

AGENDA

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE MEETING



Date: Tuesday 15 March 2016

Time: 7.00 pm

Venue: Town Hall, High Street,
Maidstone

Membership:

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

Page No.

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

Continued Over/:

Issued on Monday 7 March 2016

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

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

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| 6. | Disclosures of Lobbying | |
| 7. | To consider whether any items should be taken in private because of the possible disclosure of exempt information. | |
| 8. | Minutes of the Meeting Held on 16 February 2016 | 1 - 5 |
| 9. | Presentation of Petitions (if any) | |
| 10. | Questions and answer session for members of the public (if any) | |
| 11. | Reference from Council - Housing Crisis - Where Are the Young Going to Live? | 6 - 9 |
| 12. | Report of the Head of Housing and Community Services - Review and Update of Contaminated Land Inspection Strategy | 10 - 22 |
| 13. | Report of the Head of Environment and Public Realm - Review of Public Conveniences | 23 - 39 |

PART II

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

Head of Schedule 12 A and Brief Description

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|-----|--|---|---------|
| 14. | Report of the Head of Housing and Community Services - Gypsy and Traveller Sites Freehold Transfer | Paragraph 3 – Information re financial/business affairs | 40 - 49 |
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MAIDSTONE BOROUGH COUNCIL

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 16 FEBRUARY 2016

Present: Councillor Mrs Ring (Chairman), and
Councillors Mrs Hinder, D Mortimer, Newton,
Mrs Parvin, Perry, Mrs Robertson, Webb and Webster

Also Present: Councillor Sargeant

110. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor JA Wilson.

111. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Hinder was substituting for Councillor J A Wilson.

112. URGENT ITEMS

The Chairman, in her opinion, took the following as urgent items:

Item 14 – Draft Low Emission Strategy Consultation Response was taken as an urgent item as the information was not available when the agenda was published.

Item 15 – Housing Options Quarter 3 update was taken as an urgent item as it provided explanatory information for item 13 – Third Quarter Budget Monitoring.

113. NOTIFICATION OF VISITING MEMBERS

Councillor Sargeant was in attendance and indicated a wish to speak on item 14 – Draft Low Emission Strategy Consultation Response.

114. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

115. DISCLOSURES OF LOBBYING

Councillors D Mortimer, Robertson and Webb disclosed that they had been lobbied on the following items:

Item 11 – Mitigation for the withdrawal of the Saturday Freighter Service

Item 14 – Draft Low Emissions Strategy Consultation Response

116. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION.

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

117. MINUTES OF THE MEETING HELD ON 19 JANUARY 2016

RESOLVED: That the minutes of the meeting held on 19 January 2016 be approved as a correct record and signed.

118. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

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

There were no questions from members of the public.

120. REPORT OF THE HEAD OF ENVIRONMENT AND PUBLIC REALM - MITIGATION FOR THE WITHDRAWAL OF THE SATURDAY FREIGHTER SERVICE

Jennifer Shepherd, Head of Environment and Public Realm, presented the report proposing a series of mitigation measures to be implemented in place of the Saturday Freighter Service. This followed the decision to withdraw the Freighter Service made at the previous meeting of the Committee.

The proposed mitigation measures included:

- The introduction of a subsidised bulky collection to those in receipt of the Council Tax Discount.
- Signposting residents to recycling and charitable organisations.
- The introduction of a facility at the depot for commercial waste deposits aimed at small businesses.

Following comments from Members regarding access to and traffic using the Household Waste Recycling Centre in Tovil, the Committee were advised that Kent County Council would be undertaking a review of their waste strategy, and this would include a public consultation.

It was moved by Councillor Robertson and seconded by Councillor D Mortimer:

That the proposed fifty pence increase in price of a standard (non-subsidised) bulky collection be rejected, and the price kept at £23.00

For – 4 Against – 5 Abstain – 0

The motion was not carried.

RESOLVED: That the proposed mitigation measures for the removal of the Saturday Freighter Service be approved.

For – 6 Against – 3 Abstain – 0

121. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - KCC MOBILE LIBRARY CONSULTATION

John Littlemore, Head of Housing and Community Services, introduced the report providing a draft response to Kent County Council's mobile library consultation.

During discussion it was raised that smaller rural villages and hamlets that were not near a library stood to lose out from the proposed changes, and that the old and the young alike would be affected. It was felt that these comments should be included in the consultation response.

RESOLVED:

- 1) That the response to the KCC Mobile Library Consultation attached as appendix 1 to the report of the Head of Housing and Community Services be endorsed; and
- 2) That delegated authority be given to the Head of Housing and Community Services to make suggested amendments before the final consultation response is submitted.

For – 9 Against – 0 Abstain – 0

122. REPORT OF THE HEAD OF FINANCE AND RESOURCES - THIRD QUARTER BUDGET MONITORING

Paul Riley, Head of Finance and Resources, presented the report on the Third Quarter Budget Monitoring, and explained that that major issue arising was the overspend on temporary accommodation for the homeless.

RESOLVED: That the revenue budget position as at 31 December 2015 and the predicted outturn to 31 March 2016 be noted.

123. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - DRAFT LOW EMISSION STRATEGY CONSULTATION RESPONSE.

Dr Stuart Maxwell, Senior Scientific Officer, introduced the framework for the Low Emission Strategy and advised the Committee that three responses had been received during public consultation.

During discussion the following points were made:

- Air quality was a cross cutting issue and should be considered by Communities, Housing and Environment Committee alongside Planning Committee and Strategic Planning, Sustainability and Transport Committee.
- There was no central responsible body for air quality. Improvement in this area would require several different organisations to work together.

A revised recommendation was proposed.

RESOLVED: That the revised recommendation be taken as the substantive motion.

For – 9 Against – 0 Abstain - 0

RESOLVED:

- 1) That the framework for the Low Emission Strategy attached at Appendix B of the report of the Head of Housing and Community Services be adopted.
- 2) That authority be delegated to the Head of Housing and Community Services to develop an action plan to deliver against the priorities in the framework for the Low Emission Strategy. The development work should be informed by the views of representatives from all stakeholder groups.
- 3) That the resulting Low Emissions Strategy be reported back to the Committee once the actions have been prioritised and Council actions have been identified separately from other stakeholder actions. Actions that are resources should be identified separately from actions that require resourcing.
- 4) That an annual update on progress of the actions in the Low Emissions Strategy be provided to the Committee once agreed.

For – 9 Against – 0 Abstain – 0

124. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICE - HOUSING OPTIONS QUARTER 3 UPDATE

John Littlemore, Head of Housing and Community Services, introduced the Housing Options Quarter 3 update report and explained that the information it contained provided context for the Third Quarter Budget Monitoring report.

The Committee was advised that:

- Those who were in work made up 40% of those presenting as homeless.

- Benefit capping had increased the number of people moving from London to Kent.
- The cost per unit for temporary accommodation had reduced and a small surplus was expected on one of the properties owned. This capital would be set aside for further properties.

In response to questions it was noted that:

- Aylesbury House was used as emergency accommodation and was managed by AMAT.
- It was not possible to accommodate all those in need of temporary accommodation in Maidstone.

RESOLVED:

- 1) That the Housing Options Quarter 3 update be noted;
- 2) That a Housing Options update be presented to Committee quarterly; and
- 3) That a snapshot headline figure for the number of people in temporary accommodation be presented to each future meeting of the Committee.

For – 9 Against – 0 Abstain – 0

125. DURATION OF MEETING

6.30 p.m. to 8.27 p.m.

Agenda Item 11

MAIDSTONE BOROUGH COUNCIL

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE

15 MARCH 2016

REFERENCE FROM COUNCIL

HOUSING CRISIS – WHERE ARE THE YOUNG GOING TO LIVE?

At the meeting of the Council held on 2 March 2016, the following motion was moved by Councillor Harper, seconded by Councillor McKay:

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

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

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

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

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

The motion, having been moved and seconded, was referred to the Communities, Housing and Environment Committee for consideration.

RECOMMENDED: That the Communities, Housing and Environment Committee consider the motion entitled "Housing Crisis – Where are the Young Going to Live?"

NOTE: A briefing note provided by the Head of Housing and Community Services to assist the Council in its consideration of the motion is attached as Appendix A.

Briefing Note on Motion Presented by Cllr Harper

Background

Councillor Harper has put forward the following motion:

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

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

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4. Organise a Housing Conference around the topic of “Where Are the Young Going to Live” of statutory authorities, local active housing associations and the voluntary sector to propose a multi-sector approach to tackling these issues in the Borough of Maidstone.
5. Request a report back to the next Council meeting on the implementation of measures 1 - 3 above and progress towards the Housing Conference in 4 above.

Response:

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

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

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

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

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

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

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

Agenda Item 12

COMMUNITIES, HOUSING & ENVIRONMENT COMMITTEE

15 March 2015

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

Yes

Review and update of contaminated land inspection strategy

Final Decision-Maker	Communities, Housing & Environment Committee
Lead Director or Head of Service	John Littlemore Head of Housing & Community Services
Lead Officer and Report Author	Duncan Haynes
Classification	Non-exempt
Wards affected	All

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

1. That the updated Contaminated Land inspection strategy attached as Appendix A is adopted with effect from 1st April 2016.

This report relates to the following corporate priorities:

- Keeping Maidstone an attractive place for all

Timetable

Meeting	Date
Corporate Leadership Team	8 March 2016
Communities Housing and Environment	15 March 2016

Review and update of contaminated land inspection strategy

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1. The Maidstone Borough Council Contaminated Land Inspection Strategy was approved in 2010 and due to changes in Statutory Guidance requires revision. The revised strategy will identify how the council will progress its statutory duty within the context of the financial constraints that it faces and its desire to enable people to resolve issues for themselves.
 2. The revised Contaminated Land Inspection Strategy will provide an up to date, relevant, and achievable strategy for the borough. It will give the residents of Maidstone a clear and long term view of how the Council will implement its responsibilities in relation to contaminated land.
-

2. INTRODUCTION AND BACKGROUND

1. The current Contaminated Land Investigation Strategy approved 2010 needs to be reviewed in light of Defra's Statutory Guidance update in 2012. The strategy was approved with a number of milestones that matched the council's ambitions and financial circumstances at that time. It reflected the opportunity for local authorities to apply for large central government funding for site investigations, risk assessments and remediation of potentially contaminated land. Since then the resources available to the council have reduced considerably and the central government fund has effectively been cancelled.
2. The revised strategy sets out a proportionate and scalable approach to dealing with the historic legacy of potentially contaminated land in the borough.
3. The revision also takes account of the financial and other resource constraints that the council is now under. It ensures that its objectives are both suitable for the current situation and flexibility for the future.
4. The revised strategy provides information to residents on what has been achieved so far, how progress will be made, how funding will be allocated and what the stakeholders' roles are. It seeks to enable residents affected by potentially contaminated land to resolve their own issues where appropriate.

3. AVAILABLE OPTIONS

1. The committee approves the revised strategy I. This will ensure the strategy reflects current Defra guidance, provides flexibility to investigate potential contaminated land and where possible support residents affected by the impact of potentially contaminated land.
 2. The committee could choose not to adopt the revised strategy, and recommend further revision, but not reviewing the current strategy is not recommended as it refers to withdrawn statutory guidance and sets milestones which cannot be achieved with the resources available to the council.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

1. To approve the proposed revision of the strategy which takes into account the Defra guidance in 2012 to provide a realistic approach to implementing the council duties in respect of contaminated land. It also seeks to enable those affected by potentially contaminated land to address their own issues and updates the statutory guidance.
-

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

1. There is no requirement for formal consultation. Informal consultations have been made with neighbouring authorities and the Environment Agency. Feedback received from neighbours has been favourable specifically in reference to the concise and flexible nature of the strategy for the current local government circumstances
-

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

1. The revised strategy will be published on the Council's website.
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6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities		John Littlemore
Risk Management		John Littlemore
Financial		Paul Riley
Staffing		John Littlemore
Legal	Part 2A of the EPA 1990 requires local authorities to cause their areas to be inspected with a view to identifying contaminated land and to do so in accordance with the DEFRA 2012 Guidance. The Guidance states that a local authority should set out its strategic approach to its inspection duty in a written strategy which it should formally adopt and publish. Strategies adopted in line with previous Guidance should be updated/replaced. The local authority must periodically review its Strategy, at least every 5 years.	Estelle Culligan, Deputy Head of Legal Partnership
Equality Impact Needs Assessment		Anna Collier

Environmental/Sustainable Development		John Littlemore
Community Safety		John Littlemore
Human Rights Act		John Littlemore
Procurement		John Littlemore
Asset Management		John Littlemore

7. REPORT APPENDICES

1. The following documents are to be published with this report and form part of the report:
 - Appendix A Revised Contaminated land inspection strategy.
-

8. BACKGROUND PAPERS

Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance 2012.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/223705/pb13735cont-land-guidance.pdf

Contaminated Land Strategy

**Inspection strategy as required under Part 2A of the
Environmental Protection Act 1990**

2016 – 2021

Aims

1. This strategy outlines how Maidstone Borough Council (the Council), will meet its statutory duties to investigate potentially contaminated land in the Borough as laid out in the Contaminated Land Statutory Guidance April 2012 (DEFRA) referred to as the statutory guidance. This strategy should be read in conjunction with the statutory guidance, as it contains the legal and scientific detail behind the Maidstone Borough Council strategy. Reference is also made to supplementary planning guidance which details this Council's expectations of how contaminated land issues will be addressed by developers submitting new planning applications. This guidance is currently being developed and is intended to be adopted as part of the Councils formal planning policy. This strategy reflects the financial constraints that the Council is now facing and will continue to face over the coming years.

Objectives

2. To take a proportionate approach to the risks raised by contamination whilst ensuring that any unacceptable risk to human health or the wider environment is resolved.
3. All investigations and risk assessments will be site specific, scientifically robust and will ensure only land that poses a genuinely unacceptable risk is determined as contaminated.
4. The Council will consider the various benefits and costs of taking action, with a view to ensuring that corporate priorities and statutory requirements are met in a balanced and proportionate manner.
5. The Council will seek to maximise the net benefits to residents taking full account of local circumstances.
6. The Council will seek to assist and enable residents who live on potentially contaminated sites to gather further information when that site is not scheduled for investigation by the Council in the short term.
7. The Council will develop a hardship policy to ensure fair allocation of costs, in accordance with the Secretary of States Guidance

Area Overview

8. The borough of Maidstone covers 40,000 hectares and is situated in the heart of Kent. Maidstone is the county town of Kent and approximately 65% of its 161,800 population live in the urban area. The urban area, located in the north west of the borough, has a strong commercial and retail town centre with Maidstone comprising one of the largest retail centres in the south east. A substantial rural hinterland surrounds the urban area, part of which enjoys designation as Area of Natural Beauty due to its high landscape and environmental quality. The borough encompasses a small section of the metropolitan green belt (1.3%), and 27% of the borough forms part of the Kent Downs Area of Outstanding Natural Beauty
9. (AONB).
10. The borough is relatively prosperous with a considerable employment base and a lower than average unemployment rate compared to Kent. However the borough also has a low wage economy that has led to out-commuting for higher paid work. The local housing market crosses adjacent borough boundaries into Tonbridge and Malling Borough Council and Ashford, and is influenced by its proximity to London, resulting in relatively high house prices.
11. There are parts of the borough that are in need of regeneration, primarily the pockets of deprivation that exist in the urban area. The rural service centres and larger villages provide services to the rural hinterland and some smaller villages also play a vital part in the rural economy. There are a number of significant centres of economic activity in and around the rural settlements, and smaller commercial premises are dotted throughout the borough. Agriculture remains an important industry to Maidstone including the traditional production of soft fruits and associated haulage and storage facilities.
12. The borough is fortunate to benefit from a number of built and natural assets including 41 conservation areas, over 2,000 listed buildings, 28 scheduled ancient monuments and 15 parks and gardens important for their special historic interest. Seven percent of the borough is covered by areas of ancient woodland
13. There are 63 local wildlife sites, 34 verges of nature conservation interest, 11 sites of special scientific interest, two local nature reserves and a European designated special area of conservation. The River Medway flows through the borough and the town centre and, together with its tributaries, is one of the borough's prime assets.
14. The geology of the area is varied. To the north is the chalk escarpment of the North Downs which runs across the Borough from west to east. To the south, running through the centre of the district, is a smaller escarpment formed by the Hythe beds of the Lower Greensand. There is a broad band of Weald clay across the southern portion of the Borough interspersed with the Hastings Beds. The Folkestone beds, which form the third major aquifer in the Maidstone area, are situated to the north-east of the Borough and run parallel with the Hythe beds.

What have we done already?

15. There are currently approximately 1000 sites in our database. The vast majority of these are likely to be low risk sites for instance where small to medium areas of ground have been in-filled with inert or unknown material over time. These sites will not be investigated further unless developed or new information is found. The information in the database is regularly updated as new information becomes

available or sites are redeveloped and remediated e.g. through the planning system. The statutory guidance encourages private land owners to carry out their own assessment. The Council if satisfied with the work undertaken will accept their conclusions and enter them into the database.

16. The Council has determined one site as contaminated under Part2A of the Environmental Protection Act 1990. This site is known as Furfield Quarry and was determined in 2002. A copy of the determination will be made available for inspection upon request. The site does not appear on the Council's register of contaminated land as no remediation notice was served. The site and a full program of mitigation measures is now controlled and is subject to a section 106 agreement.

What do we need to do?

17. The Statutory Guidance requires the Council to continue to identify and prioritise sites that may be potentially contaminated by their historic or current use, followed by detailed inspections/investigations of sites where a need for further investigation has been identified.

How are we proposing to do it?

Identification of potential sites and prioritisation

18. The Council has built a database of potentially contaminated sites across the Borough. The new Geoenvirom software package will rank the sites according to priority for inspection based on presence of receptors (e.g. land use, geology, water supplies, rivers, property) and sources (potential or confirmed contaminants present). This database will be updated as new information becomes available. The software enables us to produce a list of sites for detailed inspection according to highest potential risk (priority). The list will be changed as more information is found about different sites, or the risk rating revised or new sites are added. **The list of potential sites is not a public document.** Any land that is formally determined as contaminated and requires that remediation notices are served will be put on the register which is a public a document.
19. A detailed inspection of a site will establish whether pathways are present between the source (e.g. oil) and the receptors (e.g. people). This is known as a pollutant linkage. For a site to meet the statutory definition of Contaminated land there needs to be a significant possibility of significant harm (SPOSHH) to an identified receptor. This is a stringent test (more details can be found in the statutory guidance).
20. The detailed inspection of a site will start with a site walkover and desktop study. The Council will progress these first elements of detailed inspection using the available annual budget. The data gathered will be used to update the Council's data base of potentially contaminated sites. At this point the Council will consider whether and when the funding necessary to undertake further investigation can be released on a site specific basis.
21. The detailed inspection of a site will not go beyond a site walkover and desktop study unless it is identified that there is a reasonable possibility that a significant pollutant

linkage may exist at the site. The Council will follow the detailed statutory guidance at all points of the process and will work with the Environment Agency and external experts where appropriate. Where the potential for a significant pollutant linkage is identified, preliminary soil and groundwater tests may be carried out. Where appropriate this will be on verges, public areas, in areas likely to cause least disruption, but may include garden areas. This is likely to be carried out by an outside consultant providing specialist services to the Council. All reasonable efforts will be made to contact and inform site owners, tenants, users, and other interested people before starting a detailed inspection of a site.

22. Only where a significant harm or a significant possibility of significant harm to a qualifying receptor (see statutory guidance) is identified will the site be designated as contaminated land/a special site. If appropriate the Council will proceed to secure satisfactory remediation of the site, identify liable persons and recover costs in accordance with the Act and the statutory guidance.
23. It is expected that the majority of the investigation and remediation of the sites identified will happen during the development or redevelopment of those sites. Where a “brownfield” site is developed particularly for a more sensitive ‘end use’ e.g. residential with gardens the planning system is designed to ensure that it is suitable for its use after the development.
24. The Council will use existing resources to focus on identifying former potentially contaminated land sites that have already been developed. This will be largely confined to “desktop” based work adding to and refining the information that we currently have. Where we establish that a site is of a particular concern the responsible officer will present the information to the Council/senior management on site specific basis and if agreed funds will be allocated to enable further investigation.

Special Sites

25. There is a category of contaminated site that is termed a special site. These are sites that meet a specific set of circumstances, generally where the main receptor is some form of controlled water such as a river or an aquifer. The detailed definition is found in the statutory guidance. Where the Council thinks that a site might be a special site it will request that the Environment Agency take over as the lead authority for it. The mechanism for this is also within the statutory guidance. The Council will then work with the Environment Agency as the site is investigated and remediated if necessary.

Enabling Residents

26. Where any resident lives on or near a potentially contaminative (land) former land use, they may wish to engage the services of a professional consultant to investigate their property. This circumstance may occur if the site is considered to be of low risk by Council, so not scheduled for further inspection in the near future, but a mortgage lender will not lend without clearing any uncertainty. In these cases the Council will provide as much assistance as it can to the resident in the form of liaising with any consultants on the scope of proposed investigations, and reviewing any results and reports. Where no contamination is found the Council will provide confirmation of this

in writing for the use of the resident. If unacceptable levels of contamination are found, the Council will revise the priority rating for the site.

What are the possible outcomes of a detailed inspection?

27. Detailed inspection and risk assessment may show that an unacceptable risk is being caused. If it is, the Council will have to determine the site and place the records on a public register. The Council will then decide based upon all of the available information and the statutory guidance if remediation of the site should be carried out. It remediation is carried out this will be only be done where necessary and the Council will work with residents to keep them informed and minimise disruption as much as possible.
28. The statutory guidance describes in detail the possible outcomes of detailed inspection for all receptors. Sites will be assigned categories (1-4). Generally, sites in category 1 will require immediate action (designation as contaminated land); sites in category 2 may require immediate action. Sites in category three may not meet the stringent definition of contaminated land but may require observation or monitoring and sites in category four are unlikely to meet the definition of contaminated land. For controlled water receptors the Council will consult the Environment Agency.

Risk Ratings and Outcomes

29. The table below shows the categories that sites may be allocated and the action likely to be taken by the Council. Sites will be put into these categories based upon the information known about it. This will begin at the initial prioritisation and if necessary continue through to the remediation of the site. A site could move between categories as more information is found about it and risk assessments revised.

Table showing risk ratings categories.

Category	Description
1	Probable Contaminated Land- Intrusive Investigation necessary. Full review of existing site data required to develop detailed investigation strategy and conceptual model. The Council will seek funding to do the investigation, from an original polluter or developer if possible or from Council funds on a site by site basis up to the point of formal determination.
2	Medium Risk - Intrusive investigation required to resolve potential risks. Clean up considered likely under part IIA and priority action recommended. The Council will seek funding to do the investigation, from an original polluter or developer if possible or from Council funds on a site by site basis up to the point of formal determination.
3a	Low to Medium Risk- Intrusive investigation recommended to resolve potential risks. Clean up can not be excluded under part IIA. Initial site investigation will not be funded by the Council as this will divert available funds from high risk sites. Residents will be assisted to undertake their own investigations and risk assessments. Should these assessments indicate that the site should be reassessed as category 1 or 2 the Council will re-evaluate its position.
3b	Low to Medium Risk- Intrusive investigation recommended to resolve potential risks. Clean up can not be excluded under part IIA. Residents will be assisted to undertake their own investigations and risk assessments.

	Should these assessments indicate that the site should be reassessed as category 1 or 2 the Council will re-evaluate its position.
4	Low risk- Likelihood of contamination is considered low and if present the impact is such that clean up could not be reasonably justified. It is highly unlikely that further work will required on these sites. Should residents wish to do so the same approach to category 3 sites will be followed.

Who pays for all this?

30. Central government provides a small non-ring-fenced sum through its capital support grant. This is used to provide a small budget for emergency works, and commissioning of specialist services if required. The Council has to make site specific bids to fund detailed inspection work from its capital budget. Part2A of the Environmental Protection Act 1990 makes clear that wherever possible the original polluter and/or a developer that knowingly developed a contaminated site without ensuring suitable levels of remediation are completed should pay for any remediation needed in later years. The Council will make every effort to ensure that this is the case. However the legal process is time consuming and difficult particularly when pollution and/or development was many years ago, or the people and companies involved no longer exist. Where it is not possible to make the original polluter or developer pay for remediation the legislation makes the current person in ownership (residents) of the land a responsible person for funding remediation. Where this situation occurs the Council will work with residents and apply a hardship policy to fairly identify the level of contribution that may be required from all parties and any contribution that can be made by the Council itself.

Investigating report of possible land contamination

31. If there are reports that a piece of land is or has been contaminated either historically or recently this be will investigated according to standard complaints investigation procedures. If the problem can be resolved directly as a result of the investigation either by giving advice or taking enforcement action this will be done. If not then the results of the investigation will be used to inform the Council's overall prioritisation of potentially contaminated sites data base.

What are the wider benefits of this strategy?

32. As a result of the data collated during the initial prioritisation the Council has a searchable layer for specialist officers which links directly to the Planning and Building Control registration. This ensures that the appropriate officers of the Council are consulted on any planning application that may be at risk from land contamination. The Council can provide more detailed and useful replies to environmental information requests (e.g. from solicitors when people are moving house). It has also enabled the Council to focus its attention on the highest risk sites that have been identified. The work on enabling residents to access professional

services to do their own site investigations and risk assessments will benefit all residents on sites which are not scheduled for further investigation by the Council but which due to the historic use of the site may face difficulties when selling their property.

How will we measure our progress in implementing this strategy?

33. The strategic inspection process is by nature an iterative process. It is normal that sites will be added and removed from the database as information becomes available. We aim to add more detailed knowledge about sites each year using existing resources. This increased knowledge will enable the Council to refine the prioritisation further, reduce the number of sites that need more detailed investigation and identify those that need detailed investigation most urgently.

How does this strategy interact with the planning system?

34. The statutory guidance and the new National Planning Policy framework (NPPF) both have the concept that potentially contaminated land must be shown to be suitable for its use. As an absolute minimum this means that the site must be incapable of being designated as contaminated land as defined under Part2A of the Environmental Protection Act 1990. The Council, will as a general rule, expect that a standard higher than this minimum level will be achieved. It is considered that someone purchasing a new build home is entitled to a high degree of confidence that if remediation was needed, it has been completed to better standard than the minimum under this legislation.
35. For larger developments or where there may be a question over the viability of the application due to contaminated land the Council will expect any planning application for land which may be affected by contamination to be accompanied by the report of a desktop study as defined in British Standard BS10175: 2011 "Investigation of potentially contaminated site – Code of Practice". This report should identify that the site has been assessed as suitable for use or in the event that further works are needed, to detail them and discuss how the site can reasonably be made suitable for the proposed use. All reports should be completed by a suitably qualified "competent" person as defined in the NPPF.
36. Detailed guidance on what the Council expects from developers in relation to contaminated land can be found in the Council supplementary planning guidance on contaminated land. This can be downloaded from the Council website.

Summary Section

37. The Council has identified and prioritised a large number of potential sites.
38. Most of them are low risk and will not be investigated further.
39. A small number will be investigated further to see if they are contaminated and need to be remediated.
40. First phases of investigation will be done using existing resources.
41. Second phases will need site specific funding from the Council based upon the specific circumstances at the time.
42. Where residents need contaminated land investigations done, in cases where the Council is not scheduled to do so, it will provide advice and assistance to the appointed contractor.
43. Investigations might show that unacceptable risk is being caused. The Council will ensure that only land that poses a genuinely unacceptable risk is formally determined. It will then be remediated if that is the most appropriate thing to do.
44. The Council will work with residents to ensure that they are involved in and informed of any site investigation and remediation that affects them. Officers will work to avoid any unnecessary disruption or distress.
45. The Council will try to make previous polluters or developers pay for remediation. Where this is not possible, residents will be required to contribute and we will work with them and apply a hardship policy to make sure that this is as fair as possible.
46. The Council will investigate reports about potentially contaminated land and either give advice or take action accordingly.

Contact us

47. If you would like to talk about this strategy or other matters related to contaminated land in detail please contact the Environmental Protection Team at EnvironmentalHealthAdminTeamTWBC@MidKent.gov.uk

Communities, Housing and Environment Committee

15 March 2016

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

Yes

Review of Public Conveniences

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Head of Service	Head of Environment & Public Realm
Lead Officer and Report Author	Street Scene Officer
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:-

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

This report relates to the following corporate priorities:

Keeping Maidstone Borough an attractive place for all – ensuring that members of the public have suitable access to public conveniences.

Timetable	
<i>Meeting</i>	<i>Date</i>
Corporate Leadership Team	1 March 2016
Community, Housing and Environment Committee	15 March 2016

Review of Public Conveniences

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Maidstone Borough Council's provision of public conveniences was reviewed in 2008 resulting in the closure of some facilities and the implementation of the Community Toilet Scheme.
 - 1.2 The purpose of this report is to identify the level of toilet provision required to improve Maidstone's attractiveness and to be a destination of choice for visitors.
 - 1.3 This report provides a brief summary of the existing service, the areas where improvement is required and recommendations for the Committee to consider.
-

2. INTRODUCTION AND BACKGROUND

Review Objectives

- 2.1 The objective of this review is:

to identify the level of toilet provision required to support the Council's ambition for Maidstone to be an attractive place for residents and visitors and to be able to secure continuing investment.
- 2.2 It is important that the future provision of toilets reflects the needs of the Borough, including specific issues around night-time economy and addresses any gaps in the service currently provided.

Current Provision

- 2.3 Firstly, it is important to note that while the Public Health Act 1936 gives local authorities a *power* to provide toilets, it imposes no *duty* to do so, and with tightening budgets and increased concern about the link with anti-social behaviour including drug use, it is clear to see why there is a reduction in toilet provision across the Country.
- 2.4 The current cost to the Council for the provision of public toilets is just over £210,000 per annum, with £130,000 recharged to other departments, predominantly for the cleaning and maintenance of toilets in the Borough's Parks.
- 2.5 Maidstone's last public toilet review was undertaken in 2008 and resulted in a number of changes being implemented.
- 2.6 At this time there were three public toilets in urban areas outside of the Town Centre; Parkwood shopping parade, Northumberland Road and Mid Kent shopping Centre, Allington. Both the Parkwood and Northumberland Road facilities were in a poor condition and were closed the following year.

The toilet at the Mid Kent Shopping Centre was fully refurbished in 2008 at a cost £40,000 and remains open today.

- 2.7 In addition to these facilities there were five public conveniences within Maidstone town centre; King Street, Palace Avenue, Fairmeadow, Brenchley Gardens and Maidstone Market.
- 2.8 Of these facilities, only three remain open, although all on a seasonal or part-time basis. The Fairmeadow and Brenchley Gardens toilets are now opened seasonally due to the high level of anti-social behaviour including drug use. The toilet at Maidstone Market is available on market days and when the Market Hall is in use.
- 2.9 There are also toilets in a number of the Borough's Parks including Mote Park, Whatman Park, South Park and Cobtree Park. These were not affected by the review and continue to be cleaned at a cost of £15,000 per block per year.
- 2.10 The review not only resulted in the closure of some facilities but also the introduction of the Community Toilet scheme (CTS) in the town centre. Maidstone was not alone in adopting this approach as many other local authorities across the Country implemented similar changes with community toilet schemes being introduced in many major towns and cities.
- 2.11 The Community Toilet Scheme was introduced to compensate for the closure of Council facilities and was based on successful schemes implemented elsewhere.
- 2.12 This scheme allows members of the public to use retail businesses' toilets without purchasing any goods or paying a fee. Most businesses in this scheme receive an annual payment of £300 from the Council to cover the cost of any additional supplies, however one establishment receives £600 as this is the only toilet which opens after 11pm.
- 2.13 To advertise the scheme stickers are placed in each of the premises' window, informational leaflets are provided at the Council's Gateway and there are also 6 large maps strategically placed around the town centre, which are shown in Appendix A.
- 2.14 There are currently 14 toilets in the Community Toilet Scheme which are widely spread across the town centre however these locations have changed very little since the start of the scheme. The toilets are monitored annually by officers and since the service started there have been very few complaints relating to their condition or the availability of toilets.
- 2.15 The Community Toilet Scheme has always struggled to attract businesses that are prepared to allow non-paying members of the public into their premises during late night opening i.e. 10pm – 6am. For this reason only one has been part of the scheme fulfilling this purpose since it started. With the majority of late night bars/clubs being paid to enter and with very strict security policies, the number of bars or clubs that would be suitable for the Community Toilet Scheme during this late night period is negligible.

- 2.16 Currently the Council provides one functional urinal in the town centre for Friday and Saturday night time economy; however has no provision for females or the disposal of solid human waste.
- 2.17 In 2003/04, the Council installed a permanent Butterfly Urinal in the area now known as Remembrance Square at a cost of more than £76,000. This facility was designed to open during the evening when it was needed but could be discretely closed during the day. Unfortunately the unit was damaged by high winds in early 2015 and has been out of order since due to the cost for repair being greater than the cost to replace the whole unit.
- 2.18 In order to provide a facility during the evening, a mobile urinal is installed every Friday and Saturday night by the Council's Street Cleansing Team. This well-used unit is located on Jubilee Square (near the Queen monument) between the hours of 6pm to 6am and costs £1560 per year to hire from a local provider.
- 2.19 The 2008 Review also highlighted the lack of investment in parish toilets over a 10 year period, with many of the toilets in desperate need of internal modernisation. At this time all Parish Councils felt that their public toilet was necessity and nationally there was a trend for Parish Councils to take responsibility for the facilities in their own parish. All Parish Councils were consulted and after some negotiation accepted responsibility. To assist the Parishes in providing these facilities Maidstone Borough Council agreed to provide financial support via an annual sum (see table below).

Parish	Sum
Headcorn	£2,500
Marden	£2,500
Staplehurst	£2,500
Sutton Valance	£1,000
Lenham	£2,500
Yalding	£6,500
Total	£17,500

- 2.20 The higher cost for Yalding relates to the history of these toilets and their transfer back to Maidstone which includes a covenant preventing their closure without the Parish's agreement.
- 2.21 Since this initial review of the service, only a brief 'one year on' follow-up assessment has been carried out. Even though a number of public toilets were closed as a result of this review, Maidstone received several positive mentions in Government 'White papers' such as Communities and Local Government Committee's report entitled 'The Provision of Public Toilets'. This report was commissioned to examine the expenditure, administration and the policies of the Department of Communities and Local Government and its associated bodies. This report is included as a background document.
- 2.22 There have been very few complaints about public conveniences since the changes were implemented. Those which have been received relate to

temporary closures due to anti-social behaviour and isolated issues with the condition of a couple of the Community Toilets.

Areas of Improvement

- 2.23 Public conveniences are used by a variety of different people including shoppers, tourists, workers and those enjoying the Town's vibrant nightlife.
- 2.24 The current provision of toilets is focused on day-time visitors to the Town Centre, with a large number of toilets concentrated in the High Street, Week Street and Earl Street Area.
- 2.25 However there are very limited facilities for those visiting the Town Centre during the evening or those enjoying the River.
- 2.26 Therefore future toilet provision should be focussed on addressing these gaps in the current service as this will have the greatest impact on improving the appeal of the Town.
- 2.27 Aside from the toilets operated by the Council and those within the Community Toilet Scheme, there are also a large number of premises within the Town Centre who provide facilities to their patrons. This is shown on the map in Appendix B.
- 2.28 There is an opportunity to engage with these businesses, particularly those who are open late at night, to improve the Community Toilet Scheme and support the Town's night-time economy with the provision of good quality, cost effective toilets.
- 2.29 In addition to improving the Community Toilet Scheme provision and coverage, there is also a need to raise its profile as there has been criticism about the scheme's visibility. An example of the current signage is included in Appendix C.
- 2.30 Improvements to signage and branding as well as identifying new ways to publicise the scheme are essential to ensure the toilets are well used and visitors are aware their nearest facility.
- 2.31 There is also a concern about ensuring the Service complies with legislation relating to discrimination, particularly around disabled access and gender.
- 2.32 The Community Toilet Scheme means that there has been a significant increase in disabled facilities within the Town Centre which can be used by any disabled visitors to the town. However three complaints were received from disabled users about the closure of the Fairmeadow toilet.
- 2.33 It is recognised that with the seasonal opening of the Fairmeadow toilet and on-going issues with anti-social behaviour, the provision of toilets by the River is inadequate, particularly for elderly or disabled visitors.
- 2.34 However the Fairmeadow toilet has been highlighted as an area for investment within the town as part of the 5 year plan. There is an

opportunity to redevelop this facility to incorporate a visitor attraction such as a food establishment with public toilets.

- 2.35 There is a growing focus on the development of the Town Centre, including improvements to the transport infrastructure as part of the Integrated Transport Strategy, public realm improvements and redevelopment of the Mall. It is important that the provision of toilets, whether directly or through third parties is considered as part of the wider strategic perspective.
- 2.36 It is important for the Council to explore opportunities to gain investment for future toilet improvements which support the Borough's ambitions to increase visitor numbers and have a growing economy.
- 2.37 These opportunities include the implementation of a modest Business Improvement District (BID) which would enable the capture of additional income through business rates to improve facilities within the town.
- 2.38 The use of planning agreements to gain external investment in the Borough and increase visitor numbers should also be explored further in relation to the provision of toilet facilities. However the continuing running costs for their provision would need to be considered as part of the investment plan.
- 2.39 The repeated issue of vandalism and anti-social behaviour around the Council's toilets within the Town Centre is also cause for concern when considering the provision going forward. In order to achieve the Council's objective to raise the profile of the County Town and for it to be a destination of choice for visitors, it is also important that the toilets provided do not provide a negative impression of the Town. Therefore attended toilets, which include toilets within a retail premises, are more likely to appeal to visitors and will deter anti-social behaviour. Co-locating toilets in retail premises, such as in a food establishment on the River or in evening venues, will result in better maintained and safer facilities than stand-alone facilities, such as those in Brenchley Gardens or Fairmeadow.
- 2.40 It is cost effective for the Council to continue to provide support to the Parish toilets rather than operate them directly. However it is still important to note that the Parish Councils have the same legal power as the Borough with regard to toilets and therefore there is no duty for them to continue to provide them. The payment of this support should be considered as part of the review into the Parish Services Scheme and could be incorporated into the Parish Precept.
- 2.41 There are also a number of smaller actions which have already been identified which address issues with the existing service. These are outlined in the action plan attached in Appendix D.

Conclusions

- 2.42 Future improvements to the toilet provision within Maidstone need to be focused around the late night economy and the River, where the existing provision is limited and does not fully meet the needs of visitors and residents.

- 2.43 There is a comprehensive provision of toilets for day-time visitors to the Town Centre which can be further improved by updating the Community Toilet Scheme to reflect the changing landscape of the Town Centre and taking advantage of the growing number of food and drink establishments.
- 2.44 It is recommended that new public convenience provision should be considered as part of the long term investment and development plan for the Town Centre. With significant improvements, including to the Mall Shopping Centre and Bus Station, it is recommended that the potential for this to deliver additional facilities, particularly out of standard daytime hours, is considered in detail.

3. AVAILABLE OPTIONS

- 3.1 The Committee could agree the six recommendations outlined on page one of this report, specifically:
- The Committee agrees the objective that the provision of public conveniences should support the Council's ambition for Maidstone to be an attractive place for visitors and residents, and therefore should focus on areas where provision is currently insufficient.
 - The Committee agrees to the removal of the Butterfly Urinal from Maidstone High Street
 - The Committee agrees that the Community Toilet Scheme should be retained and refreshed.
 - The Committee delegates to the Head of Environment and Public Realm in conjunction with the Head of Commercial and Economic Development the authority to agree new Community Toilet arrangements with businesses in the Town Centre which have suitable facilities.
 - The Committee agrees to continue the current payments to support the Parish Council's service provision until it can be considered as part of the review of the Parish Services Scheme.
 - The Committee supports the proposal to explore investment opportunities for new facilities as part of the implementation of a modest Business Improvement District and through the use of planning agreements.
- 3.2 Alternatively the Committee could reject the recommendations made within this report and propose alternative actions.
- 3.3 The Committee could decide to reject the recommendations and decide that the existing service should remain unchanged.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is to implement the recommendations contained within the report. These actions have been identified to ensure the Council can continue to operate a cost effective service and take advantage of the current development of the Town Centre.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 It is proposed that following agreement of the recommendations within this report, businesses will be consulted on the Community Toilet Scheme in order to determine which businesses would be interested in joining the initiative as well as the suitability of their facilities.
- 5.2 Initial discussions have been held with the Head of Commercial and Economic Development and the Parks and Leisure Manager regarding their role for commissioning toilet provision in the future and future consultation will be held with the Strategic Town Centre Board.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The following timetable is proposed:

Action	By When
Approval of the recommended actions by CHE Committee	15 March 2016
Revised Community Toilet Scheme Agreement drafted	April 2016
All businesses within Town Centre with facilities consulted	June 2016
Removal of the Butterfly Urinal	July 2016
Commissioning of new toilet cleaning model	July 2016
New CTS implemented with improved marketing and publicity	July 2016

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Keeping Maidstone Borough an attractive place for all – the proposals support this priority by maintaining the provision of facilities which contribute to a reduction in public urination/defecation.	Head of Environment & Public Realm
Risk Management	Failure to provide public conveniences is likely to lead to	Head of Environment

	increased issues of public urination and defecation, which will have a negative impact on the Council and Town's reputation. This report looks to ensure the Council provides access to suitable facilities whilst accepting that there is no statutory obligation to do so.	& Public Realm
Financial	The actions related to the Community Toilet Scheme will be funded through the existing Public Conveniences budget. Any savings identified through the commissioning of a new cleaning model will be returned to the relevant department responsible for the management of each facility.	
Staffing	Commissioning a new cleaning model for public conveniences may have an impact on the members of staff currently undertaking this work. Staff will be fully consulted on any proposed changes.	Head of Environment and Public Realm
Legal	The Council does not have a statutory obligation to provide this service. The Council and businesses within the Community Toilet Scheme will enter into a legal agreement.	Head of Legal Partnership
Equality Impact Needs Assessment	An Equality Impact Assessment has been carried out and is attached in Appendix E	Policy & Information Manager
Environmental/Sustainable Development		
Community Safety	All issues of anti-social behaviour linked with Maidstone's public conveniences are reported to the Community Safety Team, including needle finds and vagrancy.	Head of Environment & Public Realm
Human Rights Act		
Procurement		
Asset Management		

8. REPORT APPENDICES

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

- Appendix A: Community Toilet Scheme Map
 - Appendix B: Map of all Town Centre Toilets
 - Appendix C: Community Toilet Scheme Signage
 - Appendix D: Action Plan
 - Appendix E: Equality Impact Assessment
-

9. BACKGROUND PAPERS

Communities and Local Government Committee Report on the Provision of Public Toilet

APPENDIX A: Community Toilet Scheme Map

Maidstone Borough Council

TOILETS

Maidstone Town Centre Community Toilet Scheme

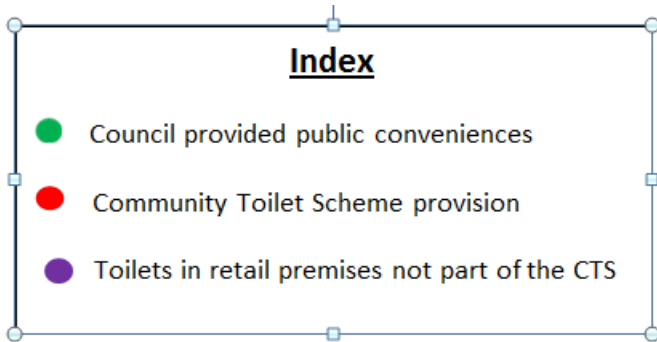
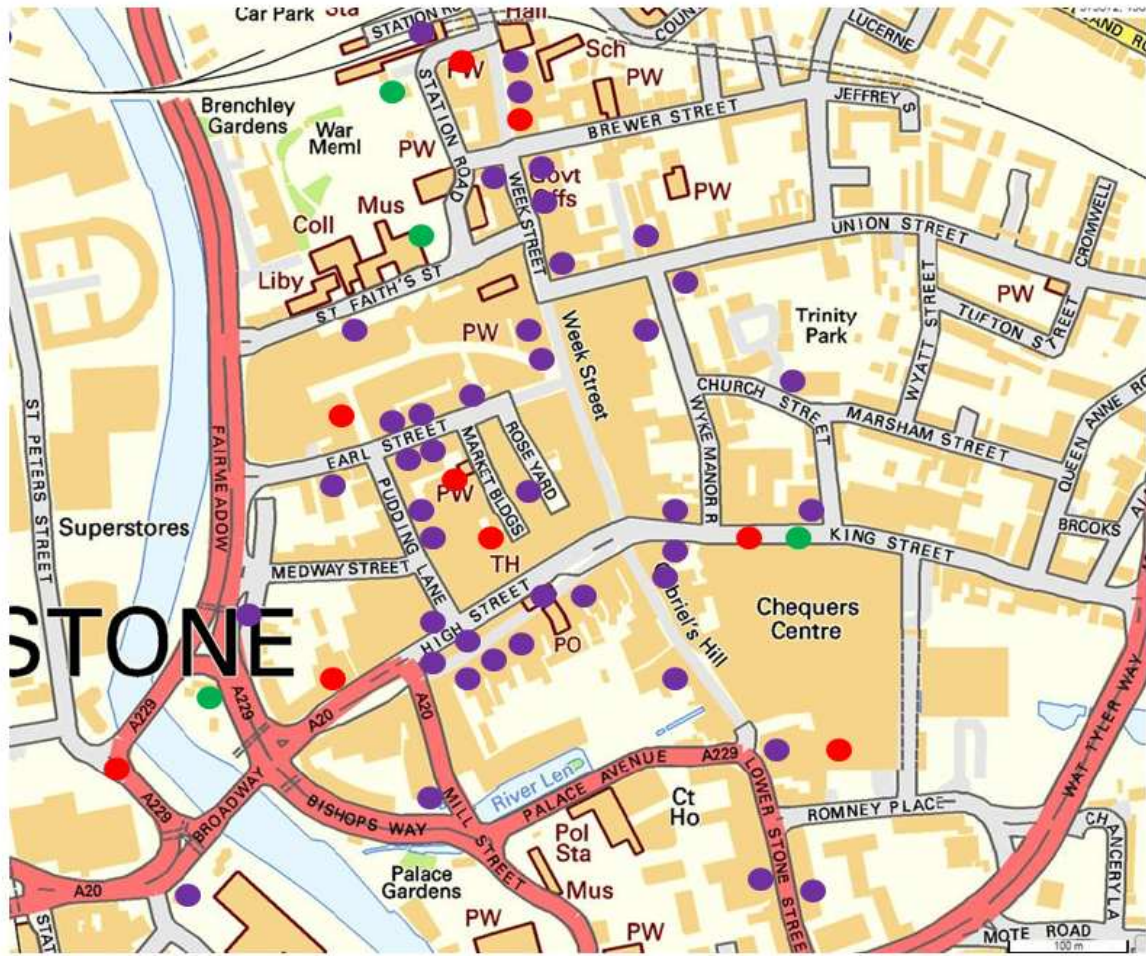
1. **Fortify Café, 32 High Street** • Mon, Tues, Fri 8am - 5pm, Weds & Thurs 8am - 9pm, Sat 9am - 6pm, Sun 11am - 3pm
2. **The Munch House, 34 King Street** • Mon to Fri 8am - 4pm, Sat 8am - 5pm, Sun 11am - 3pm
3. **Royal Albion, St Faith's Street** • Mon to Sun 11am - 11pm
4. **Mcdonalds, Week Street** • Sun to Weds 6am - 11pm, Thurs to Sat 6am - 12am
5. **Broadway Shopping Centre, Rocky Hill** • Mon to Sat 8am - 8pm, Sun 10am - 4pm
6. **Society Rooms | Wetherspoons, Week Street** • Mon to Thurs, Sun 9am - 12pm, Fri & Sat 9am - 1am
7. **Maidstone Museum, St Faith's Street** • Mon to Sat 10am - 5pm, Sun & Bank Holidays (Apr to Oct) 12pm - 4pm (closed on Sun Nov to Mar)
8. **FremLin Walk, Earl Street** • Mon to Sun 7.30am - 11.30pm
9. **Royal Star Arcade, Market Buildings** • Mon to Sat 9am - 5.30pm
10. **Mall Chequers Centre,** • Mon to Sat 9am - 5.30pm, Sun 10.30am - 4.30pm
11. **Bar Chocolate,** • Mon, Tues, Sun 11am - 1am, Weds 11am - 3am, Thurs 11am - 2am, Fri, Sat 11am - 4am
12. **Gateway, King Street** • Mon to Fri 8.30am - 5.30pm, Sat 9am - 1pm
13. **Maidstone Market, Lockmeadow** • Mon 7am - 4pm, Tues 5am - 4pm, Wed & Thurs 7am - 5pm, Fri 7am - 1pm, Sat 6am - 3pm
14. **Brenchley Gardens,** • Mon to Sun 7.30am - 6.30pm

Provided in partnership with Maidstone Borough Council

APPENDIX B: Action being taken to address current issues

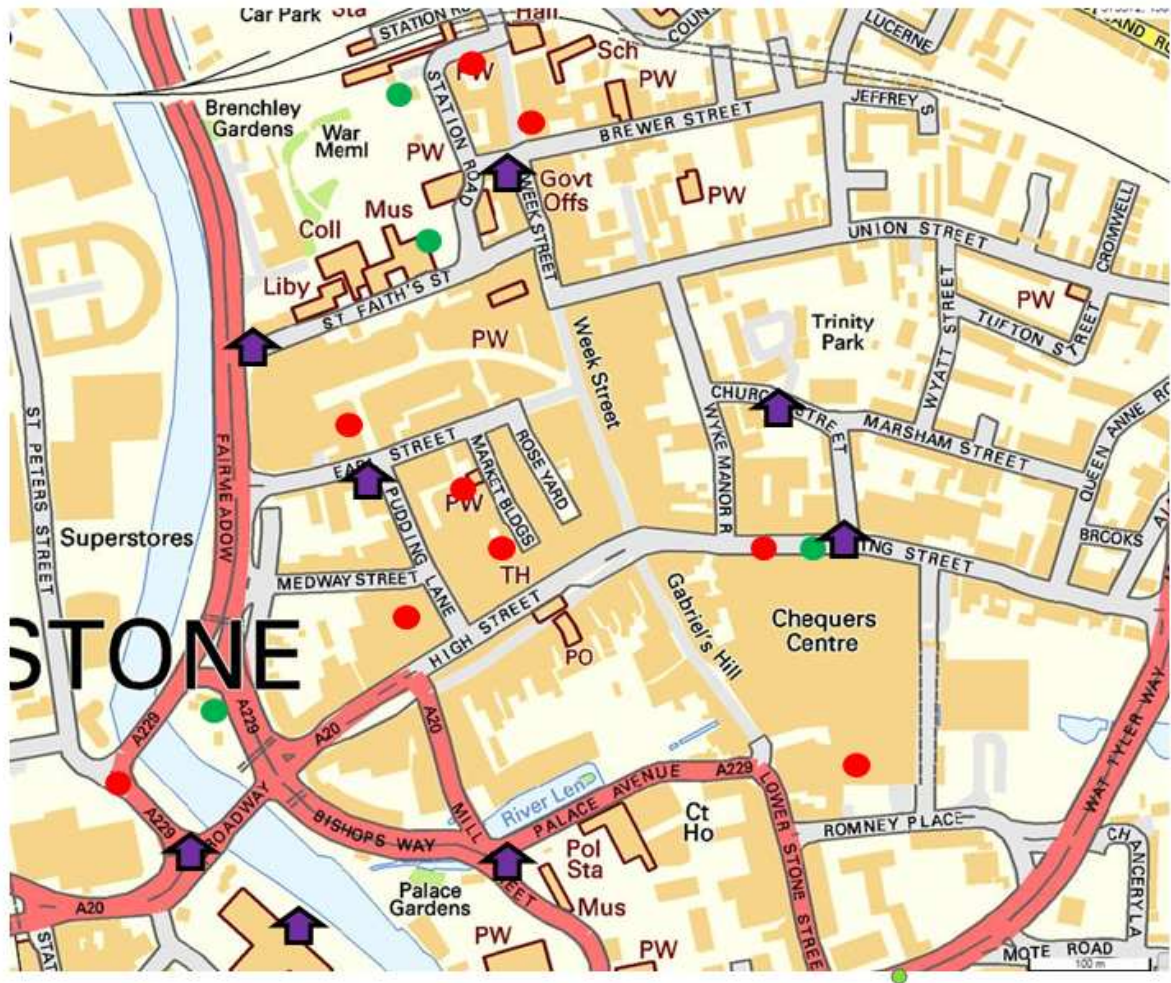
Issue	Action required/taken	Responsible Officer	Timeframe
The exit to The Mall is poorly lit and encourages anti-social behaviour including urination	Improved lighting is being raised with the Mall Management by the interim Director for Regeneration and Place	Interim Director for Regeneration and Place	April 2016
The subways attract anti-social behaviour including urination	The improvements to the town centre gyratory system will result in the closure of two of the subways.	Economic Development Officer	January 2017
The Community Toilet Scheme requires updating to reflect the current business profile of the Town Centre	The Chair of One Maidstone, formerly Town Centre Management, to be approached regarding contact with business network	Interim Director for Regeneration and Place	April 2016
The Town Centre toilets attract anti-social behaviour	Brenchley Gardens and Fairmeadow toilets operate seasonally to reduce anti-social behaviour.	Head of Environment and Public Realm/Parks Manager	Completed
The current cleaning schedule for Maidstone's public conveniences is not responsive to the needs of each facility and is relatively expensive the level of service provided	A commissioning exercise is to be completed in conjunction with the Parks and Open Spaces Team to determine the most appropriate method for achieving a good cleaning standard across Maidstone's public conveniences	Head of Environment and Public Realm	April 2016
The Butterfly Urinal on Maidstone's High Street is not in working order and the cost for repair is greater than replacement.	The urinal has been closed since March 2015 and all utilities have been turned off.	Street Scene Officer	Completed

APPENDIX C: Map showing all toilets within town centre



APPENDIX D: Community Toilet Scheme Signage





Index

- Council provided public conveniences
- Community Toilet Scheme provision
- ↑ Locations of toilet fingerposts/maps

APPENDIX E – EQUALITY IMPACT ASSESSMENT

Stage 1: Equality Impact Assessment

1. What are the main aims purpose and outcomes of the Policy and how do these fit with the wider aims of the organization?
The recommendations are intended to improve the provision of the toilet provision within the Borough and support the Council’s priority of Keeping Maidstone Borough an attractive place for all.
2. How do these aims affect our duty to: <ul style="list-style-type: none">• Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Act?• Advance equality of opportunity between people who share a protected characteristic and those who do not?• Foster good relations between people who share a protected characteristic and those who do not?
This will offer more facilities to disabled users to ensure they have the same access to services as all other visitors.
3. What aspects of the policy including how it is delivered or accessed could contribute to inequality?
The Disability Discrimination Act already requires businesses to provide appropriate facilities for disabled visitors and the use of Community Toilets will ensure that the Council continues to support the provision of disabled toilets throughout the Town Centre.
4. Will the policy have an impact (positive or negative) upon the lives of people, including particular communities and groups who have protected characteristics? What evidence do you have for this?
No, the recommendations are designed to improve the services offered whilst maintaining the service offered to individuals and communities with shared characteristics.

If the answer to the second question has identified potential impacts and you have answered yes to any of the remaining questions then you should carry out a full EQIA set out as stage 2 below.

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

Document is Restricted

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of the Local Government Act 1972.

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