m	£m
Total Resources	53.7	54.7	56.4	58.5	60.2
Predicted Expenditure	55.3	59.2	61.0	61.9	62.7
Budget Gap	1.6	4.5	4.6	3.4	2.5
Existing Planned Savings	0.7	0.0	0.2	0.1	0.1
Savings Required	0.9	4.5	4.4	3.3	2.4

In accordance with legislative requirements the Council must set a balanced budget. Section 7 concludes by setting out a proposed approach which will specifically address the budget gap in 2024/25. The position in future years is much more challenging and will require a more radical approach.

- 1.7 The Council's strategic priorities are met not only through day-to-day revenue spending but also through capital investment. The Council's programme of building 1,000 Affordable Homes is the centre-piece of the Capital Strategy. Capital investment therefore serves to deliver the Council's strategic priorities, but must remain affordable and sustainable. As set out in **Section 8** below, funds have been set aside for capital investment, using prudential borrowing, and further funding may be available by taking advantage of opportunities to bid for external funding.
- 1.8 The MTFS concludes by describing the process of agreeing a budget for 2024/25, including consultation with all relevant stakeholders, in **Section 9**.

2. CORPORATE OBJECTIVES AND KEY PRIORITIES

2.1 The Council has a Strategic Plan which was originally adopted by Council in December 2018. The Strategic Plan has been refreshed in light of the Covid-19 pandemic. Each year the Strategic Plan is refreshed as appropriate. For 2023/24, the Strategic Plan was updated to reflect the Council's ambition in regard to Biodiversity and Climate Change, the emerging Town Centre Strategy, community resilience, and delivering 1,000 Affordable Homes.

2.2 Cabinet agreed at its meeting on 26 July 2023 that no further review of the Strategic Plan would be required for 2024/25. The four key objectives remain as follows:

- Embracing Growth and Enabling Infrastructure
- Homes and Communities
- A Thriving Place
- Safe, Clean and Green.

'Embracing growth and enabling infrastructure' recognises that we want Maidstone Borough to work for the people who live, visit and work; now and in the future. We want a Borough where there is a variety of jobs, housing need is met and infrastructure is in place to meet the growing needs of our residents and economy. We also want to ensure we lead and shape our place as it grows, including leading master planning and investing to bring about high quality housing and jobs in the Borough.

'Homes and communities' expresses that we want to have a place that people love and where they can afford to live. This means ensuring that there is a good balance of different types of homes, including affordable housing. We will have safe and desirable homes that enable good health and wellbeing for our communities. We will address homelessness and rough sleeping to move people into settled accommodation. We will work with our partners to improve the quality of community services and facilities including for health care and community activities. Residents will be encouraged and supported to volunteer and play a full part in their communities.

'A thriving place' is a Borough that is open for business, attractive for visitors and is an enjoyable and prosperous place to live for our residents. Maidstone is the Business Capital of Kent; we will continue to grow our local economy with high employment, good local jobs and thriving local businesses. We want our town and village centres to thrive and be fit for the future. We will lead investment in the County town and rural service centres through our regeneration projects and working with partners. We are proud of our heritage and will continue to grow our leisure and cultural offer

A 'safe, clean and green' place is one where we will keep Maidstone an attractive and clean place for all. Maidstone is a safe place to live and we want our residents to feel safe. We want to protect and where possible enhance our environment and make sure our parks, green spaces, streets and public areas are high quality by ensuring they are looked after, well managed and respected.

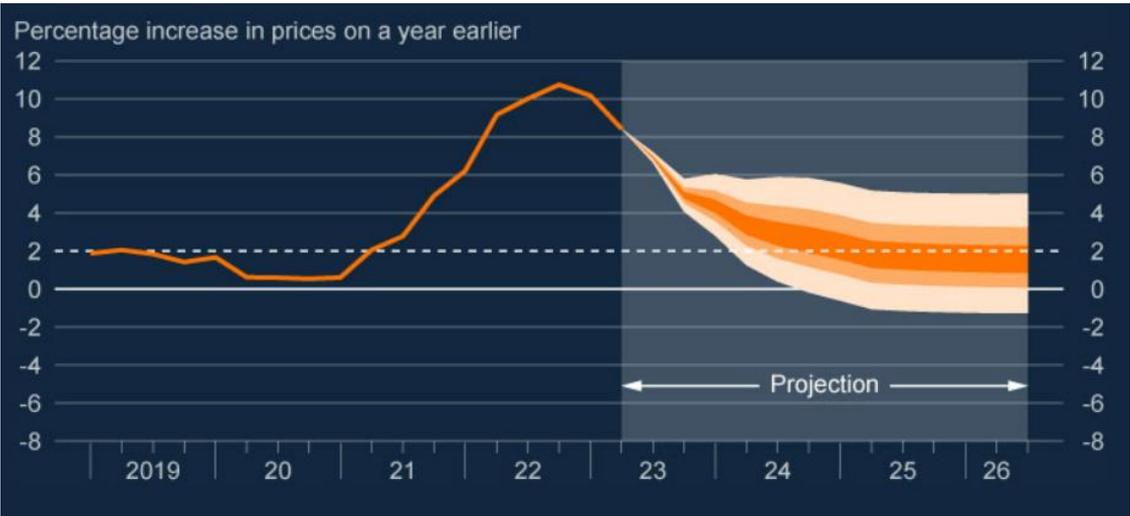
- 2.3 Since the adoption of the Strategic Plan in December 2018, the objective of 'Embracing growth and enabling infrastructure' has started to be realised, for example the completion of the Innovation Centre and development a new Garden Community.
- 2.4 Amongst initiatives to help make Maidstone a 'Thriving Place' have been MBC investment at Lockmeadow and on the Parkwood Industrial Estate, along with the emerging plans for developing a Town Centre Strategy. We will continue to leverage the Council's borrowing power, if appropriate in conjunction with partners, to realise our ambitions for the borough.
- 2.5 Our 'Homes and Communities' aspirations are being achieved by investment in temporary accommodation and the Trinity Centre and the Leader's commitment to build 1,000 new affordable homes.
- 2.6 The objective of a 'Safe, Clean and Green' place has been emphasised by the Council's commitment to a carbon reduction target and the capital investment to help enable this to be delivered and timely preparation for new waste management arrangements.
- 2.7 Within the framework of the existing Strategic Plan, the Council is therefore prioritising:
- development of the Local Plan and related strategies and policies, in particular the Town Centre Strategy
 - continued investment to make Maidstone a thriving place
 - investment in 1,000 new affordable homes
 - measures to enable the Council's carbon reduction target to be met.
- 2.8 The funding envelope within which these priorities must be delivered depends heavily on the Council's own revenue-generating capacity. The Council is largely self-sufficient financially, drawing most of its income from Council Tax and a range of other locally generated sources of income, including Parking, Planning Fees and the Council's property portfolio. However, it operates within the local authority funding framework set by central government, which is likely to impose tight constraints, and is affected by macro-economic conditions, in particular the rate of inflation. The two key variables in financial planning are therefore the restriction set by central government on the amount by which Council Tax can be increased and the rate of inflation. The financial implications are set out in section 6 below.

3. ECONOMIC ENVIRONMENT

Macro outlook

3.1 The UK economy has been battered by a series of shocks over the past three years. The Covid pandemic was followed by Russia’s invasion of Ukraine, which led to big increases in energy and food prices. The number of people available to work has not recovered from the Covid pandemic and productivity growth is low. This has led to high inflation, which is only just beginning to fall.

Figure 1: CPI inflation projection based on market interest rate expectations



Source: Bank of England Monetary Policy Committee report, August 2023

3.2 Whilst inflation is projected to fall to 2% by early 2025, Bank of England forecasts have proved consistently over-optimistic and there is a high risk that inflation levels will remain elevated.

Public Finances

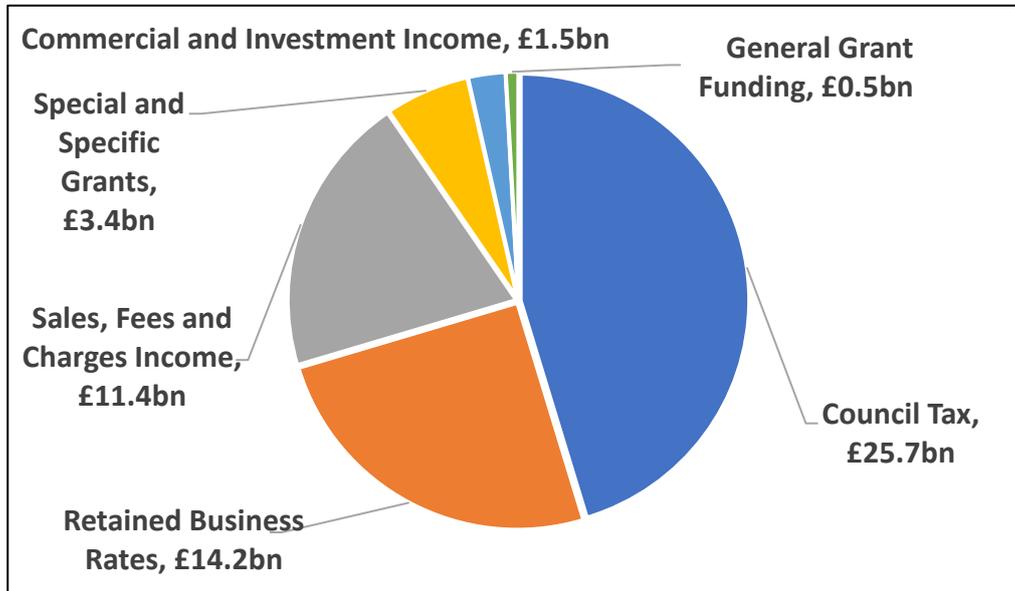
3.3 Slow growth and higher interest rates have negatively impacted the public finances. To address this, HM Treasury envisages a programme of fiscal consolidation over the next few years, with taxes set to rise to nearly 38% of GDP and increases in public service spending limited to 1% a year in real terms. This means that whoever is in government after the forthcoming general election will face very tough choices on tax and spending.

3.4 The overall public expenditure context is relevant for the council, because the local authority funding framework set by government is a crucial determinant of the Council’s financial position. This is primarily because central government restricts the amount by which Council Tax can be increased through the referendum limit and it determines the share of business rates that can be retained locally.

Local Government Funding

3.5 The main sources of local government funding nationally are set out below.

Figure 2: How Council Services are funded



Source: IFS, 'Does Funding Follow Need?', October 2022

- 3.6 In recent years, the reduction in direct central government funding for local government has been mitigated by increases in locally generated sources of income, with Council Tax rising by more than the overall rate of inflation. Upper tier authorities in particular have been able to raise additional tax through a social care precept. This has led the government's preferred measure of council spending, 'Council spending power', to increase, even though it may not reflect the actual resources available. However, funding has failed to keep up with the increased demands on council services, particularly for social care and housing.
- 3.7 The other main element of local government funding, beside Council Tax, is Business Rates. The 2010-15 Coalition Government transferred a notional 50% of locally-collected Business Rates income back to local government, but the requirement to adjust the amount of business rates retained between authorities, based on respective service needs, means that authorities with an active commercial sector and low perceived levels of need, like Maidstone, retain a low proportion of business rates (just 10% in Maidstone's case). It was originally intended to increase the 50% share of business rates retained locally to 75%, but this is no longer government policy.

- 3.8 The gradual squeeze on council funding means that an increasing number of councils are unable to set balanced budgets. This is formally signalled by the issue of a section 114 report. The councils that are most vulnerable tend to be those facing social care cost pressures, ie upper tier or single tier authorities, so it is likely that any additional support for local government in 2024/25 will be focused on them.

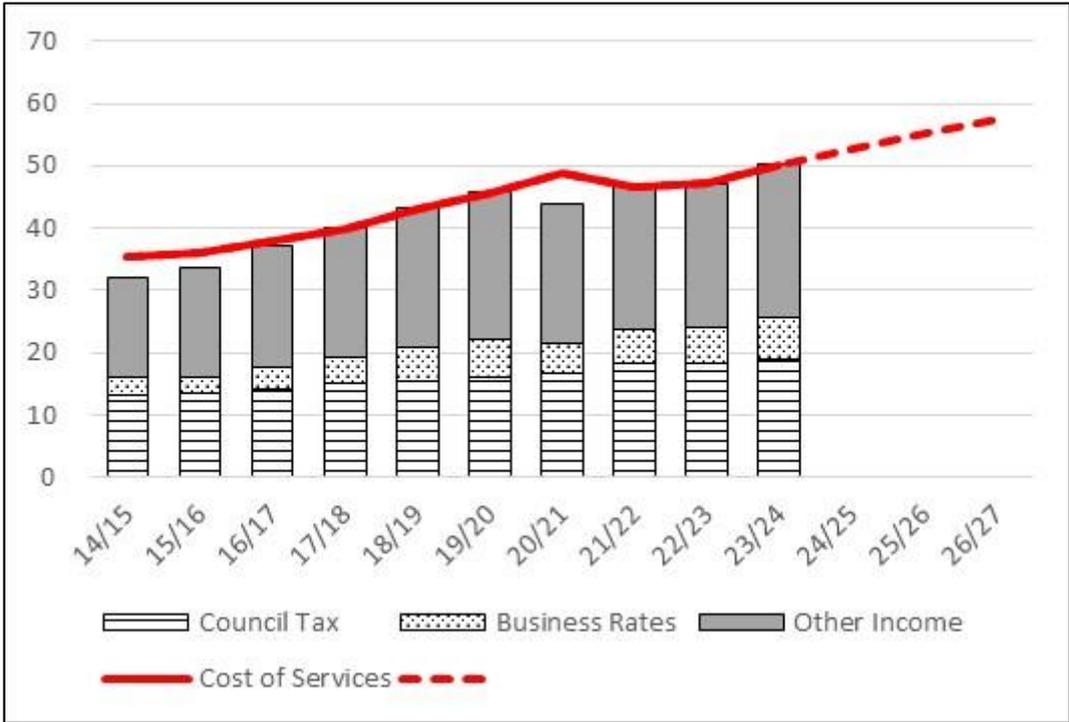
Conclusion

- 3.9 The UK economy faces low growth prospects and continued high inflation. This limits the scope for any increase in public expenditure. To the extent that the funding framework for local government will be flexed to alleviate financial pressures caused by expenditure growth, this is likely to benefit upper tier or single tier authorities, not lower tier authorities like Maidstone.

4. CURRENT FINANCIAL POSITION

- 4.1 As a lower tier authority, Maidstone Borough Council is not subject to the extreme pressures currently faced by upper tier authorities arising in particular with respect to adults’ and children’s social care.
- 4.2 The Council is broadly self-sufficient financially. It ceased receiving direct government support in the form of Revenue Support Grant (RSG) in 2016/17 and relies mainly on Council Tax and a range of other locally generated sources of income, including parking, planning fees and the property portfolio, to fund ongoing revenue expenditure. During the pandemic, income fell and expenditure increased, but the consequent budget gap, being the difference between cost of services and aggregate income, was covered with direct government funding. This is illustrated in the graph below.

Figure 3: Sources of Council funding



- 4.3 The Council’s financial resilience can be assessed using CIPFA’s Resilience Index. The screen shot below shows Maidstone’s scores for 2021/22 (the most up to date data).

Figure 4 – CIPFA Resilience Index for the Council in 2021/22



Source: <https://www.cipfa.org/services/financial-resilience-index/resilience-index>

4.4 There are a number of measures captured by the Resilience Index that contribute to financial resilience, according to CIPFA, based on the Revenue Outturn data submitted to central government for 2021/22.

Reserves:

- sustainability of reserves
- level of reserves
- change in reserves
- level of unallocated reserves
- level of earmarked reserves
- change in unallocated reserves
- change in earmarked reserves.

Indebtedness:

- interest payable / net revenue expenditure
- gross external debt.

Financial profile:

- fees and charges as a % of service expenditure
- council tax requirement as % of net revenue expenditure
- growth above the government's business rates baseline.

4.5 CIPFA also considers that financial resilience depends on the quality of management, as evidenced by:

- quality of financial management, including use of performance information
- effective planning and implementation of capital investment
- ability to deliver budget savings if necessary
- risk management.

An assessment is set out below of how the Council performs on these measures.

Reserves

- 4.6 Indicators of financial stress relating to reserves for Maidstone are generally towards the 'lower risk' end of the spectrum, as compared with our peers. As at 31 March 2023 the Council had unallocated General Fund reserves of £13 million. This corresponds to three months of service expenditure, thus providing an adequate but not excessive level of 'cushion' against unforeseen events.
- 4.7 It should be noted that 'earmarked reserves' are shown as being towards the higher end of the risk spectrum, meaning that the Council holds lower earmarked reserves than many of its peers. Given that such reserves are, by definition, 'earmarked', it is not necessarily the case that high levels of earmarked reserves should be regarded as reducing risk. Drawing on such reserves could mean diverting them from the projects for which they were intended. A high level of earmarked reserves could also indicate a failure in project delivery.
- 4.8 It is nevertheless the case that the council needs to build up its Housing Investment Fund, which comes within the category of earmarked reserves. This is because the affordable housing programme requires a revenue subsidy, which needs to be in place before properties are transferred to a Housing Revenue Account (see paragraph 8.7 below).
- 4.9 Reserves are shown below within the context of the council's overall financial position, as represented by its most recent balance sheet (previous year shown for comparative purposes).

Table 2: Maidstone Borough Council balance sheet (unaudited)

31st March 2022 £000		31st March 2023 £000
185,324	Long Term Assets	194,687
53,195	Current Assets	25,338
77,649	Current Liabilities	52,577
97,854	Long Term Liabilities	23,643
63,016	Net Assets	143,805
12,516	Unallocated General Fund Balance	12,983
21,375	Earmarked General Fund Balance	21,376
288	Capital Reserves	369
28,837	Unusable Reserves	109,077
63,016	Total Reserves	143,805

4.10 The main changes between the two balance sheet dates and the principal reasons are as follows:

- *Increase in long term assets:* A number of additional properties were purchased during 2022/23.
- *Decrease in current assets:* These have reduced as the short-term liquid investments held at the start of the year have been used to fund the capital programme and make Support for Energy payments to eligible households along with some other Covid-19 related payments.
- *Decrease in current liabilities:* The decrease in liabilities is mainly owing to the deployment of government grants, previously held as liquid investments pending use for the purposes described above.
- *Decrease in long term liabilities:* There has been a significant reduction in the pensions liability. This has come about due to a change in the discount rate used, which is linked to short-term interest rates, which rose between March 2022 and March 2023.
- *Increase in unusable reserves:* This arises because the pension asset / liability in the balance sheet is treated as unusable. As the liability has fallen (see above) so the level of reserves increases.

4.11 The unallocated general fund balance, part of usable reserves, represents the Council's core reserves. It is an essential part of the Council's strategic financial planning, as this amount represents the funds available to address unforeseen financial pressures.

4.12 For local authorities there is no statutory minimum level of unallocated reserves. It is for each Council to take a view on the required level having regard to matters relevant to its local circumstances. CIPFA guidance issued in 2014 states that to assess the adequacy of unallocated general reserves the Chief Financial Officer should take account of the strategic, operational and financial risks facing their authority. The assessment of risks should include external risks, such as natural disasters, as well as internal risks such as the achievement of savings.

4.13 Maidstone Council historically set £2 million as a minimum level for unallocated reserves. In the light of the heightened risk environment facing the Council, it was agreed from 2021/22 that this minimum should be increased to £4 million. In practice, the level of unallocated reserves held is higher, at £13 million, thus providing a reasonable, but not excessive, level of additional assurance.

Indebtedness

4.14 The Council has a relatively low level of external debt. As at 31 March 2023 this amounted to £10 million. Although the Council has expanded its property portfolio in recent years, this has largely been funded from internal sources.

4.15 The CIPFA Resilience Index shows interest payable compared with net revenue expenditure as being towards the higher risk end of the spectrum.

However, this is somewhat misleading, because the figure used for interest payable comprises just £100,000 payable on external debt and £1.8 million representing a notional interest charge on pension liabilities.

Financial profile

- 4.16 Three of the metrics used by CIPFA indicate the authority’s underlying financial strength. These reflect the profile of the local economy and are usually of very long historical standing.

Fees and charges as a % of service expenditure measures the extent to which an authority can cover service expenditure through fees and charges. It is beneficial, for example, if an authority can generate substantial parking income. Maidstone tends towards ‘higher risk’ on this measure, possibly indicating that it is not exploiting such sources of income as effectively as it could do.

Council tax requirement as % of net revenue expenditure measures the extent to which Council Tax income covers revenue expenditure. Maidstone is very low risk on this basis, as it can cover revenue expenditure fully through council tax income, without being dependent on external income or government funding.

Growth above baseline measures the rate of business rates growth as compared to the government’s baseline. An area with a strong local economy would perform well on this metric. Maidstone is in the middle of the risk spectrum.

Financial management

- 4.17 The Council has a strong track record of managing finances within the agreed budgets. The revenue out-turn for 2022/23 is set out below, showing that the Council ended the year spending just £212,000 (1%) less than the agreed budget for the year.

Table 3: 2022/23 Revenue Out-turn

Service	Budget £000	Actual £000	Variance £000
Economic Development	620	720	-100
Planning	2,112	2,444	-332
Parking	-1,410	-1,865	455
Corporate Services	10,894	10,270	624
Housing & Health	2,726	3,711	-985
Environmental Services	6,874	6,364	510
Communities, Leisure & Arts	1,414	1,375	39
Total	23,231	23,019	212

- 4.18 Financial management at Maidstone Borough Council contains a number of elements. Officers and members are fully engaged in the annual budget

setting process, which means that there is a clear understanding of financial plans and the resulting detailed budgets

- 4.19 Detailed financial reports are prepared and used on a monthly basis by managers, and on a quarterly basis by elected members, to monitor performance against the budget. Reports to members are clear, reliable and timely, enabling a clear focus on any areas of variance from the plan.
- 4.20 Financial reports are complemented by performance indicators, which are reported both at the service level to the wider leadership team, and at a corporate level to members. Member reports on performance indicators are aligned with the financial reports, so that members see a comprehensive picture of how services are performing.
- 4.21 Financial management and reporting is constantly reviewed to ensure that it is fit for purpose and meets the organisation's requirements. Quarterly financial reports to members have been redesigned over the last two years to make them more user-friendly.
- 4.22 Where variances arise, prompt action is taken to address them. Action plans are put in place at an early stage if it appears that there is likely to be a budget overspend.
- 4.23 The authority consistently receives clean external and internal audit opinions.

Capital investment

- 4.24 The Council has a capital programme amounting to around £200 million over the next five years. The main element within the programme is the housing programme. Site acquisitions to date provide the capacity to deliver around 500 units. These will comprise a mix of tenures but a significant element will contribute to the overall target of delivering 1,000 affordable homes over the next ten years.
- 4.25 All schemes within the capital programme are subject to appropriate option appraisal. Any appraisal must comply with the requirements of the Prudential Code, which requires that capital investment should be funded in a way that is prudent, affordable and sustainable. Accordingly, an investment appraisal is undertaken prior to any site acquisitions for the housing programme.
- 4.26 The capital programme is largely funded through external sources, so it depends on the availability of funding, whether through Public Works Loan Board borrowing or other sources of finance. The Council has locked in £80 million of future borrowing, to be drawn down between 2024 to 2026, in order to mitigate the funding risk.
- 4.27 Member oversight is ensured, first by inclusion of schemes in the capital programme that is approved as part of the annual budget setting process. Subsequently, prior to any capital commitment being entered into, a report setting out details of the capital scheme is considered by the relevant service committee.

- 4.28 The Council has a corporate project management framework that applies to projects included within the capital programme. This provides for designation of a project manager and sponsor and includes a mechanism for progress on major projects to be reported to a Strategic Capital Investment Board.
- 4.29 So far as the housing programme is concerned, effective delivery of the programme is assured through an experienced in-house client team, which sources appropriate external skills (architects, employers' agents, contractors) to implement individual schemes. Each scheme is monitored from a financial and operational viewpoint and financial monitoring of capital projects is incorporated within the quarterly reports to Service Committees.

Ability to deliver budget savings

- 4.30 The Council has a good track record of delivering budget savings, whilst sustaining and investing in services. Savings initiatives are planned so far as possible across the five-year period of the MTFS, rather than the focus being simply on achieving whatever savings are necessary in order to balance the budget for the coming year.
- 4.31 A common criticism of local authority financial planning is that proposed savings are often over-optimistic and are not based on realistic evidence of what is achievable. The Council aims to mitigate this risk with a robust process for developing budget savings proposals:
- New and updated savings proposals are sought on a regular annual cycle, with Service Managers typically briefed on the savings remit in August/September
 - Savings proposals are then developed over a period of around two months
 - Savings proposals have to be formally documented and signed off by the Service Head who will be responsible for delivering them.
- 4.32 Once savings have been built into the budget, their achievement is monitored as part of the regular financial management process described above.

Risk management

- 4.33 The Council's MTFS is subject to a high degree of risk and uncertainty. In order to address this in a structured way and to ensure that appropriate mitigations are developed, the Council has developed a budget risk register. This seeks to capture all known budget risks and to present them in a readily comprehensible way. The budget risk register is updated regularly and is reviewed by the Audit, Governance and Standards Committee at each meeting.
- 4.34 The major risk areas that have been identified as potentially threatening the Medium Term Financial Strategy are as follows, in ranking order.

- Inflation rate is higher than 2% government target
- Capital programme cannot be funded
- Constraints on council tax increases
- Failure to contain expenditure within agreed budgets
- Financial impact from major emergencies such as Covid-19
- Planned savings are not delivered
- Business Rates pool fails to generate sufficient growth
- Collection targets for Council Tax and Business Rates missed
- Adverse impact from changes in local government funding
- Financial impact from IT security failure
- Pension liability cannot be funded
- Other income fails to achieve budget
- Fees and Charges fail to deliver sufficient income
- Litigation costs exceed budgeted provisions
- Increased complexity of government regulation
- Shared services fail to meet budget
- Council holds insufficient balances

4.35 The Council has implemented JCAD risk management software, which allows individual service areas to log and monitor risks. By reviewing risks on a regular basis in this way, it is expected that any major new risks will be identified and appropriate mitigations developed.

Conclusion

4.36 When assessed against the CIPFA criteria for financial resilience, the Council can be seen to have adequate reserves in the short term and to be positioned well to manage the financial challenges it will face. The following section considers whether this position is sustainable.

5. SCENARIO PLANNING

5.1 As Maidstone’s financial position is dependent on government policy and on broader economic factors such as inflation, neither of which can be predicted with any certainty, it is appropriate to model the impact of different scenarios on the Council. Following a similar approach to that adopted when developing the current 2023/24 – 2027/28 Medium Term Financial Strategy, the following four scenarios can be sketched out.

<p>Scenario 1: Inflation falls, limited funding flexibility</p> <p>The rate of price inflation falls in line with BoE forecasts, but government maintains existing constraints on local government finances in order to reduce debt and create capacity for tax cuts.</p>
<p>Scenario 2: Inflation falls, some funding flexibility</p> <p>Inflation falls in line with BoE forecasts, and government adopts more accommodative local government finance settlements to help councils address demand pressures.</p>
<p>Scenario 3: Inflation remains elevated, some funding flexibility</p> <p>Inflation only reaches the target level of 2% at the end of the MTFS planning period. Owing to the continued high level of inflation, government relaxes constraints on local government finances to allow council services to be protected.</p>
<p>Scenario 4: Inflation remains elevated, limited funding flexibility</p> <p>Inflation only reaches the target level of 2% at the end of the MTFS planning period, but government maintains the existing level of constraints on local government finances.</p>

Scenario 4 is the most challenging of those sketched out above, as it represents a combination of continued high inflation and tight constraints on the Council’s revenue raising capacity. For planning purposes, we consider it prudent at this stage to adopt Scenario 4. However, the other scenarios will be modelled and the implications considered when developing the detailed Medium Term Financial Strategy.

5.2 The next section sets out planning assumptions under each of the above scenarios.

6. PLANNING ASSUMPTIONS

6.1 In drawing up financial projections, assumptions need to be made about what future scenarios might mean. The key dimensions are:

- (a) the Council Tax base;
- (b) the level of Council Tax;
- (c) retained Business Rates, which in turn depends on overall business rates and government policy on distributing Business Rates income;
- (d) other local income, eg fees and charges;
- (e) the cost of service delivery, which is subject to the effect of inflation on input prices.

Each of these is considered in more detail below.

Council Tax base

6.2 Council Tax is a product of the tax base and the level of tax set by Council. The tax base is a value derived from the number of chargeable residential properties within the borough and their band, which is based on valuation ranges, adjusted by all discounts and exemptions.

6.3 The tax base has increased steadily in recent years, reflecting the number of new housing developments in the borough. See table below:

Table 4: Number of Dwellings in Maidstone

	2018	2019	2020	2021	2022
Number of dwellings	70,843	71,917	73,125	75,034	76,351
% increase compared with previous year	1.74%	1.52%	1.68%	2.61%	1.76%

Note: Number of dwellings is reported each year based on the position shown on the valuation list in September.

6.4 The Council tax base is also affected by collection rates and the number of households benefitting from the Council Tax Reduction Scheme. Typically these factors do not vary significantly between years but in the event of a major downturn in the economy, collection rates could be expected to fall and more households would be eligible for the Council Tax Reduction Scheme.

6.5 Future growth assumptions for each scenario are set out below.

Council Tax base growth assumptions					
	24/25	25/26	26/27	27/28	28/29
Scenario 1 – Inflation falls, limited funding flexibility	1.5%	1.5%	2.0%	2.0%	2.0%
Scenario 2 – Inflation falls, some funding flexibility	1.5%	1.5%	2.0%	2.0%	2.0%
Scenario 3 – Inflation remains elevated, some funding flexibility	1.5%	1.0%	1.0%	1.0%	1.0%
Scenario 4 – Inflation remains elevated, limited funding flexibility	1.5%	1.0%	1.0%	1.0%	1.0%

Level of Council Tax

6.6 The level of council tax increase for 2024/25 is a decision that will be made by Council based on a recommendation made by the Cabinet. In practice, the Council’s ability to increase the level of council tax is limited by the need to hold a referendum for increases over a government set limit. In 2023/24, the limit was 3%. The Council approved the maximum possible increase. The rationale for this approach was that:

- pressures on the Council’s budget mean that even a marginal difference in Council Tax income is of value;
- the referendum limit might revert to a lower level in later years;
- because the starting point for calculating the referendum limit in any given year is the previous year’s Council Tax, agreeing a lower increase reduces the Council’s room for manoeuvre in later years.

6.7 Given that CPI inflation was 8.7% for the year to May 2023, it is hard to see the referendum limit being reduced from the current level of 3%. A prudent assumption (Scenario 4) would therefore be that the referendum limit will be 3% in 2024/25, but after the General Election that is due to take place by January 2025, the government will seek to bear down on inflation by restricting the limit to 2%, being the target level of inflation¹.

6.8 Future growth assumptions for each scenario are set out below.

¹ The Leader of the Labour Party announced in March 2023 that a Labour government would freeze Council Tax in 2024/25, using the proceeds of a windfall tax on oil and gas companies. Presumably this means that central government would reimburse local authorities with an amount equivalent to that by which they would have increased tax locally.

Council Tax increase assumptions					
	24/25	25/26	26/27	27/28	28/29
Scenario 1 – Inflation falls, limited funding flexibility	3.0%	2.0%	2.0%	2.0%	2.0%
Scenario 2 – Inflation falls, some funding flexibility	3.0%	2.0%	2.0%	2.0%	2.0%
Scenario 3 – Inflation remains elevated, some funding flexibility	5.0%	3.0%	2.0%	2.0%	2.0%
Scenario 4 – Inflation remains elevated, limited funding flexibility	3.0%	2.0%	2.0%	2.0%	2.0%

- 6.9 A key MTFS assumption is that Council Tax increases are maximised within the constraints of the referendum limit.

Retained business rates

- 6.10 Under the current business rates regime, local government in aggregate retains 50% of business rates income. However, most of the 50% share collected locally is lost to Maidstone, because it is redistributed to other authorities through a system of tariffs and top-ups.

Table 5: Baseline Business Rates Income 2023/24

	£000	%
Baseline Business Rates income	62,333	100
Government share	-31,166	-50
Kent County Council / Kent Fire & Rescue Authority	-6,233	-10
Government tariff	-21,551	-35
Baseline Business Rates income retained by MBC	3,382	-5

To the extent that business rates income exceeds the baseline, this growth element is retained locally, subject to a levy payable to central government by tariff authorities like Maidstone.

- 6.11 The Council has been able to minimise the levy payable on business rates growth through its membership of the Kent Business Rates Pool. This is because the levy payable by some pool members (district councils) is offset against the top-up received by the major preceptors (Kent County Council and Kent Fire and Rescue).
- 6.12 Business rates pool income is allocated, in accordance with the Pool Memorandum of Understanding between Kent authorities, as follows.

Maidstone Borough Council – used for specific projects that form part of the Economic Development strategy. £250,000 of this amount is top-sliced in the budget for ED salaries and spatial planning.	30%
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Growth Fund – In Maidstone this is split 50:50 between MBC and Kent County Council for the regeneration of the Town Centre and is deployed at Maidstone East and Sessions House / Invicta House respectively.	30%
Kent County Council	30%
Contingency - To compensate Kent local authorities who do not benefit directly from pool membership (eg because their business rates growth is lower than the baseline)	10%

6.13 There are a number of factors affecting the future pattern of business rates income:

- Government uses the share of business rates that local authorities are allowed to retain as a mechanism for directing resources towards the areas of perceived need (hence Maidstone, as a relatively prosperous area, only retaining 5% of baseline business rates). This resource allocation has remained broadly unchanged since 2014, when the current local government funding system was introduced, but a 'fair funding review', which will update the resource allocation, has been mooted for several years. In practice it is now unlikely to be implemented before 2026/27.
- The government share of business rates and the tariff (see Table 4 above) are fixed £ amounts, based on a predetermined business rates baseline. This has benefited the Council over the past ten years, as the rate of business rates growth has been greater locally than general price inflation, and the Council has benefited from this excess growth. However, the reverse could be the case if there is a downturn in total business rates income.
- As part of any change to the funding system, the business rates baseline is expected to be adjusted. This will give a higher baseline for the Council, with the result that the accumulated business rates growth of the past ten years, which (subject to the levy) is currently retained locally, would be lost.

6.14 These factors are generally likely to have an adverse impact on business rates income. However, the government has indicated that changes such as implementation of the fair funding review and a revision of the baseline would be implemented over a period of time, dampening any immediate adverse impact.

6.15 Future growth assumptions for each scenario are set out below.

Business rates growth assumptions					
	24/25	25/26	26/27	27/28	28/29
Scenario 1 – Inflation falls, limited funding flexibility	3.0%	2.0%	-2.0%	-2.0%	-2.0%
Scenario 2 – Inflation falls, some funding flexibility	3.0%	2.0%	0.0%	0.0%	0.0%
Scenario 3 – Inflation remains elevated, some funding flexibility	5.0%	3.0%	0.0%	0.0%	0.0%
Scenario 4 – Inflation remains elevated, limited funding flexibility	5.0%	2.0%	-2.0%	-2.0%	-2.0%

Other income

- 6.16 Other income, in aggregate, is now a major contributor to the Council’s total revenue budget. The main components of other income are set out below:

Table 6: Projected Other Income 2023/24

	£ million
Fees and charges	10.5
Property rental income	7.1
Shared services trading income	3.7
Other income	2.8
TOTAL	24.1

The Council has a policy that guides officers and councillors to set the appropriate level of fees and charges based on demand, affordability and external factors. Given the current inflationary environment, it is important to target an appropriate overall increase in the amount of fees and charges to mitigate the expected increase in the Council’s input costs. The alternative would be for the Council to have to make further savings, potentially reducing the level of services that it provides to residents.

- 6.17 Note that some fees and charges are set by central government and are not necessarily increased annually. Rents may only change at the point of periodic rent reviews.
- 6.18 Future growth assumptions for each scenario are set out below. These correspond to the inflation level projected for the respective scenarios, on the basis that it is reasonable to expect income to increase in line with expenditure. A key MTFS assumption is that overall income from fees and charges increases in line with expected increases in the Council’s input costs.

Other income growth assumptions					
	24/25	25/26	26/27	27/28	28/29
Scenario 1 – Inflation falls, limited funding flexibility	3.0%	2.0%	2.0%	2.0%	2.0%
Scenario 2 – Inflation falls, some funding flexibility	3.0%	2.0%	2.0%	2.0%	2.0%
Scenario 3 – Inflation remains elevated, some funding flexibility	5.0%	5.0%	4.0%	3.0%	2.0%
Scenario 4 – Inflation remains elevated, limited funding flexibility	5.0%	5.0%	4.0%	3.0%	2.0%

Cost of services

- 6.19 The cost of services is subject to inflation. Service cost increases tend to lag behind published inflation indices, but they are likely to follow the same pattern. Salaries account for around 50% of total input costs, and market pressures are likely to mean that inflation will impact salaries in the medium term. Many other costs, in particular contract costs, are directly linked to inflation indices.
- 6.20 As described above, there is considerable doubt about whether inflation will fall as quickly as official forecasts suggest. Accordingly, the preferred scenario 4 adopts a more prudent approach than simply following the Bank of England forecast.

Cost of services growth assumptions					
	23/24	24/25	25/26	26/27	27/28
Scenario 1 – Inflation falls, limited funding flexibility	3.0%	2.0%	2.0%	2.0%	2.0%
Scenario 2 – Inflation falls, some funding flexibility	3.0%	2.0%	2.0%	2.0%	2.0%
Scenario 3 – Inflation remains elevated, some funding flexibility	5.0%	5.0%	4.0%	3.0%	2.0%
Scenario 4 – Inflation remains elevated, limited funding flexibility	5.0%	5.0%	4.0%	3.0%	2.0%

For the purposes of detailed budget planning, a more granular approach is taken to forecasting budget growth, and specific percentages are applied to the different categories within cost of services.

7. REVENUE PROJECTIONS

- 7.1 Strategic revenue projections for scenario 4 are summarised in table 7 below. In light of the many uncertainties around future funding, it is important to note that projections like these can only represent a 'best estimate' of what will happen. These projections will be updated as more information becomes available, prior to a final version of the projections being included in the updated Medium Term Financial Strategy.

Table 7: MTFS Revenue Projections 2024/25-2028/29

	24/25	25/26	26/27	27/28	28/29
	£m	£m	£m	£m	£m
Scenario 4					
Total Resources	53.7	54.7	56.4	58.5	60.2
Predicted Expenditure	55.3	59.2	61.0	61.9	62.7
Budget Gap	1.6	4.5	4.6	3.4	2.5
Existing Planned Savings	0.7	0.0	0.2	0.1	0.1
Savings Required	0.9	4.5	4.4	3.3	2.4

- 7.2 Issues contributing to the budget gap in 2024/25 are inflation and £700,000 of additional growth in 2023/24 which was funded from one-off resources and is now built into base budgets. In 2025/26 and future years, the potential loss of funding from a local government funding reset and the cost of borrowing for the capital programme lead to much larger budget gap figures.
- 7.3 Note that all these assumptions assume that Council Tax income is increased by the maximum possible given the referendum limit, and fees and charges are increased in line with inflation. In all cases, the budget gap would be greater if these measures were not taken. See below for illustrative figures for 2024/25.

	£000
'Do nothing' budget gap	2,023
Increase Council Tax by 3%	-573
Increase Other Income by 5%	-525
Budget gap per Strategic Revenue Projection	925

- 7.4 In summary, it is assumed here that Council Tax is increased by the maximum possible, which in Scenario 4 is 3%; and that in order to deliver a 5% increase in other income, fees and charges are increased appropriately. To the extent that individual categories of fees and charges are not increased by this amount, compensating additional increases would need to be found elsewhere.

Approach to balancing the budget

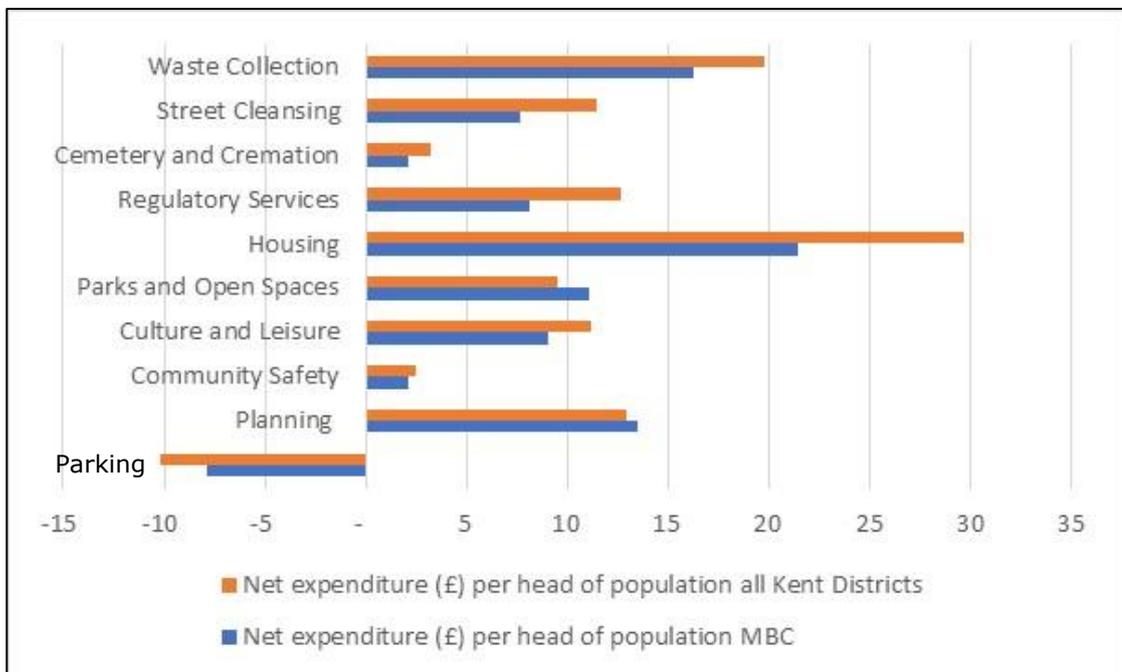
- 7.5 The immediate priority in setting a balanced budget for 2024/25 is to close the budget gap of £925,000 for next year. In line with the Council's usual

practice, savings proposals have been sought from service managers. Whilst individual proposals may not amount to significant sums, in aggregate they may contribute substantially to meeting the deficit.

7.6 It can be seen from the table above that savings on a much greater scale will be required in subsequent years. Assuming that the projections remain broadly unchanged, this will demand a much more thoroughgoing review of Council budgets, and potentially service reductions. In seeking areas where there may be potential for making savings, it is worth comparing the Council's most recent spending data with those of its peers – the other district Councils of Kent. This is not to imply that this Council is over-spending or under-spending in particular areas. Rather, it is intended to put our allocation of expenditure against the different priorities in context.

Figure 5: Expenditure per head of population

Source: Local Authority 2021/22 Revenue Outturn returns



7.7 From this it can be seen that MBC spends more than its peers on:

- Parks and Open Spaces
- Planning and Development
- Parking (ie income is lower than average).

6.7 Work will need to take place over the coming year so that savings proposals are ready for the start of the 2025/26 budget process.

8. CAPITAL STRATEGY

8.1 The capital programme plays a vital part in delivering the Council’s strategic plan, since it is only through long term investment that our ambitions for the borough, in particular the 1,000 Affordable Homes programme, can be realised. The capital programme has an impact on revenue, because of the cost of borrowing and the annual charge (Minimum Revenue Provision – MRP) that the Council is required to make to set aside sufficient money to fund the repayment of borrowing.

8.2 The profile of the current five year capital programme is as follows.

Table 8: Capital Programme 2023/24 – 2027/28

	23/24	24/25	25/26	26/27	27/28	Total
	£000	£000	£000	£000	£000	£000
Affordable Housing	6,123	20,080	22,825	25,487	22,442	96,958
Social Housing Grant	-5,790	-3,120	-1,290	-8,250	-6,060	-24,510
Private Rented Sector	3,090	6,765	6,832	9,578	6,861	33,125
Temporary Accommodation	12,000	12,000	8,000	0	0	32,000
Disabled Facilities	800	800	800	800	800	4,000
Housing – Other	675	1,325	974	543	100	3,616
Environment	6,970	880	730	580	590	9,750
Communities, Leisure & Arts	4,329	3,700	3,350	1,000	1,000	13,379
Planning & Infrastructure	206	0	0	0	0	206
Corporate Services	10,514	7,280	5,423	5,249	4,903	33,369
Total	38,917	49,710	47,644	34,986	30,636	201,893

8.3 As the level of investment increases, the revenue cost of borrowing increases. Ultimately this is offset by income, to the extent that capital schemes generate income, eg in the form of housing rents. However, there is a period during which capital schemes need to be funded before they start to generate income.

8.4 There are a number of risks associated with the capital programme which potentially will impact the revenue account, to the extent that capital expenditure is abortive or leads to the write-down of capital investments:

- Construction price
- Contractor failure / liquidation
- Availability / cost of finance (currently the Council has arranged £80 million of funding, but the availability and cost of finance when this is exhausted is not known).

- 8.5 Finally, there is a specific requirement in relation to the Affordable Housing programme to provide the necessary subsidy for tenants. The requirement for a subsidy arises because affordable housing (ie housing to be let at a rent of no more than 80% of the Local Housing Allowance) does not achieve the normal rate of return that is required on Council investments in order to satisfy the prudential borrowing rules.
- 8.6 In order to avoid the Council facing an ongoing revenue burden from subsidising affordable housing tenants, and to avoid setting deficit budgets in the Housing Revenue Account (HRA) when it is established, it is assumed that a capital sum of around £50,000 per unit must be set aside for each unit of affordable housing. Note that there are strict rules about the HRA ringfence, above all the fact that the HRA cannot set a deficit budget. The capital sum must be set aside **before** housing units are transferred into the HRA. Otherwise, the HRA would run a deficit for every unit of housing transferred in, because of the excessive cost of funding housing stock that is transferred into it.
- 8.7 If the target of 1,000 affordable homes is to be achieved over a ten year period, the Council needs to set aside funds now to provide the necessary subsidy. An opportunity to provide this subsidy, without impacting core revenue spending, is available thanks to the government's continued deployment of one-off resources each year to local authorities in the form of New Homes Bonus and Services Grant. In 2022/23, an initial tranche of £3.2 million was earmarked from New Homes Bonus and transferred to a Housing Investment Fund. Although there is no assurance that such grants will continue to be available into the future, if the Council is to provide affordable homes as part of its capital programme, it needs to maximise the amount of one off resources, eg New Homes Bonus and Services Grant, that are transferred into the Housing Investment Fund. Note that there is a risk that New Homes Bonus will reduce in future, as housing growth falls, so any other one off resources will likely be required as well.
- 8.8 It is proposed that a key MTFs assumption is that one-off resources such as New Homes Bonus and Services Grant are earmarked for the Housing Investment Fund.

9. CONSULTATION AND NEXT STEPS

- 9.1 Each year the Council carries out consultation as part of the development of the MTFS. A budget survey is being carried out and is due to close on 28th August 2023. The results will be reported to members to aid their consideration of the budget proposals.
- 9.2 Consultation with members will take place in September 2023 on detailed revenue budget proposals. Individual Policy Advisory Committees will consider the budget proposals relating to the services within their areas of responsibility, and Overview and Scrutiny Committee and Cabinet will consider the budget proposals for the Council as a whole.
- 9.3 Proposed fees and charges for 2024/25 will be considered by the Policy Advisory Committees and Cabinet later in the Autumn; capital budget proposals will be considered by the Corporate Services PAC and Cabinet in January 2024. The final budget will be presented to Council on the 21st February 2024.

Policy Advisory Committee

Revenue Budget Proposals 2024/25 - 2028/29

Service	Proposal	24/25	25/26	26/27	27/28	28/29	Total
		£000	£000	£000	£000	£000	£000
Existing Savings							
Garden Waste	Changes to charging arrangements	-80		-80			-160
	Sub-total	-80	0	-80	0	0	-160
New Savings							
Environment and Public Realm	Withdrawal from Kent Resource Partnership	-10					-10
Environment and Public Realm	Disposal of PC at Mid Kent Shopping Centre	-8					-8
Housing	Housing grant maximisation	-150					-150
Housing	Reduce landlord incentive budget	-35					-35
Housing	Temporary accommodation growth	600					600
Housing	Temporary accommodation savings	-400					-400
Community Safety	Remove surplus budgets	-11					-11
	Sub-total	-14	0	0	0	0	-14
OVERALL CHANGE IN BUDGET (£000)		-94	0	-80	0	0	-174

Negative figures shown above represent a reduction in expenditure budgets, or increased income targets. Positive figures indicate increased expenditure, or a reduction in the income budget.

Housing, Health and Environment Policy Advisory Committee

Thursday 7 September 2023

Waste Crime Fixed Penalty Notices

Timetable	
Meeting	Date
Housing, Health and Environment PAC	Thursday 7 September 2023
Cabinet	Wednesday 20 September 2023

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Cabinet
Lead Head of Service	William Cornall, Director of Regeneration and Place
Lead Officer and Report Author	Jennifer Stevens, Head of Environment and Public Realm
Classification	Public
Wards affected	All

Executive Summary

In July 2023, the UK Government laid down the Statutory Instrument to increase Fixed Penalty Notice (FPN) charges for fly tipping, littering, graffiti and duty of care offences. Supporting guidance confirms that fees should be set at an appropriate level to reflect local circumstances, including local ability to pay. This report sets out the proposed charges for Maidstone for the Policy Advisory Committee to consider before the decision is taken by Cabinet.

Purpose of Report

Discussion

This report asks the Committee to consider the following recommendation to the Cabinet;

1. To agree the two-tiered Fixed Penalty Notice charges as set out in 3.4 with early payment discounts for level 1 littering and fly tipping;
2. To agree the Waste Crime Fixed Penalty Notice Policy included in Appendix A;

Waste Crime Fixed Penalty Notices

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>The Council's 'zero-tolerance' approach to waste crime supports the objective for a <i>Safe, Clean and Green</i> borough. Increasing the value of the fixed penalty notices is intended to deter waste crime offenders from operating in the Borough and to deal with their waste responsibly.</p>	Head of Environment and Public Realm
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The recommendation supports the objective of <i>Environmental Sustainability</i> through ensuring waste is dealt with responsibly. Whilst there is a risk of increase deprivation by increasing the fines for waste crime, this is to act as a deterrent. The council offers cost-effective services for residents and businesses to dispose of their waste responsibly.</p>	Head of Environment and Public Realm
Risk Management	<p>The risks associated with the recommendations of this report are set out in Section 5.</p>	Head of Environment and Public Realm
Financial	<p>The increased fixed penalty notice charges are intended to deter waste crime offences and</p>	Section 151 Officer &

	are not intended to increase income. However, any increase in income from FPNs is ring-fenced for delivering the service and will be reinvested in equipment and resources to deter fly tipping, dog fouling and littering as well as rectifying the impact to the environment of such actions.	Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Head of Environment and Public Realm
Legal	Fixed Penalty Notices are available for a range of offences in particular, for the purposes of this report, the Environmental Protection Act 1990 and the Anti Social Behaviour Act 2003. There is no statutory requirement to have a Fixed Penalty Notice Policy however doing so supports consistency and transparency in decision making. The authority can set its own fixed penalty amounts within a specified range set out in the relevant legislation, which has recently been amended by the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023.	Mid Kent Legal Services
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Information Governance Team
Equalities	If new charges are implemented as part of the recommendation an EqIA may need to be completed, as MBC has now adopted 'Poverty' a protected characteristic.	Equalities & Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Head of Environment and Public Realm
Crime and Disorder	The recommendation is intended to reduce waste crimes through deterrent, financially impacting the offender and disrupting commercial fly tippers through vehicle seizures.	Head of Environment and Public Realm
Procurement	Not required	Head of Environment and Public Realm

Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and are; <ul style="list-style-type: none"> • There are no implications on biodiversity and climate change. 	Biodiversity and Climate Change Officer
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2. INTRODUCTION AND BACKGROUND

- 2.1 The Waste Crime Team are responsible for the investigation and enforcement of all waste related crimes including fly tipping and littering.
- 2.2 Enforcement of waste crimes can take various forms from a warning letter to criminal prosecution. The investigating team determine the action to be taken based on the evidence obtained, the impact of the crime, repeated or multiple offences and any mitigating circumstances.
- 2.3 Criminal prosecutions require significant investigative work and compilation of the legal file. Since the pandemic it also takes a long time for such cases to get to Court. Any fines determined by the Court go to the Treasury and are therefore not available to support any clear up costs.
- 2.4 Fixed Penalty Notices (FPNs) offer offenders the opportunity to avoid prosecution and pay a fine directly to the Council. The Council retains this charge, which is ring-fenced to support the cleansing and enforcement services. Therefore, in the first instance the Council will often issue FPNs for the offences and only pursue prosecution if the FPN is not paid or for repeated or large-scale offences.
- 2.5 The current FPN charges are shown in the table below. The majority of these are at the statutory maximum, except for littering which was based on local affordability, and graffiti.

FPN	Value
Littering	£120 (£90 if paid in 14 days)
Fly tipping	£400
Duty of Care (Commercial Waste)	£300
Waste Transfer	£300
Duty of Care (Household Waste)	£300
Abandoned Vehicle	£100
Community Protection Notice	£100
Section 46 (Household Waste)	£100
Fly posting	£80
Graffiti	£75

- 2.6 In 2021-22, the team issued 154 FPNs for waste crime offences including littering, fly tipping and duty of care offences.

2.7 In July, the Government laid down the Statutory Instrument to increase several of the FPNs, enabling the Council to consider the charges it currently levies. The table below shows Maidstone’s current value and the new maximum value set by Government.

	Current Value	Maximum
Littering	£120 (£90)	£500
Graffiti	£75	£500
Duty of Care (Household Waste)	£300	£600
Fly tipping	£400	£1,000

2.8 The FPN levels are usually set through the annual Fees and Charges report, however given the changes made by Government, it is recommended that the Council consider revising the charges sooner than this process.

3. AVAILABLE OPTIONS

3.1 *Option 1:* The Council could decide to retain the current charges and not increase them following the change by Government to the maximum values.

3.2 *Option 2:* The Council could decide to increase the FPNs to the maximum amount allowed as per the table in 2.7. This option will create the maximum deterrent for these offences, however there is a significant risk of non-payment due to the high costs which will result in an increase in prosecutions. Setting the highest charge also does not demonstrate that the local circumstances have been considered. Court-levied fines are determined on affordability of the offender so there is a risk that these could be lower than the FPN value. If prosecutions are not sought, this will undermine the FPN process and further increase non-payment.

3.3 *Option 3:* The Council could decide to increase the FPN’s to a middle value with the option to further increase once the impact of the rise is determined. This would still act as a deterrent whilst remaining more affordable to maximise payment rates.

3.4 *Option 4:* The Council could decide to create two levels of FPN charges based on the impact and severity of the offence. This would require two fly tipping FPNs to be created – one for low level fly tipping such as a single item and one for larger fly tips involving mixed or hazardous waste, or that obstruct access. The same would be proposed for littering. The recommended charges are shown in the table below:

FPN	Level 1	Level 2
Littering	Single item e.g. cigarette end	Repeated offence Multiple items Rural / high-speed roads (difficult to cleanse)

	£250 <i>£200 if paid in 14 days</i>	£500
Fly tipping	Single item / black sack (excluding hazardous) £600 <i>£520 is paid in 14 days</i>	Multiple items Multiple locations Hazardous waste £1,000
Graffiti	£250	N/A
Duty of Care (Household Waste)	£500	N/A

3.5 It is also recommended that the current option of early payment discount continues to be offered for the Level 1 offences only. This would reduce the littering FPN to £200 and fly tipping FPN to £520 if paid within 14 days.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 It recommended that Option 4 is agreed, including the application of early payment discounts if the FPN is paid within 14 days.
- 4.2 As set out above, this option ensures the maximum deterrent whilst considering the severity of the offence, impact on the environment and cost to the taxpayer of clearing up the waste. Offering two levels of FPN for these offences ensures that the consequences are proportionate to the offence.
- 4.3 Offering the early payment options helps with the affordability of the penalties and encourages payment of the charge, reducing the likelihood of the offence having to be pursued through prosecution.
- 4.4 Due to the higher risk of legal challenge on the two-tiered approach, given the element of discretion involved and as identified in the risks below, it is recommended that the Waste Crime Fixed Penalty Notice Policy, attached in Appendix 1, is adopted. This policy provides the basis for the charging, reducing the risk of challenge and ensuring the decisions taken are objective.

5. RISK

- 5.1 The sizeable increase in maximum value for waste crime FPNs indicates that the Government is determined to take a tough stance on these offences.
- 5.2 There is a risk that the FPNs are increased to such a level that most offenders are unable to afford payment, resulting in more offences going to prosecution which will incur more officer time, cost and doesn't support the reinvestment of fines in the service. Securing court time will also be

challenging for higher levels of waste crime prosecutions, and if prosecution cannot be achieved it will undermine the enforcement process.

- 5.3 However, if the FPNs are not increased sufficiently, particularly for fly tipping, they will not deter offenders. This will be especially significant if the fines are lower than neighbouring authorities, as the offenders are also likely to consider the risks of getting caught.
- 5.4 With the two-tiered approach there is a risk of challenge from offenders as to why they were given the higher FPN as opposed to the lower one. However, the adoption of a clear policy around the circumstances of the offences and when each level will be applied will remove any element of subjectivity and reduce the risk of challenge.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Annual updates have been taken to the Communities, Housing and Environment Committee since 2018 when the team was first created. During this time feedback has been received about the focus of the team and the importance of a “zero-tolerance” approach to waste crime.
- 6.2 This report has considered previous feedback from the Committee and Ward Members about the impact waste crime has on communities and the need to take a proactive approach to targeting, disrupting and enforcing against fly tippers.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the recommendation is agreed, the increase in charge and application of the new Waste Crime Fixed Penalty Notice Policy will be applied from 1 October 2023.
- 7.2 All current signage does not specify the value of FPNs so this will not require replacement. However, information available on the website will be updated.
- 7.3 A communications campaign will be run on social media to highlight the increased fines and promote responsible waste management. This will include highlighting the need to get duty of care paperwork and check for waste carrier’s licence if using a private contractor to dispose of waste.

8. REPORT APPENDICES

Appendix A – Waste Crime Fixed Penalty Notice Policy

9. BACKGROUND PAPERS

None



WASTE CRIME FIXED PENALTY NOTICE (FPN) POLICY

1. INTRODUCTION

- 1.1 The Council enforces against waste crime offences as set out in the Environmental Protection Act 1990. These include:

Unauthorised depositing of waste – Contrary to Section 33 Environmental Protection Act 1990

Duty of Care – contrary to section 34 Environmental Protection Act 1990

Offence of leaving litter – contrary to section 87 Environmental Protection Act 1990

- 1.2 There are a wide range of actions available to the authority to enforce against such offences. These include informal advice and guidance as well as formal warnings, Notices and prosecution.
- 1.3 This document sets out the policy for issuing Fixed Penalty Notices (FPNs) for waste crime offences, the charges and early payment discounts. It also outlines the policy for when prosecution will be pursued rather than issuing an FPN for the offence.

2. AIM OF POLICY

- 2.1 To ensure that enforcement decisions are consistent, transparent and proportionate and that people, businesses, organisations and the community are aware of the basis on which enforcement action is taken.
- 2.2 This policy provides the criteria for issuing each Fixed Penalty Notice which will be applied by Officers when investigating waste crime offences.

3. DECISION MAKING

- 3.1 The decision on whether to issue an FPN, and the level of FPN, will be taken by the Waste Crime Manager, Waste Crime Officer or Public Realm Officer in consultation with this policy, as authorised by the Head of Environment and Public Realm.

3.2 Offence of leaving litter

- 3.2.1 This is defined within Section 87 of the Environmental Protection Act 1990 as

(1)A person is guilty of an offence if he throws down, drops or otherwise deposits any litter in any place to which this section applies and leaves it.

(2)This section applies to any place in the area of a principal litter authority which is open to the air, subject to subsection (3) below.

(3)This section does not apply to a place which is "open to the air" for the purposes of this Part by virtue of section 86(13) above if the public does not have access to it, with or without payment.

- 3.2.2 Where an offence of littering has occurred, as witnessed by an Authorised Officer of the Council or where video evidence of the offence is provided to identify the person responsible, a FPN will be considered in the first instance.
- 3.2.3 Two levels of Littering offence are considered by the Council. These are described below:

	Criteria	Charge	Early payment
Level 1	<ul style="list-style-type: none"> - Single item of litter; AND - <u>No</u> criteria from Level 2 met 	£250	£200
Level 2	<p>This action applies to any <u>one</u> of these:</p> <ul style="list-style-type: none"> - Repeated offence - Multiple items - Littering from vehicles - High speed roads (40mph+) - Hazardous waste - Littering in watercourse 	£500	n/a

- 3.2.4 Level 2 Offences are charged at a higher rate due to the cost and resource requirements to carry out cleansing. These will often require traffic management and additional training to carry out the work due to the health and safety risks associated with working on the Highway, around ditches or near water.

3.3 Fly tipping

- 3.3.1 This is defined within Section 33 of the Environmental Protection Act 1990

Prohibition on unauthorised or harmful deposit, treatment or disposal etc. of waste.

a person shall not —

(a) deposit controlled waste, or knowingly cause or knowingly permit controlled waste [F2or extractive waste] to be deposited in or on any land unless [F3an environmental permit] authorising the deposit is in force and the deposit is in accordance with the licence;

- 3.3.2 Evidence from CCTV, witness statements or information within the waste will be used to identify the person responsible for depositing the waste illegally. Where there is evidence found in the waste, this will be used to identify the owner of the waste and they may be served a Section 108 notice from the Environmental Protection Act requiring them to provide details of the person who deposited their waste.
- 3.3.3 Where there is sufficient evidence to identify the person responsible, the Authorised Officer will determine, in consultation with this policy what form of enforcement action will be taken.

	Criteria	Charge	Early Payment
Level 1 FPN	<ul style="list-style-type: none"> - Single item or black bag - <u>No</u> criteria from Level 2 or Prosecution 	£600	£520
Level 2 FPN	<ul style="list-style-type: none"> - Multiple items 	£1000	n/a

	<ul style="list-style-type: none"> - Multiple locations - Specialist equipment required to clear - Hazardous waste - <u>No</u> criteria from Prosecution 		
Prosecution	<p>This action applies to any one of these:</p> <ul style="list-style-type: none"> - Large scale fly tipping blocking highway - Mixed hazardous waste including asbestos - Commercial waste carrier operating illegally 	n/a	n/a

3.4 Duty of Care (Household)

3.4.1 This is defined in Section 34 of the Environmental Protection Act 1990.

It shall be the duty of the occupier of any domestic property in England to take all such measures available to him as are reasonable in the circumstances to secure that any transfer by him of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes

3.4.2 Residents are required to check the documentation of any person they contract to dispose of their waste. This includes checking for a waste carrier's licence and requesting a Waste Transfer Note. Where a resident has failed to take these measures and their waste is found disposed of illegally, a Duty of Care FPN will be issued by an Authorised Officer.

3.4.3 Duty of Care (household waste) FPN is set at £500. There is an early payment discount for this, reducing it to £400.

3.5 Graffiti

3.5.1 Graffiti is considered to be writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface in a public place.

Section 43 of the Antisocial Behaviour Act 2003 states

Where an authorised officer of a local authority has reason to believe that a person has committed a relevant offence in the area of that authority, he may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a penalty in accordance with the notice.

3.5.1 Graffiti FPN is set at £250. There is no early payment discount for this.

3.6 Fly posting

3.6.1 Fly-posting is the display of advertising material on buildings and street furniture without consent of the owner.

3.6.2 Fly posting FPN is set at £80. There is no early payment discount for this.

3.7 Abandonment of a Vehicle

3.7.1 The Refuse Disposal (Amenity) Act 1978 states

Where it appears to a local authority that a motor vehicle in their area is abandoned without lawful authority on any land in the open air or on any other land forming part of a highway, it shall be the duty of the authority, subject to the following provisions of this section, to remove the vehicle.

3.7.2 The Clean Neighbourhoods and Environment Act 2005 enables local authorities to issue FPNs for abandoned vehicles. This is set at £100 with no early payment discount.

3.7.3 The vehicle can be deemed to be abandoned if it meets any one of the following criteria:

- it has no keeper on DVLA's database and is untaxed
- it's stationary for a significant amount of time
- it's significantly damaged, run down or unroadworthy, for example has flat tyres, missing wheels or broken windows
- it's burned out
- a number plate is missing

An Authorised Officer will investigate each report and determine whether it meets the criteria of being abandoned and will issue a 15-day Notice (or Notice of Immediate Removal if dangerous due to its condition)

3.8 **Duty of Care (Commercial)**

3.8.1 This is defined in Section 34 of the Environmental Protection Act 1990.

it shall be the duty of any person who imports, produces, carries, keeps, treats or disposes of controlled waste or, [as a dealer or broker], has control of such waste, to take all such measures applicable to him in that capacity as are reasonable in the circumstances—

(a) to prevent any contravention by any other person of section 33 above;

[to prevent any contravention by any other person of regulation 12 of [the Environmental Permitting Regulations] or of a condition of an environmental permit;]]

(b) to prevent the escape of the waste from his control or that of any other person; and

(c) on the transfer of the waste, to secure—

(i) that the transfer is only to an authorised person or to a person for authorised transport purposes; and

(ii) that there is transferred such a written description of the waste as will enable other persons to avoid a contravention of that section [or regulation 12 of [the Environmental Permitting Regulations], or a contravention of a condition of an environmental permit,] and to comply with the duty under this subsection as respects the escape of waste.

3.8.2 Businesses are required to ensure that their waste is stored correctly and is only given to an authorised person (a waste disposal company that can legally take it.)

- 3.8.3 Where a business is unable to provide copies of their Waste Transfer Notes and prove that their waste is disposed of responsibly through a permitted disposal site, a Duty of Care (Commercial) FPN will be issued.
- 3.8.4 Duty of Care (household waste) FPN is set at £300, the maximum level permitted. There is no early payment discount for this.

4. CHARGES

4.1 The full list of FPN charges is as follows:

	Charge	Early payment
Littering (Level 1)	£250	£200
Littering (Level 2)	£500	n/a
Fly tipping (Level 1)	£600	£520
Fly tipping (Level 2)	£1,000	n/a
Graffiti	£250	n/a
Fly posting	£80	n/a
Duty of Care (household)	£500	£400
Duty of Care (commercial)	£300	n/a
Community Protection Notice	£100	n/a
Abandonment of Vehicle	£100	n/a

5. EARLY PAYMENT DISCOUNT

5.1 The Council offers a discounted rate for the early payment of Level 1 Littering and Fly tipping FPNs. Payment must be received within 14 days of the date on the issued FPN for the discount to be applied.

6. PAYMENT

6.1 Payment of an FPN must be made in full. The Council cannot accept payment in instalments. If paying the full amount of a FPN is a problem we can offer a 30-day extension of time to pay, from the date of the original offence. If there is a particular case of hardship, the recipient can request a longer extension. This must be made in writing and must be supported by evidence of hardship, such as income details.

6.2 Payment details are provided on the FPN, and more information can be found at www.maidstone.gov.uk

7. APPEAL

7.1 There are no grounds of appeal against an FPN. However, representations may be made by the person upon whom a FPN is served. This is not an appeal system but an opportunity for information to be presented to the authority for consideration about the FPN. Representations must be made in writing before the payment period expires, information for which will be included on the FPN.

Agenda Item 15

HOUSING, HEALTH AND ENVIRONMENT POLICY ADVISORY COMMITTEE

7th September 2023

MBC Housing Management Policies

Timetable	
<i>Meeting</i>	<i>Date</i>
Housing, Health & Environment PAC	7 TH September 2023
Cabinet Member for Housing & Health	

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	CABINET MEMBER FOR HOUSING & HEALTH
Lead Head of Service	William Cornall Director of Regeneration & Place
Lead Officer and Report Author	John Littlemore Head of Housing & Regulatory Services
Classification	Public
Wards affected	All Wards

Executive Summary

In order to comply with best practice and the developing Social Housing Standards, the Council must develop a suite of housing management policies to support the management of its new affordable housing stock. Advice was taken on what documents are required and the policies attached to this report represent those policies in the first tranche of a suite of documents that are required first.

Purpose of Report

The PAC is asked to review and comment on the suite of Housing Management policies and to recommend their adoption by the Cabinet Member for Housing & Health.

Choose from the below options:

This report makes the following recommendations to the Cabinet Member for Housing & Health

1. The suite of Housing Management Documents attached to this report are approved.
-
-

MBC Housing Management Policies

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>• Accepting the recommendations will materially improve the Council's ability to achieve its ambitions around the providing 1,000 new affordable homes.</p>	Head of Housing & Regulatory Services
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation supports the achievement of reducing deprivation and improving social mobility.</p>	Head of Housing & Regulatory Services
Risk Management	<ul style="list-style-type: none"> • The risks are covered in the relevant risk section of the report. 	Head of Housing & Regulatory Services
Financial	<ul style="list-style-type: none"> • The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation. 	Head of Housing & Regulatory Services
Staffing	<ul style="list-style-type: none"> • We will deliver the recommendations with our current staffing. 	Head of Housing &

		Regulatory Services
Legal	<ul style="list-style-type: none"> Accepting the recommendations will fulfil the Council's duties under Social Housing Regulation Act. 	Head of Housing & Regulatory Services
Privacy and Data Protection	<ul style="list-style-type: none"> Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules. 	Head of Housing & Regulatory Services
Equalities	<ul style="list-style-type: none"> We recognise the recommendations may have varying impacts on different communities within Maidstone. Therefore a separate equalities impact assessment will be completed. 	Head of Housing & Regulatory Services
Public Health	<ul style="list-style-type: none"> We recognise that the recommendations will have a positive impact on population health or that of individuals. We recognise that the recommendations will not negatively impact on population health or that of individuals. We recognise the recommendations may have varying impacts on the health of the population or individuals within Maidstone. Therefore we have completed a separate health impact assessment. In accepting the recommendations the Council would be fulfilling the requirements of the Health Inequalities Plan 	[Public Health Officer]
Crime and Disorder	<ul style="list-style-type: none"> There are no implications to Crime and Disorder 	Head of Housing & Regulatory Services
Procurement	<ul style="list-style-type: none"> There are no procurement implications in this report. 	Head of Housing & Regulatory Services
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and are;	Head of Housing & Regulatory Services

	<ul style="list-style-type: none"> • This aligns with actions of the Biodiversity and Climate Change Action Plan 	
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2. INTRODUCTION AND BACKGROUND

- 2.1 The regulatory framework for social housing that was in place when the Council transferred its housing stock in 2004 has changed significantly. Following the decision by the Council to acquire and manage 1,000 new affordable homes, advice was taken from a specialist housing law firm on the type of tenancy to be issued and what other policy documents would be required.
- 2.2 The Council is a Registered Provider of Social Housing for both development and management purposes. As such, the Council is subject to the Regulator of Social Housing, which according to its website 'promotes a viable, efficient and well-governed social housing sector able to deliver and maintain homes of appropriate quality that meet a range of needs.'
- 2.3 With the assistance of the Council's Research & Policy Officer, the Head of Housing & Regulatory Services identified that circa fifteen separate documents would be required. Some policy documents would be more urgent to adopt than others, as certain policies such as the tenant consultation guide are best suited to when the Council has acquired the right quantum of properties.
- 2.4 The first tranche of seven documents are attached to this report and represent those policies are needed soonest in order to provide excellent management services. Some of the policy documents are aimed at informing our tenants, others are marked as officer documents to guide staff in their decision-making, whilst the remainder apply to both staff and tenants.
- 2.5 Much of the content of these policies is governed either by legislation or regulation. However, the tone and style of the documents is a matter that Members may want to comment on.
- 2.6 The first set of policy documents includes:
- o The Tenants' Handbook
 - o Tenancy Management Policy
 - o Succession Policy
 - o Pet Policy
 - o Anti-Social Behaviour Policy
 - o Rent Arrears and Income Policy
 - o Mutual Exchange Policy

2.7 The second set of policy documents will cover:

- Compensation Policy
- Complaints & Dispute Resolution Policy
- Damp & Mould Rectification Policy
- Recharge Policy
- Repairs & Maintenance Handbook
- Right to Buy Guide
- Tenancy Fraud Policy

2.8 The Tenants' Handbook is a useful guide intended for all tenants that will be given at the time of the sign up. The remaining documents will be made available to tenants through our website. A dedicated area on our website is being developed for tenants to be able to log onto to view their rent accounts, report repairs and other matters, and have access to the policy documents.

2.9 The Tenancy Management Policy provides an overview of the range of policies that contain more detailed information about each topic.

2.10 The content of the policy documents has been developed to reflect the current statutory and regulatory framework, and to take account of emerging legislation and reform such as Social Housing Regulation Act.

2.11 The Communications Team has assisted the Housing Service in developing an in-house style for the policy documents that reflects our ambition to have a professional and accessible service to our tenants.

3. AVAILABLE OPTIONS

3.1 The Council could choose to not have a suite of housing management policies but this is strongly not recommended, as this would leave the Council open to criticism and possible censure by the Regulator of Social Housing and the Housing Ombudsman.

3.2 The Council has an ambition to provide high quality homes and excellent housing management services. This will be best served by having a broad suite of policy documents to assist staff and tenants to understand their respective roles and responsibilities.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The preferred options is set out in paragraph 3.2 above for the reasons stated. This will enable the Council to have a Housing Management service that is compliant with the raft of regulation and statutory requirements that govern Registered Providers of Social Housing.

5. RISK

5.1 As stated above, were the Council not to adopt the proposed suite of housing management policies it would run the real risk of not being compliant with its regulatory duties. A lack of clear policies would also leave the Council open to legal challenge on important decision making, such as granting succession to a relative of a deceased tenant, or when ending the tenancy under one of the Grounds for Possession.

6. REPORT APPENDICES

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

- Appendix 1: Suite of Housing Management Policies
 - The Tenants' Handbook
 - Tenancy Management Policy
 - Succession Policy
 - Pet Policy
 - Anti-Social Behaviour Policy
 - Rent Arrears and Income Policy
 - Mutual Exchange Policy
-



TENANT HANDBOOK

Make the Most of Your Tenancy



1. Introduction

This handbook has been produced to provide useful and relevant information to help make the most of your new tenancy. We hope it helps you to settle into your new home, and answers some of the questions you may have.

This handbook also outlines your tenancy conditions, information about your rights and responsibilities as a tenant and our rights and responsibilities as your landlord.

We hope you enjoy reading this handbook and use it as your guide to the services we offer. Please save it in a safe place so that you can refer back to it whenever you need to.

This handbook provides further advice on your tenancy agreement but is not a legal document. It gives guidance on how you can make sure you do not break any of the conditions of your tenancy.

We update both the handbook and tenancy agreement from time to time; if there is any difference between the two documents you should follow the information in the tenancy agreement as this will always take priority.

Providing you with a good service

We have a straightforward approach to customer care, service and support. We treat our customers as we would like to be treated ourselves. We are proud that our customers come first and always try to make sure that our customers are treated fairly and sensitively.

We will go that extra mile to ensure that your issues are addressed. One of our main aims is to provide you with an excellent service. We regularly review all our services to ensure that they are efficient, effective and provide good value for money.

We aim to provide a high standard of service whenever you contact us and make sure that everyone is treated in a courteous, polite, efficient and consistent manner.

1. Introduction



Equal opportunities

We are committed to fairness and equality to all, operating with professionalism, integrity and openness. We believe that everyone is entitled to be treated with dignity, respect and fairness - regardless of their age, disability, gender reassignment, being married or in a civil partnership, being pregnant, race, religion or belief, sex or sexual orientation.

We aim to make all our services accessible, welcoming and appropriate to meet the needs of all our customers in the communities we manage, and treat all our customers fairly and sensitively. In order to meet this aim we are trying our best to do the following:

- Produce information specific to the needs of different groups of customers e.g. young people, elderly people, people fleeing from domestic abuse, people with disabilities etc
- Provide information on our services in alternative formats when you ask us to, such as Braille, large print or audio
- Make sure our offices provide access for all
- Offer to visit you at home if you have circumstances that prevent you from coming to one of our offices
- Provide translation for customers through Language Line
- Ensure our website is accessible.

Harassment and abuse

We will not tolerate:

Harassment or abuse of any kind, including hate crime based on age, gender, race, disability, sexuality or religion. This includes verbal and physical abuse directed at tenants, residents, staff and our contractors. We will investigate any such incidents in full. We will take suitable action against people who carry them out and support those affected by them.

You can help us by telling us

- About any incidents of harassment or abuse
- If you have any enhanced needs, such as communication or mobility difficulties
- Or if we are not providing you with services which meet your needs.

In order to meet the diverse needs of our customers, we need to know more about you. We ask you, and everyone in your home, to complete a customer profile form. We use this information to help us tailor services to your individual needs and make sure that we are delivering services to everyone in a fair and equal way. This information will only be seen by us. If it will improve our service to you, our contractors may also be given relevant information, but we will not share it with anyone else. The information will be protected by the General Data Protection Regulations 2018.



1. Introduction

Data protection

We are committed to comply with Data Protection legislation. Keeping your personal information accurate and secure is a vital part of providing efficient services to you. We always comply with the relevant legislation when handling your personal information. We will only use the information we hold about you for the purpose you provided it and will also only collect the minimum information necessary to fulfil that purpose.

When you provide information you will be told what it will be used for and whom it will be shared with. However, you need to be aware that we are required to share your information, on occasion, between different sections of the Council and with other agencies to help reduce crime or investigate fraud.

You have the right to access any personal data that is being kept about you either on a computer or in structured and accessible manual files. Any person may exercise this right by submitting a fee and a request in writing to:

**Data Protection Officer
Information Governance
Maidstone Borough Council
Maidstone House
Kings Street
Maidstone
Kent
ME15 6JQ**

The Freedom of Information Act

This act gives everybody the right to information held by a public authority. You are entitled to any information that is not personal information, or that is not exempt under the Act. You can access information that we hold by:

Checking the Council's Publication Scheme which is a list of the information held by Maidstone Borough Council and gives details on how to obtain the information.

The publication scheme can be found at <https://maidstone.gov.uk/home/primary-services/council-and-democracy/primary-areas/information-and-data/tier-3-primary-areas/data-protection/data-protection-and-foi-primary-areas/publication-scheme>

Or, you can read our [guidance for submitting a Freedom of Information Request, published on our website.](#)

A great deal of the information that we hold is personal and private to individuals. However, the Freedom of Information Act will not make public, private or confidential information.

2. Moving In

Get yourself connected

Now that you have signed up for your new home you will need to register with gas, electricity and water suppliers as a new tenant and make arrangements for connection and payment of bills. It is important to do this as soon as possible, to prevent any disputes about previous tenant bills and how much fuel you have used.

Your Gas and Electric supplier will be discussed with you at the sign up of tenancy.

When you have found out who your suppliers are, contact them direct - it is important before you call to have your meter readings to hand, along with your new address and post code. You will be able to close any accounts at your previous home in the same call.

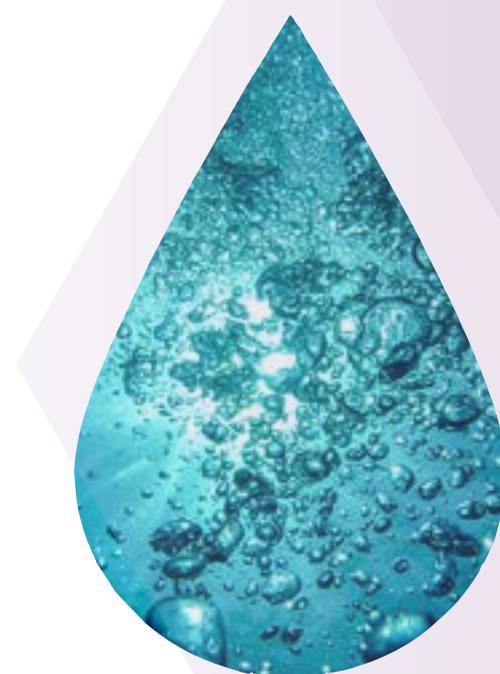
If you want to change supplier

You don't have to remain with your current utility supplier - you can choose whichever company you prefer to supply your fuel. If you want to change supplier, you must arrange this as it is your responsibility. To change suppliers can take up to four weeks so you should act as soon as possible if you want to change.

Water

The water supply to your home should already be connected when you move in. If you turn on the cold tap and nothing comes out, the water has probably been turned off at the stop tap for safety reasons. To turn your water on, you need to find the stop tap, which is normally under the sink in the kitchen cupboard. Sometimes the stop tap is in the bathroom, in a kitchen cupboard or in the hot water cylinder cupboard

If you are having trouble finding the stop tap, please call Southeast water engineering work at 0333 000 0002.



2. Moving In



Water meters

Did you know that when you have a water meter fitted, it cannot be changed back? If you are having a water meter installed, please tell us first. A water meter may have advantages for some tenants but may disadvantage whoever moves in after you.

Heating

Gas fires, gas heating and pipe work to gas cookers. We are responsible for ensuring your safety, and so your gas meter will have been capped off to prevent its use until we have carried out all the necessary safety checks.

These can't be done when the property is empty, so as soon as you have the keys and have contacted the gas supply company, please contact Clairglow at 01892 531 421 or email servicing@clairglow.co.uk

The gas engineer will call and check your installation including the pipes for the gas supply. The engineer will check your heating and show you how to use the heating system. This appointment needs to be pre-booked, as emergency engineers at the weekend will not be able to carry out this check.

Electric storage heaters

You will not be able to operate your storage heaters until you have your electric supply turned on. Your home may have night storage radiators whilst your neighbours have gas fired central heating - this may be due to a choice of the previous tenant, or lack of gas supply.

Telephone

If you would like to have a telephone at home you should contact the telephone company that you would like to use, they will be able to advise you on the services they provide. If you had a telephone at your previous address you may also be able to take your old number with you, and if there is a telephone line at your new home you may only need to pay one re-connection fee.

Redirecting your mail

Royal Mail will re-direct your mail from your old address to your new home for a small charge, to arrange this you will need to fill out an application form at the post office.

2. Moving In

Changing your address

Even if you get Royal Mail to re-direct your mail, you must remember to give your address to the following people:

- Employers
- Doctor/Dentist
- Bank and Building Society
- Credit Card Companies
- DVLA if you have a car, driving licence or pay road tax
- Benefits Agency/Job Centre (if you receive benefits)
- Insurance Companies
- Children's Schools



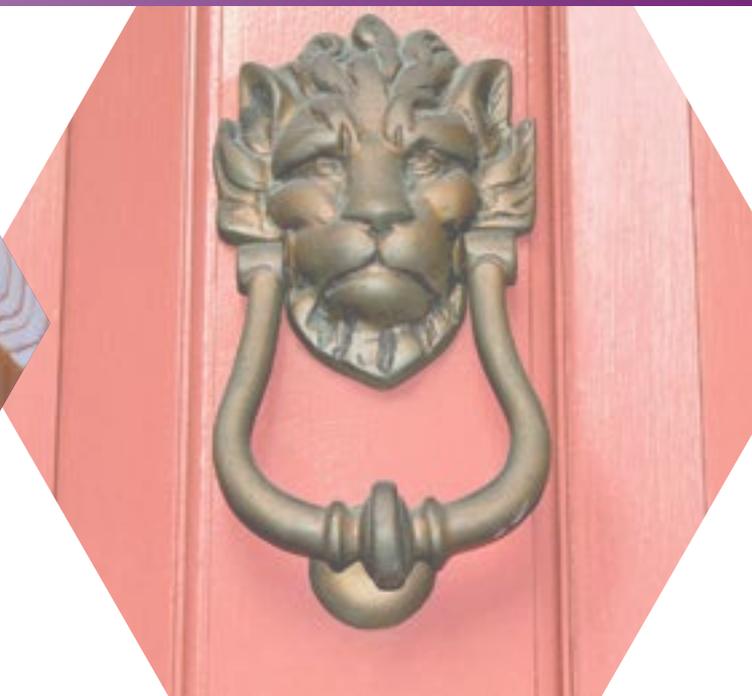
Wheelie bins

There should be a wheelie bin at your new home, if it is missing or damaged, you should visit <https://maidstone.gov.uk/home/primary-services/bins-and-recycling>.

If your bin becomes lost or damaged, you will need to go onto the same website and order a new one.



3. Types of Tenancies



Introductory Tenancy

An Introductory Tenancy is a trial period designed to enable you to show us that you can manage a longer-term Secure Tenancy. The Introductory Tenancy is for 12 months unless we opt to extend it by 6 months. At the end of 12 months (or any extension) you will normally become a Secure Tenant unless we have taken steps to end the Tenancy. While you are an Introductory Tenant, we can evict you more easily than a Secure Tenant. We do not have to prove a ground for possession although we will always give reasons why we are ending the Tenancy. Usually, this will be because you have breached the conditions of your tenancy.

Secure Tenancy

A Secure Tenancy means that you have the right to live in your home as long as you keep to the conditions of your Tenancy Agreement.

What is a tenancy agreement?

A tenancy agreement is a legal document that all new tenants must sign at the start of their tenancy. It is a legal contract, which sets out the rights and responsibilities of both you as a tenant and us, Maidstone Borough Council, as your landlord. By signing the tenancy agreement, you have agreed to keep to the conditions of your tenancy. The tenancy agreement is an extremely important document, and you should read it carefully. This handbook provides further advice on your tenancy agreement but is not a legal document. It gives guidance on how you can make sure you do not break any of the conditions of your tenancy. We update both the handbook and tenancy agreement from time to time; if there is any difference between the two documents you should follow the information within the tenancy agreement as this will always take priority.

3. Types of Tenancies



What happens if I break my tenancy agreement?

If you break any of the conditions of your tenancy agreement, we can take action to end your tenancy. We will usually try to sort out any problems with you first. However, if the problem is serious and we cannot solve it together, we may have to take steps to evict you from your home.

Step 1

If we receive an allegation that you have broken one or more of your Tenancy Conditions, a Housing Officer will contact you. Unless the allegation is very serious, you will usually be given the opportunity to put things right. If the problem stops at this point in the process, no further action will be taken against you.

Step 2

If you continue to break the tenancy conditions, we will consider taking further action against you. We will tell you about any action we intend to take and what you should do to avoid it.

Step 3

If the problems continue after we have given you reasonable warnings, we will apply to the court for an order to allow us to evict you and repossess your home. The court's decision will be based on the evidence presented and the seriousness of the problem. We will have to prove to the judge that you have broken the tenancy conditions and that evicting you is reasonable action to take.

Remember:

You are likely to lose your home if you continually break your tenancy conditions. If you are evicted, you will not be able to join our housing register (waiting list for housing) again, and it is unlikely that you will be re-housed because of your homelessness.

3. Types of Tenancies

What are the tenancy conditions?

The tenancy conditions are set out in your tenancy agreement. The following are just a few examples of behaviour that would break the tenancy conditions:

- Falling behind with your rent
- Behaving in an antisocial way
- Playing very loud music
- Failing to keep your garden in a neat and tidy condition
- Failing to keep your pets under control
- Using abusive, threatening or violent behaviour towards your neighbours or our staff
- Selling illegal drugs at your home

Your rights as a secure tenant

You have the right to live in your home for the rest of your life, as long as you keep to the tenancy conditions.

The right to succession

There can only ever be one succession to a council tenancy. If you have a joint tenancy and the other person dies then you will automatically take over the tenancy.

If the original tenancy was a joint tenancy and one of the original tenants has died, the surviving tenant will have already have taken over the tenancy by succession. When that person dies, no-one will be able to succeed the tenancy.

If the person who died was a sole tenant, you can succeed the tenancy if you are their husband, wife, civil partner or someone living with them as their partner, as long as you were living in the home at the time of their death.

If you succeed a tenancy, you will have the same tenancy as the person who has died.

If you succeed the tenancy, you will be responsible for any existing rent arrears or other breach of tenancy. Only one person can succeed to a tenancy, so for example if you succeed your mother's tenancy your husband, wife, civil partner or someone living with you as your partner cannot become a joint tenant with you and they cannot succeed the tenancy if you die.

If you succeed a tenancy which is too big for your needs, we may ask you to consider moving to a smaller home. In these cases we will help you to find a new home.



3. Types of Tenancies



Right to take in lodgers

Only secure tenants can take in lodgers without our permission. However, you should remember the following important points.

- You must not let your home become overcrowded
- If you are getting Housing Benefit/ Universal Credit you must tell the Revenues and Benefits Team as taking in a lodger could affect the amount of Housing Benefit/Universal Credit you receive.

If you currently live alone, you must tell the Council Tax that you are taking in a lodger. You will lose your entitlement to the 25% single person's discount on your council tax bill. Contact: 01622 602 376.
Affordablehousing@maidstone.gov.uk

The right to sublet part of your home

Subletting is not the same as taking in a lodger.

- A lodger usually shares your home and

- may have meals with you. He or she may pay for food, bills and upkeep
- A subtenant has the use of part of your home, and you need their permission to go into those parts. A subtenant does not have any meals provided and he or she would normally do their own cooking and cleaning. You may be able to sublet part of your home, but you should remember the following points
- You need our permission first. Failure to do so is not only a breach of your tenancy but can also be a criminal offence
- You cannot sublet your whole home. If you do, we will end your secure tenancy
- If you are getting Housing Benefit/ Universal Credit to help with your rent, you must let the Revenues and Benefits team/DWP know.

The right to buy your home

Only secure tenants will be able to buy your home if you qualify to do so. We will provide you with more information about the Right to Buy on request.



3. Types of Tenancies



The right to make improvements

Only secure tenants have the right to improve your home (for example, to fit a new kitchen or bathroom, to paint the outside of the property and so on).

Alterations you cannot make

- We will not give permission to make alterations that make your property unsafe. This would include structural changes that do not meet building regulations, changes that can affect fire safety (for example cat flaps in fire doors or dividing bedrooms into multiple rooms).
- We will not give you permission to make alterations that will make it harder for us to manage and maintain the property. This would include installing solid fuel appliances, conservatories and laminate flooring to first floors or higher or to install systems which control your heating or other fixtures remotely.

You must get permission first

- You must complete an online tenant alteration form and wait for our permission before proceeding
- You must comply with current Building Regulations and obtain building control and planning consent if necessary and copies of the approval must be provided to us
- Suitable scaled drawings with specifications must be provided to us if required
- The Party Wall Act 1996 must be complied with
- You must make sure that work does not

cause annoyance or nuisance to others and ensure that work is carried out in a competent manner, using industry standard materials. The work must be carried out by a qualified, competent trades person.

- if any of these works involve drilling into or removing walls you, or your contractor, need to make sure the appropriate surveys for example electrical or asbestos surveys - are completed before any work takes place. Our agreement for you to complete works will only be given if we have seen proof of these surveys. Asbestos surveys must be completed by a UKATA qualified contractor. More information on asbestos can be found on page 32.

The right to compensation relating to repairs

By law, we must carry out certain repairs that might affect your health, safety or security within a set number of days. If our contractor fails to complete any of these repairs (known as qualifying repairs) on time, you can instruct us to appoint another alternative contractor to carry out the work. If the second contractor also fails to do the work on time, you may be entitled to compensation. If you think this applies to you, please contact: Affordablehousing@maidstone.gov.uk or call 01622602372

The right to exchange

Only secure tenants have the right to exchange your home for another Council or Housing Association home. You must get permission before any exchange takes place.

3. Types of Tenancies

The right to be consulted

We must consult you about important changes such as large-scale building work, how your home is managed, or changing how we collect rent.

The right to assign

In certain circumstances, you have the right to assign (legally transfer) your tenancy to someone else. We can only allow you to transfer your tenancy if:

- We have agreed to you exchanging your home with that of another Council or Housing Association tenant, or
- There is a court order to do so, in connection with divorce or child care proceedings.

In some cases, if you want to leave your home, we may let you assign your tenancy to another member of your family. We would only allow you to pass your tenancy on to someone who could take it over by succession after your death (see page 9). You must get our permission in writing before you transfer your tenancy to another person.

Your responsibilities as a tenant

You must:

- Keep to the conditions of your tenancy agreement
- Pay your rent in full and on time
- Be a good neighbour
- Respect other people's right to live in peace and quiet.

Joint tenants

If you are a joint tenant, each of you is equally responsible for keeping to all conditions of the tenancy agreement. Here are a few important points to remember about joint tenancies.

- Both tenants are equally responsible for paying the rent and for
- any overdue rent (rent arrears)
- Either joint tenant can apply for Housing Benefit/Universal Credit
- If one joint tenant dies, the tenancy agreement is automatically succeeded by the other joint tenant
- If your relationship breaks down, it is not possible for one joint tenant to make the other leave the home. You should discuss the situation with us or get legal advice
- If one joint tenant leaves and wants to give up their share of the joint tenancy, they should contact us.

Creating a joint tenancy

If you are the only tenant and you want someone to join your tenancy so that they have the same rights as you, we will consider your request as long as:

- You are not breaking any of the tenancy conditions
- The proposed joint tenant would normally have been a joint tenant if they had been housed with you when you got the tenancy
- The proposed joint tenant has lived with you in the home for at least 12 months.

3. Types of Tenancies



Our rights as the landlord

We have the right to:

- Change the tenancy agreement, the rent or other charges as long as we give you suitable notice beforehand
- Enter the property, without giving you notice, in an emergency or if there is a risk to any person or property
- Take legal action against you if you break any of the conditions of your tenancy agreement.

Our responsibilities as the landlord

We must:

- Keep the structure of your home in a good state of repair
- Carry out repairs that we are responsible for
- Allow you to live in your home in peace and quiet, as long as you keep to the conditions of your tenancy agreement
- Give you at least 24 hours' notice if we want to inspect your home, carry out repairs or make improvements.

4. Your rent and other charges



Under your tenancy agreement your rent must be paid regularly and on time. Your rent is due weekly in advance on a Monday, except for those weeks that have been designated as 'no collection' weeks. If you fail to pay your rent regularly you are at risk of losing your home.

How much rent should you pay?

The letter that we sent to you when we offered you your home will tell you how much your rent is. You will receive a letter every year advising you how much your current rent is. Please note that you may be entitled to help towards paying your rent, there is more information about this further on in this section.

How are rents worked out?

The Government now sets the level of rent for all social housing. Some tenants will have heating and other charges added if these are provided communally, or there are service charges.

If this is the case we will explain what these charges are when we tell you how much your rent is.

4. Your rent and other charges

What does the rent pay for?

Your rent is used to manage and maintain your home. It is kept completely separate from other services provided by the council, which are paid for through the council tax.

Will you get notice of your rent increasing?

We will write to you and tell you about any increases in your rent and/or charges at least 4 weeks before they are introduced. Any change to your Housing Benefit because of a rent increase will be worked out automatically. You will need to tell Universal Credit of any rent changes via your journal as soon as they happen.



How can you pay your rent and Service Charge?

It is up to you to decide which method suits you best. You can choose from:

Direct Debit

By Direct Debit- This is set up by you with your bank, you will require our bank details. You should include your rent reference as the payment reference. Payments for direct debit will be debited on the 1st or the 15th of the month.

Standing Order

You can also arrange to have your rent paid by standing order from your bank or building society account. You will require our bank details (below) and should include your rent account reference. Standing orders can be set up as weekly or monthly payments on the date that you set.

Our Bank Details are as follows:

Lloyds Bank PLC
Maidstone Borough Council
Sort Code – 30-00-02
Account Number – 00574428

By Telephone:

You call us on 01622 602888 to speak to our payments line. You will need your debit/ credit card and rent account reference to hand.

Online:

you can also pay MBC through the Maidstone Borough council Website portal.



4. Your rent and other charges

Rent Arrears

What happens if you don't pay your rent?

It is important that you do not fall into arrears with your rent payments. If for any reason you miss a payment, you must bring your rent account up-to-date as soon as possible.

If you have any difficulty paying your rent, please contact us immediately so that we can give you advice about benefits which you could be entitled to claim. We can also put you in touch with other agencies that may be able to help if you have problems with your paying your rent.

We can also help you to make an arrangement whereby you can pay off your rent arrears by an agreed amount each week. If you keep to this agreement, no further action will be taken against you.

If you do not get in touch with us to arrange to clear your arrears or fail to keep to a payment arrangement without explanation, we will take legal action against you. The cost of taking you to court will then be added to the amount that you already owe us. If your arrears continue to increase, you may be evicted from your home.

We are here to help

You can contact us by telephone, email or through the Council's website to discuss your rent. You can arrange a private appointment with us to discuss any problems that 

are having in keeping up with your rent payments. We will also visit you at home at a time convenient to you to discuss ways that will help you to keep your rent account up-to-date. We can offer help in completing online benefit forms and arrange expert advice on dealing with debt or claiming other benefits.

Rent Credit

We encourage tenants to build a credit on their rental account equal to a months rent by paying a small regular weekly amount. This helps prevent arrears building, for example if financial circumstances change and you need to claim new benefits or you lose your job. It also means that when you move out, your last months rent is already paid, freeing your money up for other expenses.

For all new tenants we ask for a minimum of one week's rent in advance to be paid at the point of sign up, this includes service charges where applicable. We then ask for a small weekly amount to be paid until the rent account is in credit by one month.

Refunds for rental-credit will only usually be issued to tenants' who are more than four weeks in credit and where there are no other debts on any sub accounts including court costs and former tenant arrears to the Council.

4. Your rent and other charges

If payments are not kept up-to-date a summary of the action we will take to tackle rent arrears is shown below:

Step 1 - Reminder

We will send you a first reminder letter if your account goes into arrears.

Step 2 - Second Reminder

If you do not contact us after the first reminder letter or you fail to reduce your arrears, we will send you a second reminder.

Step 3 - Notice of Seeking Possession

If your arrears keep increasing, we will serve you with a Notice of Seeking Possession. This explains that, unless your arrears are cleared or reduced within the next four weeks, we may take legal action against you.

Step 4 - Pre-court letter

If you have not cleared your arrears or kept to a payment arrangement during the 4 weeks mentioned at step 3, we will send you a pre-court letter. This letter warns you that court action will be taken if the situation continues.

Step 5 - Court Action

Your case may be taken to court if your arrears continue to rise. We will tell you the date of the court hearing and advise that you attend. We will ask the court for a Possession Order but request that this be suspended if you pay an agreed amount in addition to your weekly rent. In exceptional circumstances we will apply for an immediate possession order.

Step 6 - Possession Order

If you keep to the payments set out in the court order, no further action will be taken. If you fail to keep to the terms of your court order we will ask for permission to evict you from your home.

Step 7 - Warrant

We will apply to the court for a warrant to regain possession of your home.

Step 8 - Eviction

You will be issued with an eviction date. If the required payment is made before the eviction date, the eviction warrant will be withdrawn. If the required payment is not made, the eviction will be carried out and you will lose your home.

Please Note

It is our policy to use eviction only as a last resort, we aim to give you all the help and advice which we can so that you do not lose your home. If you are evicted for rent arrears you may be seen to have made yourself intentionally homeless. This will



4. Your rent and other charges



Help towards paying your rent

If you are on a low income you may be able to get help with your rent by making a claim for Housing Benefit/Universal Credit (Housing Costs).

How do you claim Housing Benefit/ Universal Credit?

You will need to complete a Housing Benefit/ Universal Credit claim giving details of your income, savings and other people who live in your home.

For Housing Benefit apply online by visiting <https://maidstone.gov.uk/home/primary-services/benefits/primary-areas/housing-benefits> and clicking 'Apply'.

If you have any problems with or queries, please contact: 01622602376.

You can apply online for Universal Credit by visiting www.gov.uk/universal-credit

You will need to make a claim for Council Tax Reduction in addition to a claim for Universal Credit by visiting <https://maidstone.gov.uk/home/primary-services/benefits/primary-areas/council-tax-support>

What documents do you need to provide?

When making a claim, you will need to provide original proof (not photocopies) of your national insurance number and income

and savings. The online form explains what proof you will need to provide and what kind of documents are acceptable.

It will speed up your claim if you supply all the required information. If you do not provide the correct information, it will delay the processing of your claim and may lead to arrears building up on your rent account. If you do not provide the necessary information within a set time frame from the date of your Housing Benefit/Universal Credit claim, your claim may be cancelled.

It is important that you put in your claim for Housing Benefit/ Universal Credit as soon as possible. Housing Benefit is usually paid from the Monday after the day when your claim is received. Claims for Housing Benefit are not usually backdated to an earlier date unless there is a very good reason that you didn't apply earlier.

Universal Credit is usually paid from the date of your online claim. However, Universal Credit is always paid in arrears which means you could be waiting up to five weeks for your first payment.

If you are awarded Housing Benefit/ Universal Credit you must let the Council/ DWP know if your circumstances change (e.g. your income or your household details change) because your claim may be affected. If you are paid too much benefit because you didn't tell us/DWP about a change in circumstances, you will be asked to pay it back.

4. Your rent and other charges

Recharges

If we have to complete a repair that is your responsibility, we will bill you for the cost of it. If you cannot afford to pay the whole bill we will work with you to agree an affordable payment plan

When you leave your home it must be clean and cleared of all possessions. You are also responsible for putting right any damage caused. If you fail to do this we will recharge you for any work we have to do that you should have completed.

Service charges

A service charge is a payment for the costs of managing, maintaining, repairing and providing specific services in addition to the basic rent you pay for living in your home. Examples of services are:

- Cleaning of communal rooms, hallways, corridors and staircases
- Window cleaning in communal areas
- Door entry systems
- Fire alarm/emergency lighting
- Fire safety equipment
- Landscaping/grounds maintenance
- Laundry equipment
- Lifts
- Electricity, water and gas in communal areas
- Scheme Manager
- Alarm system

A service charge can also be payable in respect of specific items installed within your home which are over and above the normal bricks and mortar and fixtures and fittings you would expect to find in a home which are covered by your rent. Examples of these are:

- Stair lift
- Track and hoist
- Through floor lift
- Clos-o-mat toilets



5. Repairs and Maintenance

As your landlord, we are committed to providing you with an excellent repairs and maintenance service. You share responsibility with Maidstone Borough Council for looking after your home. We are responsible for certain repairs and maintenance, but you are responsible for decorating the inside of your home and for some small repairs.

Repairs we are responsible for:

- Keeping the structure and outside of your home safe
- Keeping the essential services to the property safe and in working order
- Keeping communal amenities safe
- Taking care to prevent or repair faults, to keep people reasonably safe and protect property from damage, and
- Make good plasterwork after carrying out any repair

We will not pay for repairs that are necessary if you, or anyone living with or visiting you, have neglected or not taken care of your

home. If the problem that needs repairing poses a risk to you or your home, we will carry out the repair, but you will have to pay for this work.

If we need to complete a repair that is your responsibility then you will need to pay for or agree a payment plan with us before the work can be completed.

We want to maintain your home as best we can and rely on you to help us by reporting repairs promptly and allowing us reasonable access to carry out work. We may also take legal action against you if you fail to let us in when it is reasonable to do so.





5. Repairs and Maintenance

Repairs you are responsible for:

- Decorating the inside of your home and floor coverings, except where MBC have installed safety flooring and safety fencing
- Replacing keys
- Repairing any equipment, fixtures or fittings you provided or fitted yourself (unless we have agreed to take responsibility for them)
- Unblocking plug holes on baths, sinks and wash hand basins
- Repairing any damage caused by you or anyone living with or visiting you
- Replacing fuses and plugs
- Maintaining your garden, including lawns, plants, bushes and trees
- Replacing television aerials and satellite dishes (other than ones we have provided), and
- Replacing toilet seats and plugs and chains on baths, sinks and wash hand basins
- Any damage caused by someone gaining access to your home with a warrant
- Replacing light bulbs.

Also, if we are coming to you to carry out repairs, you are responsible for clearing the area of work, which includes removing furniture, carpets and personal belongings, before we arrive. If you are elderly or have a disability and would have difficulty doing this, please tell us this when you report a repair.

How to report a repair



The Council will normally give at least 24 hours' notice but more immediate access may be required in an emergency, for example, fire, flooding, gas leak, infestation or due to any safeguarding issue. (These examples are not exhaustive.) We reserve the right to recover from you the costs of any abortive appointment for access.

You can report a repair in the following ways:

Non Emergences only: call 01622 602 376 or email Affordablehousing@maidstone.gov.uk

During the first year only, all emergencies occurring outside of office hours should be reported to Emerson Response on 0800 881288.

After the first year, emergency cover will be provided by DMS or Clairglow: For Emergency Repair please call DMS. 01303 242001 or email oohs@dmspm.co.uk. For Gas boiler please contact Clairglow 01892 531 421 or email servicing@clairglow.co.uk.

5. Repairs and Maintenance

When you report a repair

When you report a repair it is important that you give us as much information as possible to help us arrange the right work as quickly as possible. When reporting a repair, please tell us the following.

- Your full name, address and up to date phone number
- A detailed description of the problem and where it is
- Whether the fault has been reported before
- When we can get into your home (any morning, specific mornings, afternoon only and so on)
- Any other important information (for example, a crime reference number if the repair is needed after a break in to your home that you have reported to the police).

Where the repair is inside your home, there must be someone over the age of 18 present at all times during the repair.

Under data protection laws, we will keep any information we have about you confidential. We will not give your phone number or any other information to anybody outside Maidstone Borough Council without getting your permission first.

Out of Hours Repairs Service

We provide an out of hours repairs service for emergency repairs that cannot wait until the next working day. Some emergency repairs carried out outside of normal working hours may be temporary ones carried out to make the property safe. We would then carry out a permanent repair at a later date. Our staff and contractors try to come out to emergency repairs on the day they are reported. Please

don't report a repair that is not an emergency at night or at weekends.

These calls will delay us going out to genuine emergencies. If you call us out and your repair is not an emergency, we may not carry out the work, and we may charge you for the call-out. If your emergency is life-threatening, call the emergency services on 999.



5. Repairs and Maintenance



How soon will the repair be carried out?

We will carry out repairs as quickly as possible. Repairs are prioritised according to the type of work that is needed.

The priorities are as follows.

Priority 1

Emergency repairs (carried out within 24 hours) These are repairs of any faults that could kill, injure or damage the health and safety of any person, or cause serious damage to property. Examples of such faults include:

- Collapsed floors or ceilings
- Having no heating or hot water during the winter
- Leaks or bursts causing damage to the property
- Having no electricity at all in your home
- Problems that could cause a fire
- Making doors secure after someone has used force to enter your home
- Renewing locks to make the property secure
- Serious water leaks in the roof
- Sewage overflowing in the home from blocked drains or damaged toilets (we may charge you for the repair if the damage was caused by you or anybody living with or visiting you).

We may carry out other repairs as emergencies but charge you for them.

Priority 2

Urgent repairs (carried out within seven days)

these are repairs of any fault that affects you but does not put your life or health in danger, or make your home insecure. Examples of such repairs include:

- Seriously broken toilet flush or ball valve
- Damaged sinks
- Damage to the roof or a ceiling, and
- Having no hot water.

Priority 3

Non-urgent repairs (carried out within three weeks) These are repairs to problems that need to be put right but are not likely to cause serious damage to the property.

Examples include:

- Leaking showers
- Cracked toilets
- Faulty light fittings, and
- Broken locks on windows and doors.

Priority 4

Planned repairs (carried out within 16 weeks) these are repairs which are part of a programme of work, such as:

- Plastering work
- Updating baths and wash basins, and
- Improving the outside of properties.

Further details can be found on our website, and you can ask us for details. We may group together some repairs, such as clearing gutters, replacing misted double-glazed units and so on, to reduce costs and provide better value for money.



5. Repairs and Maintenance

What happens when you report a repair?

We will offer you an appointment for work that needs to be carried out on the inside of your property.

If we agree an appointment with you and you do not keep it, we may charge you the cost of us coming out to you and you would need to make another appointment. In some cases, we may need to inspect a fault you have reported. If this is the case, we will make an appointment with you for either a trades person or a surveyor to call and inspect the problem and if any work is required, we will notify you when this work will be carried out.

All our staff and contractors carry photo ID. Please ask to see ID if you are not sure who the caller is.

Servicing gas appliances

By law, we must carry out an annual inspection to your home. This includes checking that any gas supply present in the property is maintained in a safe condition whether there are gas appliances connected to the supply or not.

We will check any gas heating appliances. This includes a service to any tenant owned gas fire, however we will not provide any repairs or replacements to tenant owned appliances. If any faults or repairs are recorded, the engineer will inform you and disconnect the appliance. You must then arrange for a suitable repair or replacement with a qualified contractor. We will write to you when the inspection is due and you must

make arrangements to allow the engineer into your home. He will make a visual check of your gas cooker for safety. If it is faulty, the engineer will inform you and disconnect the appliance. You must then arrange for a suitable repair or replacement with a qualified contractor.

We will provide, where possible, a gas supply in your kitchen for a cooking appliance. This will be a capped gas supply pipe and you will have to arrange for a suitably qualified contractor to supply the necessary components to your gas cooker. We will not repair any cooking appliance in your home or provide the components required for you to repair your own cooking appliance.

If your home contains a solid fuel burning appliance, we are required to gain access to your home to check it at 6 monthly intervals.

The first visit will be to service the appliance and sweep the chimney. The second visit will be to sweep the chimney 6 months later. We will write to you when this is due and you must make satisfactory arrangements to allow us into your home.

If you own your own solid fuel appliance, we will provide a chimney sweep service in the interests of safety to yourselves and neighbouring properties; however we will not provide any repairs or replacements to these appliances. If any faults or repairs are recorded you will be informed, and the appliance will be shut down, you must then make necessary arrangements for a suitably qualified contractor to carry out this work.

5. Repairs and Maintenance

Electric storage heaters

If you have a fault with your electric storage heaters, you can contact Clairglow 01892 531 421 or email servicing@clairglow.co.uk

Gas, water and electricity supplies

You are responsible for arranging and paying for gas, electricity and water supplies. If you have a prepayment meter and you run out of credit, we cannot provide an emergency supply. We will charge you for unnecessary call-outs that result from your supply being cut off by the gas, electricity or water company.

If you disagree with our decision

If we tell you that you are responsible for a repair, and you do not agree, please contact us at Affordablehousing@maidstone.gov.uk 01622602372



6. Improving your Home

Planned maintenance

Planned maintenance is major improvement work that we carry out on a group basis, for example to specified groups or types of properties or to a whole neighbourhood or area. Planned maintenance schemes can cover the installation of central heating, new kitchens and bathrooms, replacement windows and doors, and major repairs to roofs and chimneys. Such schemes help us to reduce costs and enable us to carry out more improvements overall.

Disruption

All work entails some disruption. We will work with you to minimise this and provide you with as much notice as we can of works to be carried out and choices that will be available to you.

We are not normally able to provide decoration or allowances to assist after these improvements have been carried out. If these improvements are part of a structural or health and safety concern then the work must be carried out as instructed.

All improvement works are designed to provide you with a better standard of living; only in exceptional circumstances would a request to not have the work carried out be considered.

Health and safety

Work may involve disturbance, site cabins, materials, scaffolding and deliveries. We cannot relocate customers whilst work is in progress and we will take care to remove any risks to you. However, you must ensure that you adhere to any notices and ensure children and pets are kept well away from works in progress. Please help us by reporting any vandalism.



7. Living in Harmony



Everyone has the right to the quiet enjoyment of their home and its surroundings. Under your tenancy agreement you must not behave in a way that causes nuisance to your neighbours. You are responsible for your behaviour at all times, both in your home and in your neighbourhood. You are also responsible for the behaviour of the rest of your household (including children) and visitors to your home.

Nuisance and anti social behaviour

We want to prevent problems caused by nuisance and anti social behaviour and ask that all tenants and their families are considerate towards their neighbours. You should keep the peace by making sure that you don't create any form of nuisance to others. You can help us to deal with any problems by reporting incidents of anti-social behaviour to us and other agencies. We treat all neighbour nuisance complaints seriously and will take whatever action is necessary to solve the problem

Examples of anti social behaviour:

Noise

Such as loud music, loud dogs, rowdy parties, and persistent car and burglar alarms. Please ensure noise is kept at a reasonable level.

Drug and alcohol abuse

Anti social behaviour can be associated with drug and alcohol abuse, late night rowdy behaviour and a constant stream of visitors can disturb your neighbours.

7. Living in Harmony

Full details of what can be a breach of tenancy can be found in your Tenancy Agreement, however here are some of the more common examples that we deal with.

Pets

We ask that you contact us prior to getting a pet, in case we have any queries. Dogs should not be allowed to roam free or foul the grass verges, paths or communal areas. No animals may be kept without our prior written permission.

Car Parking

You must not block local roadways and other vehicular access, and to keep them, and car parking spaces, clear of unroadworthy vehicles and other obstructions.

You must not park any untaxed vehicle at the Premises or on the land or roads around your property. We may remove any vehicle we think is causing an obstruction, is a nuisance, or is a risk to the health and safety of others.



7. Living in Harmony

Mediation services

As our main aim is to resolve your problem with your neighbours amicably we often use mediation (this involves talking problems over either face to face with a third party or through a third party if you don't feel able to be in the same room to reach an agreement which suits all parties' needs). This can be done either by our staff or, in more complex cases, by our independent mediators.

Safe places to live

We work in very close partnership with the police, and other agencies to tackle issues of crime and anti social behaviour in our neighbourhoods; together we are determined, with your help to deal swiftly and effectively with the perpetrators of crime and anti social behaviour.

If you have information about crime or incidents of anti social behaviour you can speak in confidence to your Housing Officer or the Police.

Taking care of where you live

As well as looking after your home, you are expected to take good care of the area where you live. You must ensure that all refuse and household waste is put into appropriate bin bags, chutes or containers used for the purpose of refuse disposal/recycling and is not left in any communal areas or gardens. To help keep your area a pleasant place to live, you should let us know if something needs doing or if you see someone dumping rubbish or carrying out acts of vandalism or graffiti.

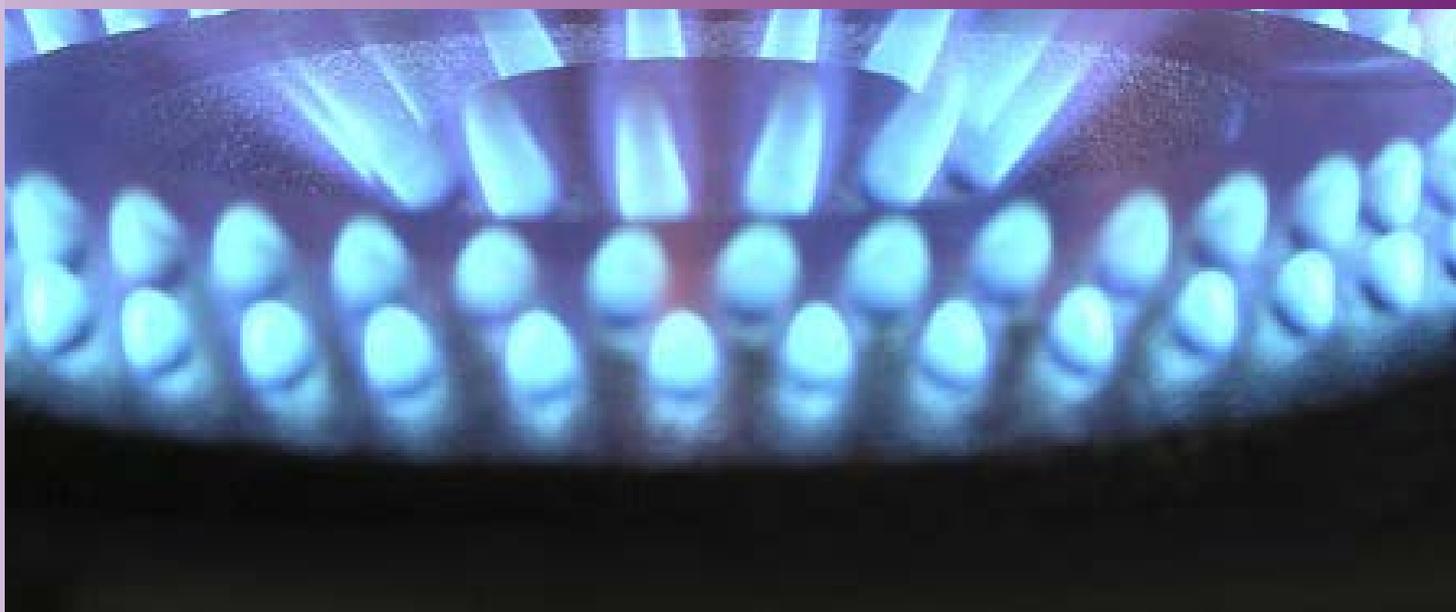
Gardens

It is your responsibility to keep your garden clean and tidy. Grassed areas should be cut regularly and trees and hedges should not obstruct public footpaths or interfere with a neighbour's property. You should not remove any hedges, trees or fences without first obtaining permission. You must not plant trees in your garden without our permission. We will not unreasonably withhold such permission but will take into consideration the suitability of any trees to be planted and the size of your garden or the communal garden area

Storage

Some properties may include loft spaces and other internal storage. Items stored in lofts are more susceptible to damage through damp or mould and so storage of items in these areas should be kept to a minimum. You should also ensure that these items can be easily removed should access be required to maintain or improve your property.

8. Health, Safety and Security



Gas safety

If you smell gas...

- Turn the gas supply off at the meter
- Open the windows and doors to get rid of the gas
- Phone National Grid immediately on **0800 111 999** (free phone number)
- Do not smoke or use matches or cigarette lighters
- Do not turn lights or electrical switches on or off
- Do not try to solve the problem yourself.

Installation of gas appliances

You must always use a 'Gas Safe' registered gas engineer when installing any gas appliance, including gas cookers. To check if a gas engineer is registered call Gas Safe on **0800 408 5500**. You need our written permission to fit any gas appliance, except gas cookers.

Servicing of gas heating equipment

By law we must service and check the safety of all gas appliances every year. When you

are notified that a gas safety check is due to be carried out, you must provide us with reasonable access to your home. We will make an appointment with you, and if you need to change it, please contact us beforehand, the correct maintenance of these appliances is vital to your safety. If we are unable to gain access to your home after reasonable attempts, we may seek court action to arrange access to your home. Once we have completed the safety check we will give you a safety certificate. Different types of boiler will take different amounts of time to service. The engineer will also make a visual check of your cooker and disconnect it if it is dangerous. It will be your responsibility to repair or replace the cooker.

Portable heaters

You must not use an oil, paraffin or gas cylinder heater in your home.

8. Health, Safety and Security

Ceiling fans

Did you know that it can be extremely dangerous to use ceiling fans at the same time as gas fires or gas boilers? Air disturbance from the fan can cause toxic fumes to be released from the heating appliance and enter the room instead of being drawn up by the flue.

Electrical safety

For your safety

- Do not remove, install or repair any electrical fixtures or fittings, unless completed by a qualified electrician, you must also get our permission first
- Make sure your electrical appliance contains the correct fuses. The manufacturer will be able to advise you
- Check flexes and plugs regularly to make sure there are no loose
 - or bare wires
- Do not overload electrical sockets
- Do not touch fittings or exposed wires with anything wet
- Make sure you know how to turn off the supply at the mains

Water safety

Make sure you know where the stop tap is to turn off the main water supply in case of a leak it is usually under the sink. If you

are unsure where it is then look for the yellow label on the inside of the kitchen sink unit. This will tell you where the stop tap is located. It is important that you check your stop tap is working properly on a regular basis - always turn it slowly. We recommend that you turn off your water supply at the stop tap if you go away on holiday. Never paint a stop tap as it becomes extremely difficult to turn on and off.

It is important that you regularly run all taps within the property and ensure your shower head is cleaned and disinfected as part of your usual cleaning routine.

Asbestos

As mentioned on page 12 of this handbook, as a secure tenant you have the right to make improvements to your home, as long as you gain our written permission first.

If you are carrying out any "intrusive works", for example replacing a bathroom or kitchen, you need to consider whether there may be asbestos within the property. You can do this by ensuring your contractor obtains an asbestos survey from a UKATA surveyor prior to starting any works. This will also be something we would need you to do before any permission for improvements was granted.

8. Health, Safety and Security

In the past, asbestos was used as fire protection or an insulation material. It was banned in 1999, but where it already exists it can be left in place if it is safe; this means that it is not damaged or releasing fibres into the air that could be breathed in. Please remember that if there is asbestos in your home it does not necessarily mean that you will be exposed to these fibres unless it is damaged.

If asbestos is found in your home and we think it is likely to be a problem we will take all necessary steps to ensure that it is safely removed or made safe so that there is no risk of fibres escaping into the air. If there is found to be asbestos in your home which isn't harmful then you should follow these asbestos do's and don'ts:

- DO keep away from any damaged products which may contain asbestos
- DO inform us straight away if you have concerns about any products in your home
- DON'T carry out DIY works including drilling, sanding or stripping of any products known to contain asbestos or if you suspect something might contain asbestos
- DON'T wipe, sweep or vacuum dust or debris that may contain asbestos
- REMEMBER, asbestos material in good condition should be left alone

Evacuation

We recommend you plan an escape route in advance should fire break out in your home and that all household members know what to do. Close all the doors on your way out to prevent the fire spreading.

Smoke alarms

If your home is not already fitted with a smoke alarm let us know, we install them free of charge in hallways and landings. Check your smoke alarms regularly to make sure they are working.

Radon

Radon is a colourless, odourless radioactive gas. It's formed by the radioactive decay of small amounts of uranium that occur naturally in all rocks and soils. The level of radon gas is dependent on the geology of where you live

If we install a meter in your home to read radon levels please ensure no-one touches or moves it as this can effect the readings. Once we have collected and looked at the meter we may need to install a fan or pump to help control the levels of radon in your home. This is usually a precautionary measure but its important that if you do have a fan or pump fitted that it has an active power supply at all times.





8. Health, Safety and Security

Extractor fans

If your home is fitted with extractor fans in the kitchen and/or bathroom, it is your responsibility to clean them out every few months. A build up of dirt and dust can cause them to set on fire. If a fire starts get out, stay out and call the Fire Brigade by dialling 999.

Home security

Most burglaries happen during the daytime when people are out and the house looks empty. Potential burglars look for signs that tell them that you are out and there is something worth stealing. You can take some simple, but effective, measures to prevent your home being an easy target for burglars.

- Leave a light on at night when you go out and draw the curtains
- so it looks like someone is still at home
- Do not leave windows and doors unlocked or leave keys in doors even when you are at home
- Do not leave valuables visible through windows
- If you have a door chain, peep hole or entry phone, make sure you use it when answering the door

- Ask unknown callers for identification and check it carefully, for your safety all our staff carry photo ID
- If you are going away, cancel milk and newspapers etc, and ask a trusted neighbour to keep an eye on your home whilst you're away. It is advised that if you are away from home during the cold weather, to leave your heating on low to reduce the risk of frozen pipes
- Do not leave empty boxes outside your home that advertise you have just bought an expensive piece of equipment
- If you live in a block of flats, do not let people into the block
- unless you know them.

Home contents insurance

The structure of your home is insured by Maidstone Borough Council against fire and other damage. However, we are not responsible for the contents of your home (e.g. furniture, carpets, personal belongings and decoration etc.) For this reason, we strongly advise you to insure your personal possessions against fire, flood, theft, burst/leaking pipes and vandalism.

9. Heating and Energy Advice



This section tells you how to control and get the most out of the heating system and your home. Also included are tips and advice on how to control mould and condensation.

Controlling the heating in your home

Adjusting the thermostat

You can control the temperature in your home by adjusting the room thermostat. This is usually located in the hall or living room. You should set the temperature between 18 and 21 degrees centigrade. To save energy you could set the room temperature as low as comfortably possible. Turning down the thermostat by just 1 degree can cut fuels bills by up to 10%.

Using radiator controls

You can also control the temperature in individual rooms by using the controls on the side of your radiators (called 'thermostatic radiator valves'). This allows you to keep different rooms at different temperatures i.e. keep rooms that you don't use at lower temperatures than those you do. If you do not have radiator controls, you may still be able to turn a radiator off by closing the ordinary radiator valve.

9. Heating and Energy Advice

Setting the timer

A timer allows you to set your heating and hot water to come on and go off when you want it to. You should set the system to come on about half an hour before you want the house to become warm and go off half an hour before you want the house to cool off completely. You probably won't need your heating and hot water to be switched on all the time, therefore you should avoid using the 24-hour constant setting.

Energy saving tip

It is better, especially in winter to keep your heating on low for long periods rather than on high for short periods. This will keep the structure of your house warm, help prevent frozen/burst pipes and be more economical in the long run. If you are leaving your home unoccupied for more than a couple of days you should leave your heating on low. You should turn your water off at the stop tap, please contact us for further advice.

Remotely controlled systems

Please note that we do not allow the installation of systems that allow your heating system to be controlled remotely or via your smart phone.

Electrical storage heaters

Electric storage heaters charge up during the night when electricity is cheaper then release stored up heat the next day. Most storage heaters have 2 controls:

An Input control (sometimes called 'charge' or 'auto' set control). This controls how much heat is stored and how much electricity is used. The lowest setting is suitable for spring, autumn or a cool summer. To stop the heater storing any heat, switch off at the wall.

An Output control (sometimes called 'boost' or 'room temperature'). This controls how quickly heat leaves the heater. On its highest setting, the stored heat is used up faster. Some storage heaters have an automatic output control. This means a thermostat controls how quickly the heat is released.

Gas warm air heating

Warm air systems usually have a thermostat and a timer/ programmer to control the temperature (similar to gas central heating). The grills in each room can also be opened and closed manually to increase or decrease the amount of heat needed.



9. Heating and Energy Advice

Hot water

A hot water thermostat is fitted to your hot water tank or cylinder, which you can turn up and down according to how hot you want your water. 60 degrees centigrade should be adequate for washing and bathing.

Reporting repairs and faults

For faulty heating call Clairglow at 01892 531 421 or email servicing@clairglow.co.uk

Controlling mould and condensation

If your home is damp or you find mould patches on walls, furniture or clothing, the likely cause is condensation. Condensation occurs on cold surfaces - this may be the window glass in mild cases, or walls, ceilings or even the floor tiles. Condensation occurs when moist air cools on these surfaces, leaving dampness, which may show as black spots, green mould or have a musty smell. Here are some tips to help reduce moisture:

- Open windows for a while each day to allow a change of air
- Do not cover up any air vents
- Leave your heating on a low level all the time in very cold weather
- Dry clothes outdoors whenever possible, otherwise use well ventilated rooms and avoid drying clothes on radiators
- Keep your home clutter free so that air can circulate in your home
- Close kitchen and bathroom doors to prevent steam going into other rooms
- Open windows or put a fan on when cooking or washing to allow steam to escape
- Cover pans when cooking and do not boil for any longer than necessary
- Vent any tumble dryers to the outside
- Wipe down any surfaces where moisture settles to prevent mould



If you continue to have problems with damp or mould, contact us at 01622 602 376 or email Affordablehousing@maidstone.gov.uk

Energy efficiency

The energy saving trust can provide more information on energy efficiency and possible energy saving grants which may be available to you. For more information call the Energy Saving Advice Service on 0800 512 012.



10. Getting Involved

What is tenant involvement?

Put simply 'tenant involvement' are the opportunities that you, our customers, have in helping to shape the decisions made by Maidstone Borough Council.

We want our customers to be at the heart of everything we do. By working together we can improve the way we deliver our services both now and in the future. We are committed to involving tenants when making decisions about your home and the neighbourhood you live in. It is important to us that we keep you informed. We know that your involvement will make a difference.

By getting involved you can:

- Make your area a better place to live
- Provide your opinion on what home improvements should be made
- Give us your views on the services you receive
- Help us to better understand the needs of all our customers
- Help us provide better quality customer focused services
- Make a difference to housing in Maidstone



How can you have your say?

There are a variety of options for you to become involved. We want you to provide us with your views, opinions and experiences. You can choose the level of involvement that suits you best depending on how much time you have to spare and your interests.

Customer feedback surveys

We carry out various customer satisfaction surveys. These are usually multiple-choice questions and provide us with a snapshot view of tenants' opinions on a particular service area. This is your opportunity to help us improve our service, by telling us how good services really are, if they are meeting your needs and what improvements we should make.

Tenant consultation questionnaires

We carry out regular consultations to find out your opinions and give you the opportunity to comment on changes to housing related policies and the delivery of housing related services.

11. Ending your tenancy

If you are thinking of moving and ending your tenancy with Maidstone Borough Council, there are important things that need to be done.

- You must give the Council at least 4 weeks' notice in writing if you plan to leave your home and end your tenancy. This is a condition of the tenancy and gives us time to make arrangements for a new tenant without too much delay.
- You can give notice by calling 01622 602 376. We will need the address you are moving to and the date when you want your tenancy to end.
- When we receive your notice we will send you a letter or email confirming this and giving details of any rent which is due. We will also contact you to arrange an inspection of your property before you move. This is so we can see if any repair work is needed before the property is empty. We will also install a keysafe for you to leave your keys in on the day you vacate the property.
- Tenancies must end on a Monday - you must pay rent up to that day.
- If we do not hear from you by 10am on the Monday that your tenancy is due to end, you will be charged an additional week's rent for each extra week (or part week) that you have the keys for.

Before you leave the property

You must make sure that:

- The property has been left clean and tidy;
- All furniture, carpets and your belongings have been removed;
- You have cleared any rubbish and unwanted items from the house and garden.
- You return all keys to the Premises (including all fobs, pre-paid meter keys, gate keys and any other keys).
- You can arrange for large items to be removed for a small charge. You can visit our website for further details.
- Any necessary repairs which are your responsibility (as defined in your tenancy agreement) have been carried out.
- You will be charged for the cost of putting right any repair which is your responsibility, and the removal of any rubbish or unwanted items left at the property.
- Before you leave the property, remember to turn the water off at the stop tap, and the gas and electricity off at the meter.



11. Ending your tenancy

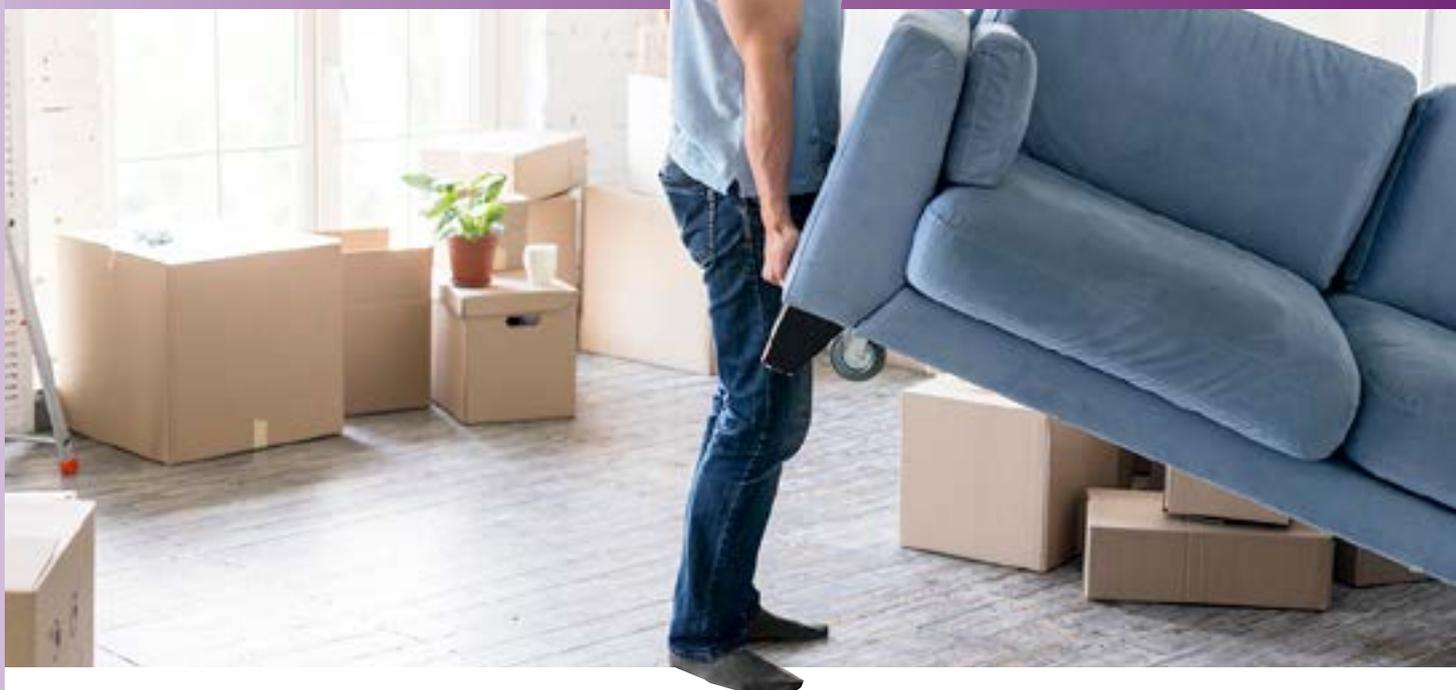


Other things to remember

- You should contact your Gas and Electricity Suppliers to arrange to have your meters read before you hand your keys in. They usually need at least 48 hours' notice. Look in the phone book or on your bill for their local number. It is also important that you tell us who your current suppliers are please fill in these details in on the Termination form.
- If you have a telephone, the company that provides your telephone line should be told that you are moving so that they can disconnect it.
- The Royal Mail will re-direct your mail to your new address for a charge - for advice email at royalmail.com or call into any Post Office for an application form.
- If you receive Housing Benefit or Council Tax Benefit you will need to make a new claim for your new property.
- If you receive any other benefits, you will need to tell the Benefits Agency or Universal Credit of your move so that you they can up-date their records.



11. Ending your tenancy



Other things to remember

What?

Hand in Notice

Inform Gas & Electricity Suppliers

Inform Telephone Company

Inform Water Company

Inform Benefits Agency

Inform Bank/Building Society

Inform Insurance Company

Inform TV Licensing

Inform DVLA

Re-direct Mail

Turn off water, electricity & gas

Dispose of any unwanted items

Hand in Keys

When?

4 weeks before leaving

48 hours before leaving

7 days before leaving

Once date of move known

7 days before leaving

Before leaving the property

Before handing keys in

12 noon on day tenancy ends

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Further information: maidstone.gov.uk/housing



Tenancy Management Policy

1.0 Purpose of the Policy

- 1.1 The purpose of this policy document is to provide an overview of the tenancies offered by Maidstone Borough Council and to set out the Council's approach to providing effective tenancy management.

2.0 Policy Scope and Objectives

- 2.1 This Policy applies to all Maidstone Council tenants and Maidstone Council Housing Services.
- 2.2 The policy covers the types and lengths of tenancies, changes in tenancies including succession, assignment, and mutual exchanges, as well as managing and sustaining tenancies.

3.0 Legal/ Regulatory Framework

- 3.1 The following legislation has informed the framework for this policy:

- Housing Act 1985
- Housing Act 1996
- Localism Act 2011
- Equalities Act 2010
- The Flexible Tenancies (Review Procedures) Regulations 2012
- The Prevention of Social Housing Fraud Act 2013
- The Homes & Communities Agency Tenancy Standard 2012
- CIH Good Practice Guide – Tenancy Policy
- Secure Tenancies (Victims of Domestic Abuse) Act 2018
- MBC's Allocation Scheme

4.0 Supporting Policies

- 4.1 This Policy should be read in conjunction with the associated policies for:

- Tenancy Fraud
- Succession
- Mutual Exchange
- Rent Arrears and Income
- Anti-Social Behaviour
- Keeping and Managing Pets
- Repairs and Maintenance
- Recharge
- Rent and Services Charge Setting

5.0 Types of Tenancy

Maidstone Borough Council offers the following types of tenancy to new or existing tenants:

5.1 Introductory Tenancy

An introductory tenancy is normally granted for 12 months to enable the tenant to demonstrate that they can abide by its conditions. Once the probationary period is satisfactorily completed the tenancy will become more secure. The Council can extend the tenancy by six months if conditions are not being met.

The Terms & Conditions of an Introductory Tenancy are broadly the same as for a Secure Tenancy with some key exceptions. Introductory Tenancies do not include:

- The Right to Buy
- The right to a Mutual Exchange
- The right to carry out improvements
- The right to take in a lodger and sublet part of their property

The Council can evict introductory tenants more easily than a secure tenant. Maidstone Council does not have to prove a ground for possession, although the Council will always give reasons why the tenancy is being ended.

5.2 Secure Tenancy

Secure tenancies are granted by Local Housing Authorities under Housing Act 1985. A secure tenancy can be:

- A fixed-term tenancy – where the landlord and tenant have agreed the tenancy will run for a set period of time, for example 12 months; or
- A periodic tenancy – for an indefinite period with the rent being paid on a periodic basis, for example weekly or monthly.
- The preference expressed in the Council's Tenancy Strategy is to provide periodic tenancies. Secure tenancies will be given to a tenant once an initial probationary tenancy has been satisfactorily completed.

5.3 Excluded Licence and Non-Secure Tenancies

The Council owns and retains property specifically to be used as temporary accommodation (TA) for persons it is assisting under Part 7 Housing Act 1996. Properties being used in this way are exempted from being Secure Tenancies by virtue of the relevant legislation. Persons accommodated whilst enquiries are made into the duty that is owed to the applicant will be provided with an excluded licence agreement. Persons owed the main housing duty and accommodated in TA will revert to a weekly periodic non-secure tenancy.

6.0 Joint Tenancies

- 6.1 A joint tenancy is where two people have the legal responsibility to meet the requirements of the tenancy agreement.

- 6.2 Maidstone Borough Council will consider joint tenancies on request by any two persons living together as partners, regardless of gender or marital status. Applicants for joint tenancies are required to provide proof of marriage or civil partnership. Applications between other relatives or friends will usually be refused.

7.0 Assignment of a Tenancy

- 7.1 Assignment occurs when a tenancy is transferred from the tenant to someone else.
- 7.2 Both the landlord and the tenant will need to sign a Deed of Assignment, unless the assignment is brought about by an order of the court or by way of succession.

8.0 Mutual Exchange

- 8.1 A Mutual Exchange is when tenants agree to 'swap' their homes with one another by way of an assignment.
- 8.2 All Maidstone Council secure tenancies have the right to do a mutual exchange with another Maidstone Council tenant or the tenant of another's social landlord, provided certain eligibility requirements are met. The tenant must make an application in writing and wait for permission to be granted before moving. Full details are set out in Maidstone Council's Mutual Exchange Policy.

9.0 Succession

- 9.1 Succession is when a tenancy is taken over by a person when the tenant dies.
- 9.2 A successor is:
- A tenant by survivorship when one of two or more joint tenants has died
 - A spouse or partner in whom the tenancy was vested under this clause
 - A person that would have been entitled to succeed had the previous tenant died and to whom the tenancy was assigned under clause
 - A person in whom the tenancy was vested following the death of the tenant.
- 9.3 On the death of a sole tenant who is not a successor, the tenancy shall pass to the tenant's spouse, civil partner, or other partner provided that he or she occupies the premises as his or her only or principal home at the time of the tenant's death.
- 9.4 Maidstone Borough Council manage successions in line with the tenancy agreements and relevant legislation. Full details are provided in the Council's Succession Policy.

10.0 Rent

- 10.1 The Council charges tenants a weekly rent and, where applicable service charge, for occupying a Council property. Rent levels are set by the Council following guidelines set by statute and the Regulator of Social Housing.

- 10.2 Secure tenants' service charge is fixed. This means that the service charge will be reviewed once a year at the same time as any review of the rent. Any change in the service charge will be notified to tenants in the notice of rent increase. The Council may change the tenants' rent by giving not less than four weeks' notice in writing. The notice shall specify the new rent proposed.
- 10.3 If the tenant receives Housing Benefit and their circumstances change, the tenant must contact the Housing Benefit Service immediately as these changes may affect entitlement to benefit and, as a result, the amount of rent the tenant will have to pay.
- 10.4 All rent accounts are monitored on a weekly basis. Maidstone Council will undertake preventative measures to minimise rent arrears. If arrears accrue or remain unpaid (including low level arrears) and customers fail to engage or keep up with payment arrangements, the Council will instigate legal proceedings. Eviction will only be used as a last resort once all other reasonable steps have been taken.
- 10.5 The Council's Rent and Service Charge Policy and Rent Arrears and Income Policy provides further detail regarding rent.

11.0 Tackling Tenancy Fraud

11.1 Examples of tenancy fraud can involve:

- Subletting the premises whether for profit or not, whether to a family member or not
 - Abandoning the premises
 - Tenants not being honest about their circumstances which induced the Council to grant the tenant their tenancy
 - Tenants must also not fraudulently claim housing benefit, or any other Government controlled benefit
- 11.2 Tenants must use the premises as a single private residence and not grant a sub tenancy or part with possession of the whole of the premises. This includes subletting the property for any period through holiday let/short term let companies or through the tenants' own action. Secure tenants may sublet part of their home provided they obtain the Council's prior written permission which will not unreasonably be withheld.
- 11.3 Maidstone Borough Council has set out its commitments to tackling tenancy fraud in the tenancy fraud policy. The Council will investigate any suspicion or report of tenancy fraud and will ensure that appropriate enforcement is used where tenancy fraud is proven.

12.0 Anti-Social Behaviour

- 12.1 Maidstone Borough Council takes all reports of nuisance and anti-social behaviour extremely seriously.

- 12.2 The Council will work with partner agencies such as the Police and Social Services where appropriate to resolve any issues that have been reported.
- 12.3 Perpetrators of nuisance and anti-social behaviour risk losing their home should the Council seek to take possession proceedings.
- 12.4 Maidstone Borough Council's Anti-Social Behaviour Policy contains comprehensive details of what the council would class as anti-social behaviour and the approach taken to tackle any cases that have been reported.

13.0 Permission for Pets

- 13.1 The tenant must not keep any dog at the Premises (including any dog belonging to other people) either permanently or temporarily, long or short-term, without first getting the Council's written permission. Dogs must be chipped in line with current laws. If Maidstone Council gives the tenant permission to keep a dog, the tenant must make sure that:
- The dog is kept under control
 - It cannot roam free in shared areas or in the locality
 - It does not foul any shared areas or in the locality.
- 13.2 The tenant must get the Council's prior written permission to keep more than two cats. Other pets such as small, caged animals and birds or fish do not require permission.
- 13.3 Maidstone Council does not allow applicants to keep wild animals, livestock or farm animals, endangered species or any dogs identified in the Dangerous Dogs Act 1991, or any subsequent legislation.
- 13.4 Maidstone Borough Council may change its decision if it believes any animal is causing a nuisance or is a danger to other people or is not being properly cared for.

14.0 Repairs and Maintenance

- 14.1 Tenants must maintain garden hedges, shrubs, and trees on the premises for which tenants are responsible, in a tidy and manageable state and not remove any hedges, trees or fences without first obtaining permission.
- 14.2 In any garden for which tenants are responsible grass must be cut regularly in the growing season and any borders must be weeded.
- 14.3 Tenants must not plant trees in their garden without the Council's permission. Maidstone Council will not unreasonably withhold such permission but will take into consideration the suitability of any trees to be planted and the size of the tenants' garden or the communal garden area.

- 14.4 Tenants must report any repairs required to Maidstone Borough Council in a timely manner. The Council will seek to charge the customer if they fail to report a repair, and this results in an increase in the cost of repair as a result of the delay.
- 14.5 The tenant is responsible for carrying out minor repairs to the property using suitably qualified tradesmen where appropriate.
- 14.6 The Council shall establish a scheme providing the tenant with a remedy if the Council fails to carry out its obligations to repair. The Council shall provide details of the scheme at the beginning of the tenancy and inform the tenant of any changes.
- 14.7 Maidstone Council's Repairs and Maintenance and Recharge Policies provide further detail.

15.0 Ending a Tenancy

- 15.1 A tenant must give Maidstone Borough Council at least four weeks' notice in writing if they want to terminate their tenancy at any point following sign up. For the Notice To Quit (NTQ) to be valid, it must give Maidstone Council a full four weeks' notice. Until the NTQ expires and the tenancy ends, tenants remain bound by their tenancy conditions including paying rent.
- 15.2 Maidstone Borough Council assists tenants to remain in their homes by providing a range of support to help them meet their tenancy conditions, either directly or by referring them to an appropriate specialist organisation. The Council will only end a tenancy and take possession action after all alternatives have been considered.

16.0 Equality and Diversity

- 16.1 Maidstone Borough Council adopts a flexible approach to ensure that different needs are met and well supported.
- 16.2 The Council recognises that some individuals may experience discrimination and disadvantage. An Equality Impact Assessment has been undertaken on this policy to ensure that all customers are treated fairly regardless of any characteristics.
- 16.3 Maidstone Council will make sure all complaints will be taken seriously and responded to efficiently.

17.0 Monitoring and Reviewing

- 17.1 This Policy will be reviewed every 5 years, or sooner if significant and relevant statutory changes occur.



Further information: maidstone.gov.uk/housing



Pet Policy

1.0 Purpose of this Policy

- 1.1 Maidstone Borough Council recognises the benefits that responsible pet ownership can bring to owners' mental and physical wellbeing. However, irresponsible pet ownership can cause nuisance to other residents, damage to property as well as suffering to animals.
- 1.2 The purpose of this policy is to set out which pets are allowed and provide tenants with guidance on managing their pets.

2.0 Policy Scope and Objectives

- 2.1 This policy applies to all Maidstone Borough Council tenants.

2.2 This policy aims to clarify:

- What pets tenants can and cannot keep at properties.
- How the Council expects the tenants' pets and home to be looked after, to ensure the wellbeing of the pet and community.

3.0 Legal and Regulatory Framework

- 3.1 Maidstone Council will abide by the following legislation and requirements:
 - Dangerous Dogs Act 1991 s.3
 - Environmental Protection Act 1990 (EPA)/ Clean Neighbourhoods and Environment Act 2005 (CNEA)
 - Animal Welfare Act 2006
 - The Micro chipping of Dogs (England) Regulations 2015).

4.0 Permitted Animals

- 4.1 Pets that are permitted to stay, only when certain requirements are met:
 - Dogs
 - Cats
 - Fish
 - Caged Birds
 - Small, caged animals (e.g., hamsters/ rabbits).
- 4.2 The tenant must not keep any dog at the premises (including any dog belonging to other people) either permanently or temporarily, long, or short-term, without first getting Maidstone Council's written permission.
- 4.3 The tenant must get the Council's prior written permission to keep more than two cats.
- 4.4 Other pets such as small, caged animals and birds or fish do not require permission.

4.5 Dogs

No dog must be kept at the property which is of a breed that is banned under the 1991 Dangerous Dogs Act. This includes the Pit Bull Terrier, Japanese Tosa, Dogo Argentino and Fila Brasileiro.

Dogs must be chipped in line with current laws. Micro chipping is a legal requirement from 6 April 2016 under The Micro chipping of Dogs (England) Regulations 2015.

If the Council gives the tenant permission to keep a dog, tenants must make sure that:

- Vaccinations and treatment for fleas and worms are kept up to date
- The dog is not left alone for long periods, it is regularly exercised according to its needs, and it does not bark continuously or at un-social hours
- The property and garden are kept clean and free of the dog's faeces by the frequent and hygienic removal of all animal waste
- The dog is kept under proper control in the tenant's home, a private place such as a neighbour's house or garden and a public place, so that it does not: stray onto other people's property and/or more widely in the neighbourhood/locality; and/or cause damage to property or injury to a person, animal, or pet

4.6 Number of animals permitted:

Maidstone Borough Council will allow tenants to have the maximum of:

- One dog and one cat, or two cats and no dog
- Two caged animals
- Reasonable amount of caged birds

5.0 Animals the Council does not permit under this policy

5.1 Maidstone Council will not allow applicants to keep wild animals, livestock or farm animals, endangered species or any dogs identified in the Dangerous Dogs Act 1991, or any subsequent legislation.

5.2 In addition, animals registered under the Dangerous Wild Animals Act 1976, which includes venomous snakes, certain types of spider and various breeds of monkey, are not permitted in Maidstone Council Properties.

6.0 Keeping Pets without Permission

6.1 If tenants keep a pet(s) without first requesting permission from the Council, it will be a breach of the tenants' licence.

6.2 The tenant will be issued with a warning and must rehome their pet(s) within 14 days. Failure to do so may mean that the Council will ask the tenant to leave the accommodation.

7.0 If someone complains about your pet:

- 7.1 If the Council receives complaints of nuisance behaviour about a pet or other animals living at any property, it will be treated as an anti-social behaviour complaint. Maidstone Council will first ask the tenant to resolve any problems themselves. If the tenant does not, the Council will consider withdrawing permission to keep the pet and take enforcement action to resolve the issue as a breach of licence conditions.

Complaints of nuisance behaviour, may include:

- Fouling of staircases, walkways, courtyards, any communal areas, or dwellings including the tenants' own property
- Injuring or frightening anyone into thinking they might be injured (by the pet)
- The pet being out of control or a danger to other residents
- Making a noise that causes or is likely to cause alarm, distress, or harassment to others
- Failing to comply with the terms of any dog control notice or similar notice issued by the relevant authority
- Not keeping the tenants' home and surrounding areas in good condition

8.0 Responsible Pet Ownership

- 8.1 A pet owner is responsible for the welfare of their animal by law and must take reasonable steps in all circumstances to ensure that the needs of the animal are met to the extent required by good practice (Section 9, Animal Welfare Act 2006). This includes the provision of a suitable environment for the animal, as well as ensuring that the animal has the ability to express normal behaviour which may include the provision of regular exercise e.g., dog walking. An appropriate diet must also be provided as well as protection from pain, suffering, injury, and disease.
- 8.2 If Maidstone Council believes that a pet at the property has been neglected or abandoned, the Council will report the case to an appropriate animal welfare organisation.

9.0 Equality and Diversity

- 9.1 Maidstone Borough Council adopts a flexible approach to ensure that different needs are met and well supported.
- 9.2 The Council recognises that some individuals may experience discrimination and disadvantage. An Equality Impact Assessment has been undertaken on this policy to ensure that all customers are treated fairly, regardless of any characteristics.

10.0 Monitoring and Reviewing

- 10.1 This Policy will be reviewed every 5 years, or sooner if significant and relevant statutory changes occur.



Further information: maidstone.gov.uk/housing



Anti Social Behaviour Policy

1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to outline how Maidstone Borough Council will manage anti- social behaviour (ASB), including hate incidents or crimes.
- 1.2 Maidstone Borough Council acknowledges that ASB can have a significant negative impact on tenants and their living environment. Therefore, the Council adopts a preventative approach and ensures that incidents of ASB and hate crimes are taken very seriously.

2.0 Policy Objectives and Scope

- 2.1 This policy applies to all reports of anti-social behaviour, which have taken place within the locality of Maidstone Borough Council homes, by people who live in or visit any property owned, part owned or managed by the Council.
- 2.2 This policy covers Maidstone Borough Council's responsibility to:
 - Tackle ASB and hate related incidents and crime
 - Prevent anti-social behaviour
 - Commit to effective partnership working
 - Support tenants and victims
 - Assist and train staff to tackle ASB and hate related incidents and crime
 - Abide by regulatory and legal requirements

3.0 Legal/ Regulatory Framework

- 3.1 Maidstone Council will ensure all relevant legislation and guidance is met:
 - The Housing Act 1985 Ground 2
 - The Housing Act 1985 Ground 2
 - Environmental protection Act 1990
 - Noise Act 1996 Section 2
 - Police Reform Act 2002
 - Anti-Social Behaviour Act 2003
 - CRE Code of Practice on Racial Equality in Housing 2006
 - The Respect ASB Charter
 - Anti-Social Behaviour, Crime and Policing Act 2014
 - Regulation of Investigatory Powers Act 2000
 - Kent and Medway Information Sharing Agreement
 - Dangerous Dogs Act 1991
 - Race Relations (Amendment) Act 2000
 - Anti-social Behaviour, Crime and Policing Act 2014
 - Localism Act 2011

4.0 Key Terms and Definitions

4.1 Anti-Social Behaviour

The Antisocial Behaviour, Crime and Policing Act 2014 defines ASB as:

- conduct that has caused, or is likely to cause harassment, alarm, or distress to any person.
- conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or
- conduct capable of causing housing-related nuisance or annoyance to any person.

4.2 Harassment

The Equality Act 2010 has defined harassment as:

- Any unwanted behaviour affecting a person's well-being or dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.

4.3 Hate Crime

A hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's:

- Race
- Religion
- Sexual orientation
- Transgender identity
- Disability

Reports of hate crimes will be dealt with as a high-risk case of ASB.

4.4 Domestic Abuse:

Domestic Abuse is defined as any incident(s) of controlling, coercive, threatening behaviour, violence, or abuse between those who have an interpersonal relationship. This can include, but is not limited to, the following:

- Coercive control (a pattern of intimidation, degradation, isolation and control with the use or threat of physical or sexual violence)
- Psychological and/or emotional abuse
- Physical or sexual abuse
- Financial or economic abuse
- Harassment and stalking
- Online or digital abuse

Maidstone Borough Council recognises that domestic abuse does not constitute ASB that survivors and victims are responsible for, but a crime committed by the perpetrator. There are some instances when reports of ASB are identified as cases of domestic abuse when investigated. The Council will ensure that:

- Training is provided to all relevant staff so cases of domestic abuse can be identified.
- The victim is not treated as the perpetrator in cases of domestic abuse where neighbours can hear disturbances. Staff will act appropriately and will refer the victim to support services to ensure they are efficiently supported.

Maidstone Council has separate Domestic Abuse Policy, which sets out the Council's approach to domestic abuse.

5.0 What does the Council consider ASB?

- Physical violence (Report to the police first)
- Hate-related incidents, e.g., based on race, sexual orientation, gender, disability, or belief. (Report to the police first)
- Verbal abuse, harassment, intimidation, or threatening behaviour (Report to the police first)
- Vandalism and damage to properties (Report to the police first)
- Prostitution, sexual acts (Report to the police first)
- Criminal behaviour including using/dealing drugs (Report to the police first)
- Misuse of open spaces, public areas, or loitering, including begging and off-road use of vehicles (Report to the police first)
- Rowdy behaviour linked to drugs or alcohol use
- Noise complaints
- Problem Neighbours
- Nuisance dogs and fouling
- Environmental crimes, including fly tipping

6.0 What is not considered ASB?

- Cooking smells
- DIY in reasonable hours
- Minor car repairs
- Young people gathering socially
- Children playing in the street, including ball games
- Parking disputes
- Civil disputes between neighbours
- Disputes over social media
- Lifestyle differences
- Bonfires and BBQ's

7.0 Prevention

7.1 Maidstone Borough Council's goal is to focus on preventing the occurrence and escalation of anti-social behaviour. The council has adopted the following measures to try and achieve this:

- Integrating crime prevention principles when designing new homes, for example ensuring external spaces have defined uses
- Ensuring pre- tenancy checks are effective and robust
- Identifying support needs of prospective and new tenants
- Setting out clear expectations on behaviour when new customers sign their tenancy agreement
- Using Introductory Tenancies, which might be extended by sixth months in accordance with the Housing Act (2004) (part 6) if it has concerns about the conduct of the tenancy

- Working in partnership with the police, and other agencies on preventative strategies and planned solutions
- Having clear and specific tenancy clauses on hate crime, illegal drug use and distribution and harassment
- Using Neighbourhood Agreements for new and existing communities
- Using Community Protection Warning and Notices

8.0 Reporting ASB

- 8.1 Maidstone Borough Council encourages tenants, visitors, staff, third party members and residents of another landlord, who has either witnessed or experienced ASB themselves within a property or estate in the Council's management to report this to Maidstone Council.
- 8.2 Reporting a community safety issue can be made by completing one of the online forms, which can be accessed on the Council's website.
- 8.3 101 is the number to call when contacting Kent Police, which is available 24 hours a day, seven days a week. 101 should be called to report a crime and other concerns that do not need an emergency response. 999 should be called only when immediate help is needed.
- 8.4 The council will categorise ASB reports as follows:
- Very Serious – this includes (but is not limited to) hate related incidents, physical violence, threatening behaviour and drug production or supply. Maidstone Council will make first contact within 3 working days and agree an action plan, taking agreed actions within 3 working days.
 - Serious – this includes (but is not limited to) verbal abuse, harassment, alcohol related ASB, noise nuisance and criminal behaviour. Maidstone Council will make contact within 5 working days and agree an action plan, taking agreed actions within 10 working days.
 - Minor – this includes (but is not limited to) vandalism, animal nuisance, garden nuisance, fly tipping and vehicle nuisance. Maidstone Council will make contact within 10 working days and agree an action plan, taking agreed actions within 20 working days.

9.0 Enforcement and Partnership Working

- 9.1 Maidstone Borough Council will use a variety of tools and powers available to tackle ASB including but not limited to:
- Possession using discretionary grounds including if ASB is caused outside of the locality and where it is targeted towards staff and contractors
 - Mandatory possession against an introductory tenant
 - Possession using 'absolute grounds' against a secure tenant
 - Secure tenancy demotion
 - Civil Injunctions in serious cases for tenants and household members aged 10

years and above. This may include issuing legal proceedings for an injunction 'without notice.' Exclusion from the Home Breach of an injunction is contempt of Court and punishable by imprisonment or fine

- Criminal Behaviour Order where there has been a relevant conviction. An order may include 'positive requirements' to try and address the underlying causes of the ASB where appropriate
 - Closure Order to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder
 - ASB Injunction, where the conditions are met, and which could include 'positive requirements' to try and address the underlying causes of the ASB where appropriate
 - A Public Space Protection Order where wider communities are affected
 - The Council will share evidence with partners that have the powers to issue fixed penalty notices and provide recordings of unreasonable noise that may lead to equipment being seized in accordance with the Noise Act (1996) S.2.
 - The Council will handle CCTV images in accordance with Data Protection Laws and may disclose images as evidence of ASB or criminal activity and provide the information to the Police.
 - The Council will cooperate when requested to share information (such as the location of and type of ASB reports made), in order to prevent and tackle ASB under regulations by The Regulator of Social Housing, or if there is a 'anti-social behaviour review', formally known as the 'Community Trigger
 - When it is considered by the Police as the appropriate action in response to ASB, the Council will work in partnership to agree the content of acceptable behaviour agreements and parenting contracts. These will be used in further legal action if the conditions are breached.
- 9.2 The decision to use a power will be made after a review of each case, testing the reasonableness, proportionality and in the requirements of the law. Legal advice will be sought where required.

10.0 Support

- 10.1 Maidstone Borough Council aims to create an environment where victims and witnesses feel confident and safe in coming forward to report ASB.
- When it is in the interests and knowledge of the victim, the Council will work alongside partner organisations that specialise in areas such as hate crime.
 - Depending on the nature of the ASB, the Council (Housing Service) may expect other Council or non-Council agencies to lead on case management and action.
 - The Council will encourage residents to resolve their differences themselves and will encourage 'mediation' if it is appropriate and both parties are willing to participate.
 - The Council will provide help and support to both victims and witnesses by remaining in regular contact and signpost to specialist organisations.

- After considering whether it is appropriate to apply for an injunction, if the perpetrator is under 18 years of age, before applying for an injunction the Council will consult with the Youth Offending Team and any other body deemed appropriate.
- Where partners such as the police or social services recommend that the risk is substantial enough, the Council will consider using its discretion to offer the victim an alternative property within its stock.

11.0 Confidentiality

- 11.1 Section 115 of the Crime and Disorder Act 1998 and the Data Protection Act 2018 allows agencies to share information for the detection and the prevention of crime and anti-social behaviour.
- 11.2 Maidstone Borough Council ensures that where appropriate, local information sharing protocols have been signed, so that information about reporting parties and perpetrators may be shared with other agencies for the purpose of preventing ASB or crime. Any information exchange will be compliant with the Human Rights Act 1998.

12.0 Equality and Diversity

- 12.1 Maidstone Borough Council adopts a flexible approach to ensure that different needs are met and well supported.
- 12.2 The council recognises that some individuals may experience discrimination and disadvantage. An Equality Impact Assessment has been undertaken on this policy to ensure that all customers are treated fairly, regardless of any characteristics.
- 12.3 Maidstone council will make sure all complaints will be taken seriously and responded to efficiently.
- 13.0 Monitoring and Reviewing
- 13.1 This Policy will be reviewed every 5 years, or sooner if significant and relevant statutory changes occur.



Further information: maidstone.gov.uk/housing



Mutual Exchange Policy

1.0 Purpose of the Policy

- 1.1 Mutual Exchange means tenants living in council and housing association owned housing can swap homes. This can take place between more than two tenants.
- 1.2 Secure tenants have the right to exchange with another tenant of a registered provider of social housing subject to the prior written consent of the Council, which shall be withheld only on specified grounds.
- 1.3 The purpose of this policy is to set out the Council's approach to Mutual Exchange.

2.0 Policy Scope and Objectives

- 2.1 This policy applies to Maidstone Borough Council secure tenants only.
- 2.2 This policy aims to:
 - Clearly set out the requirements for a mutual exchange of properties for tenants and staff
 - Provide information on the circumstances for assigning or surrendering a tenancy
 - Set out the grounds for refusing an exchange
 - Provide a clear appeals process

3.0 Legal/ Regulatory Framework

- 3.1 Maidstone Council will abide by the following legislation and requirements:
 - Housing Act 1985 S.92 and S.3
 - Welfare Reform Act 2012
 - Localism Act 2011
 - Equalities Act 2010

4.0 Types of Exchange

- 4.1 The type of mutual exchange will depend on the tenancy that the applicant and their exchange partner have:
 - 4.1.1 By Way of Assignment

An assignment takes place when a tenant passes their tenancy onto their mutual exchange partner. This means no new tenancy is created.
 - 4.1.2 Assignments occur where both tenants have lifetime tenancies and fixed term tenancies. When tenants are assigned the tenancy, each tenant takes on the remainder of the fixed term. Secure tenants exchanging with an assured tenant are directed to seek independent legal advice about the loss of any statutory rights as a result of the exchange.

4.2.1 By Way of Surrender and Regrant

“Surrender and re-grant” is another way of exchanging tenancies, whereby both tenants surrender their current tenancies and are granted new tenancies, not necessarily with the same conditions.

5.0 Eligibility/ Tenants Right to Exchange

5.1 Who can Exchange- Qualifying Tenants:

Secure tenants have a statutory right to exchange. If the exchange is with someone whose landlord is a housing association, they will likely have an assured tenancy and their ability to exchange by way of assignment will depend on their contractual agreement.

5.2 The right to exchange does not apply whilst tenants are in the probationary period of their tenancy.

5.3 A tenant who has been served with a Notice to Quit or Notice of Seeking Possession (NoSP), and/or is subject to a Court Order will not be able to exchange their tenancy.

5.4 A tenant who holds a demoted tenancy will not be eligible to exchange their tenancy.

6.0 Grounds for Refusal

6.1 Maidstone Borough Council will not unduly refuse a tenants’ right to exchange. There are different sets of grounds for refusing a mutual exchange application, which is provided in the attached appendix.

6.2 The Council will approve or refuse all mutual exchanges within 42 days of receiving a full application with supporting documents.

7.0 Affordability

7.1 Maidstone Borough Council acknowledges that affordability is not one of the grounds for refusal set out in schedule 3 of the Housing Act 1985 or Schedule 14 of the Localism Act 2011. In these circumstances, the Council will discuss affordability with the applicant and set out what will happen if they are unable to pay their rent. This will allow tenants to consider whether they will proceed with the mutual exchange or not.

8.0 Unauthorised Exchanges

- 8.1 If a mutual exchange takes place without written consent or Maidstone Borough Council's knowledge, occupants will be treated as unauthorised occupiers and will be advised to return to their own property within 7 days to avoid being served a Notice to Quit. Their mutual exchange application can continue to be considered if they return within the 7 days.

9.0 Right of Appeal

- 9.1 If a tenant is unhappy with any decision made under this policy and they had a statutory and contractual right to exchange, then they have the right to appeal and ask for it to be reviewed.
- 9.2 This will then be investigated by the service manager or more senior person and responded to within 10 working days.
- 9.3 Please see the Council's Complaints Policy for further details.

10.0 Equality and Diversity

- 10.1 Maidstone Borough Council adopts a flexible approach to ensure that different needs are met and well supported.
- 10.2 The Council recognise that some individuals may experience discrimination and disadvantage. An Equality Impact Assessment has been undertaken on this policy to ensure that all customers are treated fairly, regardless of any characteristics.

11.0 Monitoring, Evaluation and Review

- 11.1 This Policy will be reviewed every 5 years, or sooner if significant and relevant statutory changes occur.

Appendix A

GROUNDS FOR WITHHOLDING CONSENT

Schedule 3 Housing Act 1985

Ground 1.

The tenant or the proposed assignee is subject to an order of the court for the possession of the dwelling-house of which he is the secure tenant

Ground 2.

Proceedings have been begun for possession of the dwelling-house of which the tenant or the proposed assignee is the secure tenant on one or more of grounds 1 to 6 in Part I of Schedule 2 (grounds on which possession may be ordered despite absence of suitable alternative accommodation), or there has been served on the tenant or the proposed assignee a notice under section 83 (notice of proceedings for possession) which specifies one or more of those grounds and is still in force.

Ground 2ZA.

Proceedings have been begun for possession of the dwelling-house, of which the tenant or the proposed assignee is the secure tenant, under section 84A (absolute ground for possession for anti-social behaviour), or there has been served on the tenant or the proposed assignee a notice under section 83ZA (notice requirements in relation to proceedings for possession on absolute ground for anti-social behaviour) which is still in force.

Ground 2A.

Either—

(a) a relevant order, a suspended anti-social behaviour possession order or a suspended riot-related possession order is in force, or

(b) an application is pending before any court for a relevant order, a demotion order, an anti-social behaviour possession order or a riot-related possession order] to be made, in respect of the tenant or the proposed assignee or a person who is residing with either of them.

A “relevant order” means—

an injunction under section 152 of the Housing Act 1996 (injunctions against anti-social behaviour);

an injunction to which a power of arrest is attached by virtue of section 153 of that Act (other injunctions against anti-social behaviour);

an injunction under section 153A, 153B or 153D of that Act (injunctions against anti-social behaviour on application of certain social landlords);

an anti-social behaviour order under section 1 of the Crime and Disorder Act 1998;

an injunction to which a power of arrest is attached by virtue of section 91 of the Anti-social Behaviour Act 2003 [F1395] or section 27 of the Police and Justice Act 2006.

an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014;

a criminal behaviour order within the meaning given by section 330 of the Sentencing Code.

An “anti-social behaviour possession order” means an order for possession under Ground 2 in Schedule 2 to this Act or Ground 14 in Schedule 2 to the Housing Act 1988.

A “demotion order” means a demotion order under section 82A of this Act or section 6A of the Housing Act 1988.

A “riot-related possession order” means an order for possession under Ground 2ZA in Schedule 2 to this Act or Ground 14ZA in Schedule 2 to the Housing Act 1988.

Where the tenancy of the tenant or the proposed assignee is a joint tenancy, any reference to that person includes (where the context permits) a reference to any of the joint tenants.

Ground 2B.

The dwelling-house is subject to a closure notice or closure order under Chapter 3 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014

Ground 3.

The accommodation afforded by the dwelling-house is substantially more extensive than is reasonably required by the proposed assignee.

Ground 4.

The extent of the accommodation afforded by the dwelling-house is not reasonably suitable to the needs of the proposed assignee and his family.

Ground 5.

The dwelling-house—

(a) forms part of or is within the curtilage of a building which, or so much of it as is held by the landlord, is held mainly for purposes other than housing purposes and consists mainly of accommodation other than housing accommodation, or is situated in a cemetery, and

(b) was let to the tenant or a predecessor in title of his in consequence of the tenant or predecessor being in the employment of—

the landlord, a local authority, a development corporation, a housing action trust, Mayoral development corporation, an urban development corporation, or the governors of an aided school.

Ground 6.

The landlord is a charity and the proposed assignee's occupation of the dwelling-house would conflict with the objects of the charity.

Ground 7.

The dwelling-house has features which are substantially different from those of ordinary dwelling-houses and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of the kind provided by the dwelling-house and if the assignment were made there would no longer be such a person residing in the dwelling-house.

Ground 8.

The landlord is a housing association or housing trust which lets dwelling-houses only for occupation (alone or with others) by persons whose circumstances (other than merely financial circumstances) make it especially difficult for them to satisfy their need for housing and if the assignment were made there would no longer be such a person residing in the dwelling-house.

Ground 9.

The dwelling-house is one of a group of dwelling-houses which it is the practice of the landlord to let for occupation by persons with special needs and a social service or special facility is provided in close proximity to the group of dwelling-houses in order to assist persons with those special needs and if the assignment were made there would no longer be a person with those special needs residing in the dwelling-house.

Ground 10.

The dwelling-house is the subject of a management agreement under which the manager is a housing association of which at least half the members are tenants of dwelling-houses subject to the agreement, at least half the tenants of the dwelling-houses are members of the association, and the proposed assignee is not, and is not willing to become, a member of the association.



Further information: maidstone.gov.uk/housing



Rent Arrears and Income Policy

(for use by Officers)

1.0 Purpose of the Policy

- 1.1 Maidstone Borough Council (MBC) adopted a Debt Recovery Policy that should be read in conjunction with this document. This policy and procedure sets out the Housing Portfolio Team's approach to ensuring that applicants have the best opportunity to conduct their tenancy in a satisfactory manner, in order to prevent them becoming indebted and to enable a sustainable resolution of their long-term housing.
- 1.2 MBC's approach to applicants who fall behind with the cost of their accommodation is to intervene at the earliest opportunity to prevent further indebtedness and to assist the applicant in regularising their financial position. Applicants who are unwilling to take reasonable steps to pay their accommodation costs will ultimately face losing the accommodation provided by MBC.

2.0 Policy Objectives and Scope

- 2.1 This policy applies to all Maidstone Council tenants and former tenants.
- 2.2 All officers must ensure that they have liaised internally to be confident that the action taken is the correct one for the type of tenancy. Clarification about the type of occupation can be obtained from the Housing Portfolio Manager or Senior Accommodation Officer.
- 2.3 MBC's officers will work with applicants to endeavour to prevent arrears from accruing from the outset of the tenancy. Financial expertise and housing support is available to all our residents to reduce the impact rent arrears has on both the Council and applicant. However, the Council will act firmly with applicants who are unwilling to pay their rent or engage to help reduce arrears.
- 2.4 MBC's officers will approach tackling rent arrears in a fair but firm manner, being supportive to the applicant and empathetic with their circumstances. Whilst the procedure sets out the steps that officers are expected to follow, each case will be judged on its merits and the action will be reasonable and proportionate to the situation, whilst balancing this against fulfilling the Council's wider housing duties.
- 2.5 Officers will have an awareness of any special need or characteristic that the applicant has that may affect their ability to understand their responsibilities. Assistance to applicants will be tailored to meet the specific needs of the applicant.
- 2.6 For applicants occupying temporary accommodation, liaison with the applicant's Housing Advice Officer is essential to ensure that the Housing Portfolio Team is aware of the applicant's circumstances.
- 2.7 Rent arrears recovery will follow a staged escalation process, up to and including repossession for non-payment of rent.

3.0 Legal and Regulatory Requirements

- 3.1 Maidstone Council will abide by the following legislation and requirements:
- Housing Act 1985
 - Housing Act 1996
 - Protection from Eviction Act 1977
 - Welfare Reform Act 2012
 - Homelessness Reduction Act 2017
 - Equality Act 2010
 - Human Rights Act 1998
 - Data Protection Act 2018
 - Coronavirus Act 2020

4.0 Tenant Responsibilities

- 4.1 It is the applicant's responsibility to pay, in full, the amount of rent and service charges that are lawfully due and set out in the agreement provided to the applicant. Applicants will provide relevant documentation to maximise income at the earliest point.
- 4.2 Applicants have an obligation under the terms and conditions of their agreement to pay rent and service charges in good time. It is an applicant's responsibility to notify the Housing Portfolio Team of any change in their circumstances that may affect their ability to pay their rent or affect their housing benefit claim.
- 4.3 Applicants will be reminded of their responsibilities when they sign their tenancy agreement and during their occupation.
- 4.4 The Accommodation Officer will highlight the various means for making payments and the process for doing so. Accommodation Officers will also assist the applicant to complete their claim for relevant state benefits at point of sign-up.
- 4.5 Where rent arrears for former tenancy arrears (FTA) are present, the officer will agree an affordable repayment plan to reduce the arrears through realistic instalments that are sustainable over a specific period. Any repayment agreement is based upon a detailed assessment of the applicant's finances and ability to pay.
- 4.6 Once arrears accrue, prompt action will be taken to ensure that the arrears do not become unmanageable for the applicant. The Council will endeavour to make sure that current rent is paid, and then ensure that the arrears are recovered in full. The process will be based on a preventative approach that seeks to maximise applicants' entitlement to benefits and secure regular payments.
- 4.7 Officers will maintain an accurate record of steps taken, which will be kept up to date on the designated software.

5.0 Council's Responsibilities

- 5.1 The sign-up stage is a critical opportunity to help the applicant understand their responsibilities and what assistance is available to them during their tenancy. MBC will provide clear information to applicants at the point of sign-up about the accommodation and all of the charges that are lawfully due whilst occupying the accommodation.
- 5.2 If the Council is made aware that a tenant has problems with understanding their rent accounts or arrears, then the Council will ensure the tenant understands the information presented to them. This may include signposting to appropriate support services and carrying out additional home visits. The Council will also offer translation and interpreting services, and information in alternative formats.
- 5.3 Maidstone Borough Council will ensure the policy complies with the Pre- Action Protocol for Possession Claims by Social Landlords, which aims to:
 - Encourage more pre-action contact and exchange of information between landlords and tenants
 - If possible, enable landlords and tenants to avoid legal action and settle disputes out of court
 - If court proceedings are necessary, enable an effective use of court's time and resources

6.0 Rent Payment Methods

- 6.1 Maidstone Borough Council offers tenants the options of direct debits and standing orders as methods to pay their rent.
- 6.2 The Council will ensure that this is made as convenient and simple as possible.

7.0 Prevention

- 7.1 Maidstone Borough Council will undertake preventative measures to minimise rent arrears, these include:
 - Providing advice to tenants prior to the beginning of a tenancy and identifying tenants that may need support to manage their finances
 - Referring tenants identified as needing support to the in- house Welfare Team, or to external advice/ support agencies if appropriate
 - Carrying out all property visits approximately within six to eight weeks of a tenancy starting, to determine any difficulties tenants may have with paying their rent
 - Signposting tenants to appropriate advice and support on debt, financial skills, and maximising income

8.0 Taking Enforcement Action

- 8.1 The rental charge is made on a weekly unless expressly stated in the tenancy agreement. Where applicant's income is received on a monthly basis, the option to pay monthly can be agreed but the rent becomes payable in advance.

- 8.2 The Accommodation Officer will carry out a review of their rent accounts using the designated software on a regular basis and not less than fortnightly. A record of actions will be recorded on the designated software.
- 8.3 If an applicant goes in excess of two weeks arrears, the Accommodation Officer will contact the applicant and send a letter to the applicant requesting the arrears be cleared in full or for the applicant to make contact with their Accommodation Officer to make a suitable repayment plan.
- 8.4 If the arrears continue to accrue after the first letter, a warning letter will be sent to the tenant advising that the Council will commence steps to end their tenancy. If the resident is occupying temporary accommodation, the Accommodation Officer should liaise with the relevant Housing Advice Officer to co-ordinate their action.
- 8.5 If the arrears remain unreduced to a satisfactory level to the equivalent of four weekly payments and no payment plan is agreed, the Accommodation Officer will provide a written justification to the Senior Accommodation Officer requesting that they authorise a Notice of Seeking Possession (NoSP) and the Ground for Possession being used.
- 8.6 Once the approval is received, the Accommodation Officer will arrange for the NoSP to be served and the service recorded by way of a witness statement.
- 8.7 The Accommodation Officer will continue to work with the applicant during the period of the NoSP in order to find a satisfactory resolution to the arrears. This might take the form of a repayment plan and if the applicant is keeping to the repayment plan no action will be taken at the stage that the NoSP expires.
- 8.8 If the arrears are increasing at the point at which the NoSP expires, the Senior Accommodation Officer will seek approval from either the Head of Housing & Regulatory Services or Housing Portfolio Manager to commence legal proceedings to recover possession of the property.
- 8.9 The Housing Portfolio Manager will ensure the necessary paperwork to commence legal proceedings. During this period the Accommodation Officer will continue to work with the applicant and the relevant Housing Advice Officer in order to clear the arrears and to prevent homelessness reoccurring.
- 8.10 The Housing Portfolio Manager will arrange for a suitable representative of the Council to attend the hearing at the County Court to obtain the necessary possession order. The outcome of the proceedings will be conveyed to the applicant and the Housing Advice Manager (in relation to the homelessness situation) and recorded both on the designated software and possession proceedings database.
- 8.11 The authority to request a Warrant of Execution to carry out the eviction will be authorised by the Head of Housing & Regulatory Services. When the Warrant for Eviction is granted, the Housing Portfolio Manager will carry out a risk assessment with the bailiffs in order to achieve the eviction and will make all necessary and proportionate arrangements to ensure the eviction takes place without a breach of the peace.

9.0 Dispute Resolution

- 9.1 It should be discussed with the Council as early as possible if the tenant is disputing their rent arrears. Maidstone Council will then provide the tenant with enough information to confirm the rent due and any outstanding arrears. The Council aims to resolve any disputes quickly without resorting to legal action.

10.0 Former Tenant Arrears

- 10.1 Once a tenant has been evicted from the property, any rent owed remains as a debt and is repayable to the Council.
- 10.2 Maidstone Council will pursue former tenant arrears, no matter how small. Tenants will be advised of the implications involved if rent arrears are not paid in full.

11.0 Equality and Diversity

- 11.1 Maidstone Borough Council adopts a flexible approach to ensure that different needs are met and well supported.
- 11.2 The Council recognises that some individuals may experience discrimination and disadvantage. An Equality Impact Assessment has been undertaken on this policy to ensure that all customers are treated fairly regardless of any characteristics.

12. Review

- 12.1 This policy will be reviewed every 5 years, or sooner if significant and relevant statutory changes occur.



Further information: maidstone.gov.uk/housing



Succession Policy

1.0 Purpose of the Policy

- 1.1 Succession is the process by which a tenancy is passed to another person on the death of the original or joint tenant.
- 1.2 The purpose of this policy is to outline how Maidstone Borough Council will deal with requests for assignment by way of succession.

2.0 Policy Objectives and Scope

- 2.1 This policy applies to all Maidstone Borough Council tenants. The policy is intended to observe people's legal rights, whilst ensuring the best use is made of MBC's residential housing stock in an area of high demand for affordable housing.
- 2.2 The Council will ensure it:
 - Treats requests with respect and acknowledge that bereavement is a difficult experience for most people
 - Responds promptly to all applications received to succeed and make application forms, advice, and assistance easily available
 - Makes former tenants who may have an additional right to succeed aware of this right
 - Carries out succession and non-succession in an efficient and sensitive manner, whilst abiding by legal requirements

3.0 Legal Framework

- 3.1 Maidstone Borough Council abides by the following legislation and requirements:
 - Housing Act 1985 S.88 and S.89
 - The Civil Partnership Act 2004 Schedule 8 Section 41
 - The Regulatory Framework for Social Housing
 - Disability Discrimination Act 1995
 - Localism Act 2011
 - Equality Act 2010

4.0 Definitions

- 4.1 Family member / qualifying member

Under this policy, family members are defined as: the tenant's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, or niece (s113 Housing Act, 1985). This also includes step-relations and illegitimate children.

5.0 Types of Succession and Eligibility

- 5.1 The succession rights for tenants will depend on the date and the type of the tenancy. The four types of succession are:

- 5.2 Survivorship is where a joint tenant passes away and the tenancy continues in the surviving tenant's name. The remaining joint tenant or 'survivor' is a successor and therefore no further succession rights exist.
- 5.3 Statutory successions are granted by law, which give successors the right to succeed a tenancy on the death of a tenant. Legislation provides for one statutory succession only, this includes survivorship, as above.
- 5.4 Contractual succession is where the tenancy agreement provides additional rights of succession, without needing consent or permission.
- 5.5 In exceptional circumstances, discretionary succession may be considered where a spouse or family member does not have a legal right to succeed a tenancy, but where offering a new tenancy is appropriate to the circumstances. Discretionary requests will be determined by the Housing Portfolio Manager or a more senior officer with the appropriate delegation.
- 5.6 When deciding whether to grant a discretionary succession, Maidstone Borough Council will consider the following:
- How long the applicant has been living in the property for
 - Whether the property is the applicant's principal home
 - The relationship between the applicant and the deceased tenant (e.g., family member, spouse, or carer)
 - The age of the applicant (e.g., whether they are a minor)
 - How suitable the property is for the applicant's needs
 - Whether the applicant can pay the rent and sustain the tenancy
 - The relationship between those planning to live in the property
 - Whether the applicant's eligibility for housing is part of a scheme, such as sheltered or supported housing
 - The local demand for housing
 - Whether applicants had previously requested to reside but had not been granted
 - The extent of any under occupation
 - Whether the applicant has any support needs

6.0 Secure Tenants

- 6.1 The tenancy can be succeeded by a spouse or a cohabitee. There are no other rights of succession, but as in Paragraph 5.5 above, may at its discretion consider requests from family members who meet the other criteria for succession.
- 6.2 A spouse or cohabitee has the right to succeed, provided they were living with the tenant at the time of their death. There is no requirement for a 12-month residence period.

7.0 Introductory Tenancies

- 7.1 Any succession would be for the remaining term of the original introductory tenancy, subject to the usual introductory tenancy review criteria being met.

8.0 Joint Tenancies

- 8.1 If one party to a joint tenancy dies the tenancy automatically passes to the remaining joint tenant. This is irrespective of the type of tenancy held. This action counts as an act of succession.

9.0 Non-Secure Tenancies and Mobile Home Plot Licenses

- 9.1 There are no rights of succession but a request for a discretionary succession may be considered in line with Paragraph 5.5 above.

10.0 Applying for Succession.

- 10.1 When informed that a tenant has died, Maidstone Borough Council will make enquiries if there was anyone living with the tenant at the time of their death and whether a claim for succession is likely to be made.
- 10.2 The Council will provide an application form and information sheet to the household. The information sheet will set out the legal framework surrounding succession and provide details of the process such as evidence requirements and time scales.
- 10.3 If someone wants to claim a tenancy after the death of a tenant, they must make a claim within one month of the death of a tenant. Maidstone Borough Council may grant an extension in exceptional circumstances.
- 10.4 All succession applicants must provide evidence to prove they are eligible to succeed under this policy. This includes formal proof of residency at the property at the time of the tenant's death, and where required for a period covering the entire twelve months prior to the death of the tenant. When Maidstone Borough Council has received the application and required evidence, the Council will aim to give a decision in 20 working days.
- 10.5 Applications for succession will be determined by the Senior Accommodation Officer or more senior officer with the appropriate delegations. If an application is refused, the occupation will be managed as an unauthorised occupancy and the occupancy brought to an end by service of a Notice to Quit authorised by the Housing Portfolio Manager.

11.0 Multiple Claims for Succession

- 11.1 Only one person can succeed to the tenancy. Maidstone Borough Council will not authorise joint successors under any type of succession. Where the council receives more than one claim for succession to the same tenancy, Maidstone Borough Council will request that the potential successors decide between each other, who should be the successor. If the potential successors cannot decide, the Housing Portfolio Manager will make the final decision based on the following criteria:
- Whether a legal will is in existence and the information contained in the will relates to the tenancy
 - The length of residency at the property
 - The nature and length of the relationship with the deceased
 - Whether there is any other accommodation which the potential successor could be expected to occupy
 - Ties to local area (e.g., school or work commitments)
 - Applicants' housing needs.
- 11.2 If potential successors requesting a joint tenancy do not agree with the Council's decision, Maidstone Council will seek possession on expiry of the Notice to Quit.

12.0 Under Occupation

- 12.1 Where a family member (excluding spouse or cohabitee) legally succeeds to a tenancy, and the property is deemed to be larger than is required (under occupied), the Council may seek to move the new tenant to another suitable property using Ground 15A Schedule 2 of the Housing Act 1985.
- 12.2 The legal Notice of Seeking Possession to start this action will be served no sooner than six months after the death of the previous tenant and not later than 12 months after the death, but the Council's intention in this regard will be discussed with the successor sooner.

13.0 Occupants with Support Needs

- 13.1 Maidstone Borough Council will not decline a succession claim due to an applicant's support needs if it is satisfied that suitable support is available to enable the tenancy to be sustained. Where a tenant with support needs is eligible to succeed a tenancy, the Council will cooperate with support services for advice and offer them an assessment of their need for support.

14.0 Rent Arrears

- 14.1 If the successor held a joined tenancy with the deceased tenant, then any rent arrears accrued on the joint tenancy will be passed to them. In all other circumstances the rent arrears will form part of and be recovered from the deceased tenant's estate.

15.0 Adapted Properties

15.1 Maidstone Borough Council can reserve the right to refuse a claim for succession where:

- The property has been adapted for special use which the potential successor does not need.
- The potential successor remains in a property which has been developed for a specific client group, for example, sheltered housing and they are not in that client group.

16.0 Successors who are Minors

16.1 A minor is a person aged under 18 years. They are legally qualified to succeed a tenancy if the conditions for succession have been met. Maidstone Borough Council will always attempt to find an adult to be the trustee to hold the tenancy interest until the minor reaches 18 years of age.

16.2 If the deceased tenant had a will, then the executor will be the trustee automatically. If there was no will, the Council will speak to a social worker or another adult family member to ask one of them to act as the trustee. Where social services are involved, Maidstone Borough Council will work with both the family and social services to try to ensure sufficient support is provided. The Council will take legal advice about how to move forward, if no adult will agree to act as trustee.

17.0 Equality and Diversity

17.1 Maidstone Borough Council adopts a flexible approach to ensure that different needs are met and well supported.

17.2 The Council recognises that some individuals may experience discrimination and disadvantage. An Equality Impact Assessment has been undertaken on this policy to ensure that all customers are treated fairly, regardless of any characteristics.

17.3 Maidstone Borough Council will make sure all complaints will be taken seriously and responded to efficiently.

18.0 Monitoring and Reviewing

18.1 This Policy will be reviewed every 5 years, or sooner if significant and relevant statutory changes occur.



Further information: maidstone.gov.uk/housing

Agenda Item 16

HOUSING, HEALTH AND ENVIRONMENT POLICY ADVISORY COMMITTEE

7th September 2023

Public consultation in relation to the Kent Community Warden Scheme KCWS

Timetable	
Meeting	Date
Housing, Health and Environment Policy Advisory Committee	7th September 2023
Overview & Scrutiny Committee	19 th September 2023
Cabinet Member for Housing and Health	Before 29 th September 2023
Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Cabinet Member for Housing and Health
Lead Head of Service	Head of Housing and Regulatory Services
Lead Officer and Report Author	Martyn Jeynes, Community and Strategic Partnership Manager
Classification	Public
Wards affected	All
Executive Summary	
<p>KCC are currently undertaking a public consultation in relation to the Kent Community Warden Scheme (KCWS). Through the consultation, KCC have announced plans that would see the service reduced significantly and have a potentially disproportionate impact on Maidstone and its residents as a result. To ensure the concerns of Maidstone Borough Council are recorded the following report provides information in relation to the proposed changes and the potential impact and offers suggested responses to the questions asked in the consultation should the Cabinet Member choose to respond.</p>	
Purpose of Report	
Cabinet Member Decision	

This report asks the Committee to consider the following recommendation to the Cabinet Member:

That the Cabinet Member for Housing and Health consider the information provided in this report and use that information to make a representation to the proposed changes.

Public consultation in relation to the Kent Community Warden Scheme KCWS

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>The proposed changes are likely to impact on our ability to provide a Safe, Clean and Green borough. It will also impact on Homes and Communities. The public consultation offers and opportunity to ask KCC to consider the implication changes will have on our strategic objectives.</p>	John Littlemore, Head of Housing and Regulatory Services
Cross Cutting Objectives	The report recommendation supports both the Health Inequalities are Addressed and the Reduced Deprivation and Social Mobility is Improved Cross Cutting Objectives.	John Littlemore, Head of Housing and Regulatory Services
Risk Management	There are no proposed risks associated to the recommendation.	John Littlemore, Head of Housing and Regulatory Services
Financial	Whilst there are no direct financial implications associated to the recommendations in this report, it is highly likely that the proposed changes will impact on a number of services in the Housing and Health Portfolio as demand shifts to Maidstone Borough Council services	Head of Finance
Staffing	Whilst there are no direct staffing implications associated to the recommendations in this report, it is highly likely that the proposed changes will impact on a number of services in the Housing and Health Portfolio as demand shifts to Maidstone Borough Council services.	John Littlemore, Head of Housing and Regulatory Services

Legal	Responding to the public consultation has no legal implications.	
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Information Governance Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Equalities & Communities Officer
Public Health	Whilst there are no direct Public Health implications associated to the recommendations in this report, it is highly likely that the proposed changes will impact on the health of the population and individuals in the borough.	John Littlemore, Head of Housing and Regulatory Services
Crime and Disorder	Whilst there are no direct Crime and Disorder associated to the recommendations in this report, it is highly likely that the proposed changes will impact on the crime and disorder due to the partnership role the KCC Wardens have played in the borough, including the multi-agency taskforce.	John Littlemore, Head of Housing and Regulatory Services
Procurement	Not applicable	John Littlemore, Head of Housing and Regulatory Services
Biodiversity and Climate Change	There are no implications on biodiversity and climate change.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 Kent County Council are proposing changes to the Kent Community Warden Service (KCWS) as detailed in their Consultation document and questionnaire found in appendix 1.
- 2.2 The KCWS is a discretionary service that provides a proactive and visible service to improve residents' quality of life and allow their communities to thrive. The proposed changes are driven by KCC's financial challenge, which requires savings of £1 million by 2024-25. This would entail a reduction of 32 warden posts and two management posts, and a change in the allocation of wardens across the county.
- 2.3 The proposed changes aim to retain the service's wide remit, objectives, and community-based approach, but with fewer wardens and less coverage. The service will continue with six teams covering two districts each, with a minimum of three wardens per team plus a team leader. Additional wardens (14 under the proposed reductions) will be placed within teams based on need using the proposed Geographical Allocation Policy (GAP), which uses a variety of data and information to rank wards according to need.
- 2.4 The consultation is running for 12 weeks from 12 July until 3 October 2023. The feedback from the consultation will be presented to Members of the Growth, Economic Development and Communities Cabinet Committee in January 2024 for their consideration and recommendation. In order to meet the deadline for the consultation, a report will be presented to the relevant PAC outlining our proposed responses to the consultation on behalf of residents of Maidstone and/or as a member of the Safer Maidstone Partnership.

What impact might the proposed changes have in Maidstone specifically

- 2.5 Maidstone is currently covered by one team, which comprises one team leader and 13 wardens distributed across Maidstone and Tonbridge & Malling as detailed in the table at 2.6 below.
- 2.6 Team - Maidstone and Tonbridge & Malling (1 team leader, 13 wardens)

Areas covered	Area type	Allocated?
Aylesford, Burham, Eccles	Villages / Civil Parishes	Warden allocated
Bearsted	Villages / Civil Parishes	Warden allocated
Borough Green and Wrotham	Villages / Civil Parishes	Warden allocated
Boughton Monchelsea, Chart Sutton and Loose	Villages / Civil Parishes	Warden allocated
Coxheath	Villages / Civil Parishes	Warden allocated
Ditton	Villages / Civil Parishes	Warden allocated
East Malling	Villages / Civil Parishes	Warden allocated
East Peckham and Hadlow	Villages / Civil Parishes	Warden allocated
Harrietsham and Lenham	Villages / Civil Parishes	Warden allocated

Headcorn	Villages / Civil Parishes	Warden allocated
Marden and Staplehurst	Towns / Villages / Civil Parishes	Warden allocated
Snodland and Holborough	Towns	Warden allocated

- 2.7 Under KCC's proposed changes to KCWS, this team would be reduced to one team leader and three wardens with additional wardens allocated according to need using GAP.
- 2.8 This means that many areas in Maidstone that currently have a warden allocated to them would lose their warden while some areas without a warden may gain one. The document does not specify which wards in Maidstone would be affected by these changes as it depends on the use of GAP. Given high levels of deprivation and other issues in East Kent there is a concern that most warden resources will be deployed there.
- 2.9 The reduction of wardens in Maidstone could affect support for residents, especially those who are elderly, vulnerable, isolated or have complex needs. It will also affect partnership working with other organisations such as Community Protection Team, Kent Police, Parish councils, community groups, schools, health services, and Kent Fire and Rescue Service.
- 2.10 The document invites residents and stakeholders in Maidstone to share their views on how these changes could impact them or their organisation; what they would like KCC to consider or put in place if wardens need to be withdrawn from an area; what alternative sources they would turn to if they lose their warden support; and any suggestions on how else the service could make savings.
- 2.11 The KCWS in Maidstone offers a range of support to the community, playing an integral role in supporting some of the most vulnerable people in the community, providing vital information, directly or through vulnerability meetings to statutory services on mental health, self-neglect, and general welfare concerns. The combination of their uniform and absence of enforcement powers creates a unique offer that builds trusted relationships and get through the barriers that other services find challenging. They also help free up hospital beds by helping vulnerable people return home and access support services, reducing the burden on acute NHS services. including providing knowledge and advice on local services, assisting with engaging hard-to-reach residents, providing one-to-one support to clients, and supporting community safety and engagement initiatives.
- 2.12 Amongst our concerns as an authority is that while this may result in short-term savings, it is likely to have significant impacts on public funding in the long term due to increased demand for acute services rather than the care and support the service is currently able to provide. It will also displace current support onto agencies who may not be resourced or may get resistance from being able to support individuals or communities. This will include our Community Protection Team, Housing Teams, the Kent and Medway Integrated Care System and acute services like Mental Health and Social Services.

- 2.13 The information provided in the consultation identifies that nearly 50% of those supported by wardens were helped to access services via social prescribing by the wardens. The report identifies that there are other services available to support individuals who need it. This statement conflicts with their acknowledgment of the need for support for vulnerable people to access services; a role the wardens actively provide.
- 2.14 There is also concern that recent changes to the role of Police Community Support Officers may exacerbate the loss of KCWS as it is unlikely that Beat Officers, particularly at current resourcing levels, will be able to support communities and vulnerable individuals in the same way. This is further aggravated by the impact of the financial crisis on the charity sector where the reduction in funding streams is seeing services reduce or even stop.
- 2.15 Data gathered in relation to serious violence shows that periods of poverty have significant impacts on communities with violence more prevalent in those individuals who are deprived key services during times of crisis. The reduction of services at this time is very likely to impact on levels of violence in the next 10-15 years.
- 2.16 A further concern is that if the proposed measures are introduced the level of demand on the reduced team could be very overwhelming. The existing KCWS service is embedded within local service delivery and a smaller team may be ineffective due to an unreasonable demand. This might impact on the service further due to high turnover or sickness within the officers that remain.
-

3. AVAILABLE OPTIONS

- 3.1 **Do Nothing**- the Cabinet Member for Housing and Health could choose not to respond. The decision on whether to amend the KCWS lies with Kent County Council and a public consultation will allow the communities themselves to provide feedback.
- 3.2 **That the Cabinet Member for Housing and Health responds to the public consultation** on behalf of Maidstone Borough Council. This is the preferred option as detailed in section 4.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred and recommended option is 3.2, that Cabinet Member for Housing and Health respond to the public consultation to ensure the concerns identified in 2.4 to 2.12 are represented in their evidence gathering prior to the decision being finalised.
- 4.2 Whilst the response alone is unlikely to persuade the decision makers, the response provided will lend weight to similar responses and ensure that the

views of Maidstone Borough Council are represented alongside other concerns or support offered by the general public and other stakeholders.

- 4.3 Suggested responses for the questions in the consultation are provided in Appendix 2 for Cabinet Member for Housing and Health to consider/use when responding to ensure the concerns identified above are incorporated.
-

5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered are low, other than potential reputational damage. Conversations held with Strategic partners and community representatives, such as Elected Members and Parish Councils, through Cluster meetings and Conversations have been taken into consideration when putting forward the proposal.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The timescale provided has not allowed for Maidstone Borough Council to undertake a consultation of its residents. The KCC Consultation has been shared with all elected Ward Members and Parish Councils for them to engage with or encourage their communities to respond.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 The Cabinet Member for Housing and Health will respond to the consultation using the information provided within this report and the appendices as an appointed representative of Maidstone Borough Council.
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8. REPORT APPENDICES

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

- Appendix 1: KCWS Consultation document and questionnaire
 - Appendix 2: Suggested responses to the questionnaire.
-

Kent Community Warden Service Review

Consultation document and questionnaire



Have your say!

We are proposing to make savings by redesigning the Kent Community Warden Service.

Find out more and tell us your views at

kent.gov.uk/communitywardenreview

Consultation open from 12 July to 19 October 2023.



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1. Introduction

We are running a consultation on proposed changes to our Community Warden service. We want to share our proposals with you and invite your views.

To help meet the financial challenge Kent County Council (KCC) is facing, the Community Warden service has been asked to reduce its annual budget by £1 million by 2024-25. To achieve this level of saving, we will need to redesign the service.

This consultation document provides information on:

- the current Community Warden service, including what it does and how it operates
- why we are proposing to make changes and how we have developed our proposals
- the proposed changes to the service and details of other options that have been considered
- how service users and other interested parties can participate in the consultation and tell us how these changes could impact them.

There is a glossary on page 14 which will give you more information on some the words in this document. These words are highlighted in **bold**.

2. The Community Warden service

Background

The Community Warden service was established in 2002. Today, the service is structured with:

- 70 wardens (including six team leaders)
- two area managers
- one volunteer and apprenticeship scheme manager
- one business coordinator.

The service's £2.4 million budget mostly covers these staffing costs. The remaining £135,000 of this budget is used for uniforms, equipment, training, materials, vehicles, and travel expenses.

What does the service do?

When the Community Warden service was first established, its main aim was to form a key part of the Council's response to its **statutory** responsibilities under the Crime and Disorder Act 1998 (amended by the Police and Justice Act 2006). Under Section 6 of the 1998 Act, we must work with the other responsible authorities, such as Kent Police and Kent Fire and Rescue Service, to tackle local

crime and disorder. Under Section 17 of this Act, we must consider crime and disorder implications for all of our functions and decisions.

The service's remit has evolved and expanded from the initial crime and disorder focus and the service now also contributes to our duties under the **Care Act 2014**. Under Section 1 of this Act, we must promote individual wellbeing, and under Section 2, we must prevent needs for care and support. This means we have to consider:

- what services, facilities and resources are already available in the area (for example local voluntary and community groups), and how these might help local people
- identifying people in the local area who might have care and support needs that are not being met
- identifying carers in the area who might have support needs that are not being met.

Wardens contribute to these duties by having knowledge of the communities they serve and being able to connect residents to what will promote their wellbeing or prevent care and support needs. This could be financial support, housing, information and advice, carers support, social connections, and activities.

Today, the wardens provide a proactive and visible service that helps in a variety of ways to improve residents' quality of life and allow their communities to thrive. The current service remit can be described by its four key objectives:

Objective 1 - Strengthening community resilience to ensure 'Stronger, Safer Communities'. Helping residents feel safer and be resilient at times of challenge.

Objective 2 - Supporting the elderly and vulnerable. Facilitating access to the right support, care and services.

Objective 3 - Fostering community cohesion and wellbeing. Working across communities to help build a sense of community.

Objective 4 - Assisting residents to navigate public services.

The service works closely with district **Community Safety Units (CSUs)** and receives requests from multiple different partners such as Adult Social Care, Kent Police, Trading Standards, district and borough councils, parish and town councils, community groups, schools, health services (e.g. GPs) and Kent Fire and Rescue Service. These requests can be to:

- provide local knowledge or advice
- support community safety and engagement initiatives

- assist partner organisations to engage with hard-to-reach residents
- provide one to one support to the partner organisation’s clients where they are limited due to capacity or eligibility
- provide support to clients which only the wardens can provide due to their trusted community position
- provide support during emergency incidents.

Where does the service operate?

Most wardens are based within a particular community. Historically, they have been deployed in rural communities or areas at the very edge of towns serving a population of between 2,500 and 5,000 residents. The areas served were identified by their community safety issues using:

- crime and disorder statistics
- referrals to social services
- unemployment levels
- deprivation statistics.

Decisions were made by KCC with Kent Police in consultation with district, borough, parish and town councils.

In recent years, allocations of warden posts have been reviewed and updated at times of recruitment based on the service’s understanding of changes in communities and their needs.

Today, there are six teams covering two districts each. The service operates with most wardens assigned to a particular area but also flexibly responding to needs beyond this, allowing for coverage of most of the county.

The table below shows the current team staffing levels:

District teams	Number of staff
Ashford and Swale	1 team leader, 8 wardens*
Canterbury and Thanet	1 team leader, 11 wardens*
Dartford and Gravesham	1 team leader, 5 wardens*
Dover and Folkestone & Hythe	1 team leader, 11 wardens
Maidstone and Tonbridge & Malling	1 team leader, 13 wardens
Sevenoaks and Tunbridge Wells	1 team leader, 6 wardens*

*There are currently vacancies within these teams which means that the current staffing number is 60.

A full breakdown of current warden allocations can be found in Appendix A from page 39 and on our service webpage: www.kent.gov.uk/communitywardens.

3. Why are we proposing changes?

In February 2023, our **Members** approved the Council's planned budget for 2023-24. The budget takes into account a £182 million rise in the cost of services, fuelled by inflation, market conditions and additional demands on council services from an ageing population with increasing complexity of need. Increased funding from the government and council tax provide £124 million. This leaves a shortfall of £58 million over the next financial year, which will need to be found from spending reductions, increased income and some use of reserves (our savings) to balance the budget. This means that we are having to make savings across a whole range of services, including the Community Warden service. To achieve the level of savings required, we will need to redesign the service.

4. How have we developed our proposals?

We have engaged with key stakeholder organisations, Community Warden service staff, and other services within KCC to help develop the proposals presented in this consultation. We have also used feedback previously received from service users and partners to help inform our thinking.

The majority of staff and partners felt that the service's objectives are right; that the wardens' broad remit, autonomy, and ability to respond flexibly is a strength of the service.

Over 3,000 service users have been surveyed since November 2020. 76% of responses said useful information was provided by the warden and 41% said the warden helped them access services that they had struggled to access on their own. Many respondents said that the visit made them feel happier (94%), safer (80%), less worried (89%) and that the visit will improve their quality of life (76%). These outcomes, along with the reasons given for wardens providing support, span all four of the service's objectives, showing residents both use and value the broad remit of the service.

A large majority of the partners felt that wardens should continue to be based within communities and that there should be a warden presence in all districts. Most staff felt that the service should not move to being solely reactive. There was also agreement that key criteria to use when identifying where a warden should be based are:

- high levels of deprivation
- high elderly populations
- barriers to accessing services
- low life satisfaction
- rural areas.

5. How do we propose to make savings?

Most of the service's £2.4 million budget provides the salaries of community wardens. To reduce the service budget by the required £1 million, staffing reductions are needed.

We know from the feedback we've received that what the wardens do and how they do it is largely viewed as being valuable and effective. **We are therefore proposing to retain:**

- **the service's wide remit**
- **the community-based proactive nature of the service.**

We are also proposing to retain a presence in all 12 districts. However, with fewer wardens, coverage across the county would be reduced.

We are proposing the following changes:

A minimum service level across the county with more warden presence in areas of highest need. The service would continue with six teams, covering two districts each. There would be a minimum of three wardens per team plus a team leader who also provides a uniformed presence and works operationally. Additional wardens (14 under the below proposed reductions) would be placed within teams based on need using the proposed Geographical Allocation Policy (see below).

All wardens will have an area in which they are based but wardens would need to work more flexibly, responding outside of these areas when the need arises. This would allow the wardens to maintain their local knowledge, links with Community Safety Units (CSUs) and community groups, take referrals or respond at times of crisis across all districts. It will also allow districts with greater levels of need to receive a greater level of support.

Reducing the service by 32 warden posts and two management posts.

Proposed structure:

- 38 wardens (including six team leaders)
- one operational manager
- one business coordinator.

This level of staffing would support the proposed operating model, streamline management roles to retain as much frontline staff as possible, and retain sufficient support, supervision, day-to-day organisation and prioritisation of the teams' workload through the team leader posts.

Allocate wardens to wards. It is proposed to allocate wardens to **electoral wards**. There is a lot of data available at ward level that can help identify areas of need. There are 271 wards in Kent with population sizes varying from 2,000 to

12,000. A ratio of 6,000 to 12,000 residents per warden would be manageable. This would mean some smaller wards may need to be grouped.

Introduce a Geographical Allocation Policy (GAP). To identify which wards will have a warden allocated to them (for both the minimum service level, and the additional wardens), we will use a variety of data and information to see where there is the greatest need for the service.

The Community Warden service’s broad remit means there is a wide range of data which could be used. The data we have selected are from KCC, the Police, the Office for National Statistics and the 2021 Census.

We have selected the indicators (types of data) we feel are the most relevant to the service’s objectives. We would use these to rank wards according to need to help identify where wardens should be based.

Proposed indicators
<p>Objective 1 – Community safety and resilience</p> <ul style="list-style-type: none"> • % of lone parent households with dependent children • % of people over 65 living alone • % of people providing 50+ hours of unpaid care per week • Level of domestic abuse • Level of children’s social care referrals progressing to assessment • Level of anti-social behaviour • Level of scams reported to Trading Standards
<p>Objective 2 – Supporting the elderly and vulnerable</p> <ul style="list-style-type: none"> • Indicators of loneliness (widowhood, housing tenure, poor self-reported health and household size) • Level of Homecare clients • % of people over 55 • % of people with a disability or long-term impairment
<p>Objective 3 – Foster community cohesion and wellbeing</p> <ul style="list-style-type: none"> • Indicators of low wellbeing • Low levels of community engagement (sport, hobby, youth club and social club and community organisation membership)
<p>Objective 4 – Assist with navigating public services</p> <ul style="list-style-type: none"> • Index of Multiple Deprivation: Barriers to housing and services domain, 2019 • Distances from nearest GP, urgent care and A&E (accident and emergency)

To arrive at a total score for each ward, so that they can be ranked by need, we would take the following steps:

1. Convert the indicators from their different formats (rates, numbers, percentages) into an index score, which would allow the indicators to be compared and combined.
2. Combine the indicator scores for each objective, giving them equal importance, to arrive at a score for each objective.
3. Combine the scores for each objective, giving each equal importance, to arrive at a score for each ward.

The wards can then be ranked by need within each district (for the minimum service level allocations) as well as across the county as a whole (for the additional allocations).

The Community Warden service has always had a strong emphasis on partnership working. Therefore, alongside this modelling of data, final allocation decisions will take into account:

- changes to public transport and community buildings (which may highlight communities at greater risk of isolation)
- conversations with Adult Social Care (including impact of new **locality model**)
- Kent Police's new neighbourhood policing model
- areas of high crime for which warden placements are not appropriate
- areas already well supported by services whose remit overlaps with the Community Warden service
- engagement with district and borough councils and local CSUs
- engagement with Kent Association of Local Councils (KALC).

Under these proposals 32 warden posts would be removed. The minimum number of wardens per team (three) and the additional wardens (14) would be allocated to wards across the county using the GAP. The GAP is part of this consultation and therefore subject to change.

If these proposed changes were to go ahead, it is likely there would be a change in the level of service you or your community receive from the Community Warden service.

The following table shows the current and proposed staffing arrangements:

District teams	Current staffing	Proposed future minimum staffing	Proposed future additional staffing
Ashford and Swale	1 team leader, 8 wardens*	1 team leader, 3 wardens	To be determined**
Canterbury and Thanet	1 team leader, 11 wardens*	1 team leader, 3 wardens	To be determined**
Dartford and Gravesham	1 team leader, 5 wardens*	1 team leader, 3 wardens	To be determined**
Dover and Folkestone & Hythe	1 team leader, 11 wardens*	1 team leader, 3 wardens	To be determined**
Maidstone and Tonbridge & Malling	1 team leader, 13 wardens	1 team leader, 3 wardens	To be determined**
Sevenoaks and Tunbridge Wells	1 team leader, 6 wardens*	1 team leader, 3 wardens	To be determined**
Total	60	24	14

*Teams with vacant posts

**14 wardens to be placed in teams according to need identified by the GAP (some teams will then have more than three wardens).

Legal requirements

The Community Warden service is a **discretionary service**, which means KCC is not legally required to provide it. It is acknowledged that the service contributes to our statutory duties under the Crime and Disorder Act and the Care Act. However, we do not solely rely on the service to prevent and reduce crime and disorder, promote wellbeing, or prevent needs for care and support.

The proposals are designed to enable the reduced Community Warden service to achieve all it can under these duties. For example, retaining the service's remit and community-based approach makes the service particularly effective in contributing to these duties.

Summary of proposed changes

<p>Positives</p> <ul style="list-style-type: none"> • The valued community-based approach would be retained. • The valued wide remit (objectives) of the service would be retained. • There would be a presence in all districts across Kent, placed in the areas of greatest need for each district. • The additional 14 wardens would be placed where need is greatest.
<p>Negatives</p> <ul style="list-style-type: none"> • There would be fewer uniformed wardens (reduced from 70 to 38). • Fewer communities would be allocated a warden. • Many areas currently allocated a warden would lose their warden.

6. What other options have we considered?

Before deciding on our proposals in section 5 we considered and discounted a number of other options to make savings. These were:

1. Making savings by other means than reducing the number of wardens/staff. The £135,000 of the service budget that does not cover staffing is not large enough for the size of savings required. These costs relate to uniform, equipment, training, and materials. There would be some savings in this area due to reduced warden numbers.

2. Narrowing service remit. We considered narrowing the service's broad remit (objectives) so that the existing level of county coverage could be maintained. For example, if wardens were to only support the elderly and vulnerable, and not cover safety, resilience or community wellbeing anymore, they may in theory be able to do this over more areas. However, staff and stakeholder feedback in the pre-consultation engagement valued the range and flexibility of warden support, allowing adaptation to different community needs. They also felt that all of the service's objectives are connected and dependent on each other. Previous surveys of service users and case studies show demand across all the service's objectives.

The recent Positive Wellbeing **social prescribing** project that wardens participated in also highlighted that wardens were particularly effective as social prescribers due to their:

- trusted community presence and relationships, which allow them to identify and engage with potential service users who would benefit
- good local knowledge of what is available to 'prescribe' to.

3. Moving away from being a proactive, community-based service. We considered the possibility of wardens being centrally managed and only responding to referrals and requests. This would in theory allow the service to maintain coverage across the majority of the county as wardens would not be based in particular areas. However, staff and stakeholders in pre-consultation feedback valued the community-based proactive approach as it means wardens have local knowledge, relationships and trust built within those communities, which partners can rely upon.

The Positive Wellbeing social prescribing project also highlighted that wardens were particularly effective as social prescribers due to their integral presence in communities.

4. Simple and equal distribution across teams. Having the same number (or as near to as possible) of wardens in each district has been considered. However, this wouldn't take into account the different levels of need between districts, including criteria such as deprivation and elderly populations.

5. High need ward coverage only. Using only high need criteria such as deprivation, and not ensuring a minimum service level across the county, would result in the majority of the service being focused in east Kent. However, most stakeholders said that there should be wardens in all districts to allow the service to maintain their local knowledge, links with Community Safety Units (CSUs) and community groups, take referrals or respond at times of crisis.

6. Reducing management and support roles. We are proposing a reduction of managers from three to one. There is only one business coordinator post, which we are proposing to retain. Without this post, administrative tasks would fall to operational team leaders and wardens reducing the amount of time they can be out in the community.

Reducing team leader posts is also considered to be undesirable as they are the key point of contact across two districts for CSUs and they provide close supervision and support to wardens who increasingly work with individuals with complex needs. Team leaders will also be expected to be operational, providing additional, visible uniformed presence.

7. Equality analysis

An Equality Impact Assessment (EqIA) has been carried out to assess the potential impacts of the proposals being put forward in this consultation on the protected characteristics. These are: age, disability, sex, gender identity, race, religion/belief or none, sexual orientation, pregnancy and maternity, and marriage and civil partnership. We also examine carers' responsibilities.

The scale of the savings needed are not possible without significantly reducing the number of community wardens. Unfortunately, this means that there would be an adverse impact on some protected groups.

The proposed Geographical Allocation Policy would ensure wardens, though reduced in number, are targeted to where they are most needed. This would result in some communities losing their warden. However, it may also result in some areas which currently don't receive support, doing so in the future. Therefore, there is potential for a positive impact, although not on the same scale as the overall negative impact.

Four groups, older people, females, people with a disability or long-term impairment, and those with carer's responsibilities have been identified as being more impacted by these proposals as they represent the majority of the wardens' current service users. Approximately 80% of the service users are 55 or over and 46% are 75 or over. 63% are female. 30% would describe themselves as disabled. 17% have caring responsibilities.

The feedback from this consultation will be used to review and update the EqIA, which will be considered before any decisions are taken.

The full EqIA is available to view online at kent.gov.uk/communitywardenreview or in hard copy on request.

8. How to have your say

Before any decisions are made, we want to hear your views on:

- how the proposed reductions and approach to allocating the wardens could impact you
- any additional information that you think we need to consider
- any alternative suggestions for how the service could make the saving
- the assumptions we have made in the draft Equality Impact Assessment (EqIA).

Please let us know your views by visiting kent.gov.uk/communitywardenreview and completing the online questionnaire. Alternatively, complete the questionnaire starting on page 15 of this document.

This consultation will run for 12 weeks from 12 July until 3 October 2023.

Contact details

If you would like to request paper copies of the consultation material, or if you have any questions about this consultation, please contact us by:

Speaking to your local warden: If you have a warden you already know.

Email: CommunityWardenReview@kent.gov.uk

Telephone: 03000 42 26 88 (this number goes to an answer machine which is monitored during office hours).

Easy Read and Large Print versions of this document are available from our website or on request.

If you need any of the consultation material in any other format or language, please email alternativeformats@kent.gov.uk or telephone on 03000 42 15 53 (text relay service 18001 03000 42 15 53). This number goes to an answer machine, which is monitored during office hours.

What happens next?

The responses to this consultation will be analysed and presented in a consultation report. This report will be published on the consultation webpage and presented, along with an updated EqIA, to **Members** of the Growth, Economic Development and Communities Cabinet Committee in January 2024 for their consideration and recommendation. Following this meeting a decision is expected to be taken by the Cabinet Member for Community and Regulatory Services. We will publish details of the decision on the consultation webpage.

Any changes to warden allocations would most likely take effect in Spring 2024.

9. Glossary

Care Act 2014: The law that sets out how Adult Social Care in England should be provided. It requires local authorities to make sure that people who live in their areas receive services that prevent their care needs from becoming more serious or delay the impact of their needs.

Community Safety Partnership (CSP): A multi-agency partnership including the local authority, police, fire and rescue services, health, and probation, which formulate strategies for the reduction of crime.

Community Safety Unit (CSU): An operational group that sits below the Strategic **Community Safety Partnership** for a district or borough. The CSU includes various partners such as: police, district/borough council services, housing associations, community wardens, fire and rescue services, substance misuse services and charities (e.g. Age UK). They undertake multi-agency initiatives and operations throughout the year to tackle community safety related issues.

Discretionary service: A service that the Council chooses to provide but does not legally have to.

Electoral wards: Kent is made up of 271 wards which are small sub-divisions of the county's 12 districts.

Equality Impact Assessment (EqIA): We use EqIAs to capture and evidence our equalities analysis of the impact of our actions on service users, residents and staff with protected characteristics. In this way, completion of an EqIA contributes toward compliance with the **Public Sector Equality Duty**.

Locality model: KCC's Adult Social Care and Health service changed its operating model in the last year to a 'locality operating model' which means having place-based teams aligned to local communities.

Members: KCC's elected politicians/councillors.

Public Sector Equality Duty: Ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all.

Social prescribing: A process of referring and helping individuals to access a variety of activities and local sources of support to address issues such as loneliness and wellbeing.

Statutory: Something that the Council has to do or provide because government regulations say that all Councils must do. For example, KCC as a whole must promote wellbeing when carrying out any of their care and support functions in respect of a person, but we do not have to provide a community warden service.

10. Questionnaire

This questionnaire can be completed online at kent.gov.uk/communitywardenreview

Alternatively, fill in this paper form and return to: **Freepost COMMUNITY WARDENS**. Please make sure that the address is written in capitals and that your response reaches us by the **3 October 2023**.

Privacy: Kent County Council (KCC) collects and processes personal information in order to provide a range of public services. KCC respects the privacy of individuals and endeavours to ensure personal information is collected fairly, lawfully, and in compliance with the United Kingdom General Data Protection Regulation and Data Protection Act 2018. Read the full Privacy Notice at the end of this document.

Section 1 – About You

Q1. Are you responding as...?

Please select the option from the list below that most closely represents how you will be responding to this consultation. Please select **one** option.

<input type="checkbox"/>	Yourself (as an individual)
<input type="checkbox"/>	On behalf of someone who uses the Community Warden service. <i>Please answer all the questions using their details and not your own.</i>
<input type="checkbox"/>	A partner agency (e.g. Kent Police, Kent Fire and Rescue Service, Health services/provider)
<input type="checkbox"/>	A representative of a local community group or residents' association
<input type="checkbox"/>	On behalf of a Parish / Town / Borough / District Council in an official capacity
<input type="checkbox"/>	A Parish / Town / Borough / District / County Councillor
<input type="checkbox"/>	On behalf of a charity or voluntary, community and social enterprises (VCSE)
<input type="checkbox"/>	A Kent Community Warden service member of staff
<input type="checkbox"/>	A KCC employee
<input type="checkbox"/>	An educational establishment, such as a school or college
<input type="checkbox"/>	On behalf of a business
<input type="checkbox"/>	Other, please tell us: <input type="text"/>

Q1a. If you are responding on behalf of an organisation (partner agency, community group, council, VCSE, educational establishment or business), please tell us the name of the organisation here:

Q2. Please tell us the first five characters of your postcode:

Please do not reveal your whole postcode. If you are responding on behalf of someone else, provide their postcode. If you are responding on behalf of an organisation, use your organisation's postcode. We use this to help us to analyse our data. It will not be used to identify who you are.

Q3. How did you find out about this consultation? Please select all that apply.

<input type="checkbox"/>	Facebook
<input type="checkbox"/>	Twitter
<input type="checkbox"/>	Nextdoor
<input type="checkbox"/>	From a friend or relative
<input type="checkbox"/>	From a community warden
<input type="checkbox"/>	An email from KCC's Community Warden service
<input type="checkbox"/>	An email from Let's talk Kent or KCC's Engagement and Consultation team
<input type="checkbox"/>	Kent.gov.uk website
<input type="checkbox"/>	KCC County Councillor
<input type="checkbox"/>	Town, Parish, District or Borough Council / Councillor
<input type="checkbox"/>	Newspaper
<input type="checkbox"/>	Poster / postcard
<input type="checkbox"/>	KCC's staff intranet
<input type="checkbox"/>	Other, please tell us: <input type="text"/>

Q4. Have you, or the person / organisation you are responding on behalf of, received support or a service from the Community Wardens?

Please select **one** option.

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Yes

No

Don't know

If you have answered 'No' or 'Don't know', please go to Section 2, Q8 on page 21.

If you have answered 'Yes', please continue to Q5 on the next page.

If you are responding on behalf of someone else, please remember to answer all of these questions using their details.

Q5. What support / service did the Community Wardens provide to you or the person / organisation you are responding on behalf of?

Please select **all** that apply.

<input type="checkbox"/>	Help with community safety issues or providing advice, for example, support relating to anti-social behaviour, scams, rogue traders, flooding, the pandemic or low-level crime.
<input type="checkbox"/>	Personal, one to one support for wellbeing and quality of life, such as linking to financial support, housing, information and advice, carers support or social connections and activities.
<input type="checkbox"/>	Help with community engagement either by; setting up and / or supporting events, groups, clubs, projects, or volunteering activities in the community.
<input type="checkbox"/>	Facilitating my organisation in accessing other partners, such as liaising with councils and the police.
<input type="checkbox"/>	Partnering with my organisation (this could be to provide local knowledge, advice, support for community safety initiatives, support for emergencies or support for the welfare of clients).
<input type="checkbox"/>	Other, please tell us: <input data-bbox="655 1061 1406 1202" type="text"/>

Q6. Please tell us how often you or the person / organisation you are responding on behalf of has been supported by the Community Warden service?

Please select **one** option.

- A single occurrence
- More often

Q6a. If you have answered 'More often' to Q6, please tell us how often:

Please select **one** option.

- At least once a week
 - Once a fortnight
 - Once a month
 - Twice a year
 - Less regularly
 - Have been supported in the past. Please tell us how long this was for.
 - Other, please tell us:
- | |
|--|
| |
| |

Q7. How do you or the person / organisation you are responding on behalf of benefit from engaging with / receiving support from the Community Warden service?

Please select **all** that apply.

<input type="checkbox"/>	Gain useful information / community updates / advice or guidance
<input type="checkbox"/>	Gain access to services / care / support that I was not aware of or had difficulty in accessing
<input type="checkbox"/>	Feeling safer
<input type="checkbox"/>	Feeling less lonely / socially isolated
<input type="checkbox"/>	Feeling of improved wellbeing
<input type="checkbox"/>	No benefit (please go to Q8)
<input type="checkbox"/>	Don't know
<input type="checkbox"/>	Other, please tell us: <input data-bbox="659 943 1406 1048" type="text"/>

Q7a. If you would like to tell us more about how you or the person / organisation you are responding on behalf of has benefitted from engaging with / receiving support from the Community Warden service, please use the box below. Please do not include any personal information that could identify you or anyone else within your response.

Section 2 – Our Proposals

This document provides details of the proposed changes to where and how the Community Warden service operates (see pages 6 to 9).

We have proposed not to change the service’s current remit and objectives. This means the range and variety of ways wardens can support an individual or community would be the same.

Q8. To what extent do you agree or disagree with the service maintaining its current remit and objectives?

Please select **one** option.

<input type="checkbox"/>	Strongly agree
<input type="checkbox"/>	Tend to agree
<input type="checkbox"/>	Neither agree nor disagree
<input type="checkbox"/>	Tend to disagree
<input type="checkbox"/>	Strongly disagree
<input type="checkbox"/>	Don't know

Q8a. Please tell us the reason for your answer to Q8 in the box below.

Please do not include any personal information that could identify you or anyone else within your response.

We have proposed for wardens to continue to be community-based, so they can continue to be proactive in the support they provide to communities.

Q9. To what extent do you agree or disagree with wardens being community-based?

Please select **one** option.

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

Q9a. Please tell us the reason for your answer to Q9 in the box below.

Please do not include any personal information that could identify you or anyone else within your response.

We have proposed to retain six teams covering two districts each, with a minimum of one team leader and three wardens per team, and to distribute the further 14 wardens across the teams according to need.

Q10. To what extent do you agree or disagree with this approach?

Please select **one** option.

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

Q10a. Please tell us the reason for your answer to Q10 in the box below.

Please do not include any personal information that could identify you or anyone else within your response.

We have proposed to reduce the Community Warden service by 32 warden posts and two management posts to achieve the savings required.

Q11. To what extent do you agree or disagree with this approach to achieve the £1 million saving?

Please select **one** option.

- Strongly agree
- Tend to agree
- Neither agree nor disagree
- Tend to disagree
- Strongly disagree
- Don't know

Q11a. Please tell us the reason for your answer to Q11 in the box below.

Please do not include any personal information that could identify you or anyone else within your response.

To retain a community-based approach, we have proposed to allocate wardens to electoral wards. Wards may be grouped to reach a population ratio of approximately 6,000 to 12,000 residents per warden.

Q12. To what extent do you agree or disagree with our proposals to ...?

*Select **one** option per proposal/row.*

Proposals	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
Allocate wardens to electoral wards						
Group wards to reach a population ratio of approximately 6,000 to 12,000 residents per warden.						

Q12a. Please tell us the reasons for your answers to Q12 in the box below.

If your comment relates to a specific proposal in Q12, please make that clear in your answer.

We have proposed to identify the wards in which to base all wardens using data and information as described in the Geographical Allocation Policy on pages 7 to 9.

Q13. To what extent do you agree or disagree with this approach?

Please select **one** option.

<input type="checkbox"/>	Strongly agree
<input type="checkbox"/>	Tend to agree
<input type="checkbox"/>	Neither agree nor disagree
<input type="checkbox"/>	Tend to disagree
<input type="checkbox"/>	Strongly disagree
<input type="checkbox"/>	Don't know

Q13a. Please tell us the reason for your answer to Q13 in the box below.

If you think we have missed out any data, information, or considerations from the proposed Geographical Allocation Policy, please include these in your answer.

Q14. Please tell us how the proposed service changes could affect you or the person / organisation you are responding on behalf of.

Please do not include any personal information that could identify you or anyone else within your response.

Due to the size of the changes being proposed to the Community Warden service (reduction in numbers and changes to allocations) it is quite possible for there to be changes to the level of service you currently receive.

Q15. What would you like us to ensure is considered or put in place if wardens need to be withdrawn from an area?

Please do not include any personal information that could identify you or anyone else within your response.

Q16. If the Community Warden service is withdrawn from your area, what alternative sources do you think you would turn to?

Please select **all** that apply.

<input type="checkbox"/>	Adult Social Care services	
<input type="checkbox"/>	Charities or voluntary sector organisations	
<input type="checkbox"/>	Community groups	
<input type="checkbox"/>	District / Borough council	
<input type="checkbox"/>	Doctor / GP	
<input type="checkbox"/>	Kent Police	
<input type="checkbox"/>	Parish / Town council	
<input type="checkbox"/>	Don't know	
<input type="checkbox"/>	Other, please tell us:	<input type="text"/>

We have completed a consultation stage Equality Impact Assessment (EqIA) on the proposed changes to the Community Warden service.

An EqIA is a tool to assess the impact any service change, policy or strategy would have on age, sex, gender identity, disability, race, religion / belief or none, sexual orientation, pregnancy or maternity, marriage and civil partnership and carer's responsibilities.

The equality impacts are summarised on page 12. The full EqIA is available online at kent.gov.uk/communitywardenreview or in hard copy on request.

Q17. We welcome your views on our equality analysis and if you think there is anything else we should consider relating to equality and diversity. Please add any comments below:

Please do not include any personal information that could identify you or anyone else within your response.

Q18. Do you have any additional feedback on our proposals and/or suggestions on how else we could make savings to our Community Warden service budget?

Section 3 – More About You

We want to make sure that everyone is treated fairly and equally, and that no one gets left out. That's why we are asking you these questions. We will only use this information to help us make decisions and improve our services.

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

It is not necessary to answer these questions if you are responding on behalf of an organisation.

Q19. Which of the following best describes your working status? Please select one option.

<input type="checkbox"/>	Working full time
<input type="checkbox"/>	Working part time
<input type="checkbox"/>	On a zero-hours or similar casual contract
<input type="checkbox"/>	Temporarily laid off
<input type="checkbox"/>	Freelance / self employed
<input type="checkbox"/>	Unemployed
<input type="checkbox"/>	Not working due to a disability or health condition
<input type="checkbox"/>	Carer
<input type="checkbox"/>	Homemaker
<input type="checkbox"/>	Retired
<input type="checkbox"/>	Student
<input type="checkbox"/>	Other, please tell us: <input type="text"/>

Q20. Are you...? Please select **one** option.

<input type="checkbox"/>	Male
<input type="checkbox"/>	Female
<input type="checkbox"/>	I prefer not to say

Q21. Is your gender the same as your birth? Please select **one** option.

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No
<input type="checkbox"/>	I prefer not to say

Q22. Are you ...? Please select **one** option.

<input type="checkbox"/>	Heterosexual / Straight
<input type="checkbox"/>	Bi / Bisexual
<input type="checkbox"/>	Gay man
<input type="checkbox"/>	Gay woman / Lesbian
<input type="checkbox"/>	I prefer not to say
<input type="checkbox"/>	Other, please tell us: <input type="text"/>

Q23. Which of these age groups applies to you? Please select **one** option.

0-15	<input type="checkbox"/>	16-24	<input type="checkbox"/>	25-34	<input type="checkbox"/>	35-49	<input type="checkbox"/>	50-59	<input type="checkbox"/>
60-64	<input type="checkbox"/>	65-74	<input type="checkbox"/>	75-84	<input type="checkbox"/>	85+ over	<input type="checkbox"/>	I prefer not to say	<input type="checkbox"/>

The Equality Act 2010 describes a person as disabled if they have a long standing 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.

Q24. Do you consider yourself to be disabled as set out in the Equality Act 2010? Please select **one** option.

- Yes
- No
- I prefer not to say

Q24a. If you answered 'Yes' to Q24, please tell us the type of impairment that applies to you.

You may have more than one type of impairment, so please select all that apply. If none of these applies to you, please select 'Other' and give brief details of the impairment you have.

- Physical impairment
- Sensory impairment (hearing, sight or both)
- Longstanding illness or health condition, such as cancer, HIV/AIDS, heart disease, diabetes or epilepsy
- Mental health condition
- Learning disability
- I prefer not to say
- Other, please tell us:

Q25. To which of these ethnic groups do you feel you belong? Please select **one** option. (Source 2011 Census)

White English	<input type="checkbox"/>	Mixed White & Black Caribbean	<input type="checkbox"/>
White Scottish	<input type="checkbox"/>	Mixed White & Black African	<input type="checkbox"/>
White Welsh	<input type="checkbox"/>	Mixed White & Asian	<input type="checkbox"/>
White Northern Irish	<input type="checkbox"/>	Mixed 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"/>
Asian or Asian British Indian	<input type="checkbox"/>	Chinese	<input type="checkbox"/>
Asian or Asian British Pakistani	<input type="checkbox"/>	I prefer not to say	<input type="checkbox"/>
Asian or Asian British Bangladeshi	<input type="checkbox"/>		
Asian or Asian British Other*	<input type="checkbox"/>		

*Other - If your ethnic group is not specified on the list, please describe it here:

Q26. Do you regard yourself as belonging to a particular religion or holding a belief? Please select **one** option.

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No
<input type="checkbox"/>	I prefer not to say

Q26a. If you answered 'Yes' to Q26, which of the following applies to you?

*Please select **one** option.*

<input type="checkbox"/>	Christian
<input type="checkbox"/>	Buddhist
<input type="checkbox"/>	Hindu
<input type="checkbox"/>	Jewish
<input type="checkbox"/>	Muslim
<input type="checkbox"/>	Sikh
<input type="checkbox"/>	I prefer not to say
<input type="checkbox"/>	Other, please tell us: <input type="text"/>

A Carer is anyone who provides unpaid care for a friend or family member who due to illness, disability, a mental health problem or an addiction cannot cope without their support. Both children and adults can be carers.

Q27. Are you a Carer? Please select **one** option.

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No
<input type="checkbox"/>	I prefer not to say

Thank you for taking the time to complete this questionnaire, your feedback is important to us.

All feedback received will be reviewed and considered in the development of our proposals.

We will report on the feedback we receive, but details of individual responses will remain anonymous, and we will keep your personal details confidential.

Consultation Privacy Notice

Last updated: 30 April 2023

Who are we?

We, Kent County Council (KCC), take our privacy obligations seriously and we've created this privacy policy to explain how we treat your personal information collected in this questionnaire. Personal information is information we hold which is identifiable as being about you.

Our collection, use and disclosure of your personal information is regulated under the United Kingdom Data Protection Regulation and the Data Protection Act 2018. We are responsible as 'controller' of that personal information for the purposes of those laws. Our Data Protection Officer is Benjamin Watts.

The personal information we collect and use

Information collected by us

In the course of responding to consultations published by Kent County Council we collect the following personal information when you provide it to us:

- responses to questionnaire / consultation
- equalities data collected through questionnaire response - age, sex, gender identity, ethnicity, religion or belief, sexuality, disability, pregnancy or maternity or if you are a Carer
- employment and education details
- postcode.

We ask you not to provide information that will identify you in your response in this questionnaire.

You do not need to submit any equalities or postcode information if you do not want to. KCC is committed to the principle that all our customers have the right to equality and fairness in the way they are treated and in the services that they receive. Any information you do give will be used to see if there are any differences in views for different groups of people, and to check if services are being delivered in a fair and reasonable way.

We will not ask you to provide your name, email or full home address. If you provide this information, it will not be entered into spreadsheets or databases used to process response data and will not be used in producing reports. We will follow our Data Protection policies to keep your information secure and confidential. Your equality data will be anonymised before it is shared with external organisations who have been commissioned on individual projects to undertake analysis and reporting on our engagement and consultation activities.

How we use your personal information

We collect and use this information in order to:

- understand your views about a particular topic or KCC activity
- analyse consultation and engagement activity
- inform KCC's future strategy, policy, service design and budget planning
- undertake equality monitoring.

We may use your postcode to analyse the geographical spread of responses and in some cases to understand in more detail how responses are impacted by location. We will only ask you for the first five characters of your postcode to avoid being able to identify specific households in less populated areas.

We may use your postcode to carry out a type of profiling to estimate which one of a number of lifestyle groups you are most likely to fall into. We do this using geodemographic segmentation tools. We do not make any decisions about individual service users based solely on automated processing, including profiling.

How long your personal data will be kept

We will hold any personal information provided by you in this questionnaire for up to six years following the closure of a consultation. Our Retention Policy is available from our website or on request.

We rely on UK GDPR Article 6(1)(e): 'processing is necessary for the performance of a task carried out in the public interest' and Article 6(1)(c) 'for compliance with a legal obligation to which the controller is subject' as our lawful basis.

We rely on Article 9(2)(g) 'processing is necessary for reasons of substantial public interest' (statutory etc. and government purposes, equality of opportunity or treatment) as the lawful basis on which we collect and use your special category data.

The processing is necessary for our statutory purposes including equalities monitoring or to understand the potential impact of proposals on conditions related to special category data within your response (e.g. when identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people with the view to enabling such equality to be promoted or maintained.) It is necessary for identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people with the view to enabling such equality to be promoted or maintained. You can read [KCC's Equality Policy on our website](#) or on request.

Who we share your personal information with

We may share your personal data with those listed below:

- services within the Council who are responsible for the management of the engagement or consultation activity
- a third-party supplier who has been contracted to independently analyse the consultation responses
- organisations such as schools and academies with whom we may be consulting in partnership or on behalf of

- district or borough councils or government departments with whom we may be consulting in partnership or on behalf of.

We will share personal information with law enforcement or other authorities if required by applicable law.

Any personal information provided that could identify you will be removed before consultation results are published.

We use a system to log your feedback, which is provided by Granicus.

Your rights

Under UK GDPR you have a number of rights which you can access free of charge which allow you to:

- know what we are doing with your information and why we are doing it
- ask to see what information we hold about you
- ask us to correct any mistakes in the information we hold about you
- object to direct marketing
- make a complaint to the Information Commissioner's Office.

Depending on our reason for using your information you may also be entitled to:

- ask us to delete information we hold about you
- have your information transferred electronically to yourself or to another organisation
- object to decisions being made that significantly affect you
- object to how we are using your information
- stop us using your information in certain ways.

We will always seek to comply with your request, however, we may be required to hold or use your information to comply with legal duties.

For further information about your rights, including the circumstances in which they apply, see the [guidance from the UK Information Commissioner's Office \(ICO\)](#) on individuals' rights under UK GDPR.

If you would like to exercise a right, please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk.

Keeping your personal information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

Who to contact

Please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk to exercise any of your rights, or if you have a complaint about why your information has been collected, how it has been used or how long we have kept it for.

You can contact our Data Protection Officer, Benjamin Watts, at dpo@kent.gov.uk. Or write to Data Protection Officer, Kent County Council, Sessions House, Maidstone, Kent, ME14 1XQ.

The United Kingdom General Data Protection Regulation also gives you the right to lodge a complaint with the Information Commissioner who may be contacted at <https://ico.org.uk/concerns> or telephone 03031 231113.

For further information visit <https://www.kent.gov.uk/about-the-council/about-the-website/privacy-statement>.

Appendix A - Current area allocations

Team - Ashford and Swale (1 team leader, 8 wardens)

Areas covered	Area type	Allocated?
Aldington, Brabourne, Smeeth, Mersham and Sevington	Villages / Civil Parishes	Vacancy or routinely covered by neighbouring wardens
Bethersden, High Halden, Hamstreet and Woodchurch	Villages / Civil Parishes	Warden allocated
Charing, Hothfield and Challock	Villages / Civil Parishes	Warden allocated
Faversham and Sittingbourne	Towns	Warden allocated
Iwade and Kemsley	Village / Civil Parishes and Suburbs	Vacancy or routinely covered by neighbouring wardens
Kingsnorth and Stanhope	Villages / Civil Parishes	Warden allocated
Leysdown and Warden	Villages / Civil Parishes	Vacancy or routinely covered by neighbouring wardens
Minster (Swale)	Towns	Warden allocated
Newington (swale)	Villages / Civil Parishes	Vacancy or routinely covered by neighbouring wardens
Sheerness	Towns	Warden allocated
Tenterden, Appledore, Wittersham and Stone	Towns / Villages / Civil Parishes	Warden allocated
Wye, Chilham and Godmersham	Towns / Villages / Civil Parishes	Warden allocated

Team - Canterbury and Thanet (1 team leader, 11 wardens)

Areas covered	Area type	Allocated?
Acol, Cliffsend, Pegwell, Manston and St Nicholas at Wade	Villages / Civil Parishes	Vacancy or routinely covered by neighbouring wardens
Bekesbourne, Littlebourne, Patrixbourne, Barham and Bridge	Villages / Civil Parishes	Warden allocated
Birchington	Villages / Civil Parishes	Warden allocated
Chartham, Waltham and Petham	Villages / Civil Parishes	Warden allocated
Greenhill	Suburb	Warden allocated
Herne and Broomfield	Villages / Civil Parishes	Warden allocated
Margate Taskforce Support Warden	Towns	Warden allocated
Minster (Thanet)	Villages / Civil Parishes	Warden allocated
Newington (Thanet)	Suburb	Warden allocated
Seasalter	Villages / Civil Parishes	Warden allocated
Sturry and Hersden	Villages / Civil Parishes	Warden allocated
Westgate	Towns	Warden allocated

Team - Dartford and Gravesham (1 team leader, 5 wardens)

Areas covered	Area type	Allocated?
Higham, Chalk, Cobham and Sole Street	Villages / Civil Parishes	Vacancy or routinely covered by neighbouring wardens
Istead Rise	Villages / Civil Parishes	Warden allocated
Longfield, New Barn, Darenth and Bean	Villages / Civil Parishes	Warden allocated
Meopham, Culverstone and Vigo	Villages / Civil Parishes	Warden allocated
Stone	Villages / Civil Parishes	Warden allocated
Swanscombe and Greenhithe	Villages / Civil Parishes	Warden allocated
Temple Hill and Joyce Green	Suburb	Vacancy or routinely covered by neighbouring wardens
Westcourt	Suburb	Vacancy or routinely covered by neighbouring wardens

Team - Dover and Folkestone & Hythe (1 team leader, 11 wardens)

Areas covered	Area type	Allocated?
Ash, Eastry and Sandwich	Towns / Villages / Civil Parishes	Warden allocated
Capel Le Ferne and Hawkinge	Towns / Villages / Civil Parishes	Warden allocated
Cheriton	Suburb	Warden allocated
Dymchurch, Lympe and West Hythe	Villages / Civil Parishes / Hamlet	Warden allocated
Elham, Etchinghill and Lyminge	Villages / Civil Parishes	Warden allocated
Eythorne, Elvington and Shepherdswell	Villages / Civil Parishes	Warden allocated
Folkestone East	Town	Warden allocated
Kingsdown, Ringwould Millhill and Walmer	Towns / Villages / Civil Parishes	Warden allocated
Lydd	Town	Warden allocated
New Romney	Town	Vacancy or routinely covered by neighbouring wardens
St Margarets at Cliffe	Villages / Civil Parishes	Warden allocated
St Radigunds and Tower Hamlets	Suburbs	Warden allocated

Team - Maidstone and Tonbridge & Malling (1 team leader, 13 wardens)

Areas covered	Area type	Allocated?
Aylesford, Burham, Eccles	Villages / Civil Parishes	Warden allocated
Bearsted	Villages / Civil Parishes	Warden allocated
Borough Green and Wrotham	Villages / Civil Parishes	Warden allocated
Boughton Monchelsea, Chart Sutton and Loose	Villages / Civil Parishes	Warden allocated
Coxheath	Villages / Civil Parishes	Warden allocated
Ditton	Villages / Civil Parishes	Warden allocated
East Malling	Villages / Civil Parishes	Warden allocated
East Peckham and Hadlow	Villages / Civil Parishes	Warden allocated
Harrietsham and Lenham	Villages / Civil Parishes	Warden allocated
Headcorn	Villages / Civil Parishes	Warden allocated
Marden and Staplehurst	Towns / Villages / Civil Parishes	Warden allocated
Snodland and Holborough	Towns	Warden allocated

Team - Sevenoaks and Tunbridge Wells (1 team leader,6 wardens)

Areas covered	Area type	Allocated?
Cranbrook, Benenden, Frittenden and Sissinghurst	Towns / Villages / Civil Parishes	Warden allocated
Eynsford, Farningham and Crockenhill	Villages / Civil Parishes	Vacancy or routinely covered by neighbouring wardens
Goudhurst, Lamberhurst and Hawkhurst	Villages / Civil Parishes	Warden allocated
Paddock Wood	Town	Vacancy or routinely covered by neighbouring wardens
Pembury	Town	Warden allocated
Rusthall and Sherwood	Villages / Civil Parishes	Vacancy or routinely covered by neighbouring wardens
Shoreham and Otford	Villages / Civil Parishes	Warden allocated
Swanley St Mary's and Hextable	Villages / Civil Parishes	Warden allocated
Westerham	Town	Vacancy or routinely covered by neighbouring wardens
West Kingsdown and Hartley	Villages / Civil Parishes	Warden allocated

For queries or to request hard copies of the consultation material, please email **CommunityWardenReview@kent.gov.uk** or phone **03000 422688**. For any alternative formats, email **alternativeformats@kent.gov.uk** or call **03000 421553** (text relay service number **18001 03000 421553**). This number goes to an answering machine, which is monitored during office hours.



Appendix 2- KCWS Consultation document and questionnaire-proposed responses

1. Questionnaire

The questionnaire can be completed online at kent.gov.uk/communitywardenreview

Alternatively, fill in this paper form and return to: **Freepost COMMUNITY WARDENS**. Please make sure that the address is written in capitals and that your response reaches us by the **3 October 2023**.

Section 1 – About You

Q1. Are you responding as...?

Please select the option from the list below that most closely represents how you will be responding to this consultation. Please select **one** option.

<input type="checkbox"/>	Yourself (as an individual)
<input type="checkbox"/>	On behalf of someone who uses the Community Warden service. <i>Please answer all the questions using their details and not your own.</i>
<input type="checkbox"/>	A partner agency (e.g. Kent Police, Kent Fire and Rescue Service, Health services/provider)
<input type="checkbox"/>	A representative of a local community group or residents' association
<input checked="" type="checkbox"/>	On behalf of a Parish / Town / Borough / District Council in an official capacity
<input type="checkbox"/>	A Parish / Town / Borough / District / County Councillor
<input type="checkbox"/>	On behalf of a charity or voluntary, community and social enterprises (VCSE)
<input type="checkbox"/>	A Kent Community Warden service member of staff
<input type="checkbox"/>	A KCC employee
<input type="checkbox"/>	An educational establishment, such as a school or college
<input type="checkbox"/>	On behalf of a business
<input type="checkbox"/>	Other, please tell us: <input style="width: 300px; height: 20px;" type="text"/>

Q1a. If you are responding on behalf of an organisation (partner agency, community group, council, VCSE, educational establishment or business), please tell us the name of the organisation here:

Q2. Please tell us the first five characters of your postcode:

ME15 6JQ

Please do not reveal your whole postcode. If you are responding on behalf of someone else, provide their postcode. If you are responding on behalf of an organisation, use your organisation’s postcode. We use this to help us to analyse our data. It will not be used to identify who you are.

Q3. How did you find out about this consultation? Please select **all** that apply.

- Facebook
- Twitter
- Next-door
- From a friend or relative
- From a community warden
- An email from KCC’s Community Warden service
- An email from Let’s talk Kent or KCC’s Engagement and Consultation team
- Kent.gov.uk website
- KCC County Councillor
- Town, Parish, District or Borough Council / Councillor
- Newspaper
- Poster / postcard
- KCC’s staff intranet
- Other, please tell us:

Q4. Have you, or the person / organisation you are responding on behalf of, received support or a service from the Community Wardens?

Please select **one** option.

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No
<input type="checkbox"/>	Don't know

If you have answered 'No' or 'Don't know', please go to Section 2, Q8 on page 21.

If you have answered 'Yes', please continue to Q5 on the next page.

If you are responding on behalf of someone else, please remember to answer all of these questions using their details.

Q5 What support / service did the Community Wardens provide to you or the person / organisation you are responding on behalf of?

Please select **all** that apply.

X	Help with community safety issues or providing advice, for example, support relating to anti-social behaviour, scams, rogue traders, flooding, the pandemic or low-level crime.
X	Personal, one to one support for wellbeing and quality of life, such as linking to financial support, housing, information and advice, carers support or social connections and activities.
X	Help with community engagement either by; setting up and / or supporting events, groups, clubs, projects, or volunteering activities in the community.
	Facilitating my organisation in accessing other partners, such as liaising with councils and the police.
X	Partnering with my organisation (this could be to provide local knowledge, advice, support for community safety initiatives, support for emergencies or support for the welfare of clients).
	Other, please tell us: <div style="border: 1px solid black; width: 400px; height: 60px; display: inline-block; vertical-align: middle;"></div>

Q6 Please tell us how often you or the person / organisation you are responding on behalf of has been supported by the Community Warden service?

Please select **one** option.

	A single occurrence
X	More often

Q6a. If you have answered 'More often' to Q6, please tell us how often:

Please select **one** option.

<input checked="" type="checkbox"/>	At least once a week
<input type="checkbox"/>	Once a fortnight
<input type="checkbox"/>	Once a month
<input type="checkbox"/>	Twice a year
<input type="checkbox"/>	Less regularly
<input type="checkbox"/>	Have been supported in the past. Please tell us how long this was for.
<input type="checkbox"/>	Other, please tell us:

Q7 How do you or the person / organisation you are responding on behalf of benefit from engaging with / receiving support from the Community Warden service?

Please select **all** that apply.

X	Gain useful information / community updates / advice or guidance
	Gain access to services / care / support that I was not aware of or had difficulty in accessing Feeling safer
	Feeling less lonely / socially isolated
	Feeling of improved wellbeing
	No benefit (please go to Q8)
	Don't know
X	Other, please tell us:

KCC Community Wardens provide a holistic approach to services, offering a one stop shop for residents. Their work supports the wider determinants of health to improve health and wellbeing with the long term aim of reducing inequalities. KCC Wardens alleviate pressure on statutory services by working in a way that those organisations are unable to. The service supports the communities we represent in feeling less lonely/socially isolated and improving wellbeing.

Q7a. If you would like to tell us more about how you or the person / organisation you are responding on behalf of has benefitted from engaging with / receiving support from the Community Warden service, please use the box below. Please do not include any personal information that could identify you or anyone else within your response.

The Community Warden service work closely with the police and other agencies to help make Maidstone a safer place to live, work and visit. They provide a visible presence on the streets and in public spaces, helping to deter crime and anti-social behaviour. They also provide support and advice to residents on a range of issues, including home security, personal safety and community cohesion.

In addition to this, the Community Warden service supports some of the most vulnerable people in our communities. They feed into our Community Safety Vulnerability Group on a weekly basis and provide vital information to statutory services on mental health, self-neglect and general welfare of customers who are often disengaged from services or hard to reach. They also help to free up hospital beds by helping vulnerable people home. This is a constant work stream and important to relieve the pressure on the NHS.

The Community Wardens also build trusting relationships with the vulnerable, community leads such as Parish Councils and the community in general. For Maidstone this includes attending our Ward Cluster meetings where we regularly bring together Elected Members and Parish Council representatives of up to 4 district wards, to discuss community safety concerns and shared action plans to reduce ASB, crime and community tensions. They have also participated in the delivery of the Community Safety Partnership and specifically the Maidstone Task Force, whose success has been at the heart of Kent Police's Neighbourhood Policing Review. Within this role, the KCC wardens worked to support the creation of legacy support services that reduce social isolation and improve social prescribing.

It is unclear from the proposal how the wardens will prioritise competing workloads to meet current objectives and deliver the same standard of work.

Section 2 – Our Proposals

This document provides details of the proposed changes to where and how the Community Warden service operates (see pages 6 to 9).

We have proposed not to change the service’s current remit and objectives. This means the range and variety of ways wardens can support an individual or community would be the same.

Q8. To what extent do you agree or disagree with the service maintaining its current remit and objectives?

Please select **one** option.

<input type="checkbox"/>	Strongly agree
<input checked="" type="checkbox"/>	Tend to agree
<input type="checkbox"/>	Neither agree nor disagree
<input type="checkbox"/>	Tend to disagree
<input type="checkbox"/>	Strongly disagree
<input type="checkbox"/>	Don't know

Q8a. Please tell us the reason for your answer to Q8 in the box below.

Please do not include any personal information that could identify you or anyone else within your response.

Through the delivery of their current objectives, the KCWS has become an integral to the support provided to communities in Maidstone. Each of the current objectives are closely aligned to our own Strategic objectives as a local authority. This is particularly in regard to our objectives of providing a Safe, Clean and Green borough and our Homes and Communities objective. Our answer of "Tend to Agree" as opposed to "Strongly Agree" is due to our concerns that the proposed reduction in the number of wardens, and the uncertainty as to how many wardens Maidstone would received, will impact on the capacity of those wardens to effectively deliver all the objectives effectively.

We have proposed for wardens to continue to be community-based, so they can continue to be proactive in the support they provide to communities.

Q9. To what extent do you agree or disagree with wardens being community based?

Please select **one** option.

<input type="checkbox"/>	Strongly agree
<input checked="" type="checkbox"/>	Tend to agree
<input type="checkbox"/>	Neither agree nor disagree
<input type="checkbox"/>	Tend to disagree
<input type="checkbox"/>	Strongly disagree
<input type="checkbox"/>	Don't know

Q9a. Please tell us the reason for your answer to Q9 in the box below.

Please do not include any personal information that could identify you or anyone else within your response.

The KCWS has become a reliable support to many of our communities and there are concerns that the capacity of the limited number of wardens proposed will lead to those that have become reliant on the KCWS, losing that support altogether. In other areas the allocated resource for Maidstone could also struggle to meet the demand of the service. The uniformed presence the KCWS in communities provides reassurance and makes them approachable and allows residents to trust them with information that they may be less willing to share ordinarily. The reduction in KCC wardens, in combination with recent changes to Police Community Support Officers is likely to significantly and disproportionately impact on the most vulnerable and most deprived people in our communities. This is being compounded further by funding issues for the charity sector, despite increases in demand for services. As an example, the KCWS in Maidstone have played an integral role in supporting those individuals who choose to self-neglect or have mental health conditions. Some of these individuals choose to disengage from services such as mental health and social services, which can impact on their own health and sometimes their community. The trust that wardens are able to foster with these individuals requires time and determination that our statutory services, such as GPs or mental health practitioners are unable to provide due to service pressures.

We have proposed to retain six teams covering two districts each, with a minimum of one team leader and three wardens per team, and to distribute the further 14 wardens across the teams according to need.

Q10. To what extent do you agree or disagree with this approach?

Please select **one** option.

<input type="checkbox"/>	Strongly agree
<input type="checkbox"/>	Tend to agree
<input checked="" type="checkbox"/>	Neither agree nor disagree
<input type="checkbox"/>	Tend to disagree
<input type="checkbox"/>	Strongly disagree
<input type="checkbox"/>	Don't know

Q10a. Please tell us the reason for your answer to Q10 in the box below.

Please do not include any personal information that could identify you or anyone else within your response.

Whilst we feel that it is important to retain a service, there is a concern that the proposed levels will simply not be able to meet the demands and expectations of the service itself, which may ultimately compromise the service itself due to increase risk of sickness and issues retaining wardens in the service. The reduced capacity will consequently impact on some of the services and systems in place for Maidstone. Reduced community engagement or support of vulnerable people could lead to increases in community tension and could mean that vital information about vulnerable people or important relationships with them could be lost, impacting on other services, such as mental health and social services.

We have proposed to reduce the Community Warden service by 32 warden posts and two management posts to achieve the savings required.

Q11. To what extent do you agree or disagree with this approach to achieve the £1 million saving? Please select one option.

<input type="checkbox"/>	Strongly agree
<input type="checkbox"/>	Tend to agree
<input checked="" type="checkbox"/>	Neither agree nor disagree
<input type="checkbox"/>	Tend to disagree
<input type="checkbox"/>	Strongly disagree
<input type="checkbox"/>	Don't know

Q11a. Please tell us the reason for your answer to Q11 in the box below.

Please do not include any personal information that could identify you or anyone else within your response.

See Q10a

To retain a community-based approach, we have proposed to allocate wardens to electoral wards. Wards may be grouped to reach a population ratio of approximately 6,000 to 12,000 residents per warden.

Q12. To what extent do you agree or disagree with our proposals to ...?

*Select **one** option per proposal/row.*

Proposals	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
Allocate wardens to electoral wards		X				
Group wards to reach a population ratio of approximately 6,000 to 12,000 residents per warden.		X				

Q12a. Please tell us the reasons for your answers to Q12 in the box below.

If your comment relates to a specific proposal in Q12, please make that clear in your answer.

In 2020/21 Maidstone Borough Council introduced Ward Cluster meetings where we regularly bring together Elected Members and Parish Council representatives of up to 4 district wards based on a number of factors including the nature of the concerns impacting on each ward. The effectiveness of this approach has seen Maidstone Police adopt the use of Clusters for assigning areas to their new Beat Officers. This is unique to Maidstone and ensures good coverage across all communities. However, the current resourcing levels for Kent Police is seeing the limited numbers of officers stretched thinly and making them less effective than was perhaps hoped from their new model. Therefore, whilst we would support the grouping of wards, it is with the caveat that they:

- Mirror the clusters created in Maidstone.
- Are resourced appropriately.

We have proposed to identify the wards in which to base all wardens using data and information as described in the Geographical Allocation Policy on pages 7 to 9.

Q13. To what extent do you agree or disagree with this approach?

Please select **one** option.

<input type="checkbox"/>	Strongly agree
<input checked="" type="checkbox"/>	Tend to agree
<input type="checkbox"/>	Neither agree nor disagree
<input type="checkbox"/>	Tend to disagree
<input type="checkbox"/>	Strongly disagree
<input type="checkbox"/>	Don't know

Q13a. Please tell us the reason for your answer to Q13 in the box below.

If you think we have missed out any data, information, or considerations from the proposed Geographical Allocation Policy, please include these in your answer.

Maidstone Borough Council, through its community safety work, advocates the use of data and evidence to create evidence led approach. This may however see wardens removed from communities in which the KCWS have been integral for many years as the data may not support their retention. Consideration will need to be given into how those communities and the vulnerable people within them are supported. Particularly those who vulnerable people who have already built relationships with the service and could be isolated or even exploited without the services' support. There is no evidence that health inequalities have not been considered as a proposed indicator.

Q14. Please tell us how the proposed service changes could affect you or the person / organisation you are responding on behalf of.

Please do not include any personal information that could identify you or anyone else within your response.

Please see the responses to Q8 to Q13

Due to the size of the changes being proposed to the Community Warden service (reduction in numbers and changes to allocations) it is quite possible for there to be changes to the level of service you currently receive.

Q15. What would you like us to ensure is considered or put in place if wardens need to be withdrawn from an area?

Please do not include any personal information that could identify you or anyone else within your response.

For Maidstone we would ask that consideration is given to how the proposed changes will impact on the following:

- Supporting the most vulnerable people in our communities, regardless of which Ward they are in, and feeding into our Community Safety Vulnerability Group on a weekly basis.
- Providing vital information to statutory services on mental health, self-neglect and general welfare of customers who are often disengaged from services or hard to reach.
- Helping to free up hospital beds by helping vulnerable people home. This is a constant work stream and important to relieve the pressure on the NHS.
- Building trusting relationships with the vulnerable, community leads, such as Parish Councils and the community in general, including attending our Ward Cluster meetings
- Participation in the delivery of the Community Safety Partnership and specifically the Neighbourhood Task Force

Q16. If the Community Warden service is withdrawn from your area, what alternative sources do you think you would turn to?

Please select **all** that apply.

X	Adult Social Care services
X	Charities or voluntary sector organisations
X	Community groups
X	District / Borough council
X	Doctor / GP
X	Kent Police
X	Parish / Town council
	Don't know
X	Other, please tell us:

Mental Health Services are missing from the this list.

As a local authority we anticipate increase demand on all the services listed above, regardless of whether they have the resources or capacity necessary to meet the demand.

We have completed a consultation stage Equality Impact Assessment (EqIA) on the proposed changes to the Community Warden service.

An EqIA is a tool to assess the impact any service change, policy or strategy would have on age, sex, gender identity, disability, race, religion / belief or none, sexual orientation, pregnancy or maternity, marriage and civil partnership and carer's responsibilities.

The equality impacts are summarised on page 12. The full EqIA is available online at kent.gov.uk/communitywardenreview or in hard copy on request.

Q17. We welcome your views on our equality analysis and if you think there is anything else we should consider relating to equality and diversity. Please add any comments below:

Please do not include any personal information that could identify you or anyone else within your response.

The very nature of the wardens' roles aligns them to people with protected characteristics and helping them to access services. They often provide the support /links where families or society are not. The proposed reductions will impact on the level support the KCWS are able to provide.

Q18. Do you have any additional feedback on our proposals and/or suggestions on how else we could make savings to our Community Warden service budget?

One of our biggest operational concerns is the impact this might have on the helping people home scheme. The wardens play a key role in facilitating the move of vulnerable people away from hospital beds and back into their homes. As mentioned before, the wardens regularly raise concerns to our Vulnerabilities forum. They bring to the conversation vital information that is only possible through the relationships they form.

There is no evidence that those people the wardens are supporting have been consulted with. Residents are often socially isolated and digitally excluded, so would not have the capacity to respond via the normal channels. By removing the support and signposting they receive from the Warden, has KCC considered the effect this approach will have on their wellbeing?

HOUSING, HEALTH AND ENVIRONMENT POLICY ADVISORY COMMITTEE

7th September 2023

Tackling Anti-Social Behaviour relating to dogs: Updating our enforcement tools

Timetable	
Meeting	Date
Housing, Health and Environment Policy Advisory Committee	7th September 2023
Cabinet Member for Housing and Health	Before 6 th October 2023
Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Cabinet Member for Housing and Health
Lead Head of Service	Head of Housing and Regulatory Services
Lead Officer and Report Author	Martyn Jeynes, Community Protection Team Manager
Classification	Public
Wards affected	All
Executive Summary	
<p>This report provides an update in relation to the measures available to tackle irresponsible dog ownership and seeks to make a new Public Space Protection Order (PSPO) with new measures that build upon existing dog control measures.</p>	
Purpose of Report	
Cabinet Member Decision	
This report asks the Committee to consider the following recommendation to the Cabinet Member:	
<p>That the Cabinet Member for Housing and Health ask the Head of Housing and Regulatory Services to make a new Public Space Protection Order as set out in Appendix 4</p>	

Tackling Anti-Social Behaviour relating to dogs: Updating our enforcement tools

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Keeping Maidstone Borough an attractive place for all. PSPOs 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.	John Littlemore, Head of Housing and Regulatory Services
Cross Cutting Objectives	The report recommendation supports the achievement of the Health Inequalities and Environmental Sustainability cross cutting objectives by protecting communities from irresponsible dog owners and protecting public spaces for everyone to enjoy.	John Littlemore, Head of Housing and Regulatory Services
Risk Management	There is a statutory requirement to review PSPOs every three years. The management of PSPOs will be subject to the current performance management arrangements within the service, with performance benchmarking as part of the process.	John Littlemore, Head of Housing and Regulatory Services
Financial	It is anticipated that the continued delivery of the PSPO will be resourced from within existing budgets.	Head of Finance
Staffing	Delivery of the PSPO will continue to be overseen by the Community Protection Team in partnership with Kent Police and the Waste Crime Team.	John Littlemore, Head of Housing and Regulatory Services
Legal	The power to make, extend and vary PSPOs is contained within the Anti-Social Behaviour, Crime and Policing Act 2014. As contained within the body of the report, any enforcement by way of prosecution, or non-payment of FPN and any other legal process will have resource implications for MKLS. These are not anticipated to be any different than the current PSPO.	Helen Ward, Mid Kent Legal Services

Information Governance	Information obtained within the process of delivering the PSPO will be managed in accordance with Environmental Health, Waste Crime & Community Protection Enforcement Policy and the Council's Data Protection and Freedom of Information processes.	Information Governance Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
Public Health	The Community Protection team is under the reporting line of the Head Housing and Regulatory Services. The focus is strongly on preventative work that is intelligence driven so as to maximise the opportunities to reduce health inequalities in partnership with the police and other community safety related partners.	Community and Strategic Partnerships Manager
Crime and Disorder	The continued delivery of the PSPO will contribute to make Maidstone a safer place by promoting the message and enforcement of the appropriate standard of conduct and behaviour.	John Littlemore, Head of Housing and Regulatory Services
Procurement	Appropriate procurement methods will be used for publicity and signage as necessary	John Littlemore, Head of Housing and Regulatory Services
Biodiversity and Climate Change	There are no implications on biodiversity and climate change.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

Public Space Protection Orders and their role in Dog Control

- 2.1 Public Spaces Protection Orders (PSPOs) are intended to provide a means of preventing individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing in nature; and be unreasonable.
- 2.2 Powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014, which introduced PSPOs, included transition arrangements whereby any existing Dog Control Orders (DCOs) converted into PSPOs in October 2017. Unlike DCOs, there is a requirement for PSPOs to be reviewed every three years to ensure they remain appropriate.
- 2.3 The existing Dog Control PSPO which transitioned in 2020 has five main prohibitions:
 - Dog fouling
 - Exclusion of dogs from fenced play areas and Tennis Courts
 - Keep Dogs on Leads in the Vinters Park Crematorium and Associated Grounds and the Sutton Road Cemetery
 - Dogs on Leads by Direction
 - Keeping Dogs Under Proper Control
- 2.4 The PSPO also sets out an offence of failing to provide details of identity when asked to do so, as this was not included the provision itself and it also sets out that the Fixed Penalty Notice level at £100.
- 2.5 Home office guidance states that when making PSPOs, Local Authorities should ensure proposed restrictions are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring. PSPOs create criminal offences, which carry the same burden of proof as any other criminal offence and must be proved beyond all reasonable doubt.
- 2.6 Consideration must also be given to the Local Authorities ability to enforce the prohibitions and the public expectation creating such orders might create. This is of particular importance when considering controlling behaviour associated with dogs. Experience and feedback from institutions such as the Kennel Club and the Dog's Trust have taught us that dog owners are very responsive to measures that are introduced when they are considered justified and proportionate. Where this is not the case the opposite is often prevalent, with deliberate acts of defiance commonplace. This was demonstrated when some areas have tried to introduce large dogs on leads areas.
- 2.7 The delegated authority to make PSPOs sits with the Head of Housing and Regulatory Services once approved by the Cabinet Member for Housing and Health.

2.8 PSPO can be appealed in the High Court if the council did not have the power to make the order or include particular prohibitions/requirements within them or statutory processes are not followed. Appeals can be made up to six weeks after the date on which the order is made/varied by anyone who lives in, or regularly works or visits the area. A PSPO can also be challenged by judicial review on public law grounds within three months of the decision or action subject to challenge.

REVIEW OF EXISTING PSPO, IT'S USE AND PROPOSED MEASURES

2.9 Prior to undertaking a public consultation, the Community Protection Team, including its animal welfare specialist, reviewed the current PSPO provision in line with national and local trends, the relevant information provided in the annual Community Safety Strategic Assessment and feedback from relevant agencies, including Kent Police and other stakeholders.

2.10 The proposed measures put forward for the consultation where to renew the existing measures, as described in 2.3, with the following additions:

- To add to the fouling measure a requirement to ensure that bags or similar equivalent are carried.
- To extend the dogs on leads provision to also include the Town Centre.
- To introduce a new measure limiting the number of dogs walked by an individual to 4, or 6 if part of a licensed dog related business or registered as a professional dog walker.

2.11 As part of the renewal process the local authority has to demonstrate that the PSPO is effective. For matters, such as dog control, it is important to understand the PSPO acts as part of a suite of tools and powers that the team utilise for tackling dog related ASB. As previously demonstrated with the renewal of the Town Centre PSPO, the Dog Control PSPO equips officers with tools that can be used alongside other powers, depending on the seriousness of the incident or the need to challenge behaviour in the moment. Each incident is assessed, using our enforcement policies, the officer's training and operational guidance in order to determine the most suitable outcome. The following are working examples to help with understanding how the PSPO works in practice.

Worked examples:

Dog Fouling and the need to carry suitable bags- if an authorised officer witnesses an irresponsible dog owner failing to not clean up after their dog a Fixed Penalty Notice is likely to be issued. This is because of the seriousness of the offence and the cumulative benefit of ensuring everyone knows that it is wrong to not clean up after their dog. If, in the same incident, the dog owner also has no bags and can offer no reasonable excuse for not having any, a further Fixed Penalty Notice could be issued. If they refuse the Fixed Penalty Notice or do not cooperate then the matter would be referred for prosecution for two offences. If the same person is walking their dog, has forgotten their bags, but no fouling occurs, then advice would be given.

Not under proper control- if an incident occurs where a dog is alleged to have not been under proper control, consideration can be given as to whether the PSPO Measure can be used. It is highly unlikely that an officer will witness the incident and therefore the officer will use their investigative skills to gather as much evidence as possible. This could include taking witness statements and interviewing the accused owner under caution. If they are satisfied that there is a case to answer the officer can issue a Fixed Penalty Notice or if deemed too serious, can escalate straight to prosecution. If it is unclear, such as in a dog-on-dog attack, where it is not possible to prove beyond all reasonable doubt that one party was to blame, the officer might choose to issue a formal warning, commonly referred to as a Community Protection Warning requiring steps to be taken to minimise the risk of recurrence. Failure to take steps or further incidents could then result in either a Fixed Penalty Notice for the PSPO or an escalation to Community Protection Notice. Breaches of Community Protection Notices have additional orders available to the Magistrates' Court, including orders to seize and rehome the dog responsible if appropriate to do so.

2.12 In 2021, 9 Fixed Penalty Notice were issued for breaches of the PSPO. In 2022 51 were issued and in 2023, up to July, 45 were issued. The majority of these were in relation to dogs not being under proper control and were found straying in the borough.

2.13 Details of the assessment and the proposed measures, justification and consultation response/feedback can be found in appendix 1.

Public Consultation response summary

2.14 A public consultation was undertaken from 9th June 2023 to the 6th August. A total of 1128 survey responses were received, of which 929 of these were weighted responses, which makes it more representative of the population. The survey found that the vast majority of the public are in favour of all the measures proposed. An in-depth analysis of the consultation survey responses is available in Appendix 2. In summary the responses were as follows.

	Dog Fouling	Requirement to carry bags etc	Exclusion from play areas	Dogs on leads in Crem/Cem	Dogs on leads in the Town Centre	Dog on lead by direction	Dog under proper control	Limit the number of dogs walked	Provide ID when required	Fixed Penalty Notice (£100)
% Public in favour of measure	98	83	92	97	89	97	97	78	93	82

- 2.15 A response to the consultation was also sought from a number of canine specialist groups including the Kennel Club. Their response is provided in appendix 3.
- 2.16 Following a review of feedback, adjustments were made to ensure the proposed measures are proportionate and necessary. This is included in section 5 of appendix 1. Further detail on this is provided in Section 4 as the preferred option.

Enforcement of the proposed measures and exemptions

- 2.15 In 2.11, worked examples are given that set out the way in which the PSPO is used alongside other enforcement tools to reduce dog related ASB. Given the extensive work of the Community Protection Team, including priorities determined by both the Community Safety Partnership Plan and their Statutory Duties for nuisance and licensing, dog control is a relatively small area of work. Whilst the Community Protection Team does not have the capacity to routinely "patrol" the borough, the team remains responsive to the issues raised in relation to dog control, which can be very emotive.
- 2.16 Evidence led enforcement and reactive enforcement will continue to be the main focus for the team when enforcing the measures as outlined in 4.1. Officers from the Community Protection Team can challenge anyone they witness committing an offence whilst going about their duties, such as failing to clean up after their dog. Officers from the Waste Crime Team are also authorised in relation to fouling.
- 2.17 It is proposed to retain the fixed penalty level at £100 for all offences created by the PSPO. This will be consistent with the recently renewed Town Centre PSPO and is the maximum currently available for PSPOs. The maximum fine for prosecution is set out in the legislation at £1000. A reduced payment will also be made available for the measure relating to dogs not under proper control for early repayment.
- 2.18 As with similar offences, any income generated by the use of fixed penalty notices would be reinvested into the service to encourage responsible dog ownership and cover some of the costs associated in delivering dog control in the borough.
- 2.19 There are no prescribed exemptions under PSPOs. However, the current PSPO sets out a series of exemptions that will be included in the proposed PSPO. The exemptions are where a person:
- a. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, or "severely sight impaired", or "sight impaired" under the Care Act 2014; or
 - b. has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry, or otherwise move everyday objects, in respect of a dog trained by a "prescribed charity" and upon which he relies for assistance;

- c. each of the following is a "prescribed charity"
- i) Dogs for the Disabled (registered charity number 700454)
 - ii) Support Dogs (registered charity number 1088281)
 - iii) Canine Partners for Independence (registered charity number 803680)
 - iv) Hearing dogs for deaf people (registered charity number 293358)
 - v) Any charity created subsequent to this Order, which covers the issues detailed in point b. above.
-

3. AVAILABLE OPTIONS

- 3.1 **Do Nothing**- If the existing or proposed measures are not renewed they will no longer create any offences in relation to dog control. This would remove a useful tool used to tackle irresponsible dog ownership and supervision, risk considerable reputational damage as it would not be aligned with our strategic plan and may be considered a failure of our duty under the Crime and Disorder Act 1998 to take steps to reduce crime and anti-social behaviour within our borough.
- 3.2 **Renew existing measures from current PSPO**- whilst this will allow for a useful tool to continue to be used its effectiveness will be slightly diminished due to the limitations of those measures to allow officers to challenge irresponsible dog ownership.
- 3.3 **Implement some of the proposed measures identified in section 4 or additional measures**- Committee may wish to choose to only implement certain aspects of the PSPO or additional measures. This is not recommended as the detailed process, research and consultation undertaken to date have been considered in bringing the recommendation as set out in section 4. Choosing to implement only some of the recommendations may suggest that the committee are not willing to listen to the public opinion gathered and limit officers' ability to challenge inappropriate behaviour. In addition, any new measures would need to be consulted on prior to implementation alongside all the measures already proposed and would prevent the order being made before the current order expires.
- 3.4 **That the Cabinet Member for Housing and Health ask the Head of Housing and Regulatory Services to make a new Public Space Protection Order as set out in Appendix 4.** This is the preferred option as detailed in section 4.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The preferred and recommended option is 3.4, that Cabinet Member for Housing and Health ask the Head of Housing and Regulatory Services to make a new Public Space Protection Order as set out in Appendix 4 incorporating the following measures:

1. **Remove dog faeces from land forthwith**- Continuation of the offence of dog fouling.
2. **Failure to prove, when challenged, the means to remove faeces forthwith** - introduction of a requirement for those in charge of a dog to demonstrate means of removing faeces (a bag or equivalent).
3. **Exclusion of Dogs from Play Areas and Tennis Courts** - Continuation of existing dog control powers to include exclusion of dogs from all children's play areas, whether they are fenced or open, play areas, and tennis courts.
4. **Keep Dogs on Leads in the Town Centre, Vinters Park Crematorium and the Sutton Road Cemetery**- Continuation of the current requirement to keep dogs on leads at both the Sutton Road Cemetery and at the Vinters Park Crematorium and extending the requirement to the Town Centre with the exception of Whatman Park and Trinity Gardens.
5. **Dogs on Leads by Direction**-Continuation of the requirement for a person in charge of a dog to comply with a request from an authorised officer to put a dog on a lead when the dog is causing danger or concern.
6. **Keep Dogs Under Proper Control**-Continuation of the offence of failing to keep a dog under proper control.
7. **Maximum number of dogs to be walked at any time**- Introduces a limit of four dogs for private individuals, extending to six for professional dog walkers and licensed dog boarders.

4.2 The justification for each measure is outlined in section 5 of appendix 1.

4.3 Doing anything prohibited by / failure to comply of measures 1 to 7 could result in a Fixed Penalty Notice of £100. Doing anything prohibited by/ failure to comply with measure 6 could result in a £100 Fixed Penalty Notice, reduced to £80 if paid within 10 days, to maintain the current control measures used for strays.

4.4 This order will support officers in dealing with irresponsible dog owners, particularly in high risk and sensitive locations using a range of tools to engage, explain, encourage and enforce the legislation in accordance with their Enforcement Policy.

4.5 The exemptions outlined in 2.19 will also be applied.

4.6 Unlike similar legislation, such as littering, failure to provide details is not a specific PSPO offence. Therefore, for each of the proposed control measures the following additional measure will be made to enable officers to require identification:

“A person in charge of the dog at the time of the offence shall provide, when asked by an authorised officer, a name and address.”

4.7 The Anti-Social Behaviour, Crime and Policing Act 2014 sets out under Section 60 a legal test in that the local authority that made the order may make an order if satisfied on reasonable grounds that doing so is necessary to prevent—

- (a) occurrence or recurrence after that time of the activities identified in the order, or
- (b) an increase in the frequency or seriousness of those activities after that time

4.8 We are satisfied, given the occurrence and recurrence of the issues locally and nationally and growing concerns around irresponsible dog ownership, that the making of the order and the new measures remains necessary and proportionate.

4.9 A draft of the proposed order is provided in appendix 4.

5. RISK

5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council’s Risk Management Framework. That consideration is shown throughout this report. We are satisfied that the risks associated are within the Council’s risk appetite and will be managed as per the Policy.

5.2 Once the order is made there is a statutory right of appeal to the High Court within 6 weeks if the council did not have the power to make the order or include particular prohibitions/requirements or statutory processes not followed and the potential for judicial review in certain circumstances. We are confident that the measures proposed are proportionate and justified, minimising the likelihood of a legal challenge significantly.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 As detailed in section 2

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 If authorised by the Cabinet Member, the proposed order will be made by the Head of Housing and Regulatory and sealed by Legal Services. They will be published on the website and appropriate signage erected in the areas

covered by the orders. We will also use a communication plan to maximise awareness of the new measures prior to enforcement activity. An educative approach will be adopted for all new measures.

- 7.2 Work will be undertaken with Parks and Open Spaces and Parish Councils to identify play areas that need to be designated for exclusion. The appropriate signage will then be developed and installed to clearly advise customers of any changes, as appropriate.
- 7.3 A PSPO can be made for a maximum of three years. Following the initial period, the PSPO must be reviewed continually to ensure that it is still necessary and proportionate.
-

8. REPORT APPENDICES

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

- Appendix 1: proposed measures, justification and consultation response/feedback
 - Appendix 2: Public Consultation response report
 - Appendix 3: Kennel Club Response
 - Appendix 4: Proposed Dog Control PSPO
-

Appendix 1 –Proposed Measures, justification and consultation response/feedback

1. Consideration was given to measures reviewed in 2020 and the current data, as set out in the Safer Maidstone Partnerships Strategic Assessment. The following table provides a breakdown of the service requests received by the community protection team since 2020 when the current PSPO was introduced. The percentage shows the relative percentage of requests receive in comparison with the Community Protections Teams other responsive work, including ASB and Noise which amounted to around 1800 service requests in 2022, which are investigated alongside the teams’ proactive and licensing work (animal welfare and caravans).

Complaint type	2020	2021	2022	2022 %
Dangerous and Nuisance dogs (Not strays)	47	52	65	4%
Dog Fouling	30	28	47	3%
Straying and lost dogs’ enquiries	261	212	252	17%

2. Overall, this area of work does not give rise to a significant number of service requests, but in some case the issues can be emotive and perceived as dangerous by the public. Allegations of Dangerous Dogs (31) and Dog attacks on animals (21) make up a significant proportion of the 65 complaints. Kent and National statistics which show an even greater increase, with the topic receiving national press coverage. Specialists believe that an influx of new dog owners, driven by the pandemic, are struggling to control their dog’s behaviour. This has led to some high-profile cases nationally, which themselves will raise awareness and give rise to more complaints due to greater levels of fear. Specific cases, with local interest, did create multiple cases for the same incident/dog(s).
3. There is though, an expectation that local authorities will ensure appropriate measures are in place to encourage more responsible dog ownership. Dog fouling or dogs being out of control can give rise to highly emotive and challenging responses from residents. Maidstone has ensured that its PSPOs and the Dog Control Orders that this legislation replaced are robust and enforceable.

4. The following are the measures put forward for the public consultation. Further detail as to why these measures were proposed measures were put forward, the public response and any mitigation is provided in section 5.

- Measure 1 - **Continuation** of the offence of dog fouling including a requirement for persons in charge of a dog on public land and **introduce** a requirement for those in charge of a dog to demonstrate means of removing faeces (a bag or equivalent)
- Measure 2 - **Continuation** of existing dog control powers to include exclusion of dogs from all children's play areas, whether they are fenced or open, play areas, and tennis courts
- Measure 3 - **Continuation** of the current requirement to keep dogs on leads at both the Sutton Road Cemetery and at the Vinters Park Crematorium and **extending** the requirement to the Town Centre
Continuation of the current offence of failing to keep a dog under proper control
- Measure 4 - **Continuation** of the requirement for a person in charge of a dog to comply with a request from an authorised officer to put a dog on a lead when the dog is causing danger or concern.
- Measure 5- **Continuation** of the offence of failing to keep a dog under proper control, such as harming other animals or straying.
- Measure 6 - **Introduce** a limit on the number of dogs walked by one person at any one time to either four or six.
- **Continuation** of the current requirement for a person to give their name and address to an authorised officer when requested to do so, and to provide ID at the given time of request.
- **Continuation** - That all offences will be subject to prosecution or a £100 fixed penalty, the maximum laid out in the legislation.

5. The table overleaf provides further details on the proposed measures in the consultation and how the consultation response has been considered.

No.	Proposed Measure	%	Justification/mitigation
1	Remove dog faeces from land forthwith- Continuation of the offence of dog fouling	97.6 (905)	To reinforce the offence of fouling and to encourage more responsible dog ownership it was proposed to add a further requirement to prove, when challenged, that those people in charge of a dog have reasonable means to clean up any deposits.
272	Failure to prove, when challenged, the means to remove faeces forthwith - introduction of a requirement for those in charge of a dog to demonstrate means of removing faeces (a bag or equivalent)	83.2 (773)	Encouraging dog owners to carry more bags than they might need, as it's reasonable for dog owners to be prepared for any eventuality. It is not proposed or in the team's capacity to undertake random spot checks to catch out dog walkers and not having a bag is very unlikely to be deemed an offence without suspicion of fouling. However, it would be an additional factor for consideration, should enforcement action be taken for failing to remove faeces, and would create an additional offence for those who fail to clear their dog's faeces and without out reasonable excuse cannot demonstrate they had been equipped to do so. A standard operational procedure will be in place ensuring that officers understand how and when to use the additional element to the fouling offence. We will continue to promote the fact that litter bins can be used to dispose of bagged dog waste and educate people on responsible dog ownership through our animal welfare social media page, posters and local stencilling, which has proven both effective and popular when used previously. Fouling enforcement is undertaken through evidence led patrolling. Offences are enforced robustly when they are witnessed by an officer or when evidence is provided by a third party that meets the evidential threshold.
2	Exclusion of Dogs from Play Areas and Tennis Courts - Continuation of existing dog control powers to include exclusion of dogs from all children's play areas, whether they are fenced or open, play areas, and tennis courts	92.1 (855)	It was proposed a continuation of exclusions of dogs from children's play areas and tennis courts. Whether they are enclosed or not. Exclusion areas will be indicated in locations with signage and, where appropriate, a map. An interactive map showing the locations was provided with the consultation. Additional areas were considered based on complaints. Whilst some areas do have occasional issues there were none where it was deemed necessary to have an enforceable restriction that could be reasonably be patrolled/managed. Other playing surfaces and leisure areas, such as football pitches or parks vary significantly across the borough and have led to very emotive local responses. In most cases a voluntary scheme developed with local dog owners would be more appropriate, without creating an enforcement burden/expectation. Enforcement is evidence led and appropriate action will be taken on a case-by-case basis.

3	<p>Keep Dogs on Leads in the Town Centre, Vinters Park Crematorium and the Sutton Road Cemetery- Continuation of the current requirement to keep dogs on leads at both the Sutton Road Cemetery and at the Vinters Park Crematorium and extending the requirement to the Town Centre Continuation of the current offence of failing to keep a dog under proper control.</p>	<p>96.7 (893) Cemetery/ Crem</p>	<p>It is proposed continue the current requirement to keep dogs on leads at both the Sutton Road Cemetery and at the Vinters Park Crematorium. This will continue to protect visitors, staff and places of memorial. Encouraging dog owners to be responsible and keep dogs on a short lead, affords the owner greater control of their dog in these sensitive locations.</p>
		<p>88.9 (823) Town Centre</p>	<p>It is also proposed to extend this requirement to the Town Centre. The Town Centre Task Force, which includes representatives from One Maidstone and Kent Police identified growing concerns in regard to dogs being walked of lead in the Town Centre. The nature of the town, including but not limited to the volume of people (including children), food establishments (including those with "al fresco" dining), ornamental parks and gardens and larger vehicle creates an environment where greater control is needed. This includes residents in the town and their dogs who should choose to exercise their dogs off lead away from the areas outlined in the map. The consultation did however highlight that Whatman Park and Trinity Park offer residents of the High Street and other nearby wards with a space to exercise their dogs and they will therefore be excluded. Brenchley Gardens, as an ornamental garden, will not be excluded and dogs will be required to be exercised on a short lead. A short lead would be a fixed lead that is approximately 4ft (1.2m) in length. However, someone could have a longer or extending lead, but have it held or locked at an equivalent short length, so that the dog is under close control. Appropriate signage will be displayed in the town centre and education will be used in the first instance to obtain compliance, with enforcement used when individuals repeatedly or blatantly ignore the advice offered.</p>
5	<p>Dogs on Leads by Direction- Continuation of the requirement for a person in charge of a dog to comply with a request from an authorised officer to put a dog on a lead when the dog is causing danger or concern.</p>	<p>97.3 (903)</p>	<p>It was proposed to continue to authorise officers to be able to require an owner to put and keep a dog on a lead. This power is used where the officer believes it necessary to prevent or stop a dog from causing nuisance, injury or disturbance to any other person, a bird or another animal so as to cause distress to those in the vicinity. This instruction can be given verbally and will apply for as long as the officer deems it appropriate to reduce the immediate risk. Longer term requirements to keep a dog on a lead, or the use other behaviour control devices, such as muzzles, will be provided in writing using community protection powers.</p>

6	<p>Keep Dogs Under Proper Control- Continuation of the offence of failing to keep a dog under proper control.</p>	97.0% (89)	<p>It is proposed to continue the offence of failing to keep a dog under proper control. This power to challenge those who allow their dogs to cause harm. Dogs that are not under control can have a significant impact on an individual, or the community. Witnessing or dealing with the aftermath of an out-of-control dog can be very upsetting, particularly if that involves dogs or other animals. This provision is not proposed to protect animals directly, as that is not in keeping with the purpose of the legislation, but we are able to evidence the impact dogs that are not under control have. This is not limited to where they are involved in attacking or being attacked by other animals. Straying dogs can impact communities by defecating and causing alarm and distress whilst loose, particularly when near children or older people. They also become the burden of those who find them until they are able to pass them on to the local authority or back to the owner. They can also cause road traffic accidents, harm other animals or can be injured themselves, which can be distressing to those people that find or cause the injury.</p> <p>There are other powers linked to dog control, for example where dogs that are not under proper control cause fear, harm or distress to people, this can also be considered under the Dangerous Dogs Act 1989. Whilst dogs that are not under control can also injure animals, including other dogs, it is only an offence, under DDA 1989, when it involves an assistance dog. But this can give rise fear and distress, particularly when witnessed and is therefore in scope of the legislation. It should also be noted that dogs and other pets are considered a thing or article in law. Damage to them, unless they are an assistance dog, is a civil matter costs incurred as a result of an attack are outside the scope of the local authority's powers.</p> <p>This element of the PSPO can be used alongside similar offences on the statute and strengthens the local authority's ability to promote and require responsible dog ownership. The officers will assess the evidence provided and use the appropriate legislation, either in isolation or not, to ensure the appropriate and proportionate steps are taken to address irresponsible dog ownership.</p>
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7	<p>Maximum number of dogs to be walked at any time- Introduces a limit of four dogs for private individuals, extending to six for professional dog walkers and licensed dog boarders.</p>	78.2 (726)	<p>It was proposed to introduce of a new measure which would limit the number of dogs which can be reasonably walked by one person at any one time. Although very much breed dependant, it can be possible to walk more than two dogs at any one time, whether that is socially or as part of a business. However, the more dogs, the less control a walker has over the behaviour of individual dogs. This can create challenges when removing faeces or when meeting other dogs. In January, a dog walker from Surrey was tragically killed by the dogs she was walking. 8 dogs were seized following the incident.</p> <p>With growing incidents of dog attacks and increasing reports of irresponsible dog ownership, the consultation asked owners to consider whether it is now appropriate to limit the number of dogs being walked by one person to either 4 or 6. This measure does not restrict people from owning or caring for more than 4 or 6 dogs, but would ask that they do not exercise more than 4 or 6 of them at a time.</p> <p>Taken into consideration the responses provided, particularly that of the Kennel Club it is proposed to restrict the number of dogs walked by a private individual to 4. To protect dog related businesses, like boarding kennels, breeders and dog walkers, we have an established professional dog walking scheme. This allows us to verify the qualifications, processes and insurances are in place to protect the dogs in their charge and the community at large. Businesses registered as a professional dog walker or as a licensed boarder (inc. home boarding or day-care) can walk up to 6, which for licensees is the maximum stipulated by DEFRA in their licence conditions.</p> <p>Enforcement will be evidence led and advice will be given in order to educate those who are reported in the first instance as part of a gradated approach.</p>
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N/A	<p>Continuation of the current requirement for a person to give their name and address to an authorised officer when requested to do so, and to provide ID at the given time of request.</p>		<p>It was proposed the continue of the current requirement for a person to give their name and address to an authorised officer when requested to do so in relation to any of the measures outlined in the Public Space Protection Order. There is no specific mechanism in the Anti-social Behaviour Crime and Policing Act 2014 to require any person accused of an offence made by a PSPO, to provide their details. This creates a barrier to enforcement and whilst not a measure in its own right, it allows us to include under each measure the following statement:</p> <p style="text-align: center;">“It is an offence to fail to provide, when asked by an authorised officer, a name and address in relation to [inset measure details]</p> <p>This supports us in our investigations and will allow us to use police support to obtain true identity at the time or retrospectively where necessary.</p>
276	<p>Continuation - That all offences will be subject to prosecution or a £100 fixed penalty, the maximum laid out in the legislation.</p>		<p>It was proposed to continue to set the fixed penalty notice level at £100. As with many offences, the legislation allows the local authority the opportunity to offer someone they believe to be guilty of an offence the opportunity to discharge their liability (avoid prosecution and a criminal record) by paying a fixed penalty. The relevant legislation states that the maximum level for a PSPO fixed penalty is £100. Keeping this level is in line with other anti-social and environmental crimes. We withhold the right to not offer a fixed penalty where the offence or behaviour is such that a criminal outcome is deemed proportionate and necessary.</p>



DOG CONTROL PSPO REVIEW 2023

Consultation Report

ABSTRACT

Report of the result of the 2023 Dog Control PSPO Survey.

Consultation@maidstone.gov.uk

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Introduction

Maidstone is home to thousands of responsible dog owners who exercise their pets across the borough. In addition, our parks and open spaces also attract dog owners from further afield. Unfortunately, not all dog owners are responsible, and it has long been felt that irresponsible dog ownership is not limited to whether an owner cleans up after their dog.

In order to encourage responsible dog ownership, our existing Public Space Protection Order for Dog Control outlines a number of measures to protect our public spaces and the community. Every three years we are required to review our Public Space Protection Orders and to consult with our residents and partners on the measures proposed.

This report contains the results of the public consultation on the continuation of the current dog control measures and proposed new measures.

Current Measures & Requirements

- Measure 1 - The offence of dog fouling including a requirement for persons in charge of a dog on public land to remove their dogs' faeces.
- Measure 2 - Exclusion of dogs from all children's play areas, whether they are fenced or open, play areas, and tennis courts.
- Measure 3 – Keep dogs on leads at both the Sutton Road Cemetery and at the Vinters Park Crematorium.
- Measure 4 - The requirement for a person in charge of a dog to comply with a request from an authorised officer to put a dog on a lead when the dog is causing danger or concern.
- Measure 5- The offence of failing to keep a dog under proper control, such as harming other animals or straying.
- Requirement for a person to give their name and address to an authorised officer when requested to do so.
- A fixed penalty notice (FPN) of £100, the maximum laid out in the legislation, for all the measures.

Changes to measures

- Introduce a new measure requiring those in charge of a dog to be able to demonstrate means of removing faeces (carry a bag or equivalent).
- Extend measure 3, the requirement to keep dogs on leads, to cover Maidstone Town Centre.
- Introduce a new measure limiting the number of dogs walked by one person at any one time.

All measures create criminal offences, which can be prosecuted in a Magistrate's Court or can be disposed of by way of Fixed Penalty Notice of £100.

These measures would not apply to accredited working guide or assistance dogs.

Methodology

The survey was open between 9 June and 8 August 2023. It was promoted online through the Council's website and social media channels. Residents who have signed up for consultation reminders were notified and sent an invitation to participate in the consultation.

There was a total of 1128 responses to the survey, there are 929 weighted responses.

As an online survey is a self-selection methodology, with residents free to choose whether to participate or not, it was anticipated that returned responses would not necessarily be fully representative of the wider adult population. This report discusses the weighted results to overall responses by demographic questions to ensure that it more accurately matches the known profile of Maidstone Borough's population by these characteristics.

The results have been weighted by age and gender based on the population in the ONS Census 2021 data. However, the under-representation of 18 to 34 year olds means that high weights have been applied to responses in this group, therefore results for this group should be treated with caution.

There was a total of 929 weighted responses to the survey based on Maidstone's population aged 18 years and over. This means overall results are accurate to $\pm 3.2\%$ at the 95% confidence level. This indicates that if we repeated the same survey 100 times, 95 times out of 100 the results would be between $\pm 3.2\%$ of the calculated response, so the 'true' response could be 3.2% above or below the figures reported (i.e. a 50% agreement rate could in reality lie within the range of 53.2% to 46.8%).

Please note that not every respondent answered every question, therefore the total number of respondents refers to the number of respondents for the question being discussed, not to the survey overall. In addition, rounding means that some charts may not add up to 100%.

Measure 1 – Dog Fouling

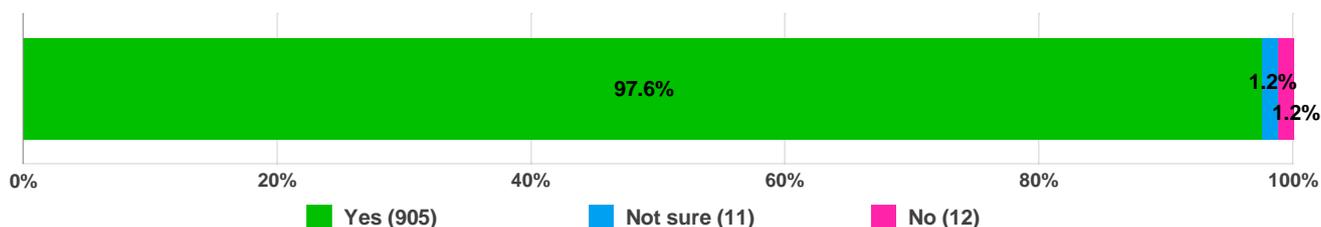
Measure 1 - Dog Fouling

Remove dog faeces from public land - Continuation of the offence of dog fouling offence on public land.

Survey respondents were asked if they were in favour of continuing with measure 1 as described above.

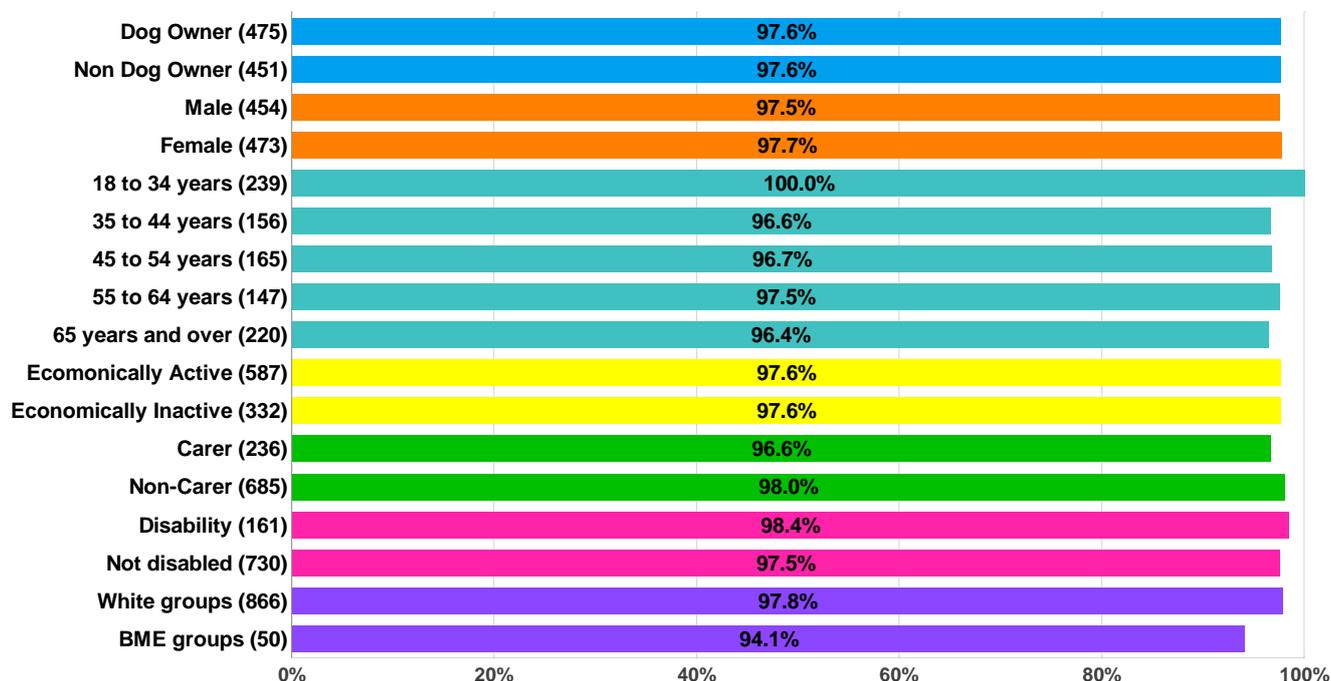
- There were 928 weighted responses to this question.
- The most common response being 'Yes' with 905 respondents answering this way.
- At the last review in 2020, 90.4% of respondents were in favour of measure 1.

Are you in favour of continuing Measure 1 as outlined above?



Measure 1 Dog Fouling – Demographics

The chart below shows the proportion of respondents that were in favour of continuing measure 1 across the different demographic groups. Significant differences are outlined in the table below.



Demographic Differences



While agreement for this measure was high across all age groups there were no respondents aged 18 to 34 that were unsure or against renewing measure 1.

New Requirement – Prove means of faeces collection.

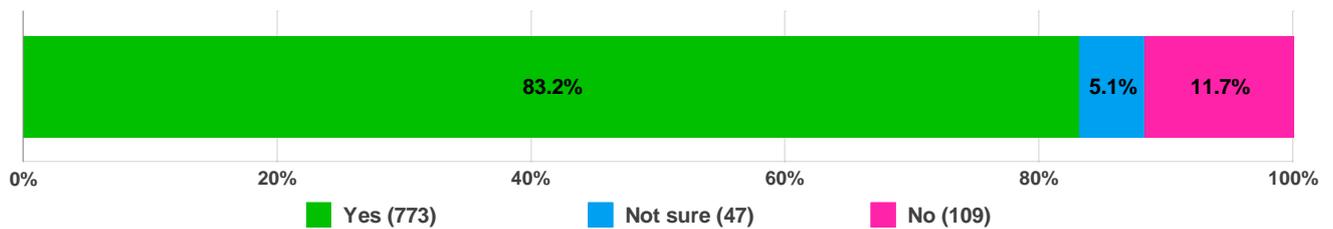
New Requirement

For persons in charge of a dog, on public land, to prove they have a means of faeces collection (dog poo bag or like).

Survey respondents were asked if they were in favour of introducing a new requirement as described above.

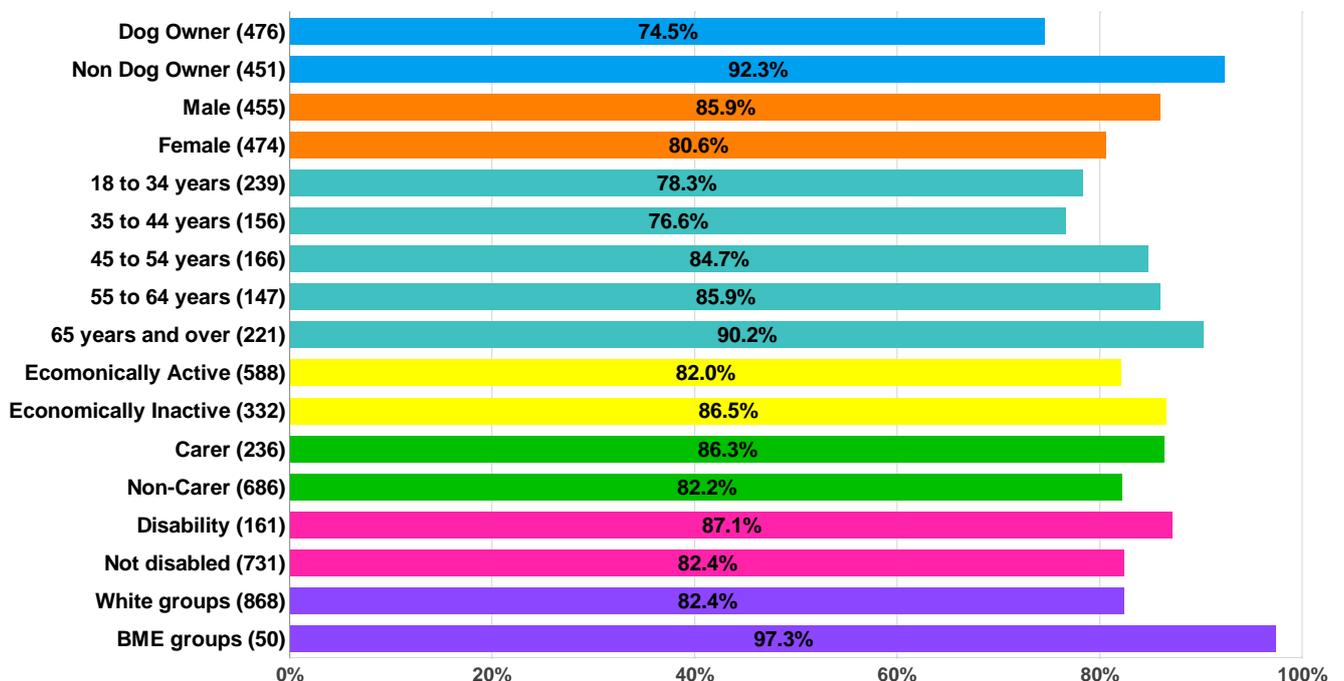
- There were 929 weighted responses to this question.
- The most common response being 'Yes' with 773 respondents answering this way.

Do you think that a new measure should be introduced to make it a requirement for persons in charge of a dog, on public land, to prove they have a means of faeces collection (dog poo bag or like)?



New requirement - Prove means of faeces collection – Demographics.

The chart below shows the proportion of respondents that were in favour of introducing a new requirement for a person in charge of a dog on public land to prove they have a means of faeces collection across the different demographic groups. Significant differences are outlined in the table below.



Demographic Differences	
	Respondents that do not own a dog had a significantly greater proportion that were in favour of this measure with 92.3% answering this way compared to 74.5% of dog owners. Overall, almost one in five dog owners were against introducing this measure compared to just under one in twenty non-dog owners.
	Economically active respondents had a significantly greater proportion that were not in favour of the new measure with 13.5% responding this way compared to 8.9% of economically inactive respondents.
	The 18 to 34 years group had the greatest proportion that were opposed to introducing a new measure for carrying a means of disposal for dog faeces with 19.7% answering this way, significantly greater than the proportion that answered this way for the age groups 45 years and over. Overall, the proportion opposing the new measure declines as age increases.
	There were no respondents from minority groups that were opposed to introducing a new measure for carrying a means of disposal for dog faeces.

Measure 1 Comments

Measure 1 – Total Comments 355		
Theme	No.	Examples & Sentiment
Negative –Carrying means of disposal	67	<ul style="list-style-type: none"> I think checking that people have poo bags is a step too far as it does not ensure that dog owners will actually use them or that they won't pick up the faeces and then leave the bag or hang it on a branch! It is possible that a person may have used and disposed in a bin the poo bags they had on them. If then challenged and fined that would seem overly punitive. Checking what people have on them seems intrusive and a bit authoritarian.
Neutral	70	<ul style="list-style-type: none"> It's the responsibility of the Dog owner to pick up their Dogs stuff. Dog faeces is dangerous to young children who might be playing on the public land. I clear up after my dog but get annoyed at those irresponsible dog owners who do not.
Poo Bag Littering	50	<ul style="list-style-type: none"> We also should punish people who pick up faeces but leaving bags on a ground or hanging on a tree. Provision to make sure that dog poo in bags is disposed of properly. Not left on the street or in trees! There seems to be an increase in the number of dog faeces plastic bags left either on the ground, or hung up in trees or fences, presumably for litter pickers to dispose if for the dog owner. Just having a bag on them will not ensure they dispose if the waste properly.
Enforcement	47	<ul style="list-style-type: none"> From by experience, even though a dog person may have a bag they often look around and if they believe no one is around they just move on and don't pick up their dog's poop. The problem is one of enforcement. There is never anyone of official capacity around to challenge offenders.

		<ul style="list-style-type: none"> How do you propose to catch offenders as you can only catch them if seen etc and there's never anyone from council watching etc
Positive – Carrying means of disposal	46	<ul style="list-style-type: none"> Most dog owners have all been caught short, while I support the measure, I do hope there will be community awareness session if this is put in. Dog owners should prove they can clear up after their animals especially on footpaths and in the town centre. If they don't have poo bags, then they do not intend to pick it up so this makes sense.
Bins	27	<ul style="list-style-type: none"> There needs to be sufficient dog poo bins provided in areas where dogs are regularly exercised. We live near Farleigh bridge and the walks along the river have NO dog foul bins, I always carry dog foul bags and take it home but it means I have to carry it for as long as I am out ,if there were dog bins along the way I am sure more people would not let their dogs foul and leave it in the path. What if someone has one bag, cleans up after their dog and is then stopped? This seems draconian. Better to provide more dog bins to encourage owners.
Go further	25	<ul style="list-style-type: none"> And, as happens commonly overseas, they should bring disinfectant to spray on the contaminated surface after removal of faeces. Could dog licenses be bought back in? And microchip. Would deter people not serious about having dogs! Inconsiderate dog owners should face fixed penalties and a further penalty of having their dog taken away if persistent behaviour continues.
Positive - General	21	<ul style="list-style-type: none"> This seems entirely logical and presumably no responsible dog owner would object to this. Sounds ok but it's catching people not cleaning up after their dogs that needs addressing. Can't see how they can enforce any measures. Not the people to check. It's about time this measure is introduced. Dog owners think they have a right to allow their dogs to foul anywhere even on people's front gardens.

Measure 2 - Exclusion from children's play areas and council owned tennis courts

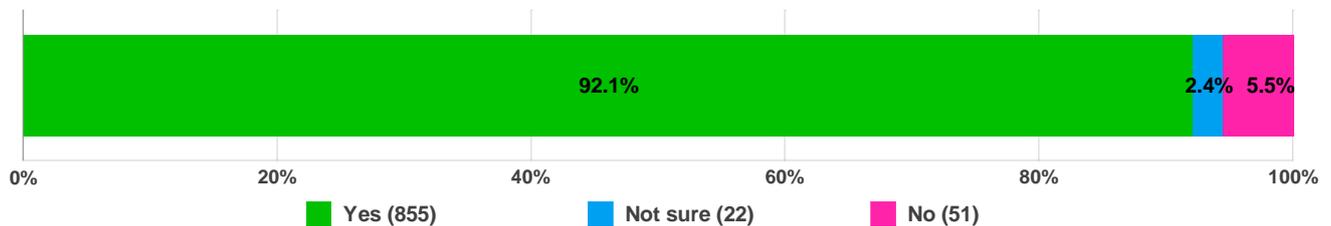
Measure 2 - Exclusion from children's play areas and council owned tennis courts

Continue the current offence of excluding dogs from all children's play areas and council owned tennis

Survey respondents were asked if they were in favour of continuing with measure 2 as described above.

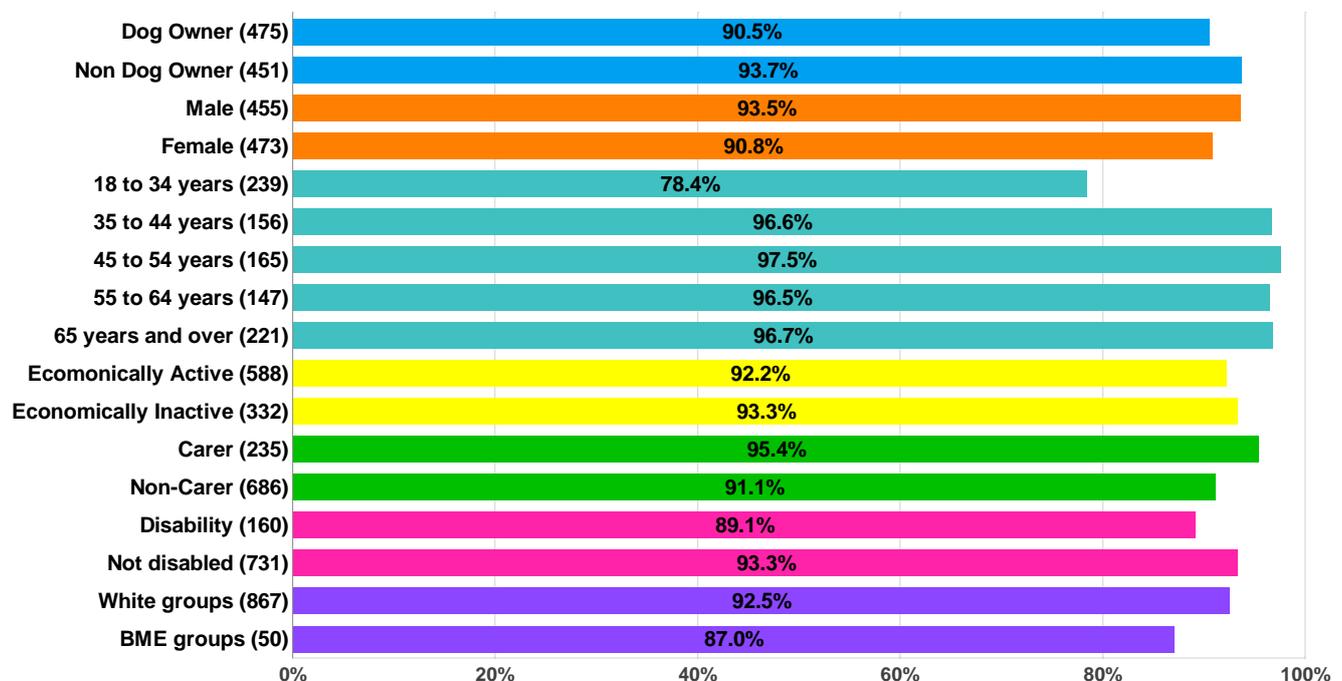
- There were 928 weighted responses to this question.
- The most common response being 'Yes' with 855 respondents answering this way.
- At the last review in 2020, 79.8% of respondents were in favour of exclusion of dogs from children's play areas and council owned tennis courts.

Are you in favour of continuing Measure 2 as outlined above?



Measure 2 Exclusion from children's play areas and council owned tennis courts – Demographics

The chart below shows the proportion of respondents that were in favour of continuing with measure 2 across the different demographic groups. Significant differences are outlined in the table below.



Demographic Differences	
	The 18 to 34 years group had the greatest proportion that were opposed to continuing measure 2 at 15.6%, significantly greater than the proportion that answered this way for all other age groups.
	Carer respondents had a significantly greater proportion that were in favour of continuing measure 2 with 95.4% answering this way compared to 91.1% of non-carer respondents.
	Respondents with a disability had a significantly greater proportion that were opposed to continuing with measure 2. Almost one in ten respondents with a disability responded 'No' compared to just under one in twenty respondents without a disability.

Measure 2 Comments

Measure 2 – Total Comments 209		
Theme	No.	Examples & Sentiment
Positive about Measure 2	72	<ul style="list-style-type: none"> • Yes, continue to exclude dogs from children's play areas etc. Families in the play areas do not want dogs there as some might be dangerous. With what is happening nowadays - dogs attacking dogs and their owners you have to be so careful. • I am not anti-dog but believe both children's play areas & tennis courts are not suitable for dogs to be allowed into. • I agree that dogs should be prohibited from entering child safe spaces. Borough council needs to ensure gates and fences are dog proof to stop the dogs getting in.
Measure should go further	33	<ul style="list-style-type: none"> • I think that the exclusion should be extended to football and all other play areas, because of the risk of infection. • Dogs should be kept on a lead on council owned lands and facilities, at all times. • Dogs should not be allowed in public parks or spaces at all.
Neutral (no sentiment expressed regarding measure)	34	<ul style="list-style-type: none"> • Dogs are often jumping up me when I walk in Mote Park! Their owners should take more responsibility! They just say! He won't hurt you. • Badly trained dogs could be dangerous around children. Small children are often frightened of dogs too. • Children can catch diseases from dog poo if they should come into contact with it.
Boundaries & Fencing	23	<ul style="list-style-type: none"> • For gates and barriers to be kept in good repair so that they close effectively thereby assisting dog owners and park users to continue enjoying the space. • All fencing and self-closing gates surrounding children's play areas should be maintained. • Signage needs to be visible and clear.
Enforcement	21	<ul style="list-style-type: none"> • Again, if there is no-one there to ensure the rules are kept how effective will this measure be? • Even though there are currently no means to monitor or enforce this! All play areas should have CCTV. • Please ensure there is enough personnel to implement these measures.

Measure 2 – Total Comments 209		
Theme	No.	Examples & Sentiment
Negative about measure 2	10	<ul style="list-style-type: none"> • Will exclude taking pets out on family days out. As cannot leave pet in car or tied to a fence due to dog theft. • Most dogs are family pets so are safe around children, and children should be allowed to play with their dogs in these play spaces. Only dogs with known behavioural issues should be restricted from play areas. Exclusion from tennis courts should be kept as is. • I think dogs on a lead and under control should be allowed. Visiting the play area may be part of a wider trip exercising the dog as well as the child and owner/caretaker.
Dog specific areas	9	<ul style="list-style-type: none"> • We'd appreciate some areas where dogs can be freely let off the lead without worry or concern so that they may play freely with other dogs without the fear of intimidating children. • Can you please include dog friendly areas where children are not allowed?

Measure 3 - Dogs on leads at Sutton Road Cemetery & Vinters Park Crematorium

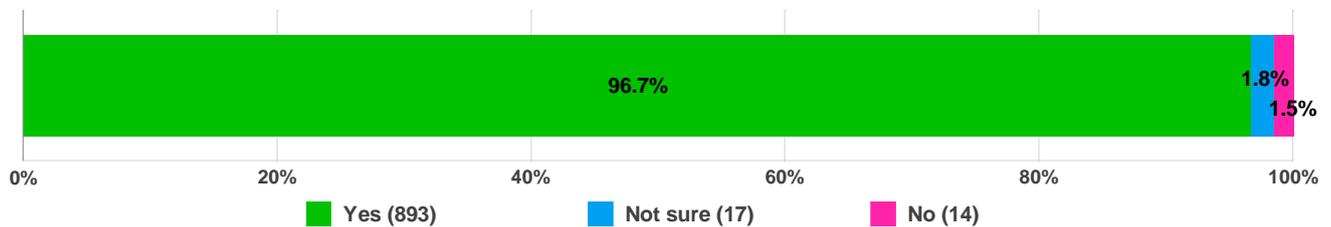
Measure 3 - Dogs on leads at Sutton Road Cemetery & Vinters Park Crematorium

To continue with the requirement that dogs are kept on leads whilst in the grounds of Sutton Road Maidstone Cemetery and Vinters Park Crematorium.

Survey respondents were asked if they were in favour of continuing with measure 3 as described above.

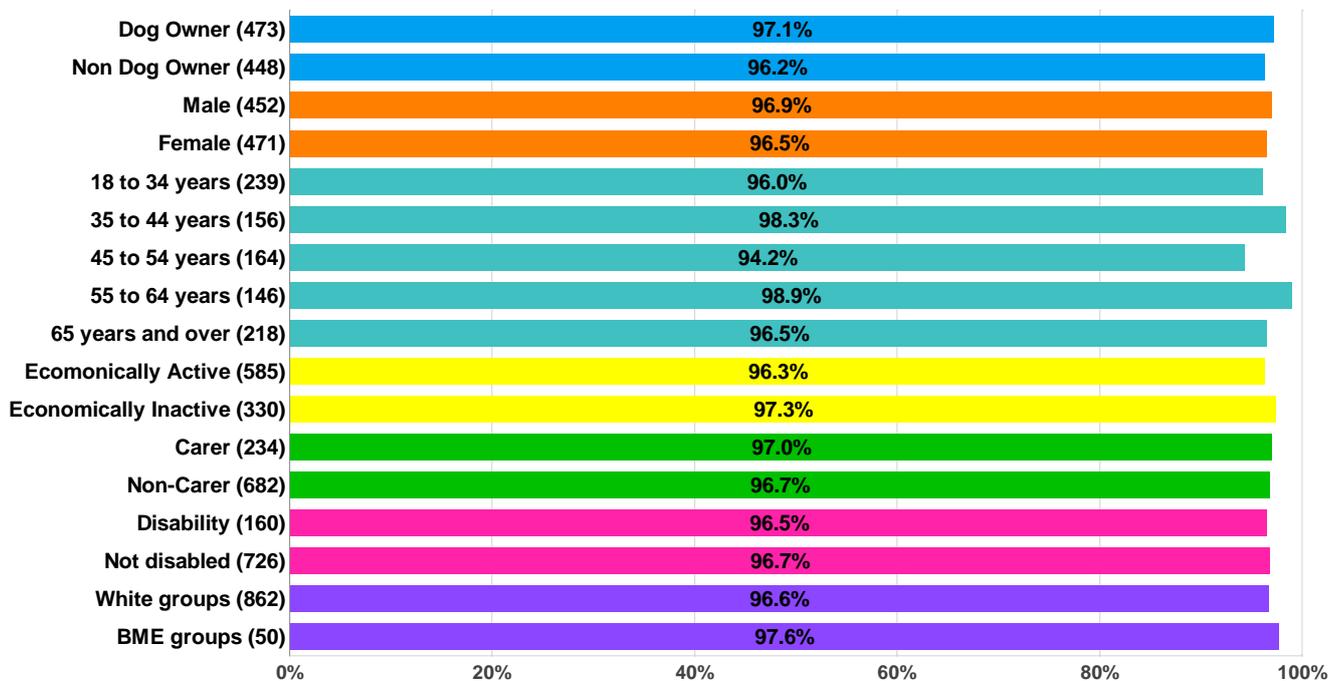
- There were 923 weighted responses to this question.
- The most common response being 'Yes' with 893 respondents answering this way.

Are you in favour of continuing Measure 3 as outlined above?



Measure 3 Dogs on leads at Sutton Road Cemetery & Vinters Park Crematorium – Demographics

The chart below shows the proportion of respondents that were in favour of continuing measure 3 across the different demographic groups. No significant differences were identified in response between demographic groups.

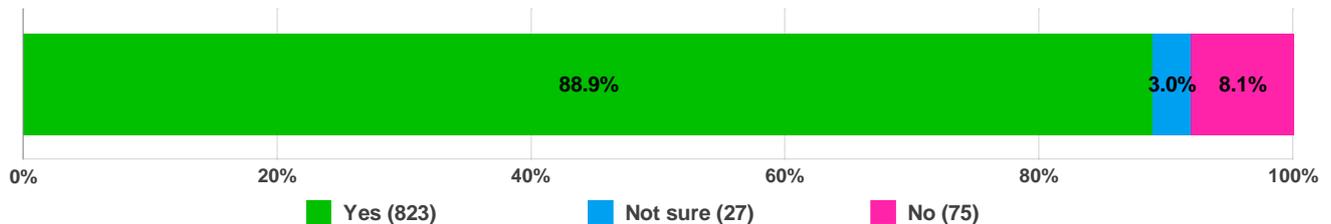


Extending Measure 3 – Dogs on leads in Maidstone Town Centre

Survey respondents were asked if they thought that measure 3 should be extended to cover Maidstone Town Centre.

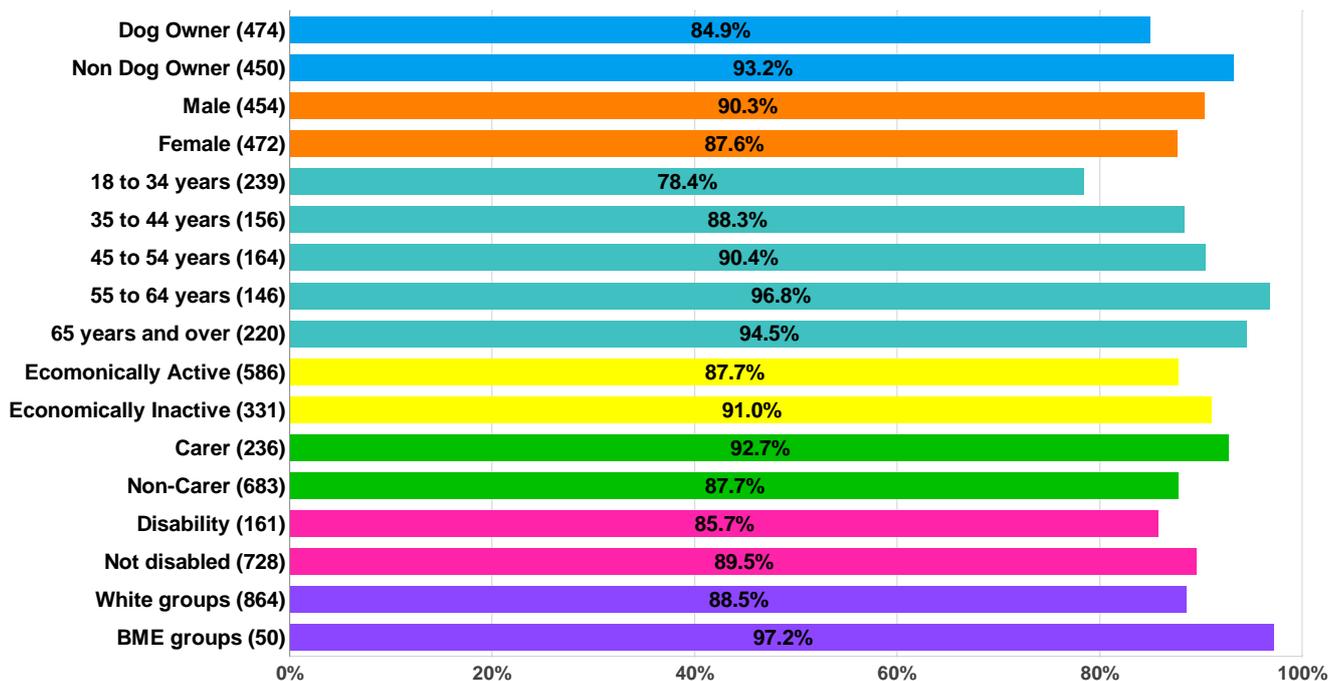
- There were 926 weighted responses to this question.
- The most common response being 'Yes' with 823 respondents answering this way.

Do you think that measure 3 should be expanded to cover Maidstone Town Centre?



Extending Measure 3 - Dogs on leads to include Maidstone Town Centre – Demographics

The chart below shows the proportion of respondents that responded positively to expanding measure 3 to include the requirement for dogs to be kept on leads in Maidstone town centre across the different demographic groups. Significant differences are outlined in the table below.



Demographic Differences	
	More than one in ten respondents (11.5%) that own a dog were opposed to extending measure 3 to cover the town centre, significantly greater than the proportion answering this way who do not own a dog, where just under one in twenty (4.5%) non-dog owners were opposed to extending measure 3.
	Female respondents had a significantly greater proportion that were opposed to extending measure 3 to the town centre with 10.3% answering this way compared to 5.9% of male respondents answering the same.

	When compared to the other age groups, the 18 to 34 years group had a significantly lower proportion that were in favour to extending measure 3 at 78.4%, and a significantly greater proportion that were opposed to extending measure 3 than other age groups.
	Carer respondents had a significantly greater proportion that were in favour of extending measure 3 with 92.7% answering this way compared to 87.7% of non-carer respondents.
	Respondents with a disability had a significantly greater proportion that were opposed to extending measure 3 to Maidstone town centre with 12.8% responding this way compared to 7.1% of non-disabled respondents answering the same.

Measure 3 Comments

Measure 3 – Total Comments - 297		
Theme	No.	Examples & Sentiment
Positive – extending to Town Centre	108	<ul style="list-style-type: none"> I agree that the town centre in the shopping areas should include this expansion but not Whatman Park. The town centre is busy, so this is for the safety of people and the dogs. Dogs can be/or are distracted very easily, it makes sense to keep them on the lead in these sorts of areas.
Positive – Retain existing measures at Cemetery & Crematorium	68	<ul style="list-style-type: none"> Agree - the Cemetery and Crematorium are places of respect, and a dog wouldn't know that - the owner needs to ensure control, so the dog doesn't wander over graves / plots or foul. The idea of extending to the town is a good idea - for dog and human safety on busy pavements and roads, and hygiene around food areas etc. Again, these seem like reasonable measures. Cemeteries are places for reflection and grieving. They're not canine playgrounds. In the town centre dogs running free may well cause issues for traffic, disabled people, the elderly and so on.
Neutral	49	<ul style="list-style-type: none"> Dogs can be dangerous - no matter their size. People are entitled to walk and run without fear of "attack". Only on one occasion at Sutton Road Cemetery have I come across a dog owner with their dogs off their leads, make me very wary. Dogs off lead in public areas pose a huge risk to those with service dogs such as Guide Dogs
Go further	44	<ul style="list-style-type: none"> Should really be expanded to all village paths high streets. As well as a fine, the dogs should be removed from the owners and a ban on them owning a dog should be implemented. might make them think about their actions in future. Marden Parish Council - Can these measures be extended to all cemeteries in the Borough?
Always on leads	39	<ul style="list-style-type: none"> I think personally all dogs should be on leads all the time due to the rise in dog attacks on people and other dogs. All dogs should be on a lead in any public space, not just those outlined above. There should be no exceptions to this. Dogs should be kept on lead in all public places including parks, footpaths
Town Centre Parks & Open Spaces	19	<ul style="list-style-type: none"> The RSPCA understands the issue raised here and while we support measures to ensure human and dog safety in built up areas we would be

		<p>concerned if any open spaces are included within the proposals to cover the whole town centre.</p> <ul style="list-style-type: none"> • Whatman park is the local space for many dog owners and for their own mental health dogs should be allowed time off lead. I do think leads in the town centre are required with some provisions. • Definition of town centre not given. There are green spaces, riverside areas that many dogs are okay. Needs clarification.
Enforcement	16	<ul style="list-style-type: none"> • How will you enforce the measure? What will the consequences be? Who will be paying court costs? What if the offender has no means to pay? Who will monitor costs versus benefit to Maidstone residents? • Would be good if this was enforced more as have seen lots of dogs off lead in the Sutton Road Cemetery. • This should be enforced otherwise it's pointless There seem to be quite a few dogs off lead currently in the town centre.
Lead length	13	<ul style="list-style-type: none"> • Objection to drafting definition at 4c. In favour of short lead but the drafting should allow for a dog being held on a short lead where a fixed lead is longer than 1.2 metres. If a 2 metre fixed lead (typical of the type used for training assistance dogs) is used it is not possible to "lock" it although it is possible to use it at a shorter length (by holding part way down, attaching both ends to the dog collar / harness, or wrapping round ones wrist several times). Suggest delete the word "(locked)" or change text to "held or locked". • 1.2 meters is too long. I do not believe the use of extendable leads should be allowed. • Fixed leads should be used all the time and not extending leads as they do not give the control needed in a public place. And some members of the public may not adhere to locking them to a certain length.

Measure 4 – Dogs on leads by direction

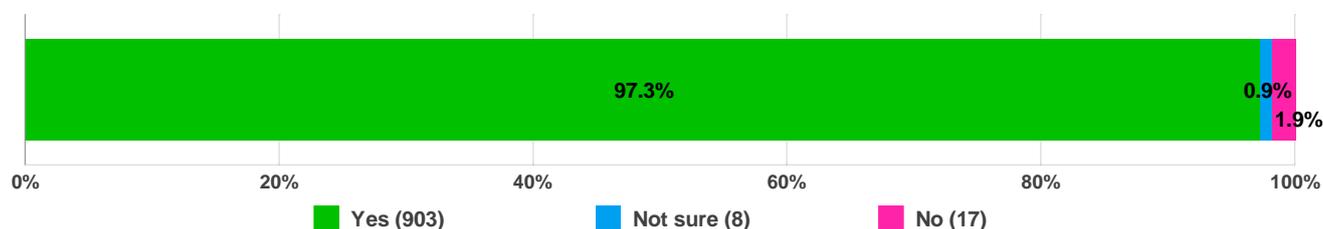
Measure 4 - Dogs on leads by direction

Continue the requirement for a person in charge of a dog to comply with a request from an authorised officer to put a dog on a lead, to prevent nuisance or to protect any other person, bird, or another animal.

Survey respondents were asked if they were in favour of introducing measure 4 as described above.

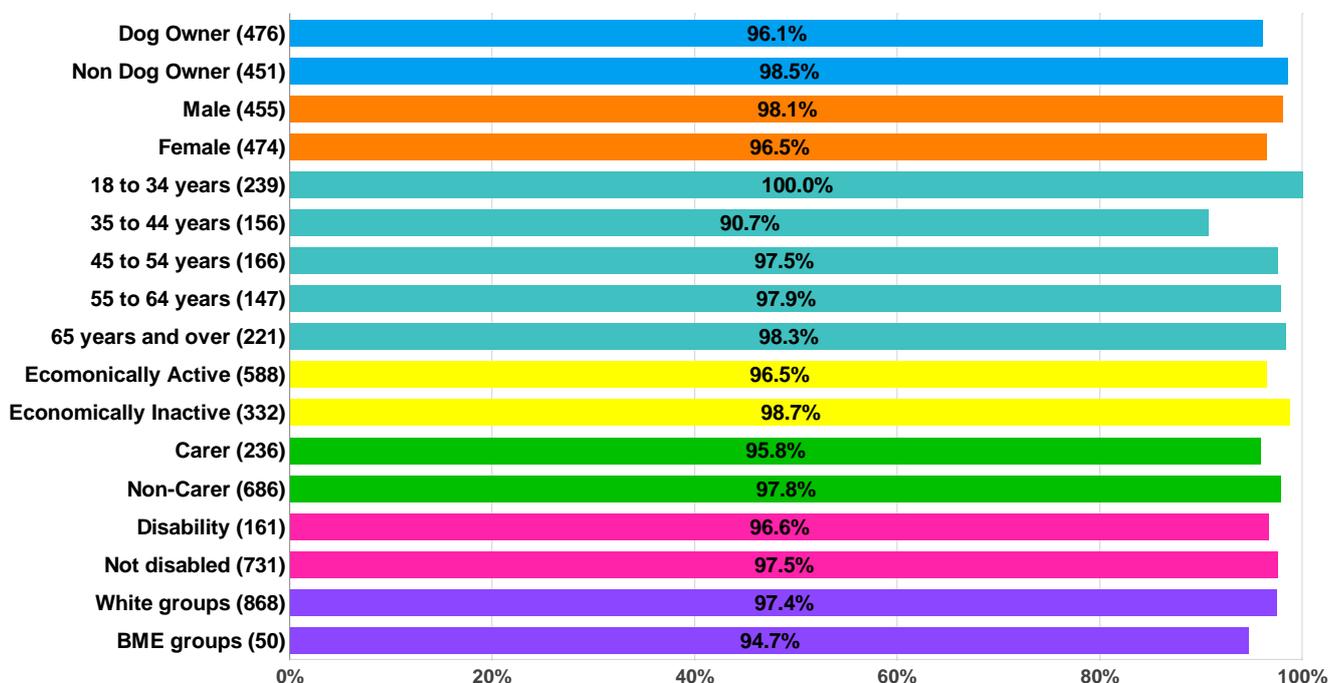
- There were 929 weighted responses to this question.
- The most common response being 'Yes' with 903 respondents answering this way.
- At the last review in 2020, 88.4% of respondents were in favour of this measure.

Are you in favour of continuing Measure 4 (Dogs on leads by direction) as outlined above?



Measure 4 - Dogs on leads by direction – Demographics

The chart below shows the proportion of respondents that were in favour of measure 4 across the different demographic groups. Significant differences are outlined in the table below.



Demographic Differences	
	The difference in the proportion of people responding positively to this question between dog owners and non-dog owners was significant with 96.1% of dog owners in favour of this measure compared to 98.5% of non-dog owners.
	When compared to the other age groups, the 35 to 44 years group had a significantly lower proportion that were in favour of continuing measure 4 at 90.7%, and a significantly greater proportion that were opposed to continuing measure 4 than other age groups at 7.6%. There were no respondents in 18 to 34 years group that were opposed or unsure about continuing measure 4.
	Economically active respondents had a significantly greater proportion that were not in favour of continuing measure 4 with 2.7% responding this way compared to 0.4% of economically inactive respondents.
	Carer respondents had a significantly greater proportion that were opposed to continuing with measure 4 with 3.8% answering this way compared to 1.2% of non-carer respondents.

Measure 4 Comments

Measure 4 – Total Comments 187		
Theme	No.	Examples & Sentiment
Positive measure 4	49	<ul style="list-style-type: none"> Without this law there will be no control and bad owners will only get worse. Too many attacks on sheep, cattle, swans, and ducks etc totally agree. This measure is a good way of being inclusive, and providing assurance to people who are scared of are do not feel comfortable around dogs.
Enforcement	48	<ul style="list-style-type: none"> There are not enough PSPO to police this efficiently, we haven't got one that we know of since the last one was made redundant last year in me17 4 area. Also, they should be equipped with a bodycam & microchip reader so that troublesome Owners / Dogs can be ID'ed. It's no good having rules that are not enforced, in saying that it can be an emotive subject, using "Hobby Bobbies" or private security out on a power trip is not the way to go, reason and understanding MUST be employed, it better to gently educate than threats and bullying. Would like to know who to call in these instances as frequently come across poorly controlled dogs and ignorant owners.
Always on leads	39	<ul style="list-style-type: none"> Dogs should be kept on leads all the time as it only takes a second for something to happen. Dogs should be on a lead on all MBC lands streets, and parks. Until recently we owned a dog and kept it on a lead so not to annoy others. So many people are now being attacked. Would be happy to see it made compulsory everywhere all the time, maybe harsh but these days necessary for public protection.
Neutral	33	<ul style="list-style-type: none"> Responsible dog owners should know their dogs and be able to control them. Safety is important and people should be alert and keep a track on their dogs. The webpages mention various signs that a dog is aggressive - raised hackles, snarling etc but this does not seem the right wording to use. A

		dog's natural defence, or warning, should not label them as being aggressive or indicate that they may cause harm.
Other	13	<ul style="list-style-type: none"> • amend to a non-extendable SHORT lead. • I would like to see fenced off lead areas for dogs to run. • Why does the request have to come from an authorised officer? If anyone feels threatened by a dog, why can't they request it is put on a lead.
Go further	12	<ul style="list-style-type: none"> • If the owner refuses to comply, their right to ownership of any animal should be revoked. • All dogs in public places should have to wear a muzzle. Regardless the size of the dog. All too often you hear of dogs biting other dogs / Children or adults trying to part fighting dogs. £500 fine if caught not wearing a muzzle. • If the owner won't comply the dog should be seized and destroyed.

Measure 5 - Failure to keep a dog under control

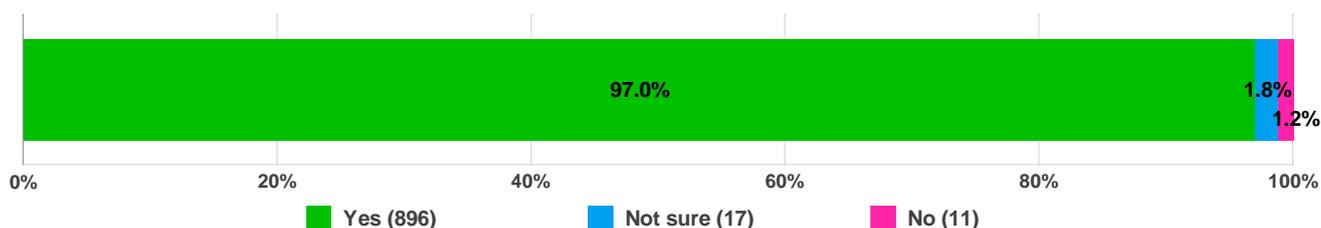
Measure 5 - Failure to keep a dog under control

Continue the requirement for a person in charge of a dog to keep it under proper control, so as not to cause harm or to stray.

Survey respondents were asked if they were in favour of introducing measure 1 as described above.

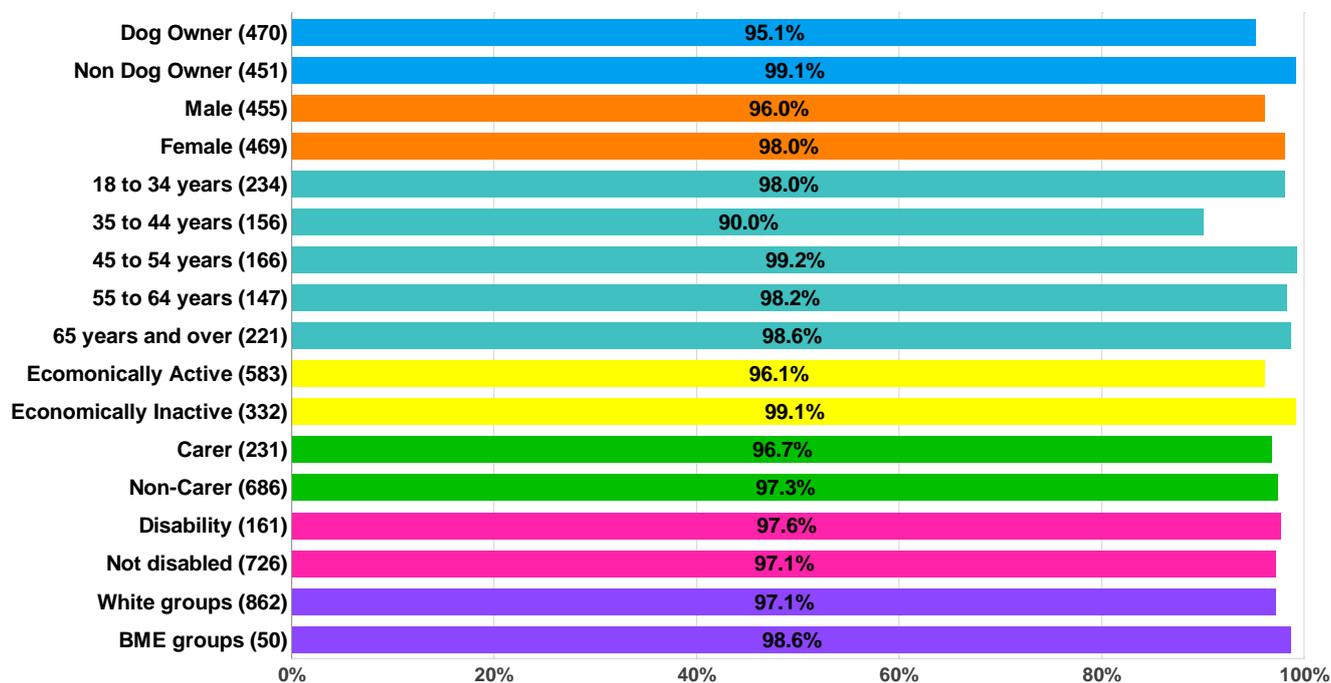
- There were 924 weighted responses to this question.
- The most common response was 'Yes' with 896 respondents answering this way.

Are you in favour of continuing Measure 5 as outlined above?



Measure 5 - Failure to keep a dog under control – Demographics

The chart below shows the proportion of respondents that were in favour of continuing measure 5 across the different demographic groups. Significant differences are outlined in the table below.



Demographic Differences



The difference in the proportion of people responding positively to this question between dog owners and non-dog owners was significant with 99.1% of non-dog owners in favour of continuing with measure 5 compared to 95.1% of dog owners.

	<p>When compared to the other age groups, the 35 to 44 years group had a significantly lower proportion that were in favour of continuing measure 5 at 90.0%, and a significantly greater proportion that were opposed to continuing measure 5 than other age groups at 5.0%. There were no respondents in 18 to 34 years group that were opposed to continuing measure 5.</p>
	<p>Economically active respondents had a significantly lower proportion that were in favour of continuing measure 5 with 96.1% responding this way compared to 99.1% of economically inactive respondents.</p>

Measure 5 Comments

Measure 5 – Total Comments -165		
Theme	No.	Examples & Sentiment
Go further	42	<ul style="list-style-type: none"> • The penalties for this offence should be much higher, in view of the number of serious attacks that have occurred across the country. • There is a need for registration of dogs similar to the old dog licence. Micro chipping should be compulsory as should insurance in case they cause accidents. • Other animals also need to be covered by this.
Neutral	40	<ul style="list-style-type: none"> • People should not feel intimidated by dogs when going about their daily lives. • I've had on the occasion dogs coming up to my dog when off lead and owner hasn't got the common sense to recall and think it's ok that their dog comes running away from owner. • As long as keeping a dog under control doesn't mean on a lead. My dogs are under proper control when they're off lead. They like to fetch their ball.
Positive – measure 5	35	<ul style="list-style-type: none"> • Marden Parish Council - Continue the requirement for a person in charge of a dog to keep it under proper control, so as not to cause harm, "nuisance" or to stray. • Totally agree I had a confrontation in More Park with a young man whose dogs was off the lead and causing a nuisance. • This law is a basic requirement.
Enforcement	20	<ul style="list-style-type: none"> • This could be a problem area, one person's proper control versus the freedom to run of lead. The warden may need a body worn camera to prove his case. • This is never policed in Maidstone parks etc won't go in park with my dog over weekends it's a joke. • Stronger penalties, stronger enforcement please.
Discretion/ Accidental Straying/ Missing Dogs	12	<ul style="list-style-type: none"> • I've got 3 dogs and I would do anything to protect them, but if they were frightened or startled why should I be or even my dogs be at fault? • There are always cases where a dog has managed to escape from a garden, e.g. delivery drivers not fully securing a door after visiting. • We have a disabled friend whose dog occasionally disappears briefly, returning within minutes. He is not in a position to pursue it. Again, prosecution would be harsh.

Other	10	<ul style="list-style-type: none">• I've put yes here. The drafting and application should follow the approach to "dangerousness" taken in <i>Briscoe v Shattock</i>, [1998] EWHC Admin 929.• Clearer definition of 'proper control'.• Does this also include that they prove they have made sufficient effort to prevent their dog from escaping from their home or garden?
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Measure 6 - Limit on the number of dogs being walked by one person

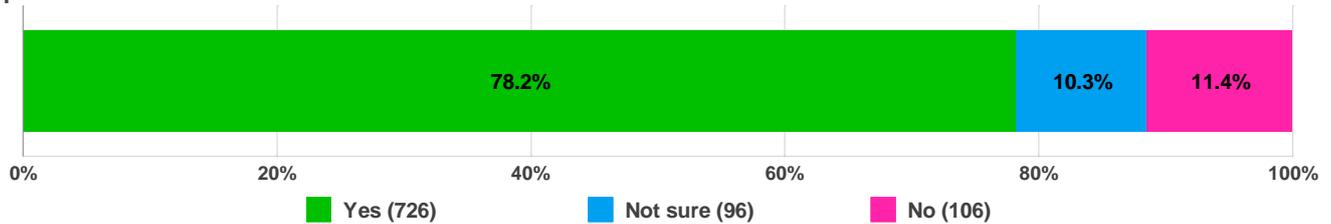
Measure 6 - Limit on the number of dogs being walked by one person

Introduction of a restriction on the number of dogs walked by a non-professional single person.

Survey respondents were asked if they were in favour of introducing measure 6 as described above.

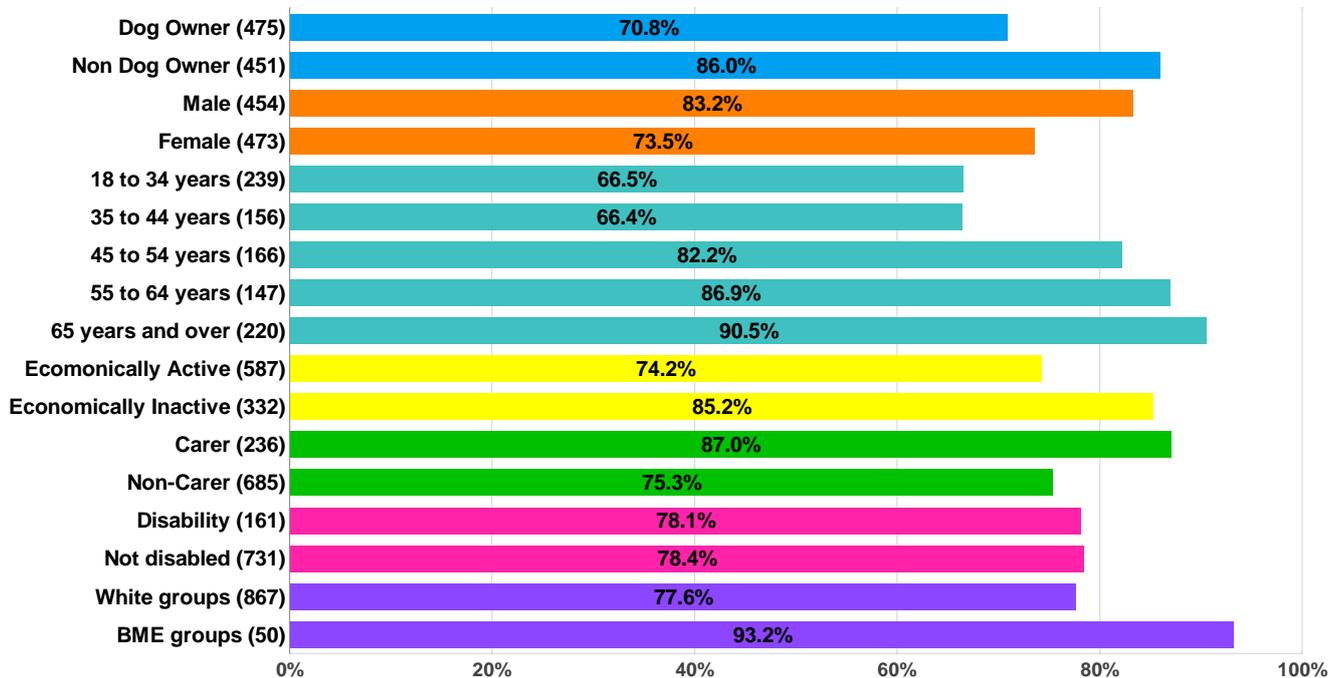
- There were 928 weighted responses to this question.
- The most common response was 'Yes' with 726 respondents answering this way.

Are you in favour of introducing a limit on the number of dogs that can be walked by a non-professional single person?



Measure 6 - Limit on the number of dogs being walked by one person - Demographics

The chart below shows how the proportion of respondents that were in favour of introducing a limit on the number of dogs being walked by one non-professional person differs across the different demographic groups. Significant differences are outlined in the table below.



Demographic Differences



Dog owner respondents had a significantly greater proportion that were opposed to introducing a limit on the number of dogs being walked by a single, non-professional, person compared to non-dog owners: 16.0% of dog owners were opposed to this measure compared to 6.7% of non-dog owners.

	Female respondents had a significantly greater proportion that were 'Not sure' about the introduction of this measure with 13.3% answering this way compared to 7.3% of male respondents.
	Across the age groups the 18 to 34 years and the 35 to 44 years groups had significantly greater proportions that were opposed to the new measure, at 17.7% and 19.3% respectively, compared to the other age groups. These groups also had significantly greater proportions that responded 'Not sure' at 15.7% and 14.3% respectively.
	Economically active respondents had a significantly lower proportion that were in favour of introducing this measure with 74.2% responding this way compared to 87.0% of economically inactive respondents. Economically active respondents also had a significantly greater proportion that responded 'Not sure' at 13.8% compared to 5.8% answering this way from the economically inactive group.
	Carer respondents had a significantly greater proportion that were in favour of introducing this measure with 87.0% answering this way compared to 75.3% of non-carer respondents. 13.6% of non-carers were opposed to introducing a limit a of the number of dogs being walked by a single person, this was significantly greater than the proportion carers that responded this way where 5.4% were opposed.
	A significantly greater proportion of respondents from minority groups were in favour of introducing a limit on the number of dogs being walked by one person with 93.2% answering this way compared top 77.6% of white group respondents. 12.0% of white group respondents were opposed to this measure, significantly greater than respondents from minority groups where 1.4% were opposed.

Maximum limit of dogs being walked by a non-professional single person

Respondents were subsequently asked to tell us what number of dogs they thought that non-professional dog walkers should be limited to walking at once.

- A total of 929 weighted responses were received.
- Responses ranged from 1 up to 20.
- The most common response was 2.

Minimum	Maximum	Range	Mode	Median	Mean
1	20	19	2	3	3.02

Measure 6 Comments

Measure 6 – Total Comments 364		
Theme	No.	Examples & Sentiment
Size/Breed of dog	118	<ul style="list-style-type: none"> • Depends on the dogs and the walker. Walking 5 chihuahuas is different to 5 mastiffs. Stop this nanny state targeting of dog owners. • It is difficult to stipulate a specific number of dogs that could be walked by a single person as it really depends on the size and breed of dog. I think there should be a limit of some sort, however. • This is difficult as a lot depends on the breed and size of a dog and the competence of the owner/dog walker.
Neutral	66	<ul style="list-style-type: none"> • The Covid pandemic saw an increase in the local dog population. We have seen a growing trend of walking several dogs at the same time.

		<ul style="list-style-type: none"> • I had three Labradors, and all were lead trained and no problem to keep under control at all times. • Dogs can quickly form a pack mentality if over excited or provoked and walker must be able to regain control preventing harm.
Max limit two	58	<ul style="list-style-type: none"> • I cannot see how one person can control more than 2 dogs. They cannot see where they are fouling and if another dog approached, they would act together to protect themselves or their owner. • If the one dog, you have is a lively/big breed that can require some effort to keep under control. I do not think walking more than 2 dogs at the same time is a safe exercise, qualified or not. • They have 2 hands for 2 leads.
Professional Walkers	37	<ul style="list-style-type: none"> • Clearly if professionals have a safe limit, that should at least be replicated for non-professionals. • Is a 'dog walker' a professional? Many are not trained and walk several dogs at a time. • If DEFRA states 6 dogs are allowed by professionals, I don't suppose you have the power to override them, but it seems far too many dogs to control.
Max limit three	23	<ul style="list-style-type: none"> • Maximum of three should include registered dog walkers as well to avoid any public confusion. • I haven't ever witnessed owners or dog walkers with multiple dogs being unable to control them. I wonder whether 3 dogs maximum might be better? • I fail to see how one person can control any more than 3 dogs.
Negative – measure 6	18	<ul style="list-style-type: none"> • I currently own 4 dogs and I am able to walk these off lead and under control. They are my pets and I have trained them proper. I do not see how restricting the number of dogs will help. I have seen people who have 1 dog have less control than I have over my 4. This will not stop that. • There should be no limit. One dog out of control can cause just as much mayhem. • No some people have a few dogs, and they should be able to walk them together I have only 1 dog.
Max limit four	17	<ul style="list-style-type: none"> • Any more than 4 becomes a pack and control is very difficult. • We (Chart Sutton Parish Council) also feel that the maximum number of dogs a professional dog walker can walk at any one time should also be limited to 4. • Any more than 4 dogs being held by one person makes it impossible for the walker to be in complete control. Two in each hand is more than enough.
Max limit one	14	<ul style="list-style-type: none"> • Unless a trained dog walker then only one at a time. • Controlling more than one dog can be virtually impossible if they each respond to different stimuli from different directions.
Always on lead	14	<ul style="list-style-type: none"> • Dogs should be kept on a lead at all times when on council grounds and facilities. Professional dog walkers often have up to 10 dogs running free. There is no way the handler can control them all or clean up after them all! • As long as all dogs that a person has are on a lead and is capable of control those dogs then no problem
Positive – measure 6	11	<ul style="list-style-type: none"> • This would help the safety of the dog walker as well as the general public.

		<ul style="list-style-type: none">• I think this is a sensible measure but there are many contextual issues which complicate it - for example 3 large dogs may be too much, but 3 toy dogs would be manageable.
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Failure to provide a name and address

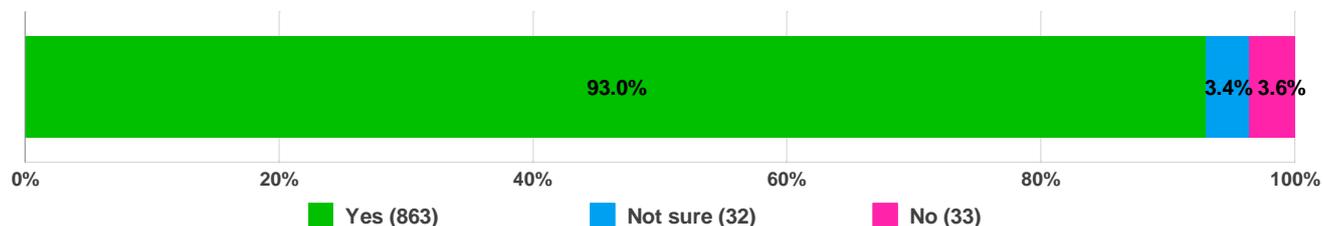
Failure to provide a name and address

Continue the requirement for a person in charge of a dog, who is suspected of an offence, to provide their name and address when asked by an authorised officer.

Survey respondents were asked if they were in favour of introducing measure 1 as described above.

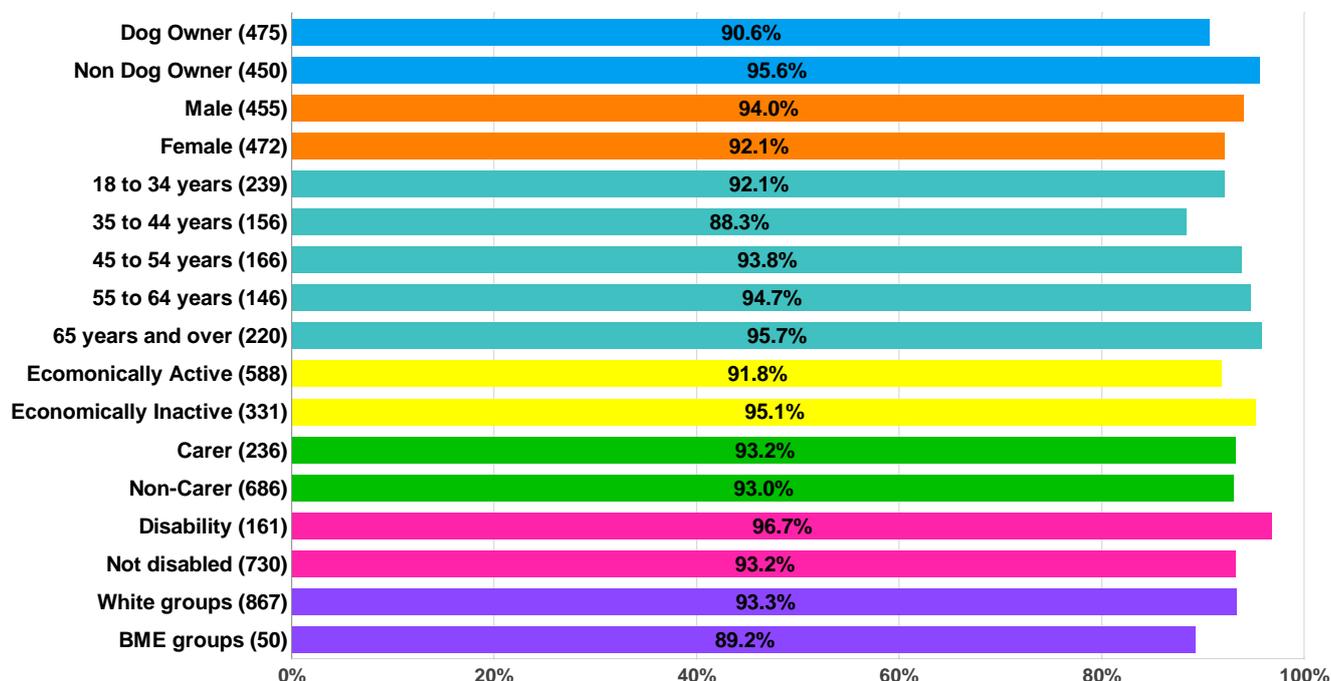
- There were 928 weighted responses to this question.
- The most common response being 'Yes' with 863 respondents answering this way.

Are you in favour of continuing the requirement to provide name and address to an authorised officer, when requested to do so, as outlined above?



Failure to provide a name and address - Demographics

The chart below shows the proportion of respondents that were in favour of continuing the requirement to provide a name and an address to an authorised officer when requested to do so, across the different demographic groups. Significant differences are outlined in the table below.



Demographic Differences	
	Non-Dog owners had a significantly greater proportion that were in favour of continuing with the requirement to provide a name and an address to an authorised officer, when requested to do so: 95.6% of non- dog owners were in favour of continuing the requirement compared to 90.6% of dog owners.
	Female respondents had a significantly greater proportion that were uncertain about continuing with this requirement with 5.1% responding this way compared to 1.7% of male respondents.
	Respondents aged 35 to 44 years had a significantly greater proportion that were opposed to continuing this requirement compared to all other age groups with 9.2% responding this way.
	Economically active respondents had a significantly greater proportion that were uncertain about continuing with this requirement with 4.6% responding this way compared to 1.4% of economically inactive respondents.
	While there were no respondents from minority groups that were opposed to continuing this requirement this group had a significantly greater proportion that responded 'Not sure' with 10.8% answering this way compared to 2.9% answering the same from white groups.

Failure to provide a name and address Comments

Failure to provide a name and address – Total Comments 160		
Theme	No.	Examples & Sentiment
Positive	49	<ul style="list-style-type: none"> I think this is a reasonable measure just in case there should be an incident involving a dog. Vital - then if there are repeat offences this can be followed up hopefully and escalated to higher penalties. Responsible members of the public are unlikely to have a problem with this.
Enforcement	39	<ul style="list-style-type: none"> Maybe enforcement officers could be provided with equipment to read microchips in dogs. This might aid identification of owners. I agree but where are the enforcement officers? I don't trust authorities to keep the name and address confidential, or officer to be professional at this stage. Therefore, questionable for such activity. However, I think chipping dog should be compulsory, so Authorities don't need ask the person, but just read the chip.
Go further	20	<ul style="list-style-type: none"> Should reintroduce dog licence as too many irresponsible dog owners do not take responsibility for dog's behaviours. Essential for them to do their job. Increase penalties for no compliance
Overstepping	18	<ul style="list-style-type: none"> I thought only a police officer had a right to request someone's details. It is a fundamental breach of the principles of law and order in the UK.
Reliability	13	<ul style="list-style-type: none"> But since we don't have ID cards what's to stop anyone lying? I can see this leading to the Authorised person suffering abuse from some! How can the giving of false details be prevented? Is there a need to provide some ID?
Dog details	13	<ul style="list-style-type: none"> The dog should have a tag with this info. All dogs to be chipped. A wave of a wand will then be able to determine owner details. If owner details are not up to date they face

		possible high fine (up to £2,000 for first offence, greater if second or more repeated offence) or even suspension of retaining the dog indefinitely if failing to comply.
Neutral	10	<ul style="list-style-type: none">• If people knew there was an enforceable penalty, then they would behave better!• Dog owners/walkers must be responsible for their dog charges.

Fixed Penalty Notices

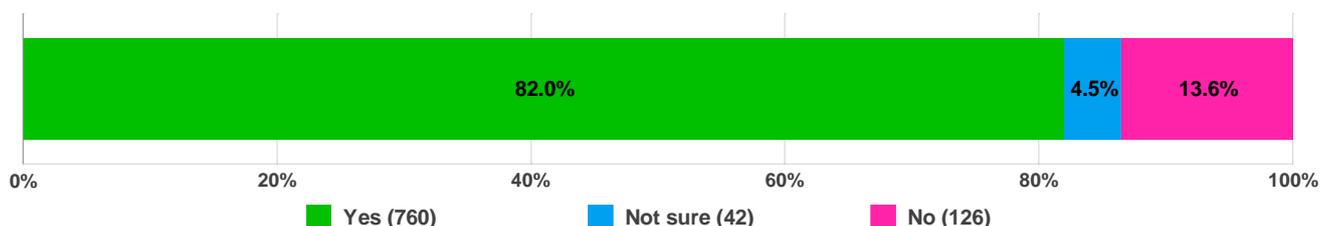
Fixed Penalty Notices

Maintain the current FPN of £100 which was set in the existing Public Space Protection Order implemented in 2020.

Survey respondents were asked if they were in favour of maintaining the current FPN level of £100.

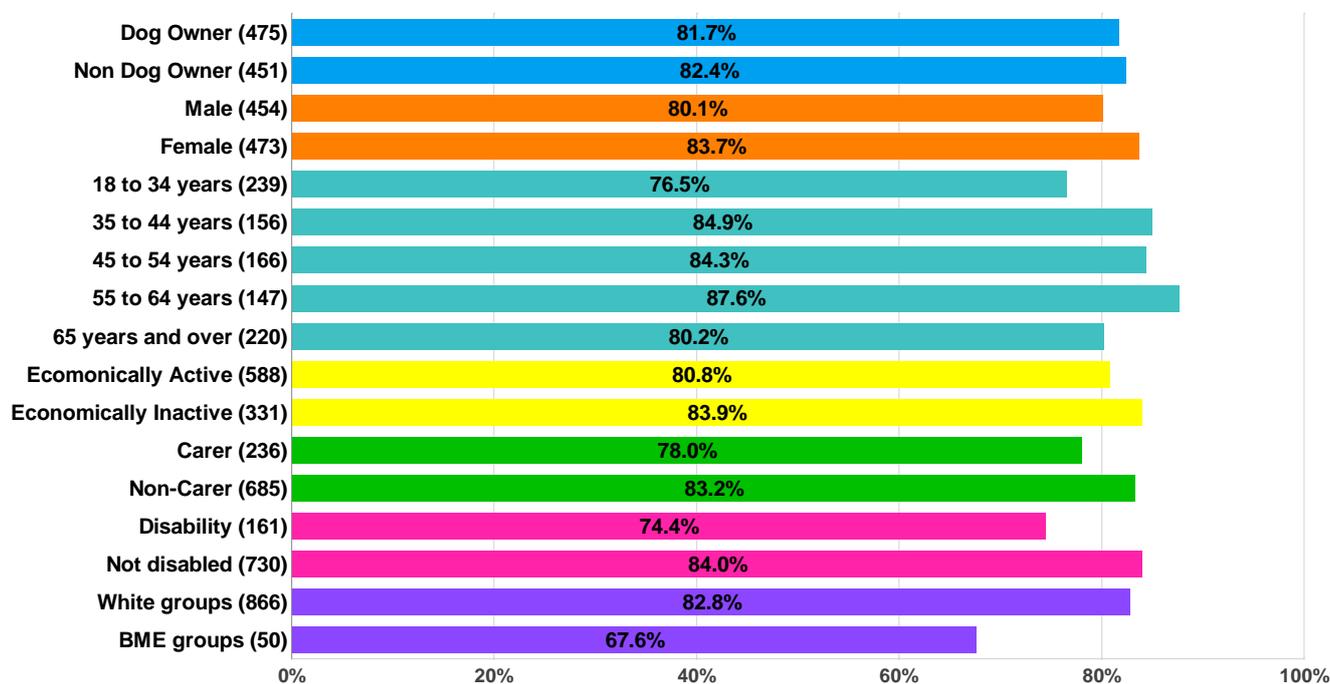
- There were 928 weighted responses to this question.
- The most common response being 'Yes' with 760 respondents answering this way.

Are you in favour of maintaining the current FPN for dog control measure at £100.



Fixed Penalty Notices - Demographics

The chart below shows the proportion of respondents that were in favour of maintaining the current FPN of £100 across the different demographic groups. Significant differences are outlined in the table below.



Demographic Differences



The 18 to 34 years group had the lowest proportion in favour of continuing with the current FPN of £100 at 76.5%. This is significantly lower than the proportions that answered this way from the 35 to 44 years and the 55 to 64 years groups where 84.9% and 87.6% answered this way respectively.

	Carer respondents had a significantly greater proportion that were opposed to continuing with the current FPN rate with 19.8% answering this way compared to 11.5% of non-carers.
	Respondents with a disability had a significantly greater proportion that were opposed to continuing with the current FPN rate with 22.6% answering this way compared to 11.8% of non-disabled respondents.
	Respondents from minority groups had a significantly greater proportion that were opposed to continuing with the current FPN rate with 31.0% answering this way compared to 12.7% of respondents from white groups.

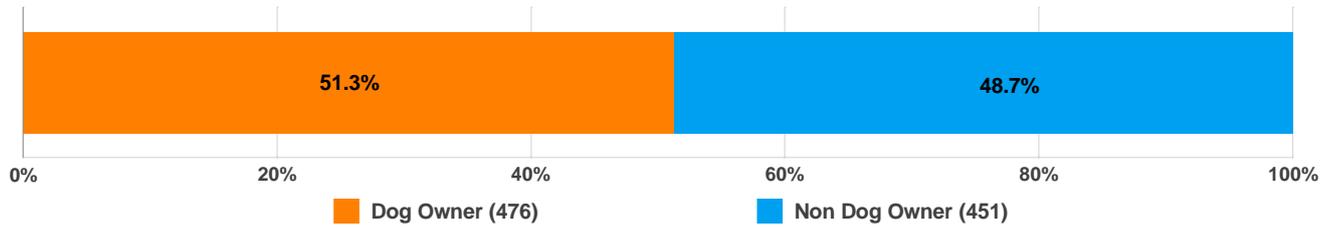
Fixed Penalty Notices Comments

Fixed Penalty Notices – Total Comments 288		
Theme	No.	Examples & Sentiment
Higher Fines	180	<ul style="list-style-type: none"> The FPN Should be increased. I have no means of judging a punitive FPN, but I believe it should be one that causes the dog owner to seriously consider their responsibility to their dog and to the community! I think the FPN should be raised to £250. I don't think £100 is any deterrent to those with antisocial and environmental crimes. Should be higher and if they can't pay, they can't afford to own a dog. As a dog owner and dog lover, it is the behaviour of irresponsible owners which causes problems. I feel that the fines should be increased to at least £500.
Go further / harsher penalty	32	<ul style="list-style-type: none"> Ok for fouling, but when dogs aren't on leads or under proper control and present a threat to people or other pets or wildlife a financial penalty isn't sufficient. Should only be for first offence, if the person breaches the rules again, they should always be prosecuted. If a person collects additional fines, they should increase. I think 3 fines is sufficient for the dog to be removed from its owner. This person should be classed as a negligent owner. And possibly refused ownership of any future dogs.
Lower fines	19	<ul style="list-style-type: none"> The fixed fine of £100 is very heavy handed and can be viewed as income stream. Better to educate and have graduated fines based on ability to pay. I think maybe a bit less due to cost of living, those that can't afford it just won't pay.
Enforcement	18	<ul style="list-style-type: none"> The penalty amount is not the issue, the problem is how rarely it is used. And it would be interesting to learn whether fines have ever been issued in Langley. Please make known how many FPN's have been issued to date.
Positive	17	<ul style="list-style-type: none"> Reasonable amount if dog offends to be a deterrent against not being a responsible dog owner or handler. Keeping the current FPN to £100 is best as times are hard and we don't want dogs abandoned when owners cannot pay fine

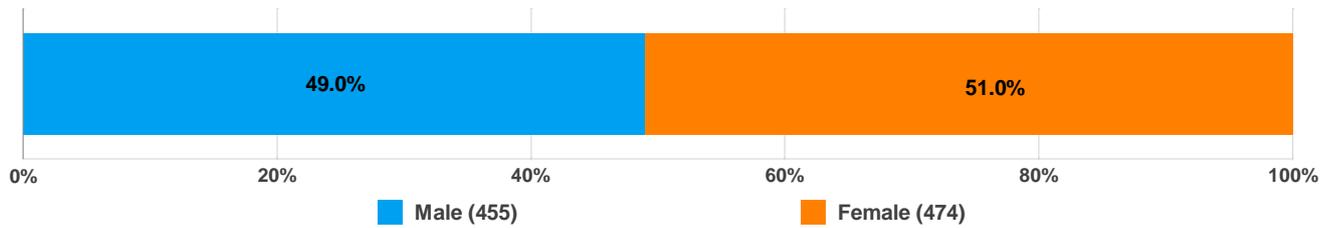
Neutral	12	<ul style="list-style-type: none">• You are assuming that everyone will willingly give their details and even assuming they give correct details how do you check.• FPNs should be raised periodically to reflect inflation.
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Survey Demographics

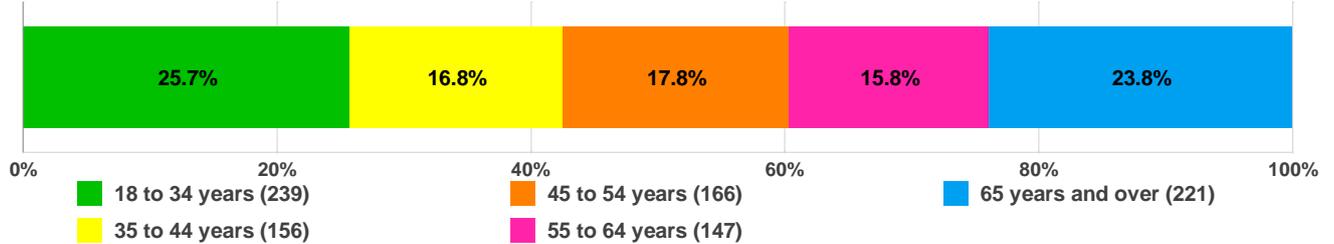
Do you currently own a dog?



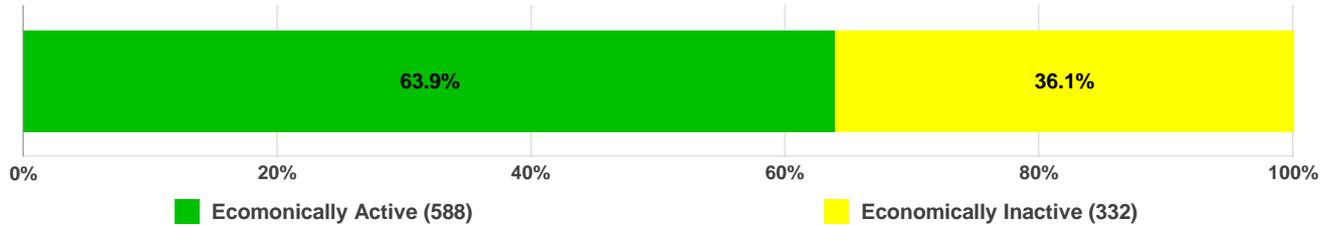
Gender



Age



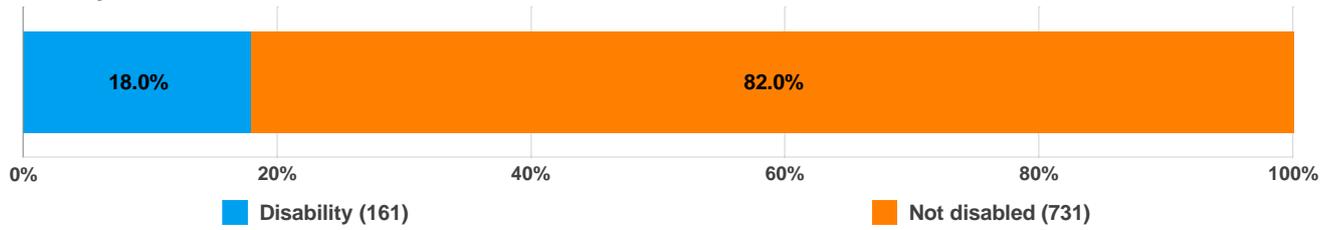
Economic Activity



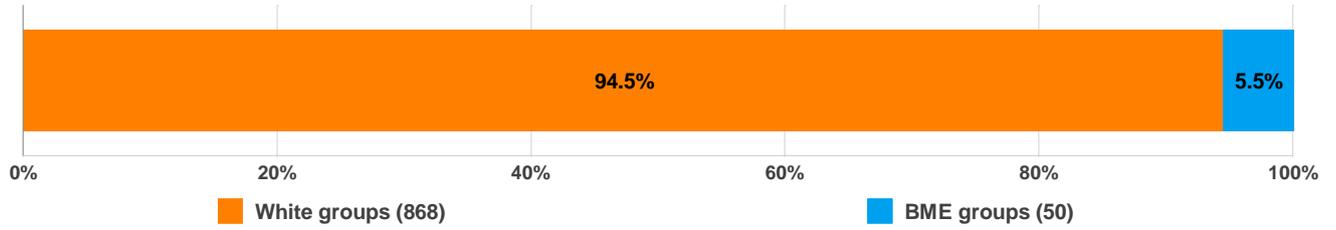
Carers



Disability



Ethnicity





Formal Response to Maidstone Borough Council's Public Spaces Protection Order Dog Control Measures Consultation

Submitted on 4th August 2023 by: The Kennel Club, Clarges Street, Piccadilly, London W1J 8AB, email: kcdog@thekennelclub.org.uk

The Kennel Club is the largest organisation in the UK devoted to dog health, welfare, and training. Our objective is to ensure that dogs live healthy, happy lives with responsible owners. We campaign for and advocate on behalf of dogs and their owners and, as part of our external affairs activities, engage with local authorities on issues such as Public Spaces Protection Orders (PSPOs).

The Kennel Club is the only national organisation named by the UK Government as a body that local authorities should consult prior to introducing restrictions on dog walkers and is considered the leading canine authority on dog access. As such, we would like to highlight the importance of ensuring that PSPOs are necessary and proportionate responses to problems caused by dogs and irresponsible owners. We also believe that it is essential for authorities to balance the interests of dog owners with the interests of other access users.

Response to proposed measures

Multiple dog walking

For reasons set out later, we have general reservations on arbitrary numerical limits on multiple dog walking. With regard to Maidstone's proposals, we have specific concerns in relation to the proposals to restrict private dog walkers from walking multiple dogs.

While we would expect the majority of dog owners to have four or fewer dogs, and therefore be permitted to exercise their dogs under the proposed limit in the draft Order. If this limit was set to a lower figure than four, for which the possibility is alluded to within the online survey "It can be possible to walk more than two dogs at any one time, whether that is socially or as part of a business", then we would expect a number of dog owners to be significantly impacted by the Order.

The walking of multiple dogs from the same household, by their owner, is a different proposition to someone walking multiple 'unknown' dogs from separate households. A private individual who owns multiple dogs will typically have a very good understanding of how their dogs interact with each other, and other dogs. They will also have a good understanding of how easily their dogs can be recalled and how they react to different situations. It would be highly unusual for a private dog owner, to suddenly acquire multiple dogs overnight, in the overwhelming majority of cases we would expect an individual who owns multiple dogs, to have increased their number of dogs incrementally. As such they are likely to have a number of years of experience in walking multiple dogs.



We would be interested to understand what evidence the council has of incidents of private individuals of multiple dogs being responsible for genuine anti-social behaviour. Has the Council used Community Protection Notices to place specific requirements and prohibitions on these individuals?

If a limit on multiple dog walking is introduced for private individuals, we would urge the Council to consider how to support any affected individuals in becoming eligible to obtain a similar permit, as is available to professional dog walkers in Maidstone, to walk over the general number of dogs limit. Subject to satisfying the Council that they are able to comply with the relevant, equivalent requirements that are placed on registered professional dog walkers.

General reservations on arbitrary limits on maximum number of dogs being walked

An arbitrary maximum number of dogs that a person can walk is an inappropriate approach to dog control that will often displace and intensify problems in other areas. The maximum number of dogs a person can walk in a controlled manner depends on a number of factors relating to the dog walker, the dogs being walked, whether leads are used, time of day and the location where the walking is taking place.

As such we advise against the use of arbitrary numerical limits. Instead we suggest that the behaviour of individual commercial dog walkers is considered on a case by case basis, with Community Protection Notices used to tackle those behaving in anti-social manner.

Keeping dogs under control

The Kennel Club believes that is the responsibility of every dog owner to keep their dog under control. To this end we run The Kennel Club Good Citizen Dog Training scheme and also established The Kennel Club Accredited Instructor membership scheme, to ensure dog owners are able to find the appropriate training opportunities for their dogs. We also regularly communicate and seek to educate dog owners on the need to keep their dogs under control. We have always supported the use of “dogs on lead by direction” Orders.

However, with regards to the provision of ‘keeping dogs under control’ we have some questions in relation to legality of how it is proposed to be used. The consultation survey refers to the measure as follows - “Under the current PSPO it is an offence to fail to keep a dog under proper control. We use this power to challenge those who allow their dogs to cause harm or to stray, which can have a significant impact on an individual, animal or a community. Under the Dangerous Dogs Act 1989 it is only an offence if the incident involves a person or an assistance dog; this measure provides a level of protection to all other animals e.g. cats, birds and other dogs.”



We do not seek to question the negative impact of dogs straying or harming other animals. However, the Anti-social Behaviour, Crime and Policing Act 2014 provides the ability to introduce Public Spaces Protection Orders where activity in question meets two conditions -

- (2) The first condition is that—
 - (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- (3) The second condition is that the effect, or likely effect, of the activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the activities unreasonable, and
 - (c) justifies the restrictions imposed by the notice.

The impact of the activity must be detrimental to the local community's quality of life. Which we understand to relate to the human population specifically.

This interpretation is shared by East Devon District Council, when they considered the use of a PSPO to protect a SSSI site. "With regard to the possible introduction of a PSPO in respect of the slipway access and parking issues at Imperial Recreation Ground, it has been noted that the issues are predominately around the impact of cars on the SSSI and Special Protection area for wildlife (damage to substrate, leaching oil). The Home Office Guidance relating to PSPOs emphasises that this tool should be used to reduce impact of anti-social behaviour on communities and individuals, rather than wildlife as appears to be currently the case. In order to proceed with a PSPO the Council would have to be satisfied that it met the test that the behaviour is unreasonable, persistent, and justifies the restrictions. Further consideration will also need to be given to which council officers would be responsible for the enforcement of such a PSPO."ⁱ

It is our interpretation that in some instances of dog control, that the impact of a dog being out of control would have a detrimental impact on the quality of life of those in the community and thereby meet the legal test. However, the PSPO survey specifically refers to the PSPO providing protection to all other animals. We would question whether the quality of life of the local community would be impacted by a dog catching a rat, for instance.

We would request Council details what guidance it provides to enforcers around the implementation of this measure, and ask whether the council has made a full legal assessment of the applicability of a PSPO to cover the full scope of what is set out within the PSPO survey.



Dog fouling

The Kennel Club strongly promotes responsible dog ownership, and believes that dog owners should always pick up after their dogs wherever they are, including fields and woods in the wider countryside, and especially where farm animals graze to reduce the risk of passing Neospora and Sarcocystosis to cattle and sheep respectively.

We would like to take this opportunity to encourage the local authority to employ further proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing Orders in this respect. These proactive measures can include: increasing the number of bins available for dog owners to use; communicating to local dog owners that bagged dog faeces can be disposed of in normal litter bins; running responsible ownership and training events; or using poster campaigns to encourage dog owners to pick up after their dog.

Means to pick up

Whilst we support proactive efforts on behalf of local authorities to encourage responsible dog ownership, measures to require owners to pick up after their dogs must be fair and proportionate. We would not like to see responsible dog owners penalised unfairly. The Kennel Club has concerns regarding the proposal to introduce an offence of not having the means to pick up. Responsible owners will usually have dog waste bags or other means to clear up after their pets. However, if dog owners are approached at the end of a walk they may have already used the bags that they have taken out or given a spare bag to someone who has run out, for example. Such behaviour is encouraged by Green Dog Walker schemes.

It is also plausible that such proposals could, in certain circumstances, perversely incentivise dog walkers to not pick up after their dog. Dog walkers could be made to decide between using their final waste bag and risk being caught without means to pick up, or risk not picking up in order to have a means to pick up should they be stopped later on their walk. It is reasonable to assume a proportion of dog walkers would choose the second option if they believed this was the least likely route to being caught, especially if the penalty for not picking up was the same as not being in possession of a means to pick up.

Local authorities may wish to consider introducing a clause which provides an exemption for those who have run out of bags but are able to prove that they were in possession of and made use of these during their walk. It is essential that an effective communication campaign is launched in the local area to ensure that people are aware of the plans and have an excess supply of dog waste bags with them.



On lead

We can support reasonable 'dogs on lead' Orders which can, when used in a proportionate and evidence-based way, include areas such as cemeteries, picnic areas, or on pavements in proximity to cars and other road traffic.

On lead by direction

The Kennel Club strongly welcomes 'On lead by direction' Orders. These allow responsible dog owners to exercise their dogs off lead without restriction providing their dogs are under control, whilst simultaneously giving the local authority powers to restrict dogs not under control.

We recommend that the authorised officer enforcing the Order is familiar with dog behaviour in order to determine whether restraint is necessary. There exists the possibility that a dog, through no fault of its own, could be considered a 'nuisance' or 'annoyance' to someone who simply does not like dogs.

We encourage local authorities to make use of more flexible and targeted measures at their disposal, including Acceptable Behavioural Contracts and Community Protection Notices. Kennel Club Good Citizen Training Clubs and our accredited trainers can assist owners whose dogs run out of control due to them not having the ability to train a reliable recall.

Exclusions

We do not normally oppose Orders to exclude dogs from playgrounds or enclosed recreational facilities such as tennis courts or skate parks. It is important that alternative provisions are made for dog walkers in the vicinity to avoid displacement or the intensification of problems in nearby areas. However, we will oppose PSPOs which introduce blanket restrictions on dog walkers accessing public open spaces without specific and reasonable justification. Dog owners are required to provide their dogs with appropriate daily exercise, including "regular opportunities to walk and run" – in most cases, this will be off the lead while still under control.

Seasonal/time restrictions

Where a seasonal restriction is proposed, we suggest that local authorities consider whether a time restriction would be an appropriate addition. For example, many playing fields are empty in the early mornings and late evenings, making this a key time for many dog owners to exercise their dogs. These are important local resources for owners to make sure their dogs get the required daily off-lead exercise and we see little reason why it should be restricted during times of the day when it is little used, even in the busy season.



Displacement

A common unintended consequence of restrictions is displacement onto other pieces of land, resulting in new conflicts being created. It can be difficult to predict the effects of displacement, and so the council should consider whether alternative sites for dog walkers are suitable and can support an increase in the number of dog walkers using them.

Appropriate signage

It is important to note that in relation to PSPOs, The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 makes it a legal requirement for local authorities to –

“cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to -

- (i) the fact that the order has been made, extended or varied (as the case may be); and
- (ii) the effect of that order being made, extended or varied (as the case may be).”

Regarding dog access restrictions, such as a ‘Dogs on Lead’ Order, on-site signage should clearly state where such restrictions begin and end. This can be achieved with signs that say on one side, for example, ‘You are entering [type of area]’ and ‘You are leaving [type of area]’ on the reverse.

While all dog walkers should be aware of their requirement to pick up after their dog, signage must be erected for the PSPO to be compliant with the legislation.

Assistance dogs

We urge the Council to review the Equality and Human Rights Commission’s guidance for businesses and service providers when providing any exemptions for those who rely on assistance dogs. The guidance can be viewed here:

<https://www.equalityhumanrights.com/sites/default/files/assistance-dogs-a-guide-for-all-businesses.pdf>

We would therefore encourage the Council to allow for some flexibility when considering whether a disabled person’s dog is acting as an assistance dog. The Council could consider adopting the definitions of assistance dogs used by Mole Valley District Council, which can be found below from their 2020 PSPO which included the following exemption provisions on dog control:

Nothing in this Order shall apply to a person who –



THE KENNEL CLUB

a) is registered as a blind person on a register compiled under section 29 of the National Assistance Act 1948; or

b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or

c) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities, in respect of a dog trained by any current or future members of Assistance Dogs UK or any other charity registered in the UK with a purpose of training assistance dogs and upon which he relies for assistance

d) has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability. or that of Northumberland County Council:

“(4) The term “Assistance Dog” shall mean a dog which has been trained to assist a person with a disability.

(5) The expression “disability” shall have the meaning prescribed in section 6 of the Equality Act 2010 or as may be defined in any subsequent amendment or re-enactment of that legislation”.

i

<https://democracy.eastdevon.gov.uk/documents/s18848/Proposals%20to%20vary%20and%20discharge%20the%20Public%20Spaces%20Protection%20Orders%202023.pdf>

MAIDSTONE BOROUGH COUNCIL
PUBLIC SPACES PROTECTION ORDER (the “Order”)

Dog Control

(SECTIONS 59, 60 AND 61 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014)

In exercise of its powers under sections 59, 60 and 61 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) Maidstone Borough Council hereby varies and extends the existing transitioned Public Spaces Protection Orders regarding Dog Controls.

This order may be cited as the Maidstone Borough Council Public Spaces Protection Order – Dog Control

The Maidstone Borough Council (“the Council”) having consulted with the relevant authorities and persons and being satisfied on reasonable grounds that activities in the manner prohibited below, carried out or likely to be carried on in the public spaces as specified in Schedules 1 to 6 of this Order have had, or are likely to have, a detrimental effect on the quality of life of those in the locality and;

- Is, or is likely to be, of a persistent or continuing nature;
- Is, or is likely to be, unreasonable and
- Justifies the restrictions imposed

This Order shall apply to the parts of the area of the Maidstone Borough shown edged red on the plans attached in Schedules 1-6 (the “Restricted Area”), to which the public or a section of the public have access on payment or otherwise, as of right or by virtue of express or implied permission, unless an exemption is marked in blue.

PROHIBITIONS / REQUIREMENTS:

1. Remove dog faeces from land forthwith

- a. This part of the Order shall apply to any public space within the Borough of Maidstone shown edged red on the plan attached at Schedule 1 (the “Restricted Area”)
- b. If a dog defecates at any time in the restricted area a person who is in charge of the dog at that time must remove the faeces from the land forthwith unless:
 - i. They have a reasonable excuse for failing to do so, or
 - ii. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure to do so
- c. Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land
- d. Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise) or not having a device for, or other suitable means of, removing the faeces shall not be a reasonable excuse for failing to remove the faeces and may be an offence under 2.
- e. A person in charge of the dog at the time of the offence shall provide, when asked by an authorised officer, a name and address in relation to not removing dog faeces from land forthwith.

2. Failure to prove, when challenged, the means to remove faeces forthwith

- a. This part of the Order shall apply to any public space within the Borough of Maidstone shown edged red on the plan attached at Schedule 1 (the “Restricted Area”)
- b. A person in charge of the dog shall, when asked by an authorised officer, provide evidence that they are carrying a device or suitable means of removing faeces, particularly where an offence under 1 has been witnessed or is suspected
- c. Not carrying enough bags etc. to remove additional faeces shall not be a reasonable excuse for failing to provide evidence
- d. A person in charge of the dog at the time of the offence shall provide, when asked by an authorised officer, a name and address in relation to failing to prove, when challenged, the means to remove faeces forthwith.

- e. A person in charge of the dog at the time of the offence shall provide, when asked by an authorised officer, a name and address in relation to not being equipped to remove dog faeces from land forthwith.

3. Exclusion of Dogs from Play Areas and Tennis Courts

- a. This part of the Order shall apply to the play areas and Maidstone Borough Council Tennis Courts in the Borough of Maidstone as listed in Schedule 2 and shown edged red on the plans attached at Schedule 3 (the “Restricted Area”)
- b. A person in charge of a dog must not take or allow the dog into the restricted area at any time unless:
 - i. They have a reasonable excuse for failing to do so, or
 - ii. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure to do so
- c. A person in charge of the dog at the time of the offence shall provide, when asked by an authorised officer, a name and address in relation to taking or allowing a dog to enter the restricted area

4. Keep Dogs on Leads in the Town Centre, Vinters Park Crematorium and the Sutton Road Cemetery

- a. This part of the Order relates to the Town Centre in the Borough of Maidstone shown edged red on the plans attached at Schedule 4, (the “Restricted Area”), Vinters Park Crematorium in the Borough of Maidstone shown edged red on the plans attached at Schedule 5 (the “Restricted Area”) and Sutton Road Cemetery in the Borough of Maidstone shown edged red on the plan attached at Schedule 6 (the “Restricted Area”).
- b. A person in charge of a dog in the restricted area must keep the dog on a short lead at all times at unless:
 - i. They have a reasonable excuse for failing to do so, or
 - ii. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure to do so
 - iii. They are in the areas marked blue in schedule 4, known as:
 - a) Whatman Park
 - b) Trinity Gardens
- c. A short lead is a fixed lead that is approximately 4ft (1.2m) in length or a longer lead, held (locked) at an equivalent length of approximately 4ft (1.2m), so that the dog is under close control.
- d. A person in charge of the dog at the time of the offence shall provide, when asked by an authorised officer, a name and address in relation to failing to keep dogs on leads in the restricted area.

5. Dogs on Leads by Direction

- a. This part of the Order shall apply to the Borough of Maidstone shown edged red on the plan attached at Schedule 1 (the “Restricted Area”)
- b. A person in charge of a dog in the restricted area must at all times comply with a direction given to them by an authorised officer to put and keep the dog on a lead unless:
 - i. They have a reasonable excuse for failing to do so, or
 - ii. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure to do so
- c. An authorised officer may only give a direction under this part of the order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause nuisance, injury or disturbance to any other person, or to a bird or another animal.
- d. It is an offence to fail to provide, when asked by an authorised officer, a name and address in relation to not placing and keeping the dog on a lead when directed to do so by an authorised officer.

6. Keep Dogs Under Proper Control

- a. This part of the order shall apply to the Borough of Maidstone shown edged red on the plans attached at Schedule 1 (the "Restricted Area")
- b. A person in charge of a dog must keep the dog under proper control at all times in the restricted area unless:
 - i. They have a reasonable excuse for failing to do so, or
 - ii. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure to do so
- c. It is an offence to fail to provide, when asked by an authorised officer, a name and address in relation to failing to keep the dog under proper control.

7. Maximum number of dogs to be walked at any time

- a. This part of the order shall apply to the Borough of Maidstone shown edged red on the plans attached at Schedule 1 (the "Restricted Area")
- b. A person in charge of more than one dog on land to which this Order applies must not walk more than 4 dogs at any one time.
- c. Registered professional dog walkers (who hold the appropriate insurance) or those registered as part of a licenced boarding activity, (Animal Welfare (Licensing of Activities Involving Animals (England)) Regulations 2018) may walk up to a maximum of 6 dogs provided that these dogs are not walked with or alongside any other dogs (regardless of how many other people who are in charge of any other dogs at that time are present) and that they are in full control of all of the dogs at all times unless:
 - i. They have a reasonable excuse for failing to do so, or
 - ii. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to the failure to do so
- d. A person in charge of the dog at the time of the offence shall provide, when asked by an authorised officer, a name and address in relation to walking more dogs than permitted.

EXEMPTIONS:

This Order does not apply to a person who is-

- a. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, or "severely sight impaired", or "sight impaired" under the Care Act 2014; or
- b. has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry, or otherwise move everyday objects, in respect of a dog trained by a "prescribed charity" and upon which he relies for assistance;
- c. each of the following is a "prescribed charity"
 - i. Dogs for the Disabled (registered charity number 700454)
 - ii. Support Dogs (registered charity number 1088281)
 - iii. Canine Partners for Independence (registered charity number 803680)
 - iv. Hearing dogs for deaf people (registered charity number 293358)
 - v. Any charity created subsequent to this Order, which covers the issues detailed in point b. above.

DEFINITIONS:

For the purpose of this Order:

"authorised officer/ authorised person" means Police Constable, designated Police Community Support Officer, or an officer with authority delegated by the Council.

“in charge of a dog” means a person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

“public space” means any place to which the public, or a section of the public, have access on payment or otherwise, as of right or by virtue of express or implied permission.

OFFENCES AND FIXED PENALTY NOTICES:

1. Under Section 67 of the Act it is an offence for a person without reasonable excuse to:

- i. Do anything that the person is prohibited from doing by the Order; or
- ii. Fail to comply with a requirement to which the person is subject under the Order

Any person who commits an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

2. In respect of controls 1 to 7, in accordance with Section 68 of the Act, an authorised person may issue a Fixed Penalty Notice up to £100 to a person he has reason to believe has committed an offence under Section 67.

3. In respect of control 5, in accordance with Section 68 of the Act, an authorised person may issue a Fixed Penalty Notice up to £100 to a person he has reason to believe has committed an offence under Section 67. A Fixed Penalty Notice may specify two amounts and specify that if the lower of those amounts is paid within a specified period, that is the amount of the Fixed Penalty.

APPEALS:

In accordance with Section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order, or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

SCHEDULES:

SCHEDULE 1- A map of the Maidstone Borough showing the Restricted Area edged in red.

SCHEDULE 2- List of the play areas & Maidstone Borough Council Tennis Courts which are restricted areas as shown in Schedule 3.

SCHEDULE 3 - Maps of the play areas & Maidstone Borough Council Tennis Courts showing the Restricted Area edged in red

SCHEDULE 4 - A map of the Town Centre, showing the Restricted Area edged in red

SCHEDULE 5 - A map of the Vinters Park Crematorium showing the Restricted Area edged in red

SCHEDULE 6- A map of the Sutton Road Cemetery showing the Restricted Area edged in red

This Order shall come into force on 21st October 2023 and have effect for a period of 3 years.

**The Common Seal of the
Borough of Maidstone
was affixed in the presence of:**