

# COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE MEETING

Date: Tuesday 18 June 2019  
Time: 6.30 pm  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors M Burton, Joy, Khadka, Mortimer (Chairman), Powell (Vice-Chairman), Purle, D Rose, M Rose and Young

*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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## AGENDA

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
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 16th April 2019 1 - 6
9. Minutes of the Meeting held on 21st May 2019 7
10. Presentation of Petition  
Notice has been given pursuant to Council Procedure Rule 12 of the intention to present a petition in the following terms:-  
  
Village Green Status for Weaving Heath – “We the undersigned petition the Council to request that KCC change the status of Weaving Heath to that of a designated Village Green”.
11. Questions and answer session for members of the public (if any)

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**Issued on Monday 10 June 2019**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

|  |           |
|--|-----------|
| 12. Committee Work Programme   | 8 - 9     |
| 13. Key Performance Indicators 2018/19 - Q4 Update                   | 10 - 17   |
| 14. Fourth Quarter Budget Meeting 2018/19                            | 18 - 33   |
| 15. Environmental Health and Community Protection Enforcement Policy | 34 - 50   |
| 16. Mid Kent Environmental Health Annual Report 2018-19              | 51 - 62   |
| 17. Heather House and Pavilion Building                              | 63 - 100  |
| 18. Graffiti Removal   | 101 - 108 |

### **PUBLIC SPEAKING AND ALTERNATIVE FORMATS**

If you require this information in an alternative format please contact us, call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk).

In order to speak at this meeting, please contact Democratic Services using the contact details above, by 5 p.m. one clear working day before the meeting i.e. Friday, 14<sup>th</sup> June at 5 p.m. If asking a question, you will need to provide the full text in writing. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated on a first come, first served basis.

To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk).

Should you wish to refer any decisions contained in these minutes to the Policy and Resources Committee, please submit a Decision Referral Form, signed by three Councillors, to the Head of Policy, Communications and Governance by: 2 May 2019.

## **MAIDSTONE BOROUGH COUNCIL**

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

#### **MINUTES OF THE MEETING HELD ON TUESDAY 16 APRIL 2019**

**Present: Councillors M Burton, Garten, Joy, D Mortimer (Chairman), Powell, Purle, Mrs Robertson, Rose and Webb**

200. APOLOGIES FOR ABSENCE

Apologies for lateness were received from Councillor Purle.

201. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

202. URGENT ITEMS

There were no urgent items.

203. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

204. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

205. DISCLOSURES OF LOBBYING

It was noted that the following Councillors had been lobbied on Item 15. Heather House Consultation:

- Councillor Mortimer
- Councillor Powell
- Councillor Joy
- Councillor Robertson
- Councillor Webb
- Councillor Garten
- Councillor Rose

- Councillor Burton

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

**RESOLVED:** That all items be taken in public as proposed.

207. MINUTES OF THE MEETING HELD ON 19 MARCH 2019

**RESOLVED:** That the minutes of the meeting held on 19 March 2019 be approved as a correct record and signed.

208. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

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

There were no questions from members of the public.

210. COMMITTEE WORK PROGRAMME

Mr John Littlemore, Head of Housing and Community Services, explained that a Strategic Housing Market Assessment was to be undertaken prior to the consideration of the "MBC Provided Gypsy and Traveller Sites - requested by Cllr Harwood" item. The item was therefore to be postponed until later in the 2019/20 municipal year.

**RESOLVED:** That the Committee Work Programme be noted.

211. REPORTS OF OUTSIDE BODIES

**RESOLVED:** That the Outside Body Report be noted.

212. GP PROVISION UPDATE

Mrs Alison Broom, Chief Executive, introduced Dr Tony Jones, Ms Gail Arnold and Ms Alison Burchell to the Committee. Mrs Broom stated that a workshop had taken place on 25 February 2019. At the workshop, Members had raised concerns about the infrastructure and staffing for General Practitioner (GP) provision. Additionally, the issue of historical Section 106 (S106) agreements had been debated. This issue had been considered in further detail with the Chairman of the Strategic Planning, Sustainability and Transportation (SPST) Committee.

In response to questions from the Committee, Officers stated that:

- Changes to GP Practice staffing had been implemented in line with the NHS 10 Year Plan. This was expected to increase the capacity available for managing complex issues.

- The NHS West Kent Clinical Commissioning Group (CCG) had taken positive steps to implement the high impact recommendations in the NHS England Time to Care Scheme. These changes were expected to have a positive impact on staffing capacity.
- CCGs monitored risks to continuity of service, such as closures of GP Practices. Conversations between the CCG and GP Practices were undertaken to promote resilience and sustainability.
- The potential links between areas of deprivation and issues with recruitment and retention at GP Practices had not been researched at a local level.
- The development of new houses resulted in an increased need for GP Practices. This meant that available business space needed to be maximised, while appropriate recruitment also needed to be undertaken.
- It was important to promote Maidstone as an attractive place to live and work. This encouraged people to move to the area and deliver services required by residents.
- Maidstone Borough Council worked closely with other organisations to ensure that projects to expand GP Practices and deliver infrastructure were completed in a collaborative and effective manner.
- Maidstone Borough Council had worked with the West Kent CCG to support the allocation and use of S106 monies. There were, however, challenges when spending this funding. Firstly, the money was only to be spent on improving the capacity of health facilities in order to meet the needs of a population. Secondly, S106 funding was made available to the CCG at agreed milestones. Projects could therefore not be commenced until the S106 monies had been released to the CCG. Finally, S106 funding was considered to be a capital contribution. This meant that there were restrictions on how the money could be spent and often required match-funding from GPs or other property owners.
- In some instances, S106 money was pooled to enable large scale extensions.
- The local media could share information and raise awareness about how to appropriately use services. This could include information regarding social prescribing, to ensure that professionals and residents had a common understanding of this and the potential it had to improve health.

Mrs Broom stated that the queries and suggestions were to be collated and submitted to the Communities, Housing and Environment Committee in 2019/20 to ensure that dialogue on key issues continued.

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

Note: Councillor Purle arrived at 6.45 p.m. during consideration of this item.

213. KEY PERFORMANCE INDICATORS 2019-20

Mrs Clare Harvey, Data Intelligence Officer, stated that as the new Strategic Plan had been agreed by Council, performance indicators needed to be reassessed to ensure that they were fit for purpose. Mrs Harvey outlined that in the new municipal year, the quarterly Key Performance Indicator (KPI) and Budget Monitoring reports were to be combined. This enabled Service Committees to take a strategic view of trends. The performance indicators for the 2019/20 municipal year had been drafted following engagement with Members and Officers.

The Committee commented that "business rates income from town centre businesses" was an important KPI to monitor. This provided a measure of business success in Maidstone, while it also ensured that opportunities to improve income were identified.

In response to questions from the Committee, Officers stated that:

- Officers were to provide information to Members via email regarding the current processes for measuring the weight of fly tipped materials.
- The number of people using parks and open spaces was monitored with an annual survey.
- Targets were to be profiled to reflect seasonal trends where appropriate.

**RESOLVED:** That the draft Key Performance Indicators for 2019-20, attached as Appendix 1, be recommended to the Policy and Resources Committee, subject to the Director of Finance and Business Improvement suggesting an appropriate target for "business rates income from town centre businesses".

Voting: Unanimous

214. HEATHER HOUSE CONSULTATION

Mrs Harvey informed the Committee that a survey had been distributed to 3566 households in the Park Wood ward. 320 responses had been received.

The Committee commented that:

- The summary of findings on pages 31 – 32 and 45 – 46 had the potential to misconstrue the results of the survey if it was read in isolation. As the summaries did not include any additional

information, they were to be excluded from the evidence base used to inform the business case.

- The petition presented at the Communities, Housing and Environment Committee on 14 November 2017 was an additional source of information that was to be incorporated into the evidence base.
- Although the survey results were a useful tool, consideration needed to be given to the future potential of the facility when the business case was being formed.

In response to questions from the Committee, Mrs Harvey stated that:

- The survey was conducted by post. A freepost envelope was included with the survey to enable residents to respond without incurring a cost.
- Demographic questions were included in every survey, as the responses were used to understand the views of different sections of the community. This helped to inform consideration of equalities issues.

**RESOLVED:** That:

1. The results of the consultations with residents and stakeholders on Heather House be agreed for inclusion in the evidence base to inform the decision on whether to make further investment in the facility, excluding the summary of findings.
2. The petition presented at the Communities, Housing and Environment Committee on 14 November 2017 be agreed for inclusion in the evidence base to inform the decision on whether to make further investment in the facility.

Voting: Unanimous

Note: The meeting was adjourned from 8.46 p.m. to 8.49 p.m.

## 215. CCTV NEXT STEPS

Mr Littlemore outlined that steps could be taken to improve the public realm CCTV provision. As the Town Hall had previously flooded, and recording equipment had been damaged, it was suggested that the equipment be relocated to Maidstone House. It was stated that the proposed improvements ensured that better quality cameras and recording equipment were available to be used by Maidstone Borough Council.

The Committee commented that:

- Preventative measures to reduce crime needed to be undertaken alongside the CCTV upgrade.
- CCTV had recently been used effectively to identify suspected criminals.
- The new system was designed to allow external partners to use the system, should this functionality be required.

In response to questions from the Committee, Mr Littlemore stated that:

- The £110,000 cost was an estimate provided by a consultant.
- Conversations with partners such as Kent Police demonstrated that the public realm CCTV was considered to be a valuable asset.
- The current equipment was to be completely replaced. This resulted in reduced operating costs, but also ensured that camera footage quality was improved.

**RESOLVED:** That:

1. The public realm CCTV cameras be upgraded.
2. The CCTV recording equipment be relocated from the Town Hall to Maidstone House.
3. Policy and Resources Committee be recommended to identify £110,000 to enable the upgrade and relocation of CCTV.

Voting: For – 8

Against – 1

Abstentions – 0

216. ANNUAL REPORT OF THE COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE CHAIRMAN

The Chairman thanked the Committee for the work undertaken during the municipal year.

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

217. DURATION OF MEETING

6.30 p.m. to 9.04 p.m.

## MAIDSTONE BOROUGH COUNCIL

### COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE

#### MINUTES OF THE MEETING HELD ON 21 MAY 2019

**Present:** Councillor Mortimer (Chairman) and  
Councillors M Burton, Mrs Joy, Khadka, Powell, Purle,  
D Rose, M Rose and Young

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

3. ELECTION OF CHAIRMAN

**RESOLVED:** That Councillor Mortimer be elected as Chairman of the Committee for the Municipal Year 2019/20.

4. APPOINTMENT OF VICE-CHAIRMAN

**RESOLVED:** That Councillor Powell be appointed as Vice-Chairman of the Committee for the Municipal Year 2019/20.

5. DURATION OF MEETING

6.50 p.m. to 6.53 p.m.

|  |     |        |                  |                                 |
|--|-----|--------|------------------|---------------------------------|
| Key Performance Indicators 2018/19 – Quarter 4   | CHE | Jun-19 | Angela Woodhouse | Anna Collier                    |
| Fourth Quarter Budget Monitoring 2018/19   | CHE | Jun-19 | Mark Green       | Chris Hartgrove                 |
| Environmental Health and Community Protection Enforcement Policy                                 | CHE | Jun-19 | John Littlemore  | Tracey Beattie                  |
| Environmental Health Annual Report   | CHE | Jun-19 | John Littlemore  | Tracey Beattie                  |
| Heather House and Pavilion Building  | CHE | Jun-19 | William Cornall  | Andrew Connors                  |
| Graffiti Removal   | CHE | Jun-19 | William Cornall  | Jennifer Shepherd               |
| Review of Accessibility to Services for Residents - Scoping Report and Working Group Set Up      | CHE | Jul-19 | Angela Woodhouse | Orla Sweeney                    |
| ∞<br>Outside Bodies 2019/20  | CHE | Jul-19 | Angela Woodhouse | Caroline Matthews/<br>Mike Nash |
| MBC Provided Gypsy and Traveller Sites - requested by Cllr Harwood                               | CHE | Jul-19 | William Cornall  | John Littlemore                 |
| Hackney Carriage and Private Hire Licensing Policy   | CHE | Jul-19 | John Littlemore  | Lorraine Neale                  |
| Local Nature Reserves  | CHE | Jul-19 | Rob Jarman       | Deanne Cunningham               |
| Charges for Pre-Application and Professional Advice for Noise, Air Quality and Contaminated Land | CHE | Sep-19 | John Littlemore  | Tracey Beattie                  |

Committee Work Programme – Communities, Housing and Environment Committee

|  |     |        |                   |                   |
|--|-----|--------|-------------------|-------------------|
| Review of Charges for Contaminated Land                      | CHE | Nov-19 | John Littlemore   | Tracey Beattie    |
| Charging for Food Hygiene Advice                             | CHE | Nov-19 | John Littlemore   | Tracey Beattie    |
| Bedgebury Food Outlet  | CHE | Nov-19 | John Littlemore   | Tracey Beattie    |
| Local Care Hubs  | CHE | TBC    | Alison Broom      |                   |
| MBC Affordable Housing Supplementary Planning Guidance (SPG) | CHE | TBC    | William Cornall   | Mark Egerton      |
| Environmental Services - Commercial developments             | CHE | TBC    | Jennifer Shepherd | Jennifer Shepherd |

# Agenda Item 13

## COMMUNITIES, HOUSING & ENVIRONMENT COMMITTEE

18 June 2019

### Key Performance Indicators Quarter 4 Update – 2018/19

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

#### Executive Summary

The Communities, Housing & Environment Committee is asked to review the progress of Key Performance Indicators that relate to the delivery of the Strategic Plan 2015-2020. The Committee is also asked to consider the comments and actions against performance to ensure they are robust.

#### **This report makes the following recommendations to Wider Leadership Team:**

1. That the summary of performance for Quarter 4 of 2018/19 for Key Performance Indicators (KPIs) be noted.

#### Timetable

| <b>Meeting</b>                                 | <b>Date</b> |
|--|-------------|
| Corporate Leadership Team                      | 21/05/2019  |
| Economic Regeneration & Leisure Committee      | 04/06/2019  |
| Communities, Housing and the Environment       | 18/06/2019  |
| Strategic, Planning & Infrastructure Committee | 25/06/2019  |
| Policy & Resources Committee                   | 26/06/2019  |

# Key Performance Indicators Quarter 4 Update – 2018/19

## 1. INTRODUCTION AND BACKGROUND

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

## 2. Quarter 4 Performance Summary

- 2.1 There are 18 key performance indicators (KPIs) which were developed with Heads of Service and unit managers and agreed by the four Service Committees for 2018/19. 12 are reported to the Committee for this quarter.
- 2.2 Overall, 50% (6) of targeted KPIs reported this quarter achieved their target comparable to quarter 3 at 60% (9) and 42% (5) in the same quarter last year.
- 2.3 There are 3 contextual indicators (indicators without targets) represented in the chart below as N/A, these indicators were requested for inclusion as they are important to assessing how the council is performing by examining the outcomes. These indicators are; the percentage of littering reports attended to, the number of households living in temporary accommodation at the last night of the month and the number of households living in nightly paid temporary accommodation on the last night of the month.

| <b>RAG Rating</b> | <b>Green</b> | <b>Amber</b>     | <b>Red</b>  | <b>N/A</b> | <b>Total</b> |
|-------------------|--------------|------------------|-------------|------------|--------------|
| KPIs              | 6            | 1                | 2           | 3          | 12           |
| <b>Direction</b>  | <b>Up</b>    | <b>No Change</b> | <b>Down</b> | <b>N/A</b> | <b>Total</b> |
| Last Year         | 2            | 0                | 7           | 3          | 12           |
| Last Quarter      | 8            | 0                | 4           | 0          | 12           |

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### **3. Performance by priority**

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

- 3.1 The performance indicators concerned with the proportion of land that has acceptable levels of litter and detritus both exceeded the quarterly target. During quarter 4; Detling & Thurnham, Coxheath, Boughton Monchelsea, Marden & Yalding and Shepway South were inspected. Coxheath and Marden & Yalding had the greatest proportion of litter across these areas with the Cleaning Manager commenting that rural roads still present a challenge due to traffic management plans and additional safety considerations.
- 3.2 The percentage of reports of littering attended is calculated by taking the number of reports received from residents about littering divided by the number of these that required additional action (for example litter picking or a mechanical sweep). The objective for the team is to reduce the amount of responsive work required due to the schedules being sufficient to deliver a clean borough. During quarter 4, 37.2% of reports were attended to, this performance indicator has seen continuous improvement throughout the year.
- 3.3 The addition of the dedicated fly tipping hit squad directed by the Waste Crime Team has increased the Council's ability to deal with fly-tipping in the borough. During quarter 4 the percentage of fly tips resulting in enforcement action was 81.5% against a target of 50%. The waste crime team have been working on identifying those responsible for fly tipping waste where there is some evidence. This has included use of covert CCTV in fly tipping hotspots, witness reports and evidence within the waste. Overall, there has been an 18% improvement in the performance of this indicator since quarter 4 in 2017/18.
- 3.4 Due to the presence of hazardous waste or the volume of material present, some fly tips require greater resource or different equipment to clear it, which can result in a slight delay. They can sometimes also require pre-approval from Kent County Council, as the disposal authority. This can take a couple of days, whilst a full description of the waste is compiled, and an appropriate disposal facility is identified. During quarter 4 there were 601 reports of fly-tipping, and the team cleared or assessed 99% (593) of these within four working days and 94% (569) were addressed within two working days.
- 3.5 At present the data on household waste recycling is incomplete, with the tonnage information for February and March has not been received yet from Kent County Council. The data currently held shows a quarter 4 out-turn of 48.04% against a target of 52.50%, this is an improvement on the previous quarter and compared to the quarter 4 out-turn for 2017/18.

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

- 3.6 53 affordable homes have been delivered against a target of 45. This was made up of 17 social rented homes and 36 shared ownership homes. This quarters performance is an improvement compared to the previous quarter and quarter 4 in 2017/18.
- 3.7 The Homelessness Reduction Act 2017 was enacted in April 2018 and marked a significant change in approach to tackling homelessness and resulting in major changes to housing team. The number of applications where Prevention Duty has ended, as applicant has suitable accommodation for at least 6 months, has not achieved the quarterly target. The changes to the Homelessness Reduction Act 2017 mean that comparisons to previous years cannot be made. The baseline data collected this financial year has been used to inform targets going forward.
- 3.8 The Council are taking steps to address the difficulty in housing people through the housing register through new Affordable Housing Strategic Planning guidance and through the Council's own Housing Delivery Partnership. At the end of quarter 4 there were 113 households living in temporary accommodation (TA), this is 12 less than at the end of quarter 3 but a 14% increase on the figure for quarter 4 in 2017/18. Of the 113 households in TA, 58 were living in nightly paid temporary accommodation this is a 20% increase compared to quarter 4 in 2017/18.
- 3.9 During quarter 4 there were 128 households that were housed through the housing register against a target of 150, this is a slight improvement on the quarter 3 out-turn. The lower quarterly figure is due to fewer vacant properties coming available through registered providers
- 

## **4. RISK**

- 4.1 This report is presented for information only, committees, managers and heads of service can use performance data to identify service performance and this data can contribute to risk management.
- 

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

- 5.1 The Key Performance Indicator Update is reported quarterly to the Service Committees: Communities Housing and Environment Committee, Strategic Planning, Sustainability and Transportation Committee, and Heritage Culture and Leisure Committee. Each Committee will receive a report on the relevant priority action areas. The report is also presented to Policy & Resources Committee, reporting only on the priority areas of: A Clean and Safe Environment, Regenerating the Town Centre, and a Home for Everyone.
-

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

- 6.1 The Council could choose not to monitor the Strategic Plan and/or make alternative performance management arrangements, such as frequency of reporting. This is not recommended as it could lead to action not being taken against performance during the year, and the Council failing to deliver its priorities.

## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

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

|                                    |  |  |
|------------------------------------|--|--|
|                                    | reports on the Council's performance assist in demonstrating best value and compliance with the statutory duty.  |  |
| <b>Privacy and Data Protection</b> | The data will be held and processed in accordance with the data protection principles contained in the Data Protection Act 2018 and in line with the Data Quality Policy, which sets out the requirement for ensuring data quality.<br>There is a program for undertaking data quality audits of performance indicators.   | Team Leader (Corporate Governance), MKLS |
| <b>Equalities</b>                  | The Performance Indicators reported on in this quarterly update measure the ongoing performance of the strategies in place. If there has been a change to the way in which a service delivers a strategy, i.e. a policy change, an Equalities Impact Assessment is undertaken to identify the impact on individuals with a protected characteristic and where required, put in place mitigations | Equalities & Corporate Policy Officer    |
| <b>Crime and Disorder</b>          | None Identified  | Policy & Information Manager             |
| <b>Procurement</b>                 | Performance Indicators and Strategic Milestones monitor any procurement needed to achieve the outcomes of the Strategic Plan.  |  |

## 8. REPORT APPENDICES

- Key Performance Indicator Update Quarter 4 – 2018/19

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## 9. BACKGROUND PAPERS

None

## Performance Summary

This is the quarter 4 performance update on indicators set against Maidstone Borough Council’s Strategic Plan 2015-20. It sets out how we are performing against Key Performance Indicators that directly contribute to the achievement of those priorities. Performance indicators are judged in two ways; firstly, whether an indicator has achieved the target set, known as PI status. Secondly, we assess whether performance has improved, been sustained or declined, compared to the same period in the previous year, known as direction.

### Key to performance ratings

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

| Direction   |                                |
|---|--------------------------------|
|  | Performance has improved       |
|  | Performance has been sustained |
|  | Performance has declined       |
| N/A   | No previous data to compare    |

| RAG Rating   | Green | Amber     | Red  | N/A | Total |
|--------------|-------|-----------|------|-----|-------|
| KPIs         | 6     | 1         | 2    | 3   | 12    |
| Direction    | Up    | No Change | Down | N/A | Total |
| Last Year    | 2     | 0         | 7    | 3   | 12    |
| Last Quarter | 8     | 0         | 4    | 0   | 12    |

## Providing a Clean, Safe and Green Environment

| Performance Indicator   | Q4 2018/19 |   |   |   |   |
|---|------------|---|---|---|---|
|   | Value      | Target  | Status  | Last Year   | Last Quarter  |
| The percentage of land and highways with acceptable levels of litter            | 98.17%     | 94.00%  |  |  |  |
| The percentage of land and highways with acceptable levels of detritus          | 95.25%     | 94.00%  |  |  |  |
| Percentage of reports of littering attended to                                  | 37.2%      |  |  | N/A   |  |
| Percentage of fly tips resulting in enforcement action                          | 81.5%      | 50.0%   |  |  |  |
| Percentage of fly-tips cleared or assessed within 2 working days                | 94.68%     | 89.00%  |  |  |  |
| Percentage of fly-tips clear or assessed within 4 working days                  | 99%        | 94%   |  | N/A   |  |
| Percentage of household waste sent for reuse, recycling and composting (NI 192) | 48.04%*    | 52.50%  |  |  |  |

\* Awaiting tonnage data for February & March 2019

## A Home for Everyone

| Performance Indicator  | Q4 2018/19 |   |   |   |   |
|--|------------|---|---|---|---|
|  | Value      | Target  | Status  | Last Year   | Last Quarter  |
| Number of affordable homes delivered (gross)   | 53         | 45  |  |  |  |
| Number of households living in temporary accommodation last night of the month (NI 156 & SDL 009-00)                 | 113        |  |  |  |  |
| Number of households living in nightly paid temporary accommodation last night of the month                          | 58         |  |  |  |  |
| Number of applications where Prevention Duty has ended as applicant has suitable accommodation for at least 6 months | 54         | 75  |  | N/A   |  |
| Number of households housed through housing register   | 128        | 150   |  |  |  |

# Agenda Item 14

## Communities, Housing and Environment Committee

18 June 2019

### 4<sup>th</sup> Quarter Budget Monitoring 2018/19

|   |  |
|---|--|
| <b>Final Decision-Maker</b>               | Communities, Housing and Environment Committee         |
| <b>Lead Head of Service/Lead Director</b> | Mark Green, Director of Finance & Business Improvement |
| <b>Lead Officer and Report Author</b>     | Chris Hartgrove, Interim Head of Finance               |
| <b>Classification</b>                     | Public   |
| <b>Wards affected</b>                     | All  |

#### Executive Summary

This report sets out the financial position for the Communities, Housing and Environment Committee at the end of Quarter 4 2018/19 against the revenue and capital budgets.

For this committee, there is an underspend against the revenue budget of £402,000, including £340,000 of grants to be carried forward, leaving a net underspend of £62,000.

Capital expenditure totalling £9.196m has been incurred during 2018/19 for the projects which sat within this Committee's remit. This represents slippage of £2.994m.

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

1. That the Committee notes the financial performance for 2018/19.
2. That the Committee notes the slippage within the capital programme in 2018/19.

#### **Timetable**

| <b>Meeting</b>                                 | <b>Date</b>  |
|--|--------------|
| Communities, Housing and Environment Committee | 18 June 2019 |

## 4<sup>th</sup> Quarter Budget Monitoring 2018/19

### 1. INTRODUCTION AND BACKGROUND

- 1.1 The Medium Term Financial Strategy for 2018/19 onwards was agreed by full Council on 7 March 2018. This report advises and updates the Committee on how each service has performed in regards to revenue and capital expenditure against the approved budgets within its remit.
  - 1.2 The Director of Finance & Business Improvement is the Responsible Financial Officer, and has overall responsibility for budgetary control and financial management. However in practice, day to day budgetary control is delegated to service managers, with assistance and advice from their director and the finance section.
  - 1.3 Attached at **Appendix 1** is a report detailing the position for the revenue and capital budgets at the end of the 2018/19 financial year.
- 

### 2. AVAILABLE OPTIONS

- 2.1 There are no matters for decision in this report. The Committee is asked to note the contents but may choose to take further action depending on the matters reported here.
- 

### 3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 In considering the current position on the revenue budget and the capital programme at the end of 2018/19 the committee can choose to note this information or it could choose to take further action.
  - 3.2 The committee is requested to note the content of the report and agree on any necessary action to be taken in relation to the budget position.
- 

### 4. RISK

- 4.1 This report is presented for information only and has no risk management implications.
  - 4.2 The Council has produced a balanced budget for both capital and revenue expenditure and income for 2018/19. This budget is set against a backdrop of limited resources and 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 this committee the best opportunity to take actions to mitigate such risks.
-

## 5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 No consultation has been undertaken in relation to this report.

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

6.1 The fourth quarter budget monitoring reports are being considered by the relevant Service Committees in June including a full report to Policy & Resources Committee on 26 June 2019.

6.2 Details of the discussions which take place at service committees regarding budget management will be reported to Policy and Resources Committee where appropriate.

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## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

| <b>Issue</b>                          | <b>Implications</b>   | <b>Sign-off</b>                            |
|---------------------------------------|---|--|
| <b>Impact on Corporate Priorities</b> | This report monitors actual activity against the revenue budget and other financial matters set by Council for the financial year. The budget is set in accordance with the Council's Medium Term Financial Strategy which is linked to the strategic plan and corporate priorities.  | Director of Finance & Business Improvement |
| <b>Risk Management</b>                | This has been addressed in section 4 of the report.   | Director of Finance & Business Improvement |
| <b>Financial</b>                      | Financial implications are the focus of this report through high level budget monitoring. The process of budget monitoring ensures that services can react quickly to potential resource problems. The process ensures that the Council is not faced by corporate financial problems that may prejudice the delivery of strategic priorities. | Director of Finance & Business Improvement |
| <b>Staffing</b>                       | The budget for staffing represents a significant proportion of the direct spend of the council and is carefully   | Director of Finance & Business Improvement |

|                                    |  |  |
|------------------------------------|--|--|
|                                    | monitored. Any issues in relation to employee costs will be raised in this and future monitoring reports.  |  |
| <b>Legal</b>                       | The Council has a statutory obligation to maintain a balanced budget and this monitoring process enables the committee to remain aware of issues and the process to be taken to maintain a balanced budget for the year. | Team Leader (Corporate Governance), MKLS   |
| <b>Privacy and Data Protection</b> | No specific issues arise.  | Director of Finance & Business Improvement |
| <b>Equalities</b>                  | There are no equalities implications as a result of this update report.  | Equalities and Corporate Policy Officer    |
| <b>Crime and Disorder</b>          | No specific issues arise.  | Director of Finance & Business Improvement |
| <b>Procurement</b>                 | No specific issues arise.  | Director of Finance & Business Improvement |

## 8. REPORT APPENDICES

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

- Appendix 1: Fourth Quarter 2018/19 Revenue and Capital Monitoring – Communities, Housing and Environment

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## 9. BACKGROUND PAPERS

None

# Fourth Quarter Budget Monitoring 2018/19

Communities, Housing and Environment  
Committee

18 June 2019

Lead Officer: Mark Green

Report Author: Chris Hartgrove / Paul Holland

## Contents

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## Executive Summary

This report is intended to provide Members with an overview of performance against revenue and capital budgets and outturn for the 2018/19 financial year for the services that fell within the remit of this Committee.

Robust budget monitoring is a key part of effective internal financial control, and therefore is one of the elements underpinning good corporate governance.

The aim of reporting financial information to service committees at quarterly intervals is to ensure that underlying trends can be identified at an early stage, and that action is taken to combat adverse developments or seize opportunities.

It is advisable for these reports to be considered in conjunction with quarterly performance monitoring reports, as this may provide the context for variances identified with the budget and general progress towards delivery of the Council's strategic priorities.

Headline messages for this year are as follows:

- For this Committee, there is an underspend against the revenue budget of £402,000, including resources to be carried forward.
- Capital expenditure totalling £9.196m has been incurred during 2018/19 for the projects which sat within the remit of this Committee. This represents slippage of £2.994m.

# Revenue Budget 2018/19

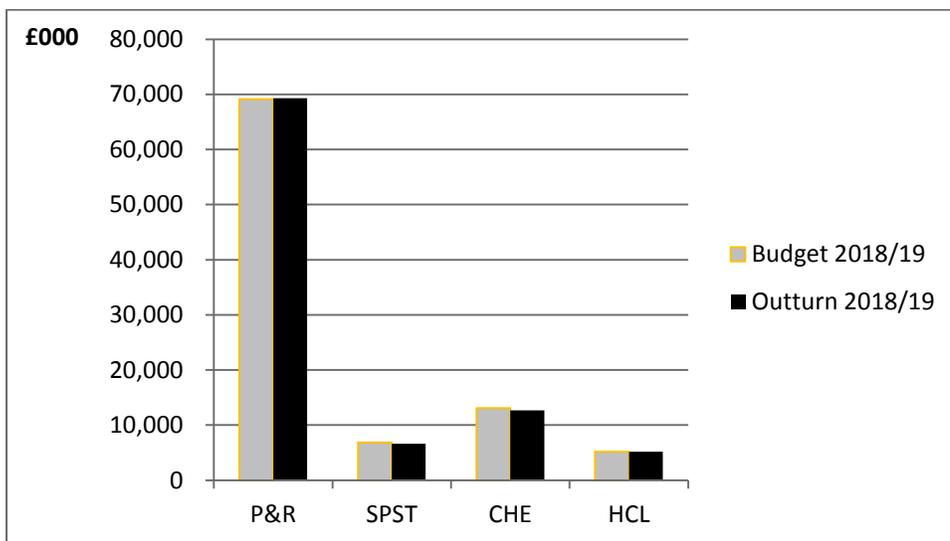


## Revenue Spending

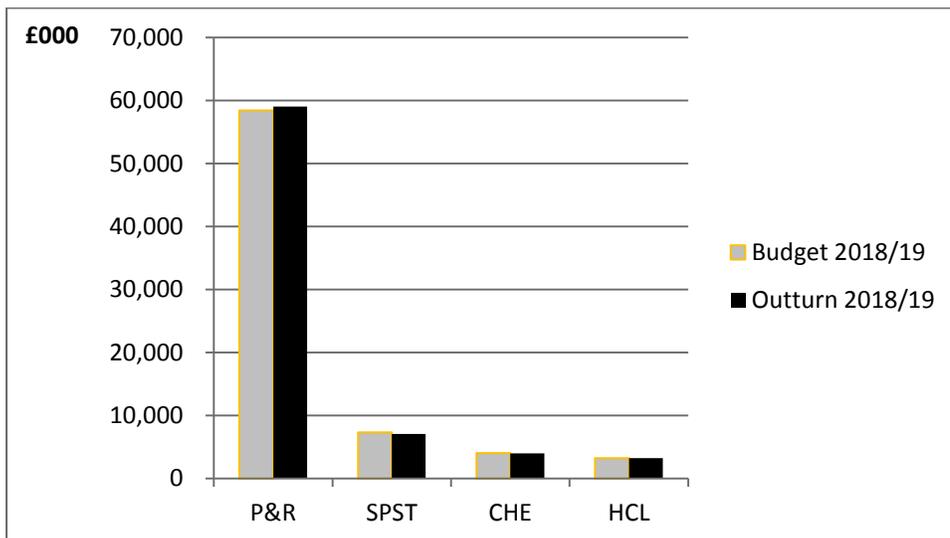
At the end of the year, there is an overall positive variance of £402,000 against the revenue budget for this Committee, of which £340,000 represents unspent grants to be carried forward, leaving a net variance of £62,000.

The budgets for each service committee now include a figure for assumed salary slippage to reflect the forecast level of vacant posts across the year. This was previously shown as a figure for the whole Council as part of the budget monitoring report for this Committee.

As illustrated by the chart below all committees stayed within their expenditure budgets with the exception of Policy & Resources Committee, although this is offset by income in excess of the budget figure. The remaining committees have all underachieved on their income budgets.



**Chart 1 Performance against budget analysed by service committee (Expenditure)**



**Chart 2 Performance against budget analysed by service committee (Income)**

The table on the following page details the budget and expenditure position for the Committee's services at the end of 2018/19. These figures represent the net budget for each cost centre. The actual position includes expenditure for goods and services which we have received but not yet paid for.

The columns of the table show the following detail:

- a) The cost centre description;
- b) The value of the total budget for the year;
- c) The actual spend to that date;
- d) The variance between expected and actual spend;

The table shows that £8.661m was spent against a net annual expenditure budget of £9.063m, representing an underspend of £402,000, including £340,000 of grants to be carried forward.

## Revenue Budget Summary Q4 2018/19

| Cost Centre                                     | Budget for Year | Outturn   | Variance |
|---|-----------------|-----------|----------|
|   | £000            | £000      | £000     |
| Community Safety                                | 50,580          | 41,137    | 9,443    |
| PCC Grant - Building Safer Communities          | 0               | 0         | 0        |
| C C T V   | 198,650         | 270,591   | -71,941  |
| Drainage  | 31,720          | 15,963    | 15,757   |
| Licences  | -6,850          | -12,107   | 5,257    |
| Licensing Statutory                             | -67,840         | -74,360   | 6,520    |
| Licensing Non Chargeable                        | 7,350           | 7,586     | -236     |
| Dog Control                                     | 27,980          | 41,090    | -13,110  |
| Health Improvement Programme                    | 8,980           | 7,500     | 1,480    |
| Pollution Control - General                     | 263,070         | 210,609   | 52,461   |
| Contaminated Land                               | 20              | 349       | -329     |
| Waste Crime                                     | 27,580          | -14,736   | 42,316   |
| Food Hygiene                                    | 9,050           | -3,312    | 12,362   |
| Sampling  | 3,370           | 0         | 3,370    |
| Occupational Health & Safety                    | 48,230          | -8,536    | 56,766   |
| Infectious Disease Control                      | 1,030           | 1,030     | 0        |
| Noise Control                                   | 1,200           | 729       | 471      |
| Pest Control                                    | -11,970         | -12,000   | 30       |
| Public Conveniences                             | 171,700         | 192,937   | -21,237  |
| Licensing - Hackney & Private Hire              | -66,050         | -63,686   | -2,364   |
| Street Cleansing                                | 1,253,730       | 1,275,085 | -21,355  |
| Household Waste Collection                      | 1,122,490       | 1,164,181 | -41,691  |
| Commercial Waste Services                       | -56,190         | -73,156   | 16,966   |
| Recycling Collection                            | 694,930         | 933,939   | -239,009 |
| Switch Cafe Project                             | 0               | 4,026     | -4,026   |
| Social Inclusion                                | 5,100           | 1,526     | 3,574    |
| Public Health - Obesity                         | 0               | 0         | 0        |
| Public Health - Misc Services                   | 2,380           | 0         | 2,380    |
| Grants  | 195,270         | 199,800   | -4,530   |
| Delegated Grants                                | 2,100           | 1,505     | 595      |
| Parish Services                                 | 127,320         | 126,120   | 1,200    |
| Members Community Grant                         | 40,400          | 40,402    | -2       |
| Strategic Housing Role                          | 49,700          | 7,138     | 42,562   |
| Housing Register & Allocations                  | 10,200          | 13,895    | -3,695   |
| Private Sector Renewal                          | -47,320         | -50,000   | 2,680    |
| HMO Licensing                                   | -14,380         | -46,074   | 31,694   |
| Homeless Temporary Accommodation                | 621,520         | 615,856   | 5,664    |
| Homelessness Prevention                         | 531,330         | 117,211   | 414,119  |
| Predictive Analysis and Preventing Homelessness | 73,000          | 73,000    | 0        |
| Aylesbury House                                 | 43,530          | 51,154    | -7,624   |
| Magnolia House                                  | -9,070          | -9,070    | 0        |
| St Martins House                                | 0               | 1,133     | -1,133   |
| Marsham Street                                  | 4,370           | 2,583     | 1,787    |

| <b>Cost Centre</b>                             | <b>Budget for<br/>Year</b> | <b>Outturn</b>   | <b>Variance</b> |
|--|----------------------------|------------------|-----------------|
|  | <b>£000</b>                | <b>£000</b>      | <b>£000</b>     |
| Sundry Temporary Accommodation (TA) Properties | -33,310                    | -33,304          | -6              |
| Pelican Court (Leased TA Property)             | 1,150                      | -6,688           | 7,838           |
| 2 Bed Property - Temporary Accommodation       | -47,330                    | -47,330          | 0               |
| 3 Bed Property - Temporary Accommodation       | -21,630                    | -21,653          | 23              |
| 4 bed Property - Temporary Accommodation       | -17,770                    | -18,445          | 675             |
| 1 Bed Property- Temporary Accommodation        | 100                        | 0                | 100             |
| Housing First Project                          | 0                          | 0                | 0               |
| Marden Caravan Site (Stilebridge Lane)         | 19,010                     | 19,148           | -138            |
| Ulcombe Caravan Site (Water Lane)              | 6,900                      | 10,575           | -3,675          |
| Head of Environment and Public Realm           | 109,100                    | 103,610          | 5,490           |
| Community Partnerships & Resilience Section    | 592,430                    | 522,448          | 69,982          |
| Licensing Section                              | 121,900                    | 112,098          | 9,802           |
| Environmental Protection Section               | 240,410                    | 217,032          | 23,378          |
| Food and Safety Section                        | 249,140                    | 289,119          | -39,979         |
| Depot Services Section                         | 766,560                    | 772,826          | -6,266          |
| Head of Housing & Community Services           | 122,720                    | 125,048          | -2,328          |
| Homechoice Section                             | 229,350                    | 217,373          | 11,977          |
| Housing & Inclusion Section                    | 640,180                    | 633,518          | 6,662           |
| Housing & Health Section                       | 347,950                    | 330,199          | 17,751          |
| Housing Management                             | 221,070                    | 194,012          | 27,058          |
| Homelessness Outreach                          | 55,680                     | 44,957           | 10,723          |
| Salary Slippage 3CHE                           | -93,100                    | 0                | -93,100         |
| Fleet Workshop & Management                    | 274,200                    | 346,521          | -72,321         |
| MBS Support Crew                               | -52,880                    | -46,257          | -6,623          |
| Grounds Maintenance - Commercial               | -17,180                    | -154,953         | 137,773         |
|  | <b>9,062,860</b>           | <b>8,660,892</b> | <b>401,968</b>  |

**Table 1 Revenue Budget Position 2018/19 – Communities, Housing and Environment Committee**

## Significant Variances

Within these headline figures, there are a number of adverse and favourable variances for individual service areas. This report draws attention to the most significant variances, i.e. those exceeding £30,000, and the table below provides further detail regarding these variances.

|  | Positive Variance Q4 | Adverse Variance Q4 | Year End Variance |
|--|----------------------|---------------------|-------------------|
| <b>Communities, Housing and Environment Committee</b>  | <b>£000</b>          |                     |                   |
| <b>CCTV</b> – This variance is a combination of a budget strategy savings target that has not been realised along with a shortfall in income.  |                      | -72                 |                   |
| <b>Pollution Control – General</b> – There is an unused grant of £37,000 that will be carried forward to 2019/20.  | 52                   |                     |                   |
| <b>Waste Crime</b> – This variance was mainly caused by unspent running costs budgets.   | 42                   |                     |                   |
| <b>Occupational Health &amp; Safety</b> – This was due to an unspent professional services budget. Costs in this area fluctuate depending on whether there are Health & Safety cases requiring investigation.  | 57                   |                     |                   |
| <b>Household Waste Collection</b> – Additional wheeled bins were purchased during the year and this has led to the overspend in this area.   |                      | -42                 |                   |
| <b>Recycling Collection</b> – The overspend in this area was caused by a one-off adjustment of £0.341m to move from a cash basis of accounting, where all income is taken when money is received, to an accruals basis, where it is attributed to the period when it is earned. This was necessary to comply with the requirements of a new accounting standard. |                      | -239                |                   |
| <b>Strategic Housing Role</b> - There is an unused grant of £36,000 that will be carried forward to 2019/20.   | 42                   |                     |                   |
| <b>HMO Licensing</b> – This variance is a result of licences paid in advance which has led to excess income being received.  | 32                   |                     |                   |
| <b>Homelessness Prevention</b> – There has been an underspend in the homefinder scheme and the deposit bond scheme budgets. There are also unused grants of £260,000 that will be carried forward to 2019/20.  | 414                  |                     |                   |
| <b>Community Partnerships &amp; Resilience Section</b> – This variance was mainly down to vacant staff posts, along with an underspend in the standby payment budget.  | 70                   |                     |                   |
| <b>Fleet Workshop &amp; Management</b> – The workshop service has now been outsourced but delays in the start date meant work had to be undertaken by local garages at a greater expense. There is also an unrealised budget strategy saving of £50,000.   |                      | -72                 |                   |
| <b>Grounds Maintenance – Commercial</b> – Additional income has been generated in this area from section 106 funded works, capital projects and other external works.  | 138                  |                     |                   |

|  |  |     |  |
|--|--|-----|--|
| <b>Salary Slippage</b> - Assumed saving from normal level of turnover in staff. The actual savings are reflected in individual cost centres. |  | -93 |  |
|--|--|-----|--|

Table 2 Significant Variances – Communities, Housing and Environment Committee

# Capital Budget 2018/19



## Capital Spending

The five year capital programme for 2018/19 onwards was approved by Council on 7 March 2018. Funding for the programme remains consistent with previous decisions of Council in that the majority of capital resources come from New Homes Bonus along with a small grants budget.

The outturn position for 2018/19 is set out in the table below. For the year expenditure totaling £9.196m has been incurred against a budget of £12.189m, which represents slippage of £2.994m.

### Capital Budget Summary 2018/19

| Capital Programme Heading                       | Revised Estimate<br>2018/19<br>£000 | Outturn<br>2018/19<br>£000 | Budget<br>Remaining<br>£000 | Budget Not<br>Required<br>£000 |
|---|-------------------------------------|----------------------------|-----------------------------|--------------------------------|
| Housing Incentives                              | 1,041                               | 26                         | 1,015                       |                                |
| Housing - Disabled Facilities Grants<br>Funding | 1,348                               | 578                        | 770                         |                                |
| Housing Investments                             | 4,683                               | 4,446                      | 236                         |                                |
| Purchase of Lenworth House                      | 2,228                               | 2,415                      | -187                        |                                |
| Brunswick Street - Costs of Scheme              | 1,642                               | 980                        | 661                         |                                |
| Union Street - Costs of Scheme                  | 917                                 | 720                        | 197                         |                                |
| Commercial Waste                                | 180                                 |                            | 180                         |                                |
| Street Scene Investment                         | 151                                 | 29                         | 122                         |                                |
| <b>Total</b>                                    | <b>12,189</b>                       | <b>9,196</b>               | <b>2,994</b>                |                                |

**Table 3 Capital Expenditure 2018/19**

- The Housing Incentives budget has historically been under-utilised and is being reviewed to reset it to a more realistic level.
- The unused Disabled Facilities Grant budget will be rolled forward for use in 2019/20.
- The second phase of the Housing Investments for temporary accommodation project is complete and the unused budget will be carried forward to be included within the budget for phase 3.
- The purchase of Lenworth House was completed in the fourth quarter, however additional works were required to complete the project as well as professional fees that were not allowed for in the initial project budget.
- The construction phase of the Brunswick Street and Union Street developments is now under way.
- The Commercial Waste budget is for the purchase of a new vehicle. The purchase date has slipped to 2019/20.

# Agenda Item 15

## Communities, Housing and Environment Committee

18 June 2019

### Environmental Health, Waste Crime and Community Protection Enforcement Policy 2019

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

#### Executive Summary

This report updates, revises and combines the existing enforcement policies for both the Mid Kent Environmental Health Service and Maidstone's Community Protection Team and Waste Crime, as both service areas cover environmental and public health legislation and share similar processes. The 2019 enforcement policy provides a framework for enforcement decisions to be consistent, transparent and proportionate. It allows businesses, organisations and the community to be aware of the basis on which enforcement action is taken.

#### Purpose of Report

Decision

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

1. To approve the adoption of the Environmental Health and Communities Protection Enforcement Policy 2019

#### Timetable

| <b>Meeting</b> | <b>Date</b>  |
|----------------|--------------|
| Committee      | 18 June 2019 |

# Environmental Health, Waste Crime and Community Protection Enforcement Policy 2019

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue                                 | Implications  | Sign-off   |
|---------------------------------------|---|--|
| <b>Impact on Corporate Priorities</b> | <p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>The draft policy has elements that will support all of the priorities listed in the Strategic Plan.</p>  | Tracey Beattie<br>Mid Kent<br>Environmental<br>Health<br>Manager |
| <b>Cross Cutting Objectives</b>       | <p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendation supports the achievement of the Health Inequalities and Environmental Sustainability cross cutting objectives by providing clear guidelines for the enforcement of public health and the environmental protection legislation.</p> | Tracey Beattie<br>Mid Kent<br>Environmental<br>Health<br>Manager |
| <b>Risk Management</b>                | <p>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.</p>  | Tracey Beattie<br>Mid Kent<br>Environmental<br>Health<br>Manager |
| <b>Financial</b>                      | <p>The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.</p>  | [Section 151<br>Officer &<br>Finance<br>Team]                    |
| <b>Staffing</b>                       | <p>We will deliver the recommendations with our current staffing.</p>   | John<br>Littlemore,  |

|                                    |   |   |
|------------------------------------|---|---|
|                                    |   | Head of Communities and Housing                         |
| <b>Legal</b>                       | <p>The recommendations provide a comprehensive and consistent single enforcement policy across the Environmental Health Service and the Community Protection Team.</p> <p>The legal implications are set out in the body of the report, see in particular 4.1 and 4.2 of the draft policy. The draft policy has been prepared in accordance with the framework.</p> | Sarah Beasley,<br>Lawyer Mid Kent Legal Services        |
| <b>Privacy and Data Protection</b> | Accepting the recommendations will not increase the volume of data held by the Council. We will hold that data in line with our retention schedules.  | Tracey Beattie<br>Mid Kent Environmental Health Manager |
| <b>Equalities</b>                  | <p>The recommendations do not propose a change in service therefore will not require an equalities impact assessment</p> <p>However, we recognise the diversity of our business client group and will ensure that the communication of the revised Policy is reflective of this.</p>  | Tracey Beattie<br>Mid Kent Environmental Health Manager |
| <b>Public Health</b>               | We recognise that the recommendations will have a positive impact on population health or that of individuals.  | Tracey Beattie<br>Mid Kent Environmental Health Manager |
| <b>Crime and Disorder</b>          | The recommendation will have a positive impact on Crime and Disorder. The Community Protection Team have been consulted and mitigation has been proposed  | Martyn Jeynes,<br>Community Protection Manager          |
| <b>Procurement</b>                 | No implications identified  | John Littlemore,<br>Head of Communities and Housing     |

## **2. INTRODUCTION AND BACKGROUND**

- 2.1 The Mid Kent Environmental Health Service, Waste Crime and the Community Protection Team operate with environmental and public health legislation that can impact on people and businesses in our community. Each of these services seek to protect the health and wellbeing of individuals from harm whether this is from food, noise, smoke or poor health and safety practices and to protect the environment.
- 2.2 Currently the Mid Kent Environmental Health and Community Protection and Waste Crime Teams have separate enforcement policies, which cover the specific aspects of the work we engage with. But it is good practice to carry out regular reviews to ensure that they meet the needs of the legislation and in the light of enforcement experience. We also review our policies to ensure that any changes made in national guidance since the last policy review are included within the revision. Until the new Mid Kent Environmental Health, Waste Crime and Community Safety Enforcement Policy 2019 is approved, each service will continue to carry out enforcement actions under their existing enforcement policies.
- 2.3 There are many aspects of the work Environmental Health, Waste Crime and Community Protection deliver, in terms of legislation and enforcement process and it is proposed that we could review and update our separate policies into one combined enforcement policy. To this end the authors have collaborated to develop one enforcement policy that captures the remit of the three service areas, reflects national guidance and best practice within one policy. We have also worked closely with the Contentious Team, Mid Kent Legal Service, to ensure the policy meets with their approval.
- 2.4 The enforcement policy provides managers and officers with guidance and a framework for the enforcement process; it does not determine the outcome of individual cases. The policy also provides both businesses and individuals with clear indications on how they will be treated. It should provide them with the confidence that enforcement action is consistent and proportionate with any non compliance.
- 2.5 In terms of decision making within individual service areas, officer are authorised according to their competency and role, these are reviewed annually. Each service, Mid Kent Environmental Health, Waste Crime and Community Protection have clear decision making processes that help to embed consistent standards in their service areas.
- 2.6 As a general principle officers follow a stepped approach to enforcement, but where there are serious or flagrant breaches of legislation, or there is imminent risk to the health or welfare of people, immediate enforcement action may be considered.
- 2.7 The policy also identifies that sometimes the local authority have no power to act when complaints are made. For example where we are not the correct regulator or where the problem and its solution sits outside any statutory powers, for example civil or common law.

- 2.8 The enforcement options available to officers in the Mid Kent Environmental Health Service, Waste Crime and Community Protection Teams range from advice and guidance, written warning, statutory notices, fixed penalty notice, seizure, refusal or revocation of approval for food businesses, simple caution, and prosecution. In general most work undertaken by our services involves advice, guidance and written warnings. To provide context, there were 6 health & safety improvement notices and 1 prohibition notice served by Mid Kent Food & Safety team; 40 Community Protection Warnings and 2 Community Protection Notices issued by the Community Protection Team for 2018-19.
- 

### **3. AVAILABLE OPTIONS**

- 3.1 To approve the combined enforcement policy for both the Mid Kent Environmental Health Service and Community Protection Team. To enable provide better clarity and wider scope than the current individual service policies.
- 3.2 Committee may decide not to approve the policy in its current form and request both services have individual enforcement policies. There will be a delay in adopting the revised enforcement policies and an increase in committee workload with two separate policies coming before committee. There will be no impact on the work of the service areas who will take enforcement decisions based on the current policies.
- 

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

- 4.1 The preferred option is the approval of the Environmental Health and Community Protection Enforcement Policy. The policy is comprehensive and extensive consultation with the Mid Kent Legal Service has been undertaken in its preparation. The new policy includes further clarity on options and scope for enforcement not specifically addressed in the existing policies.
- 

### **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 in this report at paragraph 2.2. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

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

- 6.1 No consultation process is considered necessary for the enforcement policy. National guidance and best practice were considered and used in its drafting.
-

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

- 7.1 The Enforcement Policy will be published on the Maidstone B C website for view or download. Printed copies will be available at Maidstone Gateway and on request from officers of the services.

## **8. REPORT APPENDICES**

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

Appendix 1: Draft Environmental Health and Communities Protection Enforcement Policy 2019

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## **9. BACKGROUND PAPERS**

***None***



## **ENVIRONMENTAL HEALTH, WASTE CRIME & COMMUNITY PROTECTION ENFORCEMENT POLICY**

### **1. INTRODUCTION**

- 1.1. The Council has a responsibility to enforce specific legislation identified within the Council’s Constitution. We also have a responsibility to ensure that we enforce these regulations following the statutory principles of good regulation. Each case is unique and will be considered on its own merits but this document has been prepared to set out our approach, the general principles to be applied and the factors to be taken into consideration when determining the enforcement actions to apply or recommend.
- 1.2. Our primary function is to achieve regulatory compliance in order to protect the public, legitimate business, the environment, consumers and workers.

### **2. AIMS 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. To provide a clear framework for officers undertaking regulatory enforcement work clearly setting out the factors to consider to achieve the principles of good enforcement identified in the policy.

### **3. SHARED ROLE/PARTNERSHIP**

- 3.1 Regulatory enforcement can in many situations overlap with enforcement responsibilities of external agencies or other services within the council. Officers shall consider this wider context of enforcement if there is a shared or complementary role with internal and external partners. The main organisations and services are listed below (this is not an exhaustive list):

**Internal partners:**

- Waste Services
- Street Scene/Cleansing
- Licensing
- Development Control & Planning Enforcement
- Housing

**External partners:**

- Trading Standards
- Kent Police
- Social and Mental Health Services
- Maidstone Mediation Service
- Housing Associations
- Voluntary sector organisations
- Environment Agency
- Kent Fire and Rescue

## **4. GOVERNANCE AND ETHICS**

### **4.1. Equality and Diversity**

We will take into account the legal and procedural implications of The Human Rights Act 1998 and European Convention on Human Rights.

We will also have regard to our responsibilities as described in the Maidstone Borough Council Equality Policy. We recognise there is diversity within the community. Care will be taken to ensure enforcement actions are clearly understood by all. For example, we will provide documents in an appropriate language wherever possible. We may also arrange for an interpreter.

Many of the activities which we seek to control happen out of office hours. Within our resource and if considered necessary we will arrange for some enforcement to take place out of usual office hours. This will include monitoring enquiries, etc.

### **4.2. Legislative and Regulatory Reform**

This policy has been prepared with regard to the current principal legislation and statutory guidance including:

**The Regulatory Enforcement and Sanctions Act 2008**

**Enterprise Act 2016**

**Co-ordination of Regulatory Enforcement Regulations 2017**

**Legislative and Regulatory Reform Act 2006**

**Legislative and Regulatory Reform (Regulatory Functions) Order 2007 as amended in 2009 2010 and 2014**

**Regulators Code April 2014**

Regard is also given to

**The Code for Crown Prosecutors**

We are committed to delivering our regulatory activities in a manner that is risk-based, proportionate and consistent and we aim to be transparent and accountable about our regulatory approach and activities, in accordance with the statutory principles of good regulation.

#### **4.2.1 When we take enforcement action we aim to:**

- change behaviour
- change attitudes in society to offences which may not be serious in themselves, but which are widespread
- eliminate any financial gain or benefit from non-compliance

- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction
- be proportionate to the nature of the offence and the harm caused
- restore the harm caused by regulatory non-compliance, where appropriate
- deter future non-compliance

4.2.2 When considering formal enforcement action, we will, where reasonably practicable, discuss the circumstances with those suspected of a breach of regulation and take any information gained into account when deciding on the appropriate enforcement approach. However in some situations, for example, where immediate action is required to prevent or respond matters of imminent risk to public health or where such an approach will defeat the purpose of the proposed enforcement measure we may not be able to do so.

4.2.3 Where businesses are in a Primary Authority Partnership under The Regulatory Enforcement and Sanctions Act we will, where required, comply with the agreed provisions for enforcement and notify the business's Primary Authority of the enforcement action we propose to take. We may under that Act also refer the matter to Office for Product Safety and Standards if appropriate.

## 5 METHODS OF ENFORCEMENT

There are a wide range of actions available to the authority and we may respond with one or more of them as is proportionate. There are some cases where we may take enforcement action after compliance has been achieved if it is in the public interest to do so:-

### **Informal Action**

- a) No Action
- b) Informal Action - Advice and Guidance

### **Formal Action**

- c) Formal Written Warning
- d) Statutory Notices, Community Protection Notices, Public Spaces Protection Order
- e) Fixed Penalty Notices
- f) Prosecution
- g) Simple Caution
- h) Seizure and Detention
- i) Works in default
- j) Forfeiture Proceedings
- k) Refusal/Suspension/Revocation of a licence
- l) Injunctive Actions and other Civil Sanctions

We believe in firm but fair enforcement and will follow enforcement proportionate to the offence. Where there is a serious or flagrant breach of legislation, or there is an imminent risk to the health or welfare of people, immediate enforcement action may be considered

## 5.1 No Action

In some circumstances reports are made to the council which fall outside any legislation that they have a responsibility to enforce in which case the complainant will be informed that the council or other agency has no statutory role. Where legislation does apply the only circumstance where no action should be taken is when the breach was a result of a genuine mistake where, once identified, immediate action was taken to comply.

## 5.2 Informal Action – Advice and Guidance

The term informal action means offering advice and guidance to persons, businesses or organisations, this can be verbally or in writing. If it is included in forms or letters it will be clearly identified as such. Situations which may be dealt with through informal action are generally but not exclusively:

- The act or omission is **not serious enough** to warrant formal action or,
- From the past history it can be reasonably expected that informal action will achieve compliance or,
- Where we seek to educate and inform of 'good practice'

## 5.3 Formal Action

As an authority we can take action through more formal means to achieve compliance or protect the public, this includes the following options.

### 5.3.1 Formal Written Warning

A formal written warning is used where the act or omission is **serious enough** to warrant formal written warning and must contain the following:

- All the information necessary to understand what is required and why it is necessary,
- The legislation contravened and measures which enable compliance to be achieved,
- Clearly differentiate between legal requirements and recommendations of good practice, and
- A reasonable date for compliance

Where the recipient of the letter disagrees with any requirement and there is a "right of appeal", where identified in legislation, this should be made to the relevant Team Leader/Manager.

### 5.3.2 Statutory Notices

Notices may be served in circumstances where there is a **serious contravention, imminent risk to safety or health, or continuing non-compliance**. Notices include, but are not limited to:

**Hygiene Emergency Prohibition Notices** (food) or **Prohibition Notices** (health and safety) which require contravening activities to cease immediately, and may close all or part of a premise.

**Hygiene Emergency Prohibition Notices** (food) must be confirmed by a Magistrates Court within 3 days of service.

**Hygiene Improvement Notices** (food) or **Improvement Notices** (health and safety) may be served to correct specific contraventions of the legislation, and specify a compliance date. In both cases, the Notice must state what provision is being contravened, and what is necessary in order to comply with it.

**Environmental Protection Act** notices may be served for contraventions of appropriate legislation e.g. for the existence of a statutory nuisance. Notices shall be served to require persons, businesses or organisations to cease contravening activities, or improve conditions to comply with legislation within a reasonable time.

**Community Protection Notices** (CPNs) may be issued under the Anti-social Behaviour, Crime and Policing Act 2014 will always be preceded by a community protection warning. The scope of use for CPNs is extremely broad, for example:

- Anti-social behaviour
- Litter and refuse accumulations
- Dog control including repeat strays
- Noise including barking dogs
- Bonfires and other nuisances
- Public Health issues including vermin

Where the legislation contains an appeal process no further action will be taken until the appeal period is completed. Officers will revisit to confirm the notice has been complied with. Failure to comply with a Notice is an offence in itself and may result in prosecution.

### 5.3.3 **Fixed Penalties Notices**

Fixed Penalty Notices (FPNs) can be issued under specified legislation and enables people to discharge their liability for prosecution by accepting and paying a FPN; the amount to pay varies according to the specified legislation and can include reduced amounts for early payment where adopted or required.

**5.3.3.1** If a FPN is paid in full within the prescribed period no further action will be taken by the Borough Council. If a FPN is not paid in full within the prescribed period legal proceedings will be considered.

**5.3.3.2** We cannot accept payments 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.

**5.3.3.3** There are no grounds of appeal against a 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.

#### 5.3.4 Prosecution

The authority to prosecute will be given in accordance with the council's constitution. The decision to prosecute will be made by the Head of Mid Kent Legal Services having regard to the authorisation from the relevant authorising officer and the Full Code Test as set out in the code for Crown Prosecutors which has two stages which must be satisfied:

1. The Evidential Stage – is there sufficient evidence to provide a realistic prospect of conviction against the offender
2. The 'Public Interest' Stage – is it in the public interest for the case to be brought to court?

This can be found at:

[http://www.cps.gov.uk/publications/code\\_for\\_crown\\_prosecutors](http://www.cps.gov.uk/publications/code_for_crown_prosecutors)

**5.3.4.1** The decision to recommend the institution of proceedings will in general be in respect of those persons or organisations that:

- visually or materially damage the environment;
- blatantly disregard the law;
- fail to achieve basic legal standards, (often following previous contact with the Services); or
- who put the public at risk

**5.3.4.2** The investigating officer, when deciding on the appropriateness for legal proceedings (prosecution) shall also take the following criteria into account:

- **Community Benefit**

Legal proceedings may be taken on the first occasion of certain events because of the seriousness of the case and/or Community benefit from a prosecution and its likely deterrent effect.

- **Blatant Breach of Law**

Where there is a breach of law is such that public health, safety or well being, animal health or welfare or the local environment is or has been put at risk, it would be appropriate to take legal proceedings.

- **Failure to comply with a Statutory Notice**

Legal proceedings, seizure of equipment or works in default will usually be appropriate, in cases of failure to comply with improvement or prohibition notices or other notices requiring or prohibiting action.

- **Failure to comply with Lawful Requirements**

If a person or business fails to comply with lawful requirements, having been advised on previous occasions, legal proceedings will usually be taken.

- **History of Non-compliance**

If there is a history of non-compliance with legislation by a person or business then legal proceedings will usually be taken.

- **Obstruction**

Legal proceedings will be taken in cases of deliberate obstruction of an officer.

### 5.3.5 **Simple Cautions**

The decision to offer a simple caution will be made by the appropriate Head of Service or Director having received a recommendation from their Service Manager in consultation with the Head of Legal Services.

**5.3.5.1** We may use a simple caution as a proportionate alternative to prosecution and in accordance with Ministry of Justice guidance 'Simple Cautions for Adult Offenders' (dated 13.4.15).

**5.3.5.2** A simple caution will only be considered:

- Where we are satisfied that there is sufficient evidence to provide a realistic prospect of conviction against the offender,
- The offender admits the offence,
- The offender consents to being cautioned, and
- It is in the public interest to offer a simple caution in respect of the offence rather than to prosecute

**5.3.5.3** Where a simple caution is offered and declined we are likely to consider prosecution.

### 5.3.6 **Seizure and Detention**

Certain legislation enables authorised officers to seize goods or equipment. This includes unsafe food or dangerous pieces of work equipment, noise generating equipment or vehicles associated with certain waste crime etc. Receipts will be issued to the person from whom the goods are seized. Where the law requires, seized goods will be taken before a Magistrate e.g. unfit food.

### 5.3.7 **Works in Default**

Under certain legislation a council can undertake work in default and recover the cost from the occupier or owner. This may be appropriate for example, when:

- It is necessary to carry out work in the public interest and/or the costs are not prohibitive,
- There is a failure to carry out work covered by a statutory notice,

- Immediate action is required, or
- It is unlikely that work will be carried out unless done in default

### 5.3.8 **Forfeiture Proceedings**

In certain situations it may be appropriate for the council to seek forfeiture of property to address a contravention. This would only occur where the legislation gives the Council the power to do so and would be through an application to the Court.

### 5.3.9 **Refusal / Suspension / Revocation of Licence / Approval / Authorisation**

Licences, Approvals and Authorisations are issued under specific legislation and will only be refused, suspended or revoked following appropriate procedures and consideration of all relevant evidence.

Certain food business manufacturing or handling high risk food products require approval to allow their foods to be sold. For the approval to be refused, suspended or revoked, one or more of the following criteria must be met:

- Failure to comply with legal requirements
- Have ignored written warnings or statutory notices
- Are producing unsafe food products likely to harm human health
- Obstructed an officer undertaking their duties

### 5.3.10 **Injunctions and Civil Sanctions**

An injunction can be used to deal with a wide range of behaviours, many of which can cause serious harm to victims and communities. If a person 'engaged or threatens to engage in anti-social behaviour' an application may be considered. This could include but is not limited to irresponsible dog ownership or noisy/abusive behaviour towards neighbours.

Many of the civil sanctions available to the authority are already identified in sections 5.3 other appropriate options may be considered such as restoration or stop notices.

### 5.3.11 **Other Enforcement Action**

the diverse and evolving nature of the legislation used across the services named in this policy means that other enforcement tools can be appropriate, but it is not practical to list them all here. Where other enforcement action is used its use will be proportionate and only by officers that are trained and authorised in writing to do so in accordance to section 6 below.

## **6 AUTHORISATION**

- 6.1 Officers carrying out enforcement work will be suitably trained, experienced and authorised to do so in writing.

- 6.2 Officers authorised to sign and serve various documents will have the level of competence and ability required. Officers authorised will carry identification and will have evidence of their authorisation.

## **7 DECIDING ON ENFORCEMENT ACTION TO BE TAKEN**

- 7.1 For infringements resulting in 'no action', 'advice and guidance' and 'formal written warning' the case officer will decide upon the appropriate course of action.
- 7.2 The case officer's decision will be based upon professional judgement, legal guidelines, statutory codes of practice, guidance. Advice and confirmation can be obtained from colleagues and the Team Leader.
- 7.3 For infringements resulting in enforcement methods not listed at 7.1 the case officer will consult with the Team Leader to decide the appropriate course of action. This will include service of Hygiene Emergency Prohibition Notices (food), Prohibition Notices (health and safety), refusal / suspension / revocation of licences / approvals / authorisations. Where the Team Leader is unavailable, the Environmental Health Manager or other senior manager will be consulted.
- 7.4 In the case of service of Hygiene Emergency Prohibition Notices (food) and Prohibition Notice (health and safety), agreement of the Food and Safety Team Leader, the Environmental Health Manager or other senior manager may not be possible where there is an imminent and serious risk to safety or health. Officers will inform them as soon as practicable.
- 7.5 In exceptional circumstances where officers, on consideration of the evidence and the risk to health or the environment, may depart from the policy.
- 7.6 In the case of a work related death, the case officer must inform and liaise with Kent Police in accordance with the protocol 'Work Related Deaths: A protocol for liaison'. This may result in a joint investigation. Where Kent Police/Crown Prosecution Service decides not to pursue a manslaughter case, consideration will be given to a health and safety prosecution, in-line with this policy.

## **8 APPLICATION OF THIS POLICY**

- 8.1 The principles contained within the enforcement policy shall be applied to the enforcement of legislation within the remit of the Community Protection team and Mid Kent Environmental Health Service.
- 8.2 The preparation of this policy and any supplementary supporting documents will involve, where appropriate, consultation of affected parties.

## **9 APPROVAL**

- 9.1 The enforcement policy will be approved by the Communities, Housing and Environmental Committee.

## **10 ACCESS TO THE POLICY**

- 10.1 The policy is available on the Maidstone Borough Council website and at the Maidstone Borough Council offices. The case officer will be able to provide a copy of this policy given suitable notice. On request and where practicable this policy may be made available on tape, in Braille, large type, or in a language other than English.

DRAFT

## **11 REVIEW OF POLICY**

- 11.1 The Policy will be kept under review to take account of changes in legislation and amendments found necessary as a result of internal monitoring.

## **12 COMPLAINTS**

- 12.1 If a person feels we have not followed the enforcement policy or has a complaint about the application of the policy complaints may be made through the Corporate Complaints process accessed from the website [maidstone.gov.uk](http://maidstone.gov.uk).

DRAFT

**Communities, Housing & Environment Committee**

**18 June 2019**

**Mid Kent Environmental Health Annual Report 2018-19**

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

**Executive Summary**

**Purpose of Report**

This report is to update the members of the Communities, Housing and Environment on the work of the Mid Kent Environmental Health Service for Maidstone during 2018-19.

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

1. That the Communities, Housing and Environment Committee note the content of the report.

**Timetable**

| <b>Meeting</b>                                 | <b>Date</b>  |
|--|--------------|
| Communities, Housing and Environment Committee | 18 June 2019 |

# Mid Kent Environmental Health Annual Report 2018-19

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

| <b>Issue</b>                          | <b>Implications</b>   | <b>Sign-off</b>   |
|---------------------------------------|---|---|
| <b>Impact on Corporate Priorities</b> | The report is for information only. The Service contributes towards 'keeping Maidstone an attractive place for all' and 'securing a successful economy for Maidstone'.  | Tracey Beattie<br>Mid Kent Environmental Health Manager |
| <b>Risk Management</b>                | No risk management implications have been identified.   | Tracey Beattie<br>Mid Kent Environmental Health Manager |
| <b>Financial</b>                      | The information set out in the report are all already within approved budgetary headings and so need no new funding for implementation.   | Head of Housing & Community Services                    |
| <b>Staffing</b>                       | We will deliver the recommendations with our current staffing.  | Head of Housing & Community Services                    |
| <b>Legal</b>                          | This report is for information only. Regular reports on the Service's work and performance in relation to the Council's statutory functions as mentioned in the report assist in demonstrating best value and compliance with the statutory duty. | Keith Trowell, Team Leader (Corporate Governance), MKLS |
| <b>Privacy and Data Protection</b>    | There is no specific privacy or data protection issue to address.   | Keith Trowell, Team Leader (Corporate Governance), MKLS |

|                                 |   |   |
|---------------------------------|---|---|
| <b>Equalities</b>               | The recommendations do not propose a change in service therefore will not require an equalities impact assessment   | Equalities and Corporate Policy Officer                 |
| <b>Public Health</b>            | We recognise that the recommendations have a positive impact on population health or that of individuals. .   | Tracey Beattie<br>Mid Kent Environmental Health Manager |
| <b>Crime and Disorder</b>       | No implications have been identified  | Tracey Beattie<br>Mid Kent Environmental Health Manager |
| <b>Procurement</b>              | None identified   | Head of Housing & Community                             |
| <b>Cross Cutting Objectives</b> | The two of the four cross-cutting objectives are: <ul style="list-style-type: none"> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> | Tracey Beattie<br>Mid Kent Environmental Health Manager |

## 2. INTRODUCTION AND BACKGROUND

2.1 Mid Kent Environmental Health (MKEH) are responsible for delivering the following functions for Maidstone Borough Council; Food Safety, Health & Safety, Infectious Disease control, Contaminated Land, Pollution Prevention Control, Private Water Supplies and Air Quality. Other reactive environmental work for example, noise and other nuisance complaints are delivered by the Community Protection Team.

2.2 The purpose of establishing a shared service for delivering these environmental health functions was to provide professional resilience to meet the demands of the highly regulated areas of work and protect public health in its widest context.

2.3 This report provides an update to committee on the work achieved by the service since 1 April 2018.

## **2.4 Officer Training and Professional Development**

MKEH places a strong emphasis on developing all individuals within its teams. This year we have seen a food officer pass the rigorous Environmental Health Officers Board (EHORB) with a Distinction in her professional interview and for her log book. We gave her the time to complete her portfolio of experience. She trained with other colleagues across all the environmental health disciplines and the public health team in Tunbridge Wells, but the hard work of writing the reports was down to her.

In 2018-19 we provided student placements for 3 Student EHOs; one left for a position in Bath and North Somerset, another obtained a position with Swale B C Housing Service and the third is currently completing his portfolio and exams for completion in early summer 2019.

We provide 'in house' learning opportunities for all officers through joint team meetings; this allows us to provide low cost training for the Continuing Professional Development requirements of 20 hours (30 hours for Chartered status) each professional officer is required to retain their membership of the Chartered Institute of Environmental Health.

There is a programme of mentoring and coaching by senior officers who have specialised in aspects of environmental health to allow less experienced officers opportunities to develop expert knowledge. For example, officers working with Air Quality specialists to gain expertise, as well as undertaking external training and professional development courses. We have committed to development programmes for two officers over 2019-20 to provide continuity and transition within Air Quality specialist roles that have been extremely difficult to recruit in the wider recruitment market during 2017-18.

We have promoted internally from EHO to senior EHO roles and the Team Leader role in the Sittingbourne Food & Safety Team. We have also been fortunate to recruit a number of highly experienced officers to MKEH over the year.

Looking forward we intend to recruit to a Regulatory Compliance Officer Apprentice who will undertake the newly approved training programme in the summer of 2019. This is a long term programme intended to help develop our own talent from the communities we work within and we will also continue with our student placements for graduate EHOs to complete the new qualification route into the profession.

## **2.5 Food Safety**

The annual local authority enforcement (LAEMS) return to the Food Standards Agency for the year ending March 2019 has been completed. It shows that Maidstone have completed 1018 out of 1033 interventions due in the year, 98.5%.

With public awareness of food safety increasing with the Food Hygiene Rating Scheme (FHRS) we have seen a steady number of businesses wishing to improve their already satisfactory scores from 3. 13 requests

for rescoring were made to the team within the first year of the charging fee being applied. Overall 98.5% of food businesses eligible for the scheme in Maidstone achieve a 3 or more score.

There have been 2 appeals against the Food officer's scores following inspection and we have adopted a rigorous process of assessment for such appeals by both Food & Safety Team Leaders who review the inspection reports and take into account the evidence provided by the food business operator. This is to confirm that the Food Standards Agency Brand Standard for the Food Hygiene Rating Scheme has been followed and scoring has been fairly applied by the inspecting officer.

We understand that food businesses need to access good quality food hygiene training for their staff; however we have noticed a decline in numbers of attendees which reflects the growing trend in online training.

We have joined with Kent Trading Standards to develop a new course for businesses which seeks to inform them of the importance and need for allergen information for menus, labelling etc (trading standards). The environmental health element will focus on how to gain and maintain a '5' rating in the FHRS. This is being piloted and administered through Maidstone BID and should be operational in early summer.

Further data from the Local Authority Enforcement Management System (LAEMS) for Maidstone during 2018-19 is included in Appendix 1

## **2.6 Health & Safety**

Health and safety enforcement is divided between the HSE and local authorities, with our enforcement primarily in the leisure and service industries. Our work is delivered through targeted projects identified at a national level by the HSE, based on risk analysis of national accident data and other factors to determine areas considered to present higher risk for local authorities' enforcement. Using local knowledge officers then identify the project they consider most suited to our needs in Mid Kent.

This year the team have undertaken a project on safety in care homes. Again officers were provided with an initial training event and a carefully organised programme of joint inspections using information from the database and geographical knowledge to ensure best use of resources.

As well as project work the team have a duty to investigate complaints and accident notifications through the HSE RIDDOR website. RIDDOR is the official method for businesses to notify authorities of accidents, incidents and dangerous occurrences. Not all RIDDOR reported accidents or complaints require investigation but all notifications are assessed by professional officers, for example, an incident where no work activity has occurred does not warrant investigation.

**Table 1: Reactive Health & Safety (Maidstone B C)**

|                                 | <b>2016-17</b> | <b>2017-18</b> | <b>2018-19</b> |
|---------------------------------|----------------|----------------|----------------|
| <b>H&amp;S prosecutions</b>     | 1              | 0              | 0              |
| <b>Improvement Notices</b>      | 2              | 0              | 6              |
| <b>Prohibition Notices</b>      | 1              | 1              | 1              |
| <b>Non Reportable Accidents</b> | 44             | 24             | 4              |
| <b>Reportable Accidents</b>     | 92             | 53             | 51             |
| <b>H&amp;S Advice Requests</b>  | 2              | 8              | 6              |
| <b>Complaints of H&amp;S</b>    | 15             | 22             | 32             |
| <b>LOLER notifications*</b>     | 3              | 6              | 8              |
| <b>Asbestos Notifications</b>   | 0              | 1              | 11             |
| <b>Total Number</b>             | <b>84</b>      | <b>61</b>      | <b>61</b>      |

\*Lifting Operations and Lifting Equipment Regulations 1998

The reduction in non reportable accidents between 2016 -17 (44) 2017-18 (24) and 2018-19 (4) has been due to better 'triaging' and recording of reported accidents at the initial stage of contact. We have achieved this by training and advising contact centre staff and environmental health administration officers during the course of the year.

The significant reduction in Reportable Accidents between 2016/17 (92) and the subsequent years is due to reduced reporting through the HSE RIDDOR system.

## 2.7 **Special Treatments – tattoo, cosmetic piercing, semi-permanent beauty treatments, acupuncture, electrolysis**

The purpose of registering businesses for tattooing and other treatments is to prevent the spread of infectious diseases and protect public health.

Maidstone Tattoo Extravaganza at Easter attracts tattoo artists from around the world who give demonstrations of their skills and offer tattoos to the public. The popularity of this event has expanded since 2017 although there has been a slight reduction in the total number of tattooists attending this year, this may be due to the exceptionally good weather we had this Easter. Our role is to work with the organiser to ensure all stalls meet the Bye-Laws adopted by Maidstone.

**Table 2: Special Treatment Registrations**

| <b>Special Treatment</b> | <b>2016-17</b> | <b>2017-18</b> | <b>2018-19</b> |
|--------------------------|----------------|----------------|----------------|
| Tattooing                | 5              | 9              | 16             |
| Acupuncture              | 2              | 1              | 0              |
| Semi Permanent Make-Up   | 2              | 8              | 8              |
| Cosmetic Piercing        | 0              | 10             | 5              |
| Extravaganza Event       | 59             | 137            | 105            |

Once registered, there is no requirement within the legislation to undertake routine inspections of businesses and yet we know that practitioners would appreciate more contact from us. With this in mind

the health and safety project for 2019-20 will be focused on health and safety practices in the tattoo studios with a significant element of advice and guidance for the control of infection provided to businesses.

## 2.8 Infectious Disease Control

The purpose of infectious disease notification is to control the spread of infection and prevent further cases of food poisoning.

The Food & Safety team investigate individual cases of notifiable disease, such as Campylobacter, E.coli or Legionella. Cases are referred from a person's GP for laboratory confirmation via Public Health England to the local authority where we screen individual cases by questionnaire or investigation. Should we have a food poisoning outbreak we work closely with the PHE to control the outbreak and identify the source of the problem, this may be bacterial or viral, food borne or person to person contact.

**Table 3: Infectious Disease Reports**

| <b>Causative Organism</b>                                    | <b>2015-16</b> | <b>2016-17</b> | <b>2017-18</b> | <b>2018-19</b> |
|--|----------------|----------------|----------------|----------------|
| Campylobacter  | 208            | 174            | 231            | 230            |
| Vibrio Cholera   | 1              | 0              | 1              | 0              |
| Cryptosporidium  | 27             | 16             | 20             | 15             |
| Cyclospora   | 0              | 1              | 0              | 0              |
| Dysentery (Shigella)   | 2              | 2              | 4              | 2              |
| E.coli   | 6              | 6              | 6              | 3              |
| Unconfirmed Food Poisoning Outbreak (no organism identified) | 2              | 0              | 1              | 1              |
| Giardia  | 6              | 11             | 13             | 2              |
| Hepatitis E  | 2              | 1              | 1              | 3              |
| Infectious Hepatitis   | 2              | 0              | 1              | 0              |
| Legionella   | 1              | 1              | 2              | 2              |
| Leptospirosis  | 0              | 0              | 2              | 0              |
| Listeria   | 0              | 0              | 1              | 0              |
| Paratyphoid  | 1              | 0              | 0              | 0              |
| Salmonella sp.   | 13             | 16             | 15             | 22             |

## 2.9 Environmental Protection

One of the main functions of the Mid Kent Service the Environmental Protection Team is to prevent future environmental problems arising from new developments. We work closely with the Planning Service and with the Community Protection Team to ensure that consultation responses to planning applications include appropriate mitigation to potential noise, air quality or contaminated land issues. The team also implement the pollution prevention regime through by inspecting and issuing permits, contaminated land enquiries and the private water supply legislation.

## 2.10 **Pollution Prevention Control**

The pollution prevention regime is operated by DEFRA for the control of industrial/commercial processes which have the potential to pollute our environment. As a local authority we issue permits with conditions, to ensure the businesses achieve the required environmental standards. We inspect these processes under a risk based scheme with an annual inspection programme.

Maidstone have 42 premises with permits under this scheme, which range from complex processes associated with Vinters Park Crematorium to more straight forward controls at petrol stations and dry cleaners.

## 2.11 **Air Quality**

Work on implementing the Low Emissions Strategy 2017 remains a priority for the team, with the outcome of the feasibility study undertaken in the winter of 2018 being reported to committee in July 2019. The work on the Clean Air for Schools project also continues with a total of 11 schools in the scheme and in February Archbishop Courtenay School, Tovil won the Kent Messenger 'Green Schools' Award 2019 for their work on air quality.

The team have completed the DEFRA funded project to improve air quality jointly made in 2013 to Tonbridge & Malling and Maidstone Borough Councils. The £206,000 grant fund was transferred from TMBC to Maidstone to deliver in November 2016. May 2019 saw the last of the seventeen retro fitted buses, fitted with Selective, Catalytic Reduction and particulate traps, for NuVenture and an additional four Arriva buses become operational. The grant was to improved emissions for bus routes between Maidstone High Street and Kings Hill.

The number of buses falling into the category requiring Retro fitting to meet Euro VI standards is reducing significantly due the bus companies' business model to replace older and less efficient buses. The precise number of buses currently below Euro IV emissions standards and operating in Maidstone is not known at the time of writing this report.

For the last two years we have prepared and submitted the Annual Status Reports to DEFRA and the return for 2018 data (submission completed by end of June). Information on much of the air quality work in the borough can be accessed at [www.kentair.org.uk](http://www.kentair.org.uk).

## 2.12 **Planning Consultations, Contaminated Land and Private Water Supplies**

A large part of the work the team provide is the Development Management Service with consultation responses on air quality, noise, potentially contaminated land and lighting. This work is important to resolve current and future environmental issues through design or mitigation controls. Table 4 demonstrates a significant increase in planning consultations during the year.

New Private Water (Amendment) Regulations 2018 have been introduced and officers are reviewing the impact that the new risk rating will have on the six private water supplies in the Maidstone district for the coming year. Maidstone has three private residences, two commercial sites and one combined commercial and residential system on private water supplies. There appears to be some scope to reduce sampling based on a new risk assessment process, for example, certain parameters can be eliminated where a minimum of three years results is available. However we are committed to ensuring that each system is safe and water quality satisfactory.

**Table 4: Consultation and Reactive Work undertaken by Environmental Protection in Maidstone.**

|                                    | <b>2016-17</b> | <b>2017-18</b> | <b>2018-19</b> |
|------------------------------------|----------------|----------------|----------------|
| <b>Planning Consultations</b>      | 649            | 646            | 740            |
| <b>Planning Appeals</b>            | 64             | 68             | 47             |
| <b>Contaminated Land Enquiries</b> | 40             | 28             | 19             |
| <b>Private Water Enquiries</b>     | 2              | 5              | 2              |

The team have struggled to absorb the increased workload during the past year and we will be monitoring whether the demand is a trend a peak in planning consultations.

2.13 In October 2018 the Communities, Housing and Environment Committee requested a member briefing on the work of Environmental Health. This has been arranged for 12 September 2019.

#### **2.14 The Next Steps**

2019-20 will bring new opportunities to identify potential for income across the service and we work with legal services to ensure that any proposals are within the Council's constitutional standards. The Food & Safety Team will inevitably deal with the implications of Brexit on food import and exporting food to the EU to ensure that we support businesses within Maidstone. They will also deliver the new business training course with Trading Standards in the Maidstone BID area.

The service are also working closely with Mid Kent ICT on a mobile working platform.

### **3. RISK**

3.1 This report has been presented for information only and has no risk management implications.

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

4.1 No consultation is required.

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## 5. REPORT APPENDICES

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

- **Appendix 1:** Summary Data from Maidstone Borough Council Local Authority Enforcement Management Scheme Return 2018-19

## Appendix 1

### Data from Maidstone Borough Council Local Authority Enforcement Management Scheme Return 2018-19

**Table 1:** Interventions by Risk Rating – Due & Completed

| Premises Rating          | Interventions Achieved | Outstanding at 31 March 2019 |
|--------------------------|------------------------|------------------------------|
| <b>A</b>                 | <b>4</b>               | <b>0</b>                     |
| <b>B</b>                 | <b>48</b>              | <b>0</b>                     |
| <b>C</b>                 | <b>126</b>             | <b>3</b>                     |
| <b>D</b>                 | <b>443</b>             | <b>5</b>                     |
| <b>E</b>                 | <b>225</b>             | <b>7</b>                     |
| <b>Unrated</b>           | <b>172</b>             | <b>0</b>                     |
| <b>Outside Programme</b> | <b>0</b>               | <b>0</b>                     |
| <b>Total</b>             | <b>1018</b>            | <b>15</b>                    |

**Table 2:** Interventions carried by type of business

|  | Primary Producer | Manuf'r & Packer | Importer Exporter | Distrib'r Transporter | Retailer | Restau'ts Caterer | Total |
|--|------------------|------------------|-------------------|-----------------------|----------|-------------------|-------|
| <b>Total Premises</b>                              | 25               | 35               | 4                 | 21                    | 232      | 1034              | 1351  |
| <b>Inspections and Audits</b>                      | 0                | 18               | 0                 | 5                     | 48       | 472               | 543   |
| <b>Verification &amp; Surveillance</b>             | 0                | 3                | 0                 | 1                     | 1        | 28                | 33    |
| <b>Sampling</b>                                    | 0                | 5                | 0                 | 0                     | 3        | 12                | 20    |
| <b>Advice &amp; Education</b>                      | 0                | 5                | 0                 | 1                     | 9        | 19                | 34    |
| <b>Information &amp; Intelligence gathering</b>    | 0                | 15               | 1                 | 18                    | 91       | 263               | 388   |
| <b>Total Premises subject to Official Controls</b> | 0                | 12               | 0                 | 5                     | 47       | 396               | 460   |

**Table 3: Premises by Profile**

| <b>Risk Rating</b> | <b>Primary Producers</b> | <b>Manuf'r &amp; Packer</b> | <b>Importer Exporter</b> | <b>Distrib'r Transporter</b> | <b>Retailer</b> | <b>Restaur't Caterer</b> | <b>Total</b> |
|--------------------|--------------------------|-----------------------------|--------------------------|------------------------------|-----------------|--------------------------|--------------|
| <b>A</b>           | 0                        | 0                           | 0                        | 0                            | 1               | 3                        | 4            |
| <b>B</b>           | 0                        | 1                           | 0                        | 0                            | 2               | 17                       | 20           |
| <b>C</b>           | 0                        | 6                           | 0                        | 0                            | 5               | 136                      | 147          |
| <b>D</b>           | 0                        | 6                           | 0                        | 1                            | 51              | 460                      | 518          |
| <b>E</b>           | 0                        | 19                          | 1                        | 18                           | 165             | 378                      | 581          |
| <b>Unrated</b>     | 0                        | 2                           | 1                        | 0                            | 4               | 33                       | 40           |
| <b>Outside</b>     | 25                       | 1                           | 2                        | 2                            | 4               | 7                        | 41           |
| <b>Total</b>       | 25                       | 35                          | 4                        | 21                           | 232             | 1034                     | 1351         |

**Table 4: Enforcement Actions**

| <b>Action</b>                | <b>Manuf'r &amp; Packer</b> | <b>Distrib'r Transp'r</b> | <b>Retailer</b> | <b>Restaur't &amp; Caterer</b> | <b>Total</b> |
|------------------------------|-----------------------------|---------------------------|-----------------|--------------------------------|--------------|
| <b>Voluntary Closure</b>     | 0                           | 0                         | 0               | 0                              | <b>0</b>     |
| <b>Seizure, detention</b>    | 0                           | 0                         | 0               | 0                              | <b>0</b>     |
| <b>Suspension/Revocation</b> | 0                           | 0                         | 0               | 0                              | <b>0</b>     |
| <b>Emergency Prohibition</b> | 0                           | 0                         | 0               | 0                              | <b>0</b>     |
| <b>Prohibition Order</b>     | 0                           | 0                         | 0               | 0                              | <b>0</b>     |
| <b>Simple Caution</b>        | 0                           | 0                         | 0               | 0                              |              |
| <b>Improvement Notice</b>    | 0                           | 0                         | 1               | 2                              | <b>3</b>     |
| <b>Remedial Action</b>       | 0                           | 0                         | 0               | 0                              | <b>0</b>     |
| <b>Written Warning</b>       | 7                           | 2                         | 24              | 254                            | <b>287</b>   |
| <b>Prosecutions Concl'd</b>  |                             |                           |                 |                                |              |
| <b>Total</b>                 |                             |                           | <b>25</b>       | <b>256</b>                     | <b>290</b>   |

## Communities, Housing and Environment

**18<sup>th</sup> June 2019**

### Heather House and Pavilion Building

|                                       |  |
|---------------------------------------|--|
| <b>Final Decision-Maker</b>           | Communities, Housing and Environment                       |
| <b>Lead Head of Service</b>           | John Foster, Head of Regeneration and Economic Development |
| <b>Lead Officer and Report Author</b> | Andrew Connors, Housing Delivery Manager                   |
| <b>Classification</b>                 | Public   |
| <b>Wards affected</b>                 | Parkwood   |

#### **Executive Summary**

Following the results of the condition survey of Heather House, which was reported to this Committee in October 2018, a further report was submitted to the Committee in December 2018 outlining an alternative redevelopment option for the site. The report included information on the initial feasibility study work undertaken by ON architects to assess the initial concept design of a new community centre facility and residential housing on the Heather House and Pavilion Building sites.

Indicative financial summaries for a redevelopment of Heather House to provide a new multi-use community centre and residential housing were provided. It was demonstrated that a comprehensive redevelopment of the site cannot be delivered without significant subsidy (£2,035,756). The income from the residential housing would not be sufficient to cross subsidise the development as a whole and the delivery of a new multi-use community centre.

The Council would therefore need to either provide the level of subsidy required to help finance the project or explore a number of other subsidy sources to reduce the reliance on the Council. It was also noted that there are no existing s106 contributions that have been identified which could go towards the funding of a new community facility.

It was recommended that a procurement process be undertaken to identify a suitable partner, or partners, to contribute to the design, investment and management of a new facility. With a follow up report being submitted to the Committee outlining the high-level findings from the procurement process and the exact subsidy required from the Council to complete a comprehensive redevelopment.

It was pointed out that, following a procurement process, the subsidy requirement might be too onerous. In which case, the Committee would be invited to choose between the alternative options of closing the facility or to refurbish and retain Heather House in its current building and location.

Resident and Stakeholder surveys have also been undertaken to seek views into the usage, facilities and importance of Heather House to the local community and those who use it. The results of the consultations with residents and stakeholders were reported to the Committee in April 2019.

### **Purpose of Report**

As previously reported, due to the age and construction of Heather House it has now reached the end of its useful life and a decision is required as to whether significant investment is made to give the property a further life-span, close the building or demolish and pursue a redevelopment of the site.

This report outlines the findings from the procurement and stakeholder/resident survey process undertaken to enable the Committee to make an informed decision in accordance with the recommendation proposed.

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

1. That the Committee endorses that a follow up report is presented to Policy and Resources Committee to consider the business case for Maidstone Property Holdings Ltd to develop the Pavilion Building site for residential housing and to approve the final scheme costs and necessary financial commitments associated with the development and management of the Heather House and Pavilion Building sites, subject to the necessary planning consent and tenders for the works contracts being received for both schemes.

### **Timetable**

| <b><i>Meeting</i></b>                          | <b><i>Date</i></b>         |
|--|----------------------------|
| Communities, Housing and Environment Committee | 18 <sup>th</sup> June 2019 |

# Heather House and Pavilion Building

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue                                 | Implications   | Sign-off                                      |
|---------------------------------------|--|---|
| <b>Impact on Corporate Priorities</b> | <p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>The project described in this report supports the Council’s strategic plan objectives, most notably Embracing Growth and Enabling Infrastructure and Homes and Communities.</p>   | Head of Regeneration and Economic Development |
| <b>Cross Cutting Objectives</b>       | <p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendation(s) supports the achievement(s) of the cross cutting objectives by helping to reduce health inequalities and social mobility in a deprived area.</p> | Head of Regeneration and Economic Development |
| <b>Risk Management</b>                | Already covered in the risk section.   | Head of Regeneration and Economic Development |
| <b>Financial</b>                      | The investment required to refurbish or re-provide the facilities at Heather House would not meet the Council’s criteria for capital projects, if presented as a stand-alone project. However, contributing the land value from a related residential development on the Pavilion Building site would help to close the funding  | Section 151 Officer & Finance Team            |

|                         |  |   |
|-------------------------|--|---|
|                         | <p>gap.</p> <p>Detailed financial analysis, setting out the anticipated return on investment for the residential housing will be included as part of the business case to Policy &amp; Resources Committee.</p>  |   |
| <b>Staffing</b>         | We will need access to extra expertise to deliver the recommendations and preferred option, as set out in section 3.   | Head of Regeneration and Economic Development |
| <b>Legal</b>            | <ul style="list-style-type: none"> <li>• The Council has a general power of competence pursuant to Section 1 of the Localism Act 2011 which enables it to do anything that individuals generally may do.</li> <li>• The Local Government Act 1972 (LGA 1972) section 111(1) empowers a local authority to do any thing (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to the discharge of any of their functions.</li> <li>• Acting on the recommendations is within the Council’s powers as set out in the above statutory provisions.</li> <li>• The procurement processes referred to in this report for the refurbishment and extension and subsequent management of Heather House and the redevelopment of the Pavilion Building should be in accordance with the Council’s Contract Procedure Rules and the Public Contract Regulations 2015.</li> <li>• All necessary legal documentation arising from the recommendations in this report should be approved by Legal Services before completion.</li> </ul> | Principal Solicitor - Commercial              |
| <b>Privacy and Data</b> | No implications.   | Policy and Information                        |

| <b>Protection</b>         |  | Team   |
|---------------------------|--|--|
| <b>Equalities</b>         | The recommendations do not propose a change in service therefore will not require an equalities impact assessment.   | Policy & Information Manager   |
| <b>Public Health</b>      | We recognise that the recommendations will have a positive impact on population health or that of individuals.   | Public Health Officer  |
| <b>Crime and Disorder</b> | No implications.   | Head of Regeneration and Economic Development                        |
| <b>Procurement</b>        | On accepting the recommendation, the Council will then follow procurement exercises to appoint the necessary partners to facilitate the delivery of the project. We will complete those exercises in line with financial procedure rules and applicable public contracts regulations and principles if applicable. | Head of Regeneration and Economic Development & Section 151 Officer. |

## **1. INTRODUCTION AND BACKGROUND**

- 1.1 Heather House is a community facility owned and directly managed by the Council. It is located on Bicknor Road backing onto the Parkwood Recreation Ground providing facilities to enable indoor sports and leisure activities.
- 1.2 Due to the age and construction of Heather House it has now reached the end of its useful life and a decision is required as to whether significant investment is made to give the property a further life-span, close the building, or demolish and pursue a redevelopment of the site.
- 1.3 A report was taken to this Committee on the 16th October 2018, following the instruction of Faithorn Farrell Timms (FFT) to carry out a condition survey of Heather House, to assess the building and estimate costs of keeping the building open for the next 15 years.
- 1.4 The report by FFT described Heather House as being in a 'fair condition' for its age, but has identified the roof as being beyond economic repair. There are other components that were recommended for replacement within the next 12 months, and these include external cladding, doors and windows. To carry out all the works that have been recommended within the next 12 months would have an estimated cost of £395,386. To keep Heather House open for the next 15 years, FFT have estimated the cost to be £765,148.

- 1.5 Following the results of the condition survey of Heather House, a further report was submitted to the Committee in December 2018 outlining an alternative redevelopment option for the site. The report included information on the initial feasibility study work undertaken by ON architects to assess the initial concept design of a new community centre facility and residential housing on the Heather House and Pavilion Building sites.
- 1.6 Indicative financial summaries for a redevelopment of the site to provide a new multi-use community centre (approx. 691m<sup>2</sup>) and residential housing (36 dwellings) were provided. The stand-alone indicative financial summary for the residential element (based on a market rent tenure) demonstrated a financially viable scheme that meets our minimum financial criteria.
- 1.7 The indicative estimated total scheme cost for a new-build community centre (691m<sup>2</sup>) is £2,539,756. It was indicated that if a residential scheme of 36 dwellings for market rent was delivered via Maidstone Property Holdings or indeed another developer, a land receipt/income of £504,000 (£14k per plot) could be generated for the residential land. This could go towards the total scheme cost for a new community centre and would leave a subsidy gap of £2,035,756.
- 1.8 It was therefore demonstrated that a comprehensive redevelopment of the site cannot be delivered without significant subsidy. The income from the residential housing will not be sufficient to cross subsidise the development as a whole and the delivery of a new multi-use community centre. In order to reduce the reliance on the Council and help finance a comprehensive redevelopment of the site, there were a number of funding subsidy sources that were identified which the Council could pursue if the Committee decided to pursue this option. It was also noted that there are no existing s106 contributions that have been identified which could go towards the funding of a new community facility.
- 1.9 It was recommended that Officers run a procurement process to identify suitable partner or partners that would contribute towards the formulation of the design brief, contribute capital to minimise the financial commitment from the Council, manage the facility and steward it on an arms-length basis from the Council. A follow up report would then be presented to Committee so that it can make an informed decision whether to proceed with a comprehensive redevelopment or choose between just closing the facility or refurbishing and retaining Heather House in its current location and building.
- 1.10 In addition, a Parkwood Resident and Stakeholder survey was carried out in February and March 2019. Both consultations sought to establish how the facility is used, its importance to the local community and to understand what support stakeholders and residents are willing to give to the project going forward. The full consultation reports setting out the results for both consultations were presented to the Committee on the 16<sup>th</sup> April 2019.

## **Procurement Exercise Responses**

- 1.11 Officers have undertaken a procurement process to identify suitable partner or partners that would contribute towards the formulation of the design brief, contribute capital to minimise the financial commitment from the Council, manage the facility and steward it on an arms-length basis from the Council.
- 1.12 A Prior Information Notice (PIN) was advertised on the Kent Business Portal on 23<sup>rd</sup> January 2019 and distributed via an e-newsletter by Involve Kent and KCC Kent Sports during February 2019 to all voluntary and community group contacts. It was also directly emailed to community groups who had already expressed an initial interest in the Heather House project with final responses received on the 14<sup>th</sup> March 2019. The PIN gave some brief background information regarding Heather House and invited responses to a set number of questions. The PIN used is attached at Appendix 1. A total of 12 responses were received which are set out in Appendix 2. A summary of the procurement responses is set out below.
- 1.13 Of the 12 respondents, 5 responded by saying they would be interested in participating in the project. The other respondents were just specifically interested in being given the opportunity to provide consultancy services, tendering for any future construction works, with one enquiring as to whether the Council would be interested in considering an offer for the freehold acquisition of the building.
- 1.14 There were 3 respondents who indicated they would be willing to manage and steward a new or improved facility without long term support from the Council. None of the respondents could directly contribute monies to fully or part-fund either a new or improved facility, but 4 respondents could assist with support for fundraising bids. One respondent (National Pride) were happy to act as facilitators and project enablers to find partners to contribute towards the design and finance.
- 1.15 National Pride, is a Community Interest Company of which has a network hub of 500 like-minded professionals and industry sectors all willing to make a difference in the provision of housing, health and social care in projects that directly benefit the local community. National Pride identifies and co-ordinates the 'local delivery partners' to design, finance and deliver the projects. The core service of National Pride is to act as 'facilitator' and 'project enabler' establishing and coordinating the project. National Pride does not seek to own the final project. Any projects they participate in must be commercially viable.
- 1.16 The Stones Community Trust (SCT) in particular has expressed initial interest in managing and stewarding the existing or any new community facility that is built on the Heather House site as a potential base for the newly created SCT to relocate to. They view this as potentially an ideal location to relocate to due to the community outreach work they could do and the close proximity to the open space/recreational ground and the existing sports pitches there. They are interested in considering either a long lease or freehold option of the existing or any new facility.

## **Resident and Stakeholder Survey Responses**

- 1.17 In April 2019 the Committee considered a report outlining the results of the Resident and Stakeholder Surveys into the usage and importance of Heather House. It was reported that the Park Wood resident survey was distributed via post to all households in Park Wood ward (3,566), a freepost envelope was included in the mailing. The Resident survey opened on 11th February and closed on 24<sup>th</sup> March 2019. A total of 320 responses were received. The Stakeholder survey was opened on 11th February and closed on 22nd March, there were six responses from the eight stakeholders contacted.
- 1.18 It was agreed that the results of the consultations with residents and stakeholders on Heather House be included in the evidence base to inform the decision on whether to make any further investment in the facility, excluding the summary of findings. The full consultation report, excluding the summary of findings is attached at Appendix 3.
- 1.19 Whilst it is clear that only a small number of respondents to the resident survey currently visit and make use of Heather House, the most common reason why respondents have never visited Heather House was because they were unaware of it. Other common responses were they were not aware of the clubs and activities held at Heather House and they were new to the area.
- 1.20 This raises the question as to whether the Council could do more to promote and publicise the facility to the local community in order to raise awareness and interest in hiring it. It cannot be ignored either, that the Parkwood area has undergone a significant demographic and household change in the last few years due to the regeneration of the area and new households moving into the area may not be familiar with Heather House.
- 1.21 It is interesting to note also that when respondents were asked what activities they would attend if available at Heather House, the majority of the respondents replied that they would visit if keep fit/fitness classes were available including yoga, aerobics, pilates and zumba. Heather House is located in an area where there are concerns such as health inequality and well-being, so the offer of such activities could help to address this and also raise interest and usage of the facility.
- 1.22 It is clear that the respondents to the stakeholder survey who currently use the facility regard it as very important and a valuable resource to them. All respondents indicated that Heather House meets their groups needs and rated it as being a very good, or good facility and they did not have an alternative venue if Heather House was unavailable.

## **Business Case Proposal**

- 1.23 It is clear that there is some value placed to the Community Centre and what it offers to Parkwood and the local community. The potential loss of a community centre could pose a significant and negative impact on the existing users and surrounding neighbourhood and lose the opportunity to

bring about social change and improve the quality of life in the local area. It is recognised also that the Council has a duty of care to the residents and users of Heather House to provide a facility that helps enable social cohesion and health and well-being.

- 1.24 Unfortunately the procurement exercise did not identify any potential partners who could directly contribute any capital investment to fully or part-fund either a new or improved facility, but 4 respondents could assist with support for fundraising bids. National Pride are willing to participate in the project and act as a 'facilitator' and 'project enabler' to find local delivery partners via its network hub to help design, finance and deliver the project. But the project needs to be commercially viable for funding partners to invest. There are a number of potential funding subsidy sources that the Council could pursue to reduce the reliance on the Council some of which were identified in the report to the Committee on the 11<sup>th</sup> December 2018.
- 1.25 Although a collaborative multi-use partnership type approach is likely to lever in more external financial resources and strengthen the support for any funding application, there is no guarantee that the Council will be successful and the timescales associated with the application and decision making process could hinder the timely delivery of any new facility.
- 1.26 It is therefore considered risky to pursue the option of a new-build community centre facility as a stand-alone project, as the potential funding reliance on the Council of £2,035,756 is too onerous.
- 1.27 The Council could pursue a straightforward refurbishment of the existing facility, the cost being previously reported as £765,148. This however will not allow fully for future flexibility and long term future sustainability and cater for the needs of the community and existing stakeholders. The existing buildings layout and internal structure remains dated and therefore limits its use and ability to attract new users. The current building is considered to be under-used and is unable to generate sufficient bookings to meet its financial target.
- 1.28 It is considered that a better option would be for the Council to pursue a refurbishment of the existing facility, but also look into the feasibility of incorporating an extension to the current building (potentially around 97m<sup>2</sup>) to cater for changing room facilities. Using the same build rates and cost per m<sup>2</sup> applied for the option of a new-build community centre, this would generate a cost in the region of £194,000.
- 1.29 There is also a need to upgrade the fire alarm at Heather House if it is to remain open. This is an additional cost of around £25,000 to the previously reported cost of £765,148. Giving a total refurbishment with extension indicative cost of £984,148, rounded to £1m for simplicity. Adding a further 10% (£100k) for project "on costs", gives a likely Total Scheme Cost of £1.1m.
- 1.30 Adjacent to Heather House is a skate-park, games court and play equipment; and next to this is the Pavilion building. It was previously reported that the Royal British Legion Social Club (RBLSC) has a 125 year

lease of the Pavilion Building with the Council under which RBLSC has full repairing obligations. Consequently no rent was payable to the Council. The lease had an unexpired term of 96 years with no break clause in the agreement. The Pavilion Building comprises a social community facility with a licensed bar and changing room facilities used by the Weaving Warriors Rugby Football Club who also use the recreation ground for their pitches.

- 1.31 A risk was therefore identified that a comprehensive redevelopment of the site was dependent on RBLSC and their willingness to surrender their existing lease in favour of relocating to a new multi-use community facility or alternative premises.
- 1.32 RBLSC subsequently advised the Council in February 2019 that it would cease trading later this year and therefore wanted to surrender their lease and vacate the building. The RBLSC will be vacating the building very soon and the Council will be entering into a short-term lease with the Rugby Football Club to enable them to continue to operate from the Building. This has therefore removed the risk previously identified and simplifies any redevelopment plans for the Pavilion Building.
- 1.33 As previously reported, the indicative financial summary for a redevelopment of the Pavilion Building site for residential (based on a market rent tenure) demonstrated a financially viable scheme that meets our minimum financial criteria.
- 1.34 If a residential scheme of 36 dwellings for market rent was delivered via Maidstone Property Holdings or indeed another developer, a land receipt/income of £504,000 (rounded to £500,000 for simplicity) could be generated for the residential land. This could be put towards the total scheme cost for a new community centre. It is therefore recommended that the Council pursue a redevelopment of the Pavilion Building site for residential (market rent) housing and use the land/receipt income generated to contribute towards the indicative cost (£1.1m) of the refurbishment/extension. It should be noted that Park Wood is in a lower value residential area compared to other parts of Maidstone so is not ideally placed to deliver any residential housing for market sale.
- 1.35 Should the Committee decide that the Council should pursue the recommended option of a redevelopment of the Pavilion Building site for residential housing and the refurbishment/extension option for Heather House, this would reduce the subsidy gap and reliance on Council funding for the work on Heather House to £600,000. Policy and Resources Committee will need to consider this in the context of the qualifying criteria for the fund and any other suitable projects that the Council may opt to prioritise.
- 1.36 The new changing room facilities would provide for the lost facilities within the Pavilion Building and enable the Rugby Football Club and other sports clubs to continue to utilise the sports pitches and recreational ground from Heather House.

- 1.37 The Pavilion Building site is not allocated within the Local Plan, but lies within the development boundary of the urban area for Maidstone and thus planning consultation advice received is that its redevelopment is acceptable in principle having regard to the policies particularly relating to community facilities and open space
- 1.38 Policy DM23 for example seeks to protect community facilities. The relevant part here being: 'Proposals which would lead to a loss of community facilities will not be permitted unless demand within the locality no longer exists or a replacement facility acceptable to the council is provided'. As a redevelopment of the Pavilion Building site would suggest a loss of existing community facilities, it would be required to demonstrate that any new or refurbished community facility incorporates the existing facilities and these are sufficient to mitigate the loss of the Pavilion Building including meeting the needs of the additional occupiers in the new residential development.
- 1.39 Other policies will need to be considered also such as affordable housing and whether the redevelopment of the Pavilion Building site will be able to sustain an Affordable Housing contribution.
- 1.40 The Council has already started its Local Plan Review, following the adoption of the Maidstone Borough Local Plan in 2017. An important early step in the process is a 'Call for Sites'.
- 1.41 The Call for Sites is an open request for information about land and sites which may have development potential in the future. It is particularly aimed at landowners (which includes local authorities) , developers and their agents but it is open to anyone to submit a site. A key proviso is that the person submitting the site can confirm that the landowner is willing to make the land available for development should it prove suitable. The Call for Sites opened on Thursday 28th February 2019. The deadline for submitting sites was Friday 24th May 2019. As the Pavilion Building site has redevelopment potential and would also help to unlock funds for the refurbishment of Heather House, the site has been submitted as part of this Call for Sites process.
- 1.42 Now the deadline has passed, the Council will spend time comprehensively assessing the planning merits of the submitted sites. In due course the outcomes of the assessment will be compiled into a single report called a Strategic Land Availability Assessment which will be one of the evidence documents underpinning the Local Plan Review.
- 1.43 As previously reported to the Committee, the Council has approved £34m of capital investment, over a five year period to invest in market rented housing. This investment will increase the overall supply of housing in the borough as well as deliver a commercial return to the Council.
- 1.44 Any redevelopment of the Pavilion Building site for residential housing would however not simply deliver a commercial return, but will provide a number of social and economic benefits by promoting housing and economic growth in an area of deprivation. The Council would need to carefully consider the viability of any proposals put forward as part of a

planning application and how this may affect the delivery of planning obligations and policy requirements such as affordable housing due to the indicative subsidy gap that still exists as referred to within section 1.34 above.

- 1.45 Should the Committee decide to pursue the option of a refurbishment/extension of Heather House, it is vital that the development of the brief and design needs to be community not officer led. Hence a detailed design is not pivotal at this stage. Sufficient time will need to be allowed to get the building brief right and reflect the care that needs to be taken to produce a quality facility capable of meeting the evolving needs of the community and the services it needs.

### **Planning and Construction Programme**

- 1.46 It is likely that a redevelopment of the Pavilion site for residential housing would require a 24 month construction period and the refurbishment/extension of Heather House would require at least around 4 months depending on the nature of the work. A simultaneous closure of both buildings would be required in order to deliver the build programme as cost effectively and quickly as possible. Prior to this, appointment of the various professionals for the project team, further detailed design work, consultation, planning consent, committee approval and appointment of a contractor is likely to take around 18 months. So a start on site would not be envisaged at the earliest until early 2021.
- 1.47 It is envisaged that we will procure a single contractor to build both projects, to enable maximum efficiency to be gained from running both schemes concurrently. The submission of the planning application and tender for the works contract will be managed by the Council's appointed Architects and Employers Agent who will oversee the whole process, in consultation with the project team.
- 1.48 Closing both facilities in the short-term is likely to generate frustration, particularly for the various clubs and people that use the facilities. The Council will need to consider the resource implication to enable assistance to be given to find alternative venues if required. It will be important that existing user groups are fully engaged during the project from start to finish so that they feel a sense of ownership and commitment to the refurbished /extended facility.
- 1.49 The Council can also explore the use of mobile/portable changing room facilities with the Rugby Football Club, so that they can continue to operate and make use of the sports pitches once construction work has started on the Pavilion building site, and until such time as the refurbishment/extension of Heather House has been completed.

### **Future Management**

- 1.50 The future management and operation of the community centre also needs to be carefully considered. Heather House is the only remaining community facility owned and directly managed by the Council. Best practice adopted elsewhere by local authorities has been to go through

Community Asset Transfer. Community Asset Transfer is the transfer of management and/or ownership of public land and buildings from its owner (usually a local authority) to a community organisation (such as a Community Trust, a Community Interest Company or a social enterprise).

- 1.51 As previously mentioned, the Stones Community Trust in particular has expressed initial interest in managing and stewarding Heather House via the procurement exercise undertaken. Structured independently of Maidstone United Football Club and supervised by independent trustees, the SCT is a charitable trust and will take over responsibility for setting up, organising and delivering community events designed to provide sports, football and social activities to local people including disadvantaged and disabled adults and children. The SCT activities will be complementary to those of the football club and are currently based at the Gallagher Stadium.
- 1.52 SCT view this as potentially an ideal location to relocate to due to the community outreach work they could do and the close proximity to the open space/recreational ground and the existing sports pitches there.
- 1.53 The Council can continue these discussions with SCT along with any other interested parties as part of the procuring of an appropriate organisation to undertake the future management and stewardship of the Heather House facility. It will be important that any future management arrangement is set up to ensure that there are no further calls on financial support from the council. Freehold or long lease-hold options can be explored with full repairing/maintenance obligations so there are no future cost implications to the Council. This would coincide with existing arrangements the Council has in place with other community facilities.

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### **3. AVAILABLE OPTIONS**

- 3.1 The first option is to decide to close Heather House and not carry out any refurbishment work or provide a new replacement facility with the future of the site to be determined at some point later in time, which might involve disposing of the asset and land to another party. This is not recommended as there would continue to be uncertainty as to the future of the building and site. The potential loss of a community centre could impose a significant and negative impact on the existing users and surrounding neighbourhood and lose the opportunity to bring about social change and improve the quality of life in the local area. The building would also still need to be insured, secured and looked after.
- 3.2 Option 2 would involve demolishing both Heather House and The Pavilion. This option would enable a new multi-purpose community facility to be established on the Heather House site and release the land on which the Pavilion Building is situated to become available for residential housing. This in turn could be purchased by Maidstone Property Holding Ltd to provide much needed housing and the cost of the project could be partially offset from the income generated by the indicative land receipt (£500k) for

the residential housing.

- 3.3 If option 2 is adopted, there would be a significant indicative subsidy requirement of £2,035,756 and if the Committee were to consider making savings in other areas of revenue spend this would equate to £101,750 revenue savings per annum in perpetuity. Following the procurement process, no organisations were identified that could directly contribute any capital investment towards the funding of a new facility in order to reduce the Council's subsidy contribution. Organisations were willing to lend support for fundraising to help finance the scheme and act as 'facilitators' and 'project enablers' to find partners to contribute towards the design and finance. The project would however need to be commercially viable and there is no guarantee that any approaches or funding bids would be successful. The timescale associated with the funding application and decision making process could hinder the timely delivery of any new facility. It is therefore considered that this option is too risky to pursue due to significant subsidy requirement that is required.
- 3.4 Option 3 is to refurbish and retain Heather House in its current location and building. The comprehensive survey carried out by FFT estimated the cost of carrying out the refurbishment to be £765,148, with an additional cost for a fire alarm upgrade of £25,000. This option would increase the useful life by a further 15 years and if the Committee were to consider making savings in other areas of revenue spend this would equate to £38,250 revenue savings per annum in perpetuity. This option is likely to cause disruption to the current users of the building, as it is unlikely that the building could be used during the refurbishment, particularly if this involves disturbing the roof with its hazardous materials.
- 3.5 This option would not fully allow for future flexibility and long term future sustainability and cater for the needs of the Rugby Club by providing changing room facilities. It might also prove difficult to demonstrate compliance with Policy DM23 which seeks to protect community facilities as the Council would be required to demonstrate that any new or refurbished community facility building incorporates facilities that are sufficient to mitigate the loss of the facilities at the Pavilion Building.
- 3.6 Option 4 would involve the refurbishment of Heather House, but also look into the feasibility of incorporating an extension to the current building (around 97m<sup>2</sup>) to cater for changing room facilities. This would generate a likely Total Scheme Cost of £1.1m.
- 3.7 If a residential scheme of 36 dwellings for market rent was delivered via Maidstone Property Holdings (MHP) or indeed another developer, a land receipt/income of £500,000 could be generated for the residential land. This could go towards the total refurbishment/extension cost for Heather House and would reduce the indicative subsidy gap and reliance on Council funding for the work on Heather House to £600,000.
- 3.8 The Committee is being asked to endorse that Policy and Resources Committee considers the business case for MPH to develop the Pavilion Building site for residential housing and that any land value generated by

MPH should be payable to the Council and pledged towards the cost of the refurbishment and extension of Heather House.

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

- 4.1 The preferred option is Option 4 as outlined in Paragraphs 3.6, 3.7 and 3.8 above. This option permits the assembly of land in the general locality to help provide a refurbished and extended community centre facility. This option rationalises the two dated buildings situated on Bicknor Road to create a better resource that could provide a wider range of activity and potential outreach work to serve the local community. It will also upgrade facilities at Heather House and increase the size to make the space more flexible to users' needs.
- 4.2 This option would enable the land on which the Pavilion Building is currently located to be used for residential purposes in harmony with the existing residential accommodation on Bicknor Road. The replacement of both Heather House and The Pavilion would also enhance an area of deprivation that has recently benefitted from major regeneration programmes by Golding Homes and new developments in the surrounding areas.
- 4.3 The land receipt/income of £500,000 that could be generated for the residential land could go towards the total refurbishment/extension cost for Heather House and would reduce the subsidy gap and reliance on Council funding for this element to £600,000.
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#### **5. RISK**

- 5.1 The risks of pursuing a redevelopment of the Pavilion Building site for residential housing and a refurbishment/extension to Heather House were detailed in the Heather House report dated 11<sup>th</sup> December 2018. Since that report the risks identified have changed as detailed at paragraphs 1.29, 1.30 and 1.31.
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#### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 Previously the Committee made the decision that Heather House should remain open, but requested further information on the condition of the building. That information was presented in the report to Committee on the 16th October 2018. The report also made a recommendation that a follow up report would be presented to committee outlining a redevelopment option.
- 6.2 Following the results of the condition survey of Heather House, which was reported to this Committee in October 2018, a further report was submitted to the Committee in December 2018 outlining an alternative

redevelopment option for the site. It was agreed that a procurement process be undertaken to identify a suitable partner, or partners, to contribute to the design, investment and management of a new facility. With a follow up report being submitted to the Committee outlining the high-level findings from the procurement process and the exact subsidy required from the Council to complete a comprehensive redevelopment.

- 6.3 In April 2019 the Committee considered a report outlining the results of the Resident and Stakeholder Surveys into the usage and importance of Heather House.
- 6.4 It was agreed that the results of the consultations with residents and stakeholders in respect of Heather House be included in the evidence base to inform the decision on whether to make any further investment in the facility, excluding the summary of findings. The Committee felt that the summary of findings had the potential to misconstrue the results of the surveys if it was read in isolation.
- 6.5 Whilst considering the report in April (which outlined the results of the Resident and Stakeholder Surveys), the Committee agreed that the petition against the closure of Heather House presented to the Committee on the 14<sup>th</sup> November 2017 should be included in the evidence base to inform the decision on whether to make further investment in the facility.
- 6.6 The petition was presented to the Committee with the following wording: "We the undersigned ask that Maidstone Borough Council commit to maintaining Heather House Community Centre, Park Wood as a useable community facility until such time as concrete plans are confirmed for a replacement facility to be built. Further to this, we the undersigned ask that Heather House remains open to the public for as long as possible during this replacement development period". The petition had 783 signatories and the Committee noted the value that the Community Centre brought to Parkwood.

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

- 7.1 The approval of the recommendation will enable officers to procure the appointment of the various professionals for the project team, undertake further detailed design work with a view to obtaining planning consent and tendering for the works contract.
- 7.2 Those organisations who have also expressed an interest in providing management and stewardship of Heather House can also be approached and invited to submit invitation to quote proposals for the future management arrangements of the facility.
- 7.3 Continued communication and consultation with the local community, existing users and the appointed management organisation will need to be undertaken, to ensure the project is owned and valued by them. It will be important to ensure that communication and consultation with existing user groups and the community is continuous from the initial design

concepts and planning stages through to completion and the ongoing development and running of the building.

- 7.4 A further report will then be presented to Policy and Resources Committee in due course to consider the business case for MPH to develop the Pavilion Building site for market rented housing and approve the final scheme costs and necessary financial commitments associated with the development and management of the schemes, subject to the necessary planning consents and tenders for the works contracts being received for both schemes.
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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: Heather House Community Centre PIN*
  - *Appendix 2: Heather House PIN Responses*
  - *Appendix 3: Heather House Full Consultation Report*
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## **9. BACKGROUND PAPERS**

**None.**

### **Heather House Community Centre PIN**

Heather House is a community facility that is owned and managed by Maidstone Borough Council. It is located on Bicknor Road, Park Wood, Maidstone, ME15 9PS, backing onto the Parkwood Recreation Ground. It provides facilities for indoor sports and leisure activities in one of the most deprived wards in the borough.

The facilities on offer within Heather House are as follows;

- Chamberlain Hall, a sports hall of 250m<sup>2</sup>.
- Reed Hall, a sports hall of 100m<sup>2</sup>.
- Committee Room, of 43m<sup>2</sup>.
- A kitchen with cooker, fridge, hot water urn and microwave.
- Disabled toilet.
- Ladies and gents toilets.
- Parking for c40 vehicle with two dedicated disabled bays.

In terms of usage & revenue, the main activities on offer are;

- Boxing, within Reed Hall that is leased to Maidstone Boxing Club.
- Short matt indoor bowls, via bookings to the Chamberlain Hall from three clubs.
- Yoga.
- Roller-dance.
- Children and adult parties.
- Meetings in the committee room.

Whilst Heather House is important to the community, usage and revenues have reduced over recent years as the facilities on offer have become dated and in need of renewal. Accordingly the Council has undertaken some preliminary cost plans for options to either;

- Redevelop the existing facility, to include making additional provision for sports changing rooms as well as a social lounge and licensed bar area to be utilised by the Royal British Legion. The Council estimates that the net cost of such a proposal would be c£2m.
- Refurbishing the existing facility at a cost of c£0.75m.

The Council has explored possible funding sources, these include;

- Sport England.
- Kent County Council and Community Hall Grant Scheme.
- Big Lottery Fund – Reaching Communities England.
- Football Foundation – Premier League & The FA Facilities Fund.
- Maidstone Borough Council.
- N.B. it appears that the prospect of accessing monies from grant giving bodies such as the above are enhanced if the facility is stewarded and / or managed by a voluntary / community group.

Therefore, the Council is seeking interest from suitable voluntary / community groups that may be interested in helping to secure a long-term and flourishing future for Heather House, by perhaps providing some or all of the following;

- Long-term stewardship of the facility, perhaps through a Trust.
- Operational management of the facility.
- Capital funding to assist with either the redevelopment or refurbishment of the facility.

In terms of securing a funding package for the redevelopment or refurbishment of the facility, the Council feels that this could come from a combination of a community / voluntary group and the Council committing some funds, and then the selected community / voluntary group using this as a basis to seek match funding from external grant giving bodies.

Furthermore, the Council feels that the appeal of the project to grant giving bodies would be much enhanced by working in collaboration with the local community to develop a clear and compelling design brief as well as the commissioning of some preliminary architectural design work to bring the vision to life. Therefore, in tandem with this procurement exercise, the Council is undertaking a programme of community engagement in early 2019 to better understand the current usage and demand for community facilities within Park Wood, as well as to establish a clear brief as to what amenities should be provided within a redeveloped or refurbished Heather House.

Therefore, responses from voluntary / community groups are invited to the following questions;

1. The name of your community / voluntary group.
2. The nature of your community / voluntary group.
3. Would your community / voluntary group be interested in participating in the project?
4. Would your community / voluntary group be willing to manage the new or improved facility?
5. Would your community / voluntary group be willing to steward the new or improved facility without long term support from the Council?
6. Would your community / voluntary group be willing to contribute monies to fully or part-fund either a new or improved facility?
7. Does your community / voluntary group have a demonstrable track record of delivery on other similar projects in the UK? If so, please provide examples.
8. Would you be willing to collaborate with other voluntary / community groups to help develop a sustainable business plan for the facility? Or would you prefer to work just with the Council?

| Name of community / voluntary group | The nature of your community / voluntary group  | Would your community / voluntary group be interested in participating in the project? | Would your community / voluntary group be willing to manage the new or improved facility? | Would your community / voluntary group be willing to steward the new or improved facility without long term support from the Council? | Would your community / voluntary group be willing to contribute monies to fully or part-fund either a new or improved facility? | Does your community / voluntary group have a demonstrable track record of delivery on other similar projects in the UK? If so, please provide examples                 | Would you be willing to collaborate with other voluntary / community groups to help develop a sustainable business plan for the facility? Or would you prefer to work just with the Council? |
|-------------------------------------|---|---|---|---|---|--|--|
| Charlton Athletic Community Trust   | Delivery agent of sports and engagement sessions for all ages and communities. Charlton Athletic Community Trust have taken over the delivery of the Golding Homes/ Golding Vision Get Active programme in the community, which covers, Marden, Parkwood, Shepway and Tovil.  | Yes   | No  | No  | We wouldn't be able to provide funds ourselves but can support with Football Foundation grants.                                 | Yes, most recent would be our management and delivery of the One Goal project with L&Q in SE London.   | We are comfortable working in a partnership with a number of groups or just the council.   |
| Stones Community Trust              | Structured independently of Maidstone United Football Club and supervised by independent trustees, the SCT will be a charitable trust and will take over responsibility for setting up, organising and delivering community events designed to provide sports, football and social activities to local people including disadvantaged and disabled adults and children.   | Yes   | Yes   | Yes   | Can't provide investment but can help and support with fundraising bids.  | Yes, examples to be provided.  | Happy to be prospective partner to contribute to the design, investment and management of the new facility, working with Council and/or other partners.                                      |
| Soccer Street Foundation            | Charitable non-profit organisation operating nationwide and working in a collaborative manner with delivery partners and supporters using football as a catalyst to improve the lives of vulnerable and homeless young people across the Country. Street Soccer Academy provides a learning and development programme for 16-24 year olds delivered at Football Club partner venues.  | Yes   | No  | No  | support on fundraising but do not have any capital funds to invest at this time.  | Yes, examples to be provided.  | Happy to be prospective partner to contribute to the design, investment and management of the new facility, working with Council and/or other partners.                                      |
| National Pride                      | A social enterprise 'enabler' to create 'intergenerational communities' for the inclusion of all in our society. NPUK is the 'hub' of a network of over 500 stakeholders and delivery partners which seek to identify and acquire land, remediate where necessary, masterplan, finance, include residential for market sale and social housing. commercial and community facilities including health and social care services as <u>extensions to existing towns and cities</u> | Yes   | Yes   | Yes   | Can't provide investment but can help and support with fundraising bids.  | Network Partners of National Pride who operate at 'the hub' to 'facilitate' community interest projects have demonstrable track records and examples will be provided. | Yes - or working with just the Council is also an option.  |
| Fusion                              | Healthy Living Centre offering various health & wellbeing services and social support for the residents of Park Wood and the wider Maidstone community. We also run various activities and events for all ages throughout the year, especially around national holidays and celebratory days.   | Yes   | Yes   | Yes   | No  | Yes - Parkwood Healthy Living Centre.  | Yes - or working with just the Council is also an option.  |
| Active London Limited               | Active London Limited runs children's workshops, holiday clubs, after school clubs and provides children's entertainment in East and North London.  | n/a   | n/a   | n/a   | n/a   | n/a  | n/a  |
| Bellamy Central                     | Event management specialist, providing a full and partial event planning service for social and corporate events. Conferences, charity fundraisers, Royal Ascot packages, wedding fayres, as well as parties, weddings, christenings etc.   | n/a - Just interested in opportunity to provide event planning services.              | n/a   | n/a   | n/a   | n/a  | n/a  |
| Frencon Construction Limited        | General building contractors based in Chiswick and operate within London and the Home Counties. offer a full range of construction services such as: • New builds / Extensions • Refurbishment • Alterations • Roof renewal • Concrete and brickwork repairs • Redecoration • Window and door replacement. Typical contract values range between £50,000 up to £4,500,000.  | n/a - Just interested in opportunity to tender for any future construction works.     | n/a   | n/a   | n/a   | n/a  | n/a  |

| Name of community / voluntary group | The nature of your community / voluntary group  | Would your community / voluntary group be interested in participating in the project?                                   | Would your community / voluntary group be willing to manage the new or improved facility? | Would your community / voluntary group be willing to steward the new or improved facility without long term support from the Council? | Would your community / voluntary group be willing to contribute monies to fully or part-fund either a new or improved facility? | Does your community / voluntary group have a demonstrable track record of delivery on other similar projects in the UK? If so, please provide examples | Would you be willing to collaborate with other voluntary / community groups to help develop a sustainable business plan for the facility? Or would you prefer to work just with the Council? |
|-------------------------------------|---|---|---|---|---|--|--|
| Lifeways, West Kent HA              | Registered Social Landlord. West Kent Communities is the support department delivering services to vulnerable people across west Kent. This includes floating support, sheltered housing, supported accommodation, social support, personal care and crisis intervention. | No - withdrawn interest   | n/a   | n/a   | n/a   | n/a  | n/a  |
| Millstream Associates               | Seem to offer spend management and e-commerce solutions. Not a community interest company.  | n/a   | n/a   | n/a   | n/a   | n/a  | n/a  |
| Camborne Consulting                 | Consultancy Firm. Interested in purchasing property in Maidstone.   | n/a - Enquired as to whether Council would be interested in considering offer for freehold acquisition of the building. | n/a   | n/a   | n/a   | n/a  | n/a  |
| Tulba Consulting Limited            | Provision of training and consultancy services including advice on community asset transfer, community-led housing, community development, impact measurement, social and community enterprise  | n/a - Interested just in opportunity to advise on project and any asset transfer.                                       | n/a   | n/a   | n/a   | n/a  | n/a  |

# Heather House Survey Report 2019

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## Methodology

### Resident

The survey was distributed to all 3556 households in the Park Wood ward and 28 were returned as the address was incomplete; investigations revealed that either these properties were yet to be built or the sample included the flats-block as a separate address to the flats within it. This was a one off mailing with no reminders.

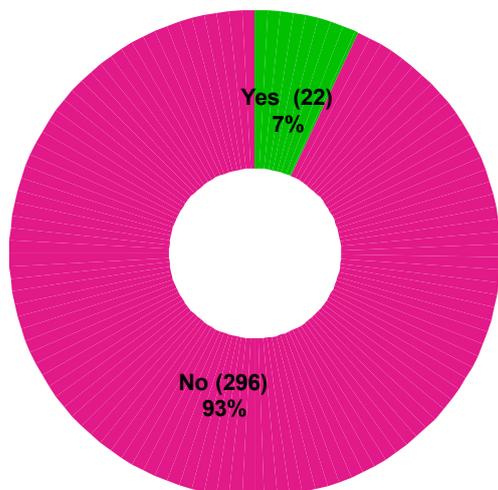
The survey was open between 11<sup>th</sup> February and 24<sup>th</sup> March 2019. A total of 320 responses were received. The overall results are therefore accurate to within  $\pm 4.4\%$  at a 90% confidence level, with no weighting applied to the data. This means that we can be 90% certain that the results are between  $\pm 4.4\%$  of the calculated response, so the 'true' response could be 4.4% above or below the figures reported (i.e. a 50% agreement rate could in reality lie within the range of 45.6% to 54.4%).

### Stakeholder

The survey was distributed to the eight regular hirers/users that run a club or group out of Heather House. The survey was open between 11<sup>th</sup> March and 22<sup>nd</sup> March.

Please note not every respondent answered every question, therefore the total number of respondents refers to the number of respondents for the question being discussed and not to the survey overall.

## Attendance at Heather House



Respondents were asked whether they, or a member of their household, attend a club or group that currently uses Heather House on a regular basis.

The majority of respondents replied 'No'.

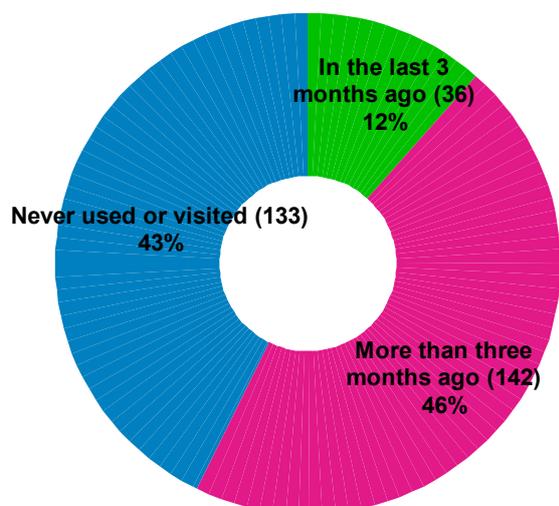
From analysing the data, it was found that respondents who have lived in their current home for more than 15 years are significantly more likely to attend a club or group at Heather House (12.7% of respondents), than those who have lived in their current home for 1 to 4 years (2.7% of respondents).

There were no significant differences between the responses when a household has either, children living at home; someone with a long-standing illness, disability or infirmity; someone claiming unemployment benefits; or someone who acts as a carer.

Additionally, respondents who have mortgage or are renting from a private landlord are less likely to attend a club at Heather House (97.9% and 100.0% of respondents respectively), than respondents who owned their property outright (85.7%).

The 22 respondents who said they currently attend a club at Heather House were asked which clubs they attend. 19 people provided a response: 63.2% (12) of the residents who regularly visit Heather House are members of SEMARA (South East Maidstone Active Retirement Association); 10.5% (2) are members of the Short Mat Bowls Club; 10.5% (2) are members of the Boxing Club; 5.3% (1) attend the Bingo; 5.3% (1) attend property meetings; 5.3% (1) use the facility as a Mosque; and 5.3% (1) attend private party events which are held at the House.

### Last visit to Heather House



Respondents were then asked when they or a household member last visited Heather House and there were six response options: 'In the last week'; 'In the last two weeks'; 'In the last month'; 'In the last three months'; 'More than 3 months ago' and 'Never used or visited'. For the chart, the first four answer options have been combined due to low numbers. The most common response was 'more than three months ago', followed by 'never used or visited'.

The data shows that respondents who have lived in their current home for less than a year were most likely to have never visited Heather House, in comparison with all other groups. 85.7% of

respondents who have lived in their current home for less than a year have never visited Heather House; whereas, only 27.7% of respondents who have lived in their home for more than 15 years have never visited Heather House.

Respondents who have lived in their home for 10-15 years were most likely to have last visited Heather House more than three months ago, with 58.7% responding this way. Further analysis found that respondents who have been in their current home for more than 15 years were most likely to have visited Heather House more recently, with 19.8% visiting in the last three months.

Moreover, the data shows that respondents who live closer to the facility (less than 350 metres away) were more likely to have visited in the last three months (9.0%) and more than three months ago (51.3%), than respondents who live 700 metres away (1.0% and 29.4% respectively).

Respondents who live the furthest away were most likely to have never visited Heather House (65.7%) in comparison with those who live 351-700 metres (32.8%) and less than 350 metres away (29.5%).

There were no significant differences between the responses when a household has either, children living at home; someone with a long-standing illness, disability or infirmity; someone claiming unemployment benefits; or someone who acts as a carer.

The survey asked respondents what the event was they last attended at Heather House. 178 people provided a valid response for this question. It should be noted that some respondents provided more than one answer. The responses are as follows:

- 68.0% (121) of the respondents attended a private function, 74.4% of which were parties (including birthday parties, wedding receptions and New Year's Eve celebrations); 9.1% were business functions (including Morrisons meetings, Golding Homes meetings and Residents' meetings); 9.1% were events for retirement groups (including SEMARA); and 1.7% were charity events (including an Alzheimer's fundraiser).
- 16.3% (29) of the respondents said the reason for their last visit to Heather House was to vote.
- 10.1% (18) of the respondents attended sports activities held at the House (including short mat bowls, boxing, kurling and dance lessons).

- 6.7% (12) attended fetes, markets and car boot sales.
- 2.8% (5) of the respondents have never visited, had no reason to visit, or were completely unaware of the facility.
- Finally, 1.1% (2) of the respondents have only visited Heather House to use the toilet facilities.

### Why have residents never visited Heather House?

Additionally, respondents were asked why they have never visited Heather House. 53 people provided a valid response<sup>1</sup> for this question. Again, some respondents provided more than one answer. The responses from the survey were coded and categorised. The responses are as follows:

- 41.5% (22) of the respondents were not aware of Heather House;
- 22.6% (12) had no reason to visit;
- 18.9% (10) of the respondents were not aware of the clubs and activities held at Heather House;
- 13.2% (7) were new to the area;
- 3.8% (2) thought it had an unsuitable location;
- 1.9% (1) thought the area was run down and uninviting;
- 1.9% (1) felt they were unwelcomed when they have visited in the past;
- and 1.9% (1) of the respondents said they had no time to visit Heather House.

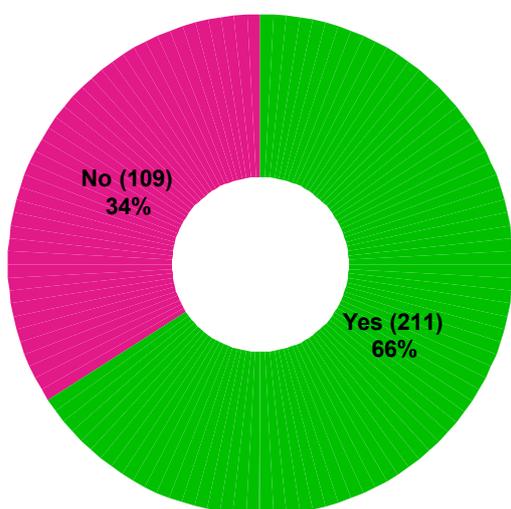
### Privately Hiring Heather House

The survey asked households if they were aware that Heather House could be privately hired for events, such as birthday parties; retirement celebrations; workshops and training events.

As seen in the chart, the majority of respondents replied 'Yes'.

99% of the respondents who are unaware that Heather House can be hired, also do not currently attend a club or group there. However, only 10% of respondents who replied 'Yes' currently attend a club or group at Heather House.

Respondents who have lived in their current home for less than a year are significantly less likely (23.8%) to know that Heather House can be privately hired; in comparison with residents who have lived there for 5-9 years (56.5%) and more than 15 years (81.6%).

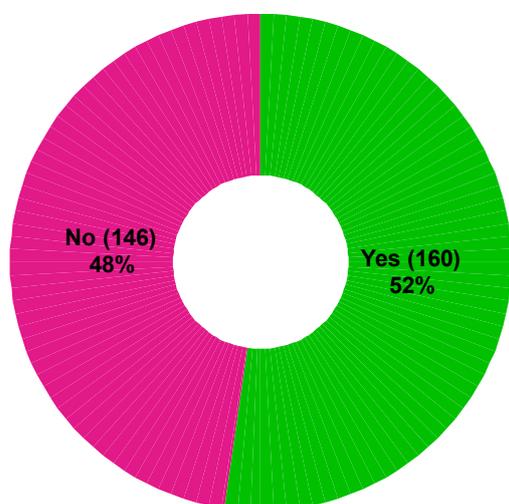


<sup>1</sup> An invalid response is one where the intention cannot be understood, that is nonsensical or contains only symbols.

Respondents who live further away (more than 700 metres) from Heather House are less likely to be aware that they can hire the facility (41.9%). To highlight this difference, 73.9% of respondents who live 351-700 metres and 84.0% of respondents who live < 350 metres away from Heather House are aware that they can hire Heather House.

Interestingly, respondents who are carers are more likely to be aware that they can privately hire Heather House (77.3%) in comparison with non-carers (62.8%). However, there were no significant differences between the responses when a household has, children living at home; someone with a long-standing illness, disability or infirmity; someone claiming unemployment benefits; or someone who acts as a carer.

### Would residents consider privately hire Heather House?



Households were then asked whether they would consider hiring Heather House for a private event.

The more common response by only 4% was 'Yes'.

The data shows that residents who rent their home from a housing association are most likely to consider hiring Heather House for a private event (65.3%); in comparison, residents who are have a mortgage or are renting from a private landlord are less likely to hire Heather House (48.9% and 27.3% respectively).

There were no significant differences between the 'Yes' and 'No' responses when a household has children living at home; someone with a long-standing illness, disability or infirmity; someone claiming unemployment benefits; or someone who acts as a carer.

Moreover, respondents who have visited Heather House in the last three months are the most likely to hire Heather House for an event (80.0%), in comparison with respondents who have never visited Heather House (28.1%).

Respondents who live less than 350 metres and 351-700 metres away from Heather House are more likely to consider hiring Heather House (59.2% and 56.5% respectively) than respondents who live more than 700 metres away (41.4%). This is not surprising considering awareness of hiring Heather House decreases as the distance of the household from the facility increases.

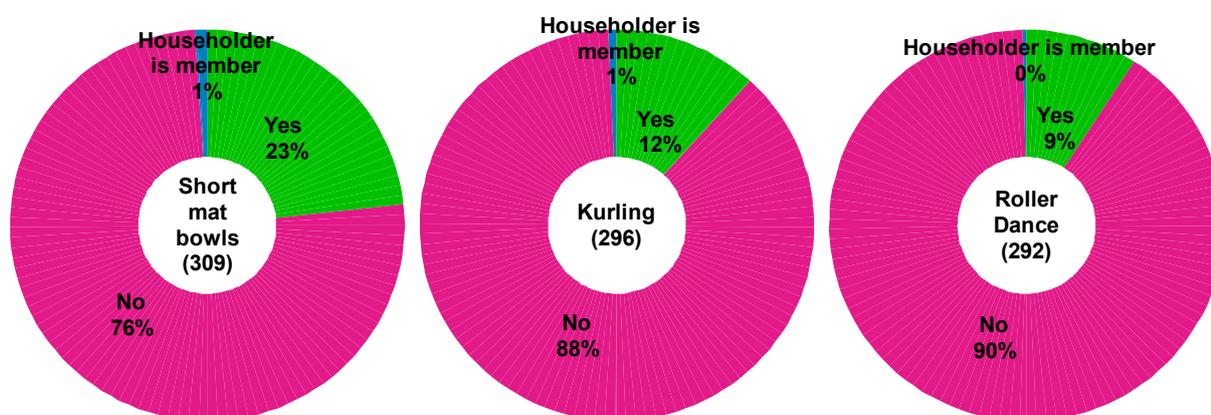
### Heather House Facilities

Households were asked whether there were any specific facilities that would make them consider hiring Heather House for a private event. 192 people provided valid responses for this question. The responses from the survey were coded and categorised. The responses are as follows:

### Appendix 3: Heather House Consultation Report

- 41.7% (80) of the respondents replied 'No', that there are not any facilities that would make them consider privately hiring Heather House.
- 16.1% (31) of the respondents reported that they would hire Heather House if there are facilities for birthday parties; 4 residents replied that they would like the option of hiring a bouncy castle for a child's birthday party.
- 10.4% (20) of the respondents stated that 'Heather House and its facilities should be improved and updated'. Responses for this category included: 'Heather House looks run down from outside'; 'the whole place needs changing, it's horrible'; 'the looks of the building is the main reason I do not use Heather House'; 'cleaner, more modern facilities are needed'; 'modernisation and abundant facilities are required'; and 'Heather House needs updating and improving, the area looks a mess'.
- 10.4% (20) of the respondents replied that they would use Heather House if there were a clean, modern kitchen and a licensed bar to hire.
- 8.9% (17) of the respondents would like a spacious hall with plenty of chairs and tables for events.
- 7.8% (15) of the respondents said 'a more convenient location' would make them consider hiring Heather House.
- 6.8% (13) of the respondents would like plenty of car parking spaces outside of the venue.
- 3.6% (7) of the respondents reported that they would like more sports facilities at Heather House, including sports equipment; gym equipment; mirrors; a sound system; and a stage.
- 2.6% (5) of the respondents said they would like cleaner and updated toilet facilities.
- 2.1% (4) of the respondents said they would be more likely to hire Heather House if the overall cost was more affordable.
- 2.1% (4) of the respondents reported they would like more green space outside of the venue.
- 2.1% (4) of the respondents would like more disabled facilities at Heather House, including wheelchair access.
- 1.0% (2) of the respondents replied that they would be more likely to hire Heather House if it had more marketing and advertisement.
- 1.0% (2) of the respondents said that the facility needs improved security.

## Heather House Clubs



Residents were asked whether they were aware of the following clubs at Heather House: short mat bowls; kurling; and roller dance. For all three clubs, the most common answer was ‘No’, that the respondents were not aware of the club being held at Heather House. Respondents were least aware of roller dance, followed by kurling and then short mat bowls.

### Short mat bowls

The data shows that respondents who do not have household member who attends a club at Heather House were more likely to be unaware of short mat bowls (79.5% of these respondents) than residents who do have a household member attend a club (21.1% of these respondents). Moreover, respondents who have never visited Heather House were more likely to be unaware of the short mat bowls club (92.1%) than those who have visited in the last three months (33.3%).

Respondents who have lived in their homes for more than 15 years were most likely to have knowledge about the short mat bowls club held at Heather House (43.8%). Furthermore, 36.2% respondents who own their house outright and 32.3% of respondents who rent their home from a housing association were aware of the short mat bowls club, in comparison with 7.4% of respondents who have a mortgage and 0.0% of respondents who are renting from a private landlord.

Interestingly, respondents who have a long-standing illness, disability or infirmity were more likely to know about the club (34.7%) than residents who do not have a disability (18.7%). Moreover, 28.4% of respondents who do not have children living at home are aware of the short mat bowls club, in comparison with 14.2% of respondents with children at home.

Households where someone is aged 65 years or over are most likely to know about the club (41.0%) compared to the overall result.

Households less than 350 metres away from the facility are more likely to know about the short mat bowls club (37.7%) than respondents who live more than 700 metres away (10.9%).

## Kurling

The data shows that respondents who do not have a household member attend a club at Heather House are more likely to be unaware of the kurling club (91.0%) than those that do (26.7%). Moreover, respondents who have never visited Heather House were more likely to respond that they were unaware of the kurling club (97.6%) than those who have visited in the last three months (56.7%).

Respondents who have lived in their homes for more than 15 years were more likely to be aware of club (24.7%) than respondents who have lived in their homes for 5-9 years (6.6%), 1-4 years (2.7%) and for less than a year (0.0%).

There were no significant differences between the responses when a household has someone with a long-standing illness, disability or infirmity; someone claiming unemployment benefits; or someone who acts as a carer. However, 14.70% of respondents who live without children at home are aware of the kurling club, in comparison with 6.50% of respondents who do live with children.

Households containing residents aged 65 years and over have a greater proportion responding that they are aware of the club (23.1%) compared to the overall result.

Finally, respondents who live more than 700 metres away from the facility are less likely to be aware of the kurling club (3.9%) than the respondents who live 351-700 metres and less than 350 metres away (13.0% and 21.1% respectively).

## Roller dance club

The data shows that respondents who do not have household member attend a club at Heather House are significantly more likely to be unaware of the roller dance club (91.7%) than those that do (58.3%). It was also found that respondents who have never visited Heather House were more likely to respond that they were unaware of the roller dance club (96.8%) than those who have visited in the last three months (77.8%).

As the Roller Dancing club held at Heather House is one to one tuition, this is not surprising.

There were no significant differences between the awareness responses when a household has children living at home; someone with a long-standing illness, disability or infirmity; someone claiming unemployment benefits; or someone who acts as a carer.

## What other activities would residents attend?

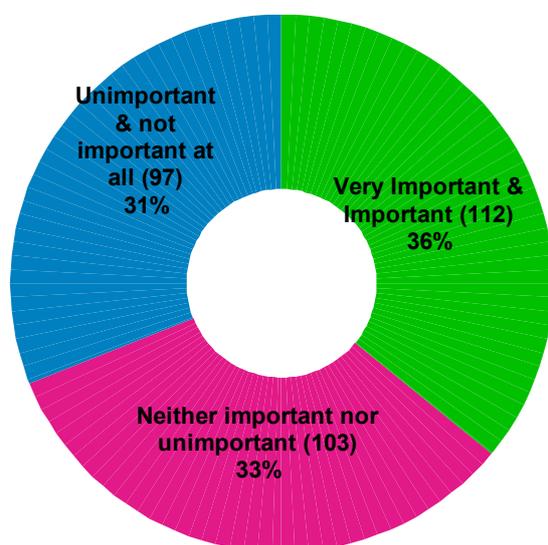
Householders were then asked what other activities they would attend, if they were available at Heather House. 141 people provided valid responses for this question. The results from the survey are as follows:

- 37.6% (53) of the respondents replied that they would attend keep fit/fitness classes at Heather House, which would include yoga, aerobics, pilates and zumba.
- 15.6% (22) of the respondents replied that they would attend dance classes, including modern; line; salsa and ballroom dancing.

### Appendix 3: Heather House Consultation Report

- 15.6% (22) of the respondents replied that they would not attend any activities held at Heather House.
- 13.5% (19) of the respondents replied that they would like children’s activities and clubs to be available at Heather House, including activities that are inclusive to children with learning disabilities.
- 7.8% (11) of the respondents reported that they would attend sport clubs at Heather House; responses included netball, badminton, archery, roller hockey, volleyball and football.
- 7.1% (10) of the respondents said they would attend arts, crafts and cooking activities at the House.
- 6.4% (9) of the respondents replied that they would like more baby, toddler and parents’ groups to be available.
- 6.4% (9) of the respondents reported that they would like more markets and fairs to be held at Heather House – including antique, boot and craft fairs.
- 5.7% (8) of the respondents would like more martial arts clubs to be available, such as karate, tai chi, taekwondo, kung fu and judo.
- 5.0% (7) of the respondents replied that they would like more groups available for OAPs, including exercise classes; U3A Active Retirement; and SEMARA.
- 5.0% (7) of the respondents reported that they would like more bingo, bridge and quiz nights.
- 5.0% (7) of the respondents replied that they would attend educational classes and workshops at Heather House; responses included language classes, first aid courses and dog training.

### Importance of Heather House to the Community



Residents were asked how important or unimportant Heather House is to them, with five response options: ‘Very important’; ‘Important’; ‘Neither Important nor Unimportant’; ‘Unimportant’ and ‘Not important at all’. The chart shows the top two and bottom two responses combined. Before this, the most common response was ‘Neither Important nor unimportant’ at 33%; followed by ‘Not important at all’ at 25%; and ‘Very Important’ at 13.8%.

The commentary below focuses on the combined results.

Households where a member attends a club at Heather House were significantly more likely to find Heather House ‘Very important and important’ (90.5%) than those who do not have a member in their household (31.8%). Furthermore, respondents who have used Heather House within the last three months are more likely to find Heather House ‘Very important’ (62.9%), in comparison with respondents who have visited more than three months ago (13.1%) and who have never visited (2.3%).

Respondents who do not have a household member attending a club at Heather House were significantly more likely to respond that Heather House is 'Neither important nor unimportant' (35.3%) and 'unimportant and not at all important' (32.9%), than those with household members who visit the facility regularly (both 4.8%). Similarly, respondents who have lived in their home for less than a year and for 5-9 years were more likely to find Heather House 'Not important at all' (40.0% and 32.3% respectively) than those who have lived in their home for more than 15 years (17.2%).

The data shows that respondents who have lived in their home for more than 15 years were significantly more likely than all other respondents to find Heather House 'Very important and Important' (51.5%). It was found that respondents who are over the age of 65 were more likely to find Heather House 'Very important' (20.5%) than households with working age people (11.7%) and households with children aged 4 years and under (10.8%).

Interestingly, respondents who are claiming unemployment benefits are more likely to find Heather House 'Important' (40.0% of respondents) than those who are not (20.4% of respondents). Moreover, respondents who are renting from a housing association are more likely to find Heather House 'Important' (32.0%) than those who are buying a mortgage (17.2%).

Respondents who currently have mortgage are more likely to find Heather House 'Neither important nor unimportant' (41.9%) than those who own their house outright (22.4%).

The data shows that respondents who live less than 350 metres and 351-700 metres away from Heather House are more likely to find it 'Important' (28.6% and 25.6%) than those who further away (12.7%). Respondents who live more than 350 metres away from the facility are more likely to find it 'Not important at all' (34.3%) in comparison with respondents who live less than 350 metres away (15.6%). However, there are no significant differences between the 'Neither important nor unimportant' responses from areas closer to and further from Heather House.

### Why is Heather House 'Not Important at all'?

Respondents who stated that Heather House is 'Unimportant' or 'Not Important at all' to them were asked to report why they felt this way. 120 people provided valid responses for this question. The responses were coded and categorised, and are as follows:

- 47.5% (57) of the respondents said they had no interest in Heather House. Some of the responses from this category included: 'current activities are not of interest to me'; 'I never use it'; 'I have no need to attend'; 'I have plenty of other activities'.
- 27.5% (33) of the respondents stated that they were not aware of Heather House and have never heard of it.
- 8.3% (10) of the respondents replied that the building and its facilities need to be improved. Responses for this category included: 'It looks very dated'; 'the whole place is dirty and disgusting'; 'it looks run down and dirty'; 'it's old and tatty'; 'if the facilities were improved, I would make use of it'.
- 6.7% (8) of the respondents replied that they dislike the area. Responses for this category included: 'I wouldn't visit that part of town'; 'the area is not particularly nice'; 'I try not to associate with others around here'; 'it has a bad reputation – when I say Park Wood, people are put off'.
- 4.2% (5) of the respondents replied that they do not use Heather House due to the lack of marketing and information about it. Responses included: 'it isn't marketed properly, I had no idea

it existed'; 'lack of information on events'; 'more advertising of events is needed; 'do you even have a website?'

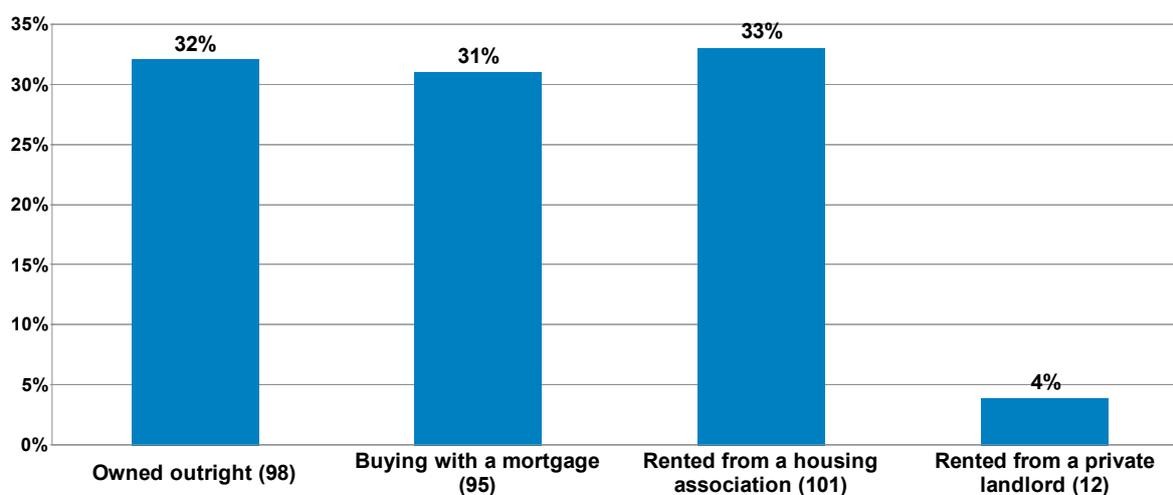
- 4.2% (5) of the respondents replied no time for it, due to work or other activities.
- 4.2% (5) of the respondents replied that Heather House should be kept open to benefit the local community. Responses for this category included: 'we need the hall kept open for all to use, as we have nothing in Park Wood'; 'the building is important to the community'; 'it is an asset to the wider community'; 'we need a community hall which residents can use for events and clubs, a place where all can get involved with the right encouragement'.
- 2.5% (3) of the respondents think the area is dangerous. They stated that, 'I would never use Heather House. I feel scared walking past thee as it is known for drug dealings and constantly has thugs hanging around the car park'; 'it's a no-go at night'; 'it is a scary place, there are always needles and rubbish outside'.
- 2.5% (3) of the respondents are unable to travel to Heather House, due to disabilities.
- 2.5% (3) of the respondents said they don't live in the area and so, would use other venues nearer to their home.

## The Future of Heather House

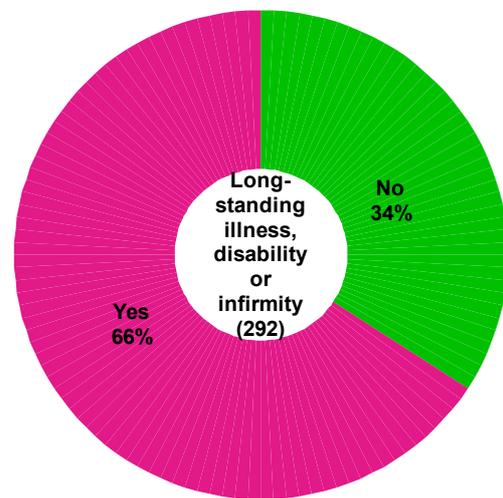
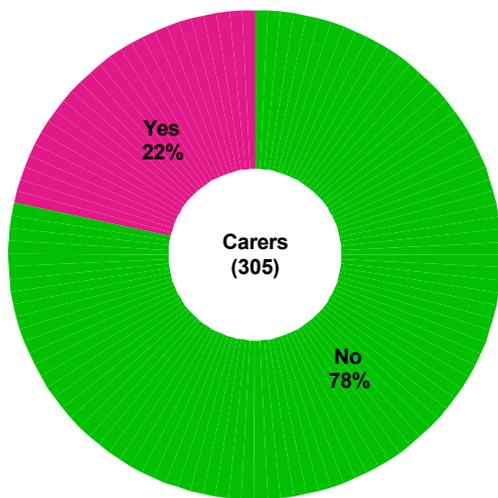
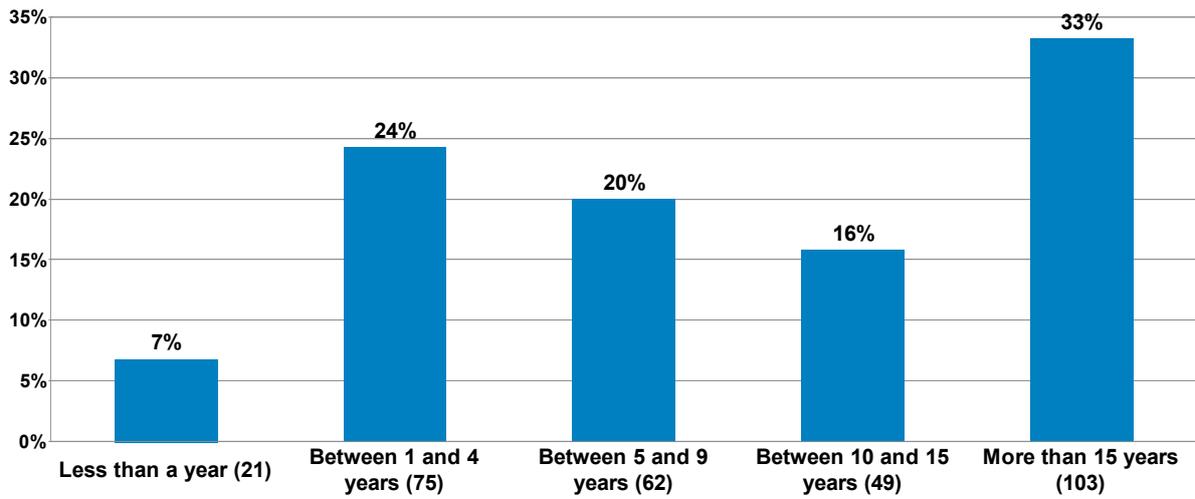
Residents were asked whether they would like to be involved in the future of Heather House through: attending a focus group on the future of Heather House; being a volunteer for events at the House; and volunteering with the day-to-day running of the House.

80.3% (257) of the survey respondents did not reply to this question; 14.7% (47) of the survey respondents replied that they would be interested in attending a focus group on the future of Heather House; 9.1% (29) of the respondents replied that they would be interested in being a volunteer for events held at Heather House; and 3.8% (12) of the respondents replied that they would be interested in volunteering with the day-to-day running of the House. Whether respondents replied to the question and the way in which they would like to be involved were not related to where they live in relation to Heather House, as there were no significant differences between location and responses. Resident Survey Demographics

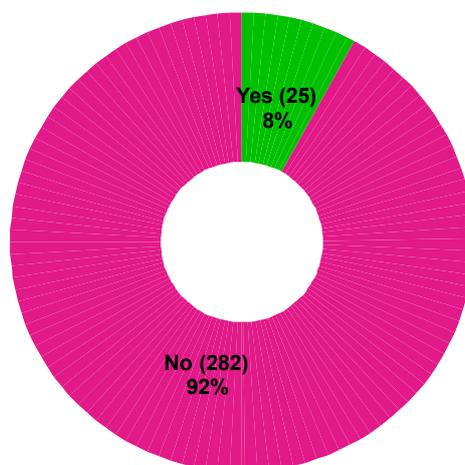
### Home Tenure



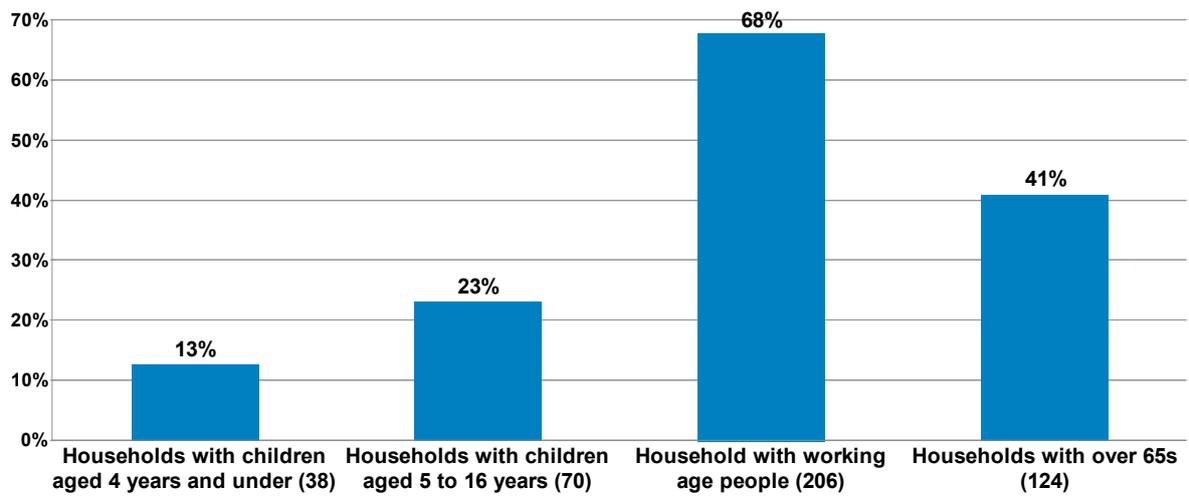
**Length of time at current property**



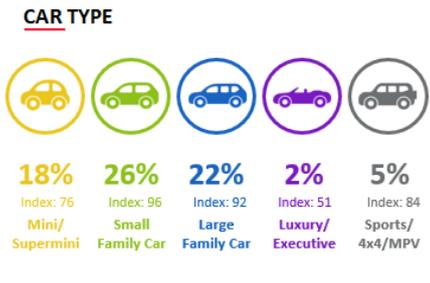
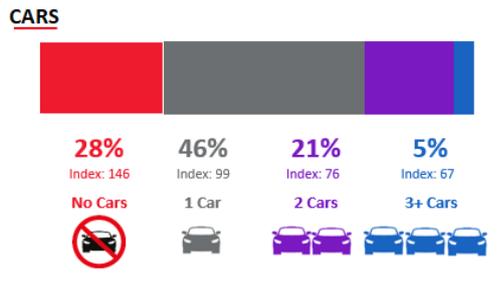
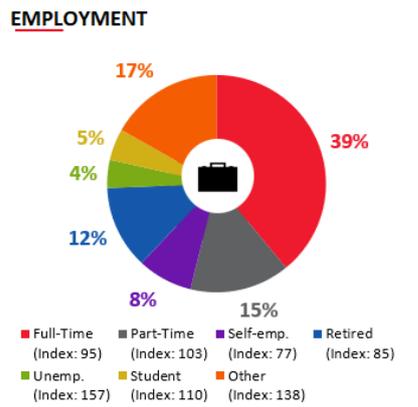
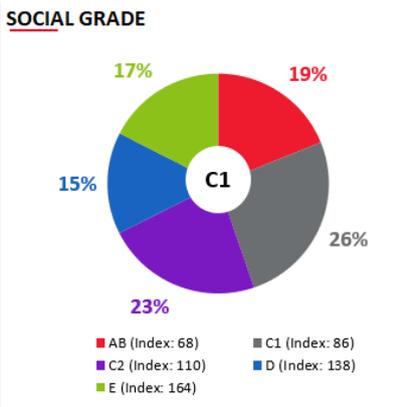
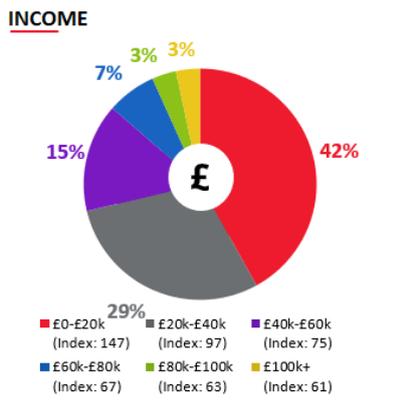
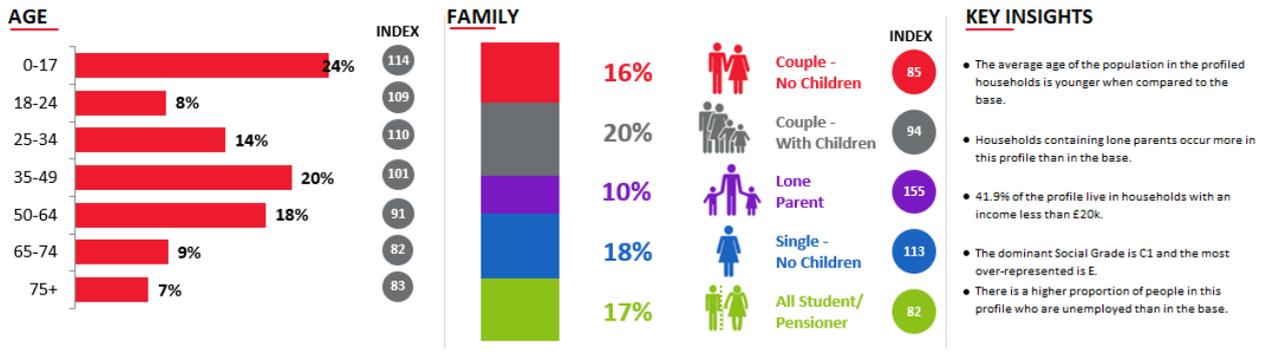
**Is anyone in the Household currently claiming unemployment benefit?**



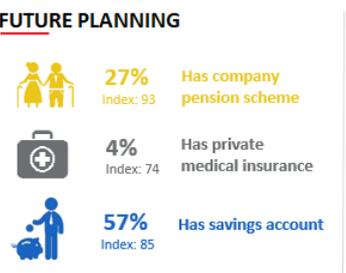
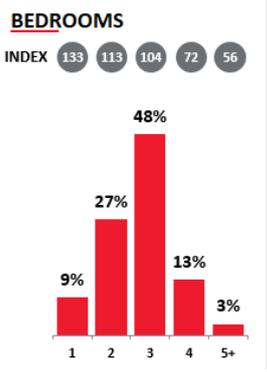
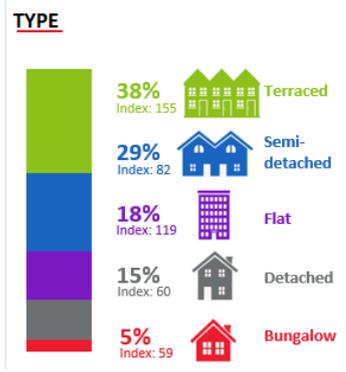
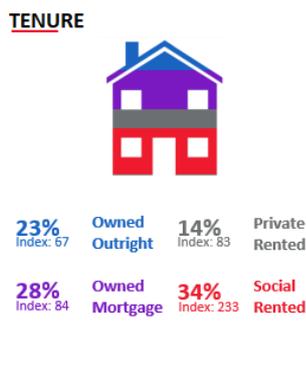
### Householder make-up



# Appendix 3: Heather House Consultation Report



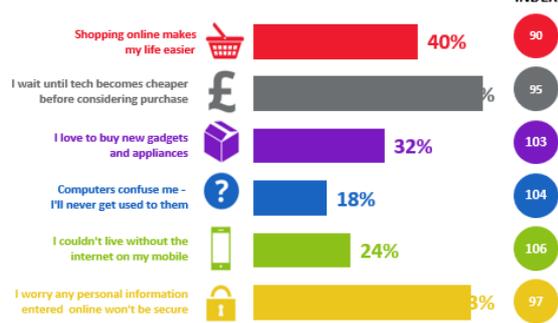
- ### KEY INSIGHTS
- Most households will have access to a small family car.
  - A higher proportion, in comparison to the base, are likely to have a small family car.
  - Terraced houses are 54.7% more likely than in the base.
  - 34.2% of the households in the profile are likely to be social rented.
  - About 9% of households will have 1 bedroom.
  - The prevailing size is 3-4 people but households with 5 or more people appear more than in the



## Acorn Respondent Profile

# Appendix 3: Heather House Consultation Report

## ATTITUDES



## MARKETING - FUTURE RESPONSE



## KEY INSIGHTS

- Most people in this profile prefer to be contacted via visit.
- A greater proportion than in the base prefer mail as their channel of choice.
- Approximately 14% of this profile is likely to respond to a leaflet.

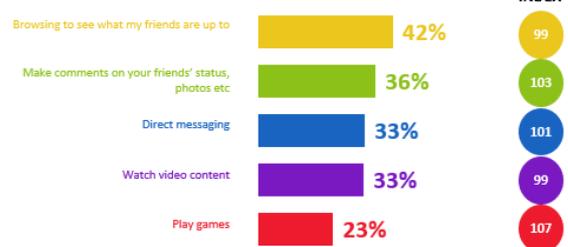
## ACCESSES SOCIAL MEDIA



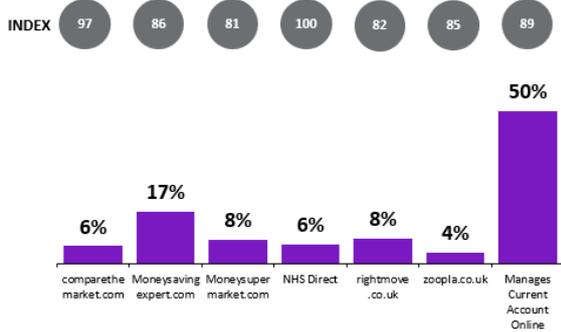
## BRAND INTERACTION



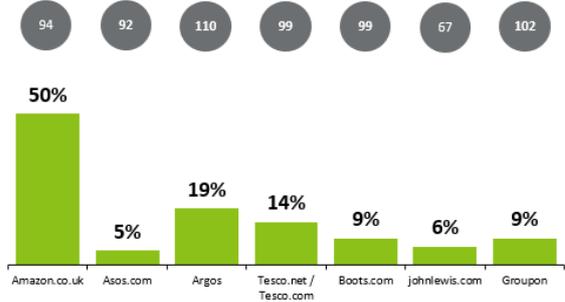
## TOP 5 SOCIAL MEDIA ACTIVITIES



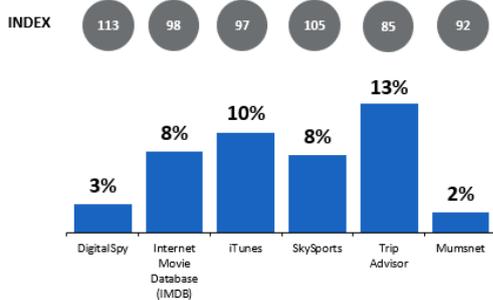
## HOME & FINANCE



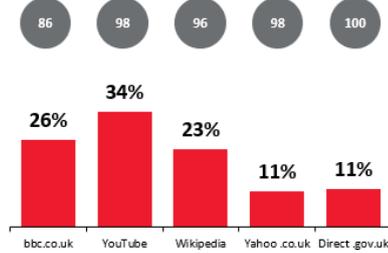
## SHOPPING



## LIFESTYLE



## GENERAL



## KEY INSIGHTS

- Most people in this profile will access their social media through their mobile. Although there is a higher proportion in the profile than the base who will also use their tablet.
- "Look at content/updates your friends have posted (e.g. photos, videos, status updates)" is the most popular activity on social media. However, a greater proportion than in the base will use it to "visit the profile/fan page of a product/brand or celebrity".

## Stakeholder Survey Responses

There were eight stakeholder users that were invited to take part in the consultation, six provided a response, and of these three were short mat bowling groups.

### Membership

Of the six stakeholder groups two have stated that they are specifically aimed at older people (over 55's and over 65's) with this being a prerequisite for one club due to its nature. There is one group that is aimed at young people, particularly those that are seen as deprived and another club that hires the hall for one to one tuition while the other two groups state to be open for members from all age groups and communities.

Although just two groups have stated they are aimed at specifically at older people, four stakeholders have provided membership figures showing that their group's membership is currently made up of only over 65's.

The group that is aimed at young people has the highest membership with 85 regular attendees, with the majority of these (75%) aged under 25 years and it is a sport orientated group. The private hirer for one to one tuition has the least number of members. The second biggest group is aimed at the Elderly and is a social orientated club.

### Usage & Facilities

Stakeholders were asked how often they meet at Heather House. The two groups with the greatest membership are using Heather House several times a week, while the other stated they use it one a week.

Stakeholders were asked to state which of current facilities in Heather house were vital and which were useful to their groups running. All stakeholders stated that a large sports hall (approx. 250m<sup>2</sup>) and car parking were critical to the running of their group. Four groups said a kitchen was critical and the same four groups said that storage was also critical, while one group said both these facilities were useful but not necessary. There was one group who said a committee style meeting room was critical and another said it was useful and one group stated that in addition to the large sports hall, the medium sports hall was also critical to the running of their group.

Three groups responded to the question 'are there any other facilities that are critical to the running of your club/ group?' These stakeholders mentioned toilets, a lockable room to store equipment and 'somewhere to wash would be handy'. When asked about the future needs of their group one stakeholder repeated the need for lockable storage, another stated the need to have a clear floor space that is reasonably flat and true.

## Needs & the Future of Heather House

In terms of satisfaction as user of Heather House all respondents said that the centre meets their group/clubs need 'Very Well' or 'Well'. All stakeholders also said that Heather House is a 'Very Good' or 'Good' community facility.

Stakeholders were asked if they had any other venues available to them, if Heather House was unavailable, all responded no. When asked what impact it would have on their club/group if Heather House was unavailable all responded negatively with three stating the club would close or their services would not be available locally, one stating they have tried to look for alternative but none were suitable. The remaining two responses said it would be a 'disaster' and would cause a 'large impact' if Heather House was unavailable.

In terms of going forward stakeholders were asked about their willingness to be involved in the future of Heather House. There were three stakeholders that said they would be willing to participate in the project, there was one stakeholder that said they would be willing to steward the new or improved facility without long term support from the Council, three were not sure and two said no. There were two stakeholders that said they would be willing to contribute monies to either a new or improved facility. Three respondents said they would be willing to collaborate with other clubs/groups to help develop a sustainable business plan for Heather House and the remaining three stakeholders were unsure.

| <b>Additional comments about Heather House and its future</b>  |
|--|
| Without Heather House our members would lose a means of socialising and having a purpose and overall important to our well being   |
| Heather House is in an already deprived area with many of our members lonely and without the ability to access other areas and clubs. This hall is a vital facility for this area. There is no other similar facility in this area.  |
| I think one of the issues is that Heather House is not advertised as a venue. It seems to be underused and has the potential to offer so many services to the local community, but clubs and groups are not aware of it.   |
| HH is an ideal venue for our club. It is a structurally sound building, apart from the fact it has an asbestos roof, that is ok if left alone, it is perfectly situated for us.  |
| Our exclusive use of Reed Hall has made a large impact in the community, through our club with the backing of England Boxing young people can participate in a sport which promotes a healthy body and mind, discipline, respect and a family atmosphere for our members even the most deprived families can benefit from. |
| Lifeline to many elderly, lonely people good public transport facilities to Heather House. We looked for new facilities when informed last year that it was to close, to a high cost to us as the only two available site we moved proved unsuitable at a great cost to the club.  |

**Community, Housing and Environment Committee**

**Tuesday 18<sup>th</sup> June 2019**

**Graffiti Removal**

|   |   |
|---|---|
| <b>Final Decision-Maker</b>               | Community, Housing and Environment Committee            |
| <b>Lead Head of Service/Lead Director</b> | William Cornall, Director of Regeneration and Place     |
| <b>Lead Officer and Report Author</b>     | Jennifer Shepherd, Head of Environment and Public Realm |
| <b>Classification</b>                     | Public  |
| <b>Wards affected</b>                     | All   |

**Executive Summary**

This report is in response to a request by Cllr Purle on 13<sup>th</sup> November 2019 requesting that the Communities, Housing and Environment Committee consider how graffiti is dealt with in the Borough, particularly on private land and where there has been historical issue. It outlines options to tackling the issues of graffiti on private land particularly in the St Peter Street & Buckland Hill area which has been highlighted as a hotspot. The purpose of the report is to identify and agree the proposed use of Maidstone Borough Council’s enforcement powers to deal with graffiti on publicly visible property, which meets the legislative tests.

**This report makes the following recommendations to Community, Housing and Environment Committee**

1. To agree implementation of a working process to tackle graffiti as set out at paragraph 1.9 and Appendix 1.
2. To review the agreed processes within 6 months of implementation to ensure the required results are achieved and if not to present an addition report outlining alternative enforcement actions.

**Timetable**

| <b>Meeting</b>                                 | <b>Date</b>          |
|--|----------------------|
| Communities, Housing and Environment Committee | Tuesday 18 June 2019 |

# Graffiti Removal

## 1. INTRODUCTION AND BACKGROUND

- 1.1 In 13<sup>th</sup> November 2018, Councillor Purle submitted a request for an agenda item for Communities, Housing and Environment Committee regarding graffiti and overgrown trees particularly in the St Peter's Street area. The matter was discussed at the Committee meeting held 13th November 2019 with Members acknowledging that graffiti can have a significant impact on the appearance of an area. The Committee therefore agreed that further work was required and that an officer report should be brought to the Committee to outline the options for dealing with the problem across the whole Borough.
- 1.2 At the time of the original request, officers contacted Network Rail and Jewson's on whose land most of the graffiti was located. The Council successfully worked with Jewson's to get the graffiti removed and for parts of their building to be repainted. The photos below indicate the graffiti in St Peter Street (Photo 1) and Network Rail property along the Maidstone East high-level bridge (photo2).



Photo 1: Graffiti on Jewson Builders Merchant



Photo 2: Graffiti along High-Level Bridge

- 1.3 Several requests were also made to Network Rail to remove a large amount of graffiti along the wall that runs alongside the Maidstone East train line high level bridge (photo 3). These reports were sent to local and Area Managers and even though assurances were provided by Network Rail that the graffiti would be removed, or replies would be provided, this did not happen. Due to the nature of their land and the associated risks of working by the railway, the Council is not authorised to carry out any work on Network Rail's land without permission. It has been exceptionally difficult to get permission to carry out this work on their behalf.

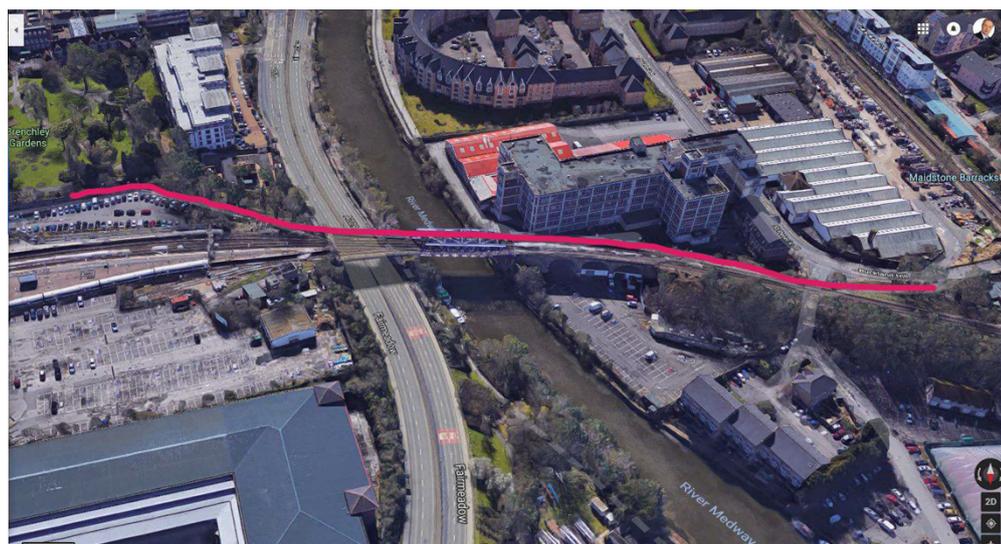


Photo 3: High Level Bridge

- 1.4 The Council routinely removes graffiti in the public realm, charging only for graffiti on larger commercial premises. A disclaimer is required for the removal of any graffiti from private land due to the small risk of damage

due to use of a high-pressure jet washer. This practice has ensured that most of the Borough remains largely graffiti free with the street cleansing department resources absorbing these duties as part of their day work.

- 1.5 Over the past 12 months there have been 77 reports of graffiti to the Council. The majority of these, 42 reports, were for the Town Centre, with Ringlestone and Shepway also identified as 'hotspots' for graffiti with 18 and 7 reports respectively. The remainder were isolated reports around the Borough although predominately on Network Rail land.
- 1.6 Historically the Council has received very few reports of graffiti from the public, with only 36 reports in 2018, 33 in 2017 and 26 in 2016.
- 1.7 All graffiti reported is inspected, and the majority of land owners are offered a free service for its removal. In locations where specialised equipment is required this free service is not offered. In these cases, the graffiti is usually at height and therefore would require a lift or scaffolding to remove. Many owners are unwilling to pay for this service and hence the graffiti is not removed. Where the graffiti is sexually offensive or racist then the council takes immediate action to remove regardless of the location. The Council will provide this free removal service when the resources used is at no addition cost to the Council.
- 1.8 One approach to the removal of graffiti is to issue Community Protection Warnings (CPW) followed up by a Notice (CPN).
- 1.9 This could be used where the graffiti is having a detrimental effect of a persistent or continuing nature on the quality of life of those in the locality and the conduct or the premises controller is unreasonable if not removed for a lengthy period. This could be carried out by the Waste Crime Team. This however penalising or engaging the land owner who is also a victim of this crime and therefore this approach has not previously been taken.
- 1.10 Appendix 1 outlines the potential enforcement route which may be used to tackle graffiti on private land where either the Council cannot remove it directly or when the landowner does not authorise the Council to carry out the work. This route could ultimately lead to the prosecution of the landowner if they fail to comply with a Notice or the use of alternative powers available.

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## **2. AVAILABLE OPTIONS**

- 2.1 The Community, Housing and Environment Committee could agree to the proposed working process to deal with graffiti throughout the borough. This is set out in the Graffiti Enforcement Process (Appendix 1).
- 2.2 The Committee could recommend that rather than enforcement action, the team continue to engage with all private land owners seeking their support to remove the graffiti.
- 2.3 Alternatively, the Committee could decide that the Council will remove all graffiti free of charge regardless of cost to the Council. However, this would

not be possible in certain locations where it requires operatives to enter Network Rail land.

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

- 3.1 Given the work over the past 12 months to engage with key landowners it is recommended that the Committee now sanction the use of enforcement powers to tackle graffiti on land where the landowner fails to act. This option would enable the Council to continue to work with responsible landowners to remove the graffiti for free or a small charge if specialist equipment is required to recoup any addition costs.
  - 3.2 However, this option enables the Council to take action against those individuals or bodies who fail to maintain their land and remove graffiti within an acceptable timescale, where that would be reasonable.
  - 3.3 The Council could seek to prosecute the landowner for failure to comply with the Community Protection Notice and seek legal costs. It is unlikely that the options set out in 2.2 and 2.3 would result in any significant improvement within 'hotspot' areas.
  - 3.4 Regardless of which option is agreed upon, a review should be undertaken to ensure the preferred option is working and if not, alternative enforcement option should be considered by the use of more complicated processes by using Town and County Plan Act 1990 and/or Anti-Social Behaviour act 2013.
- 

### **4. RISK**

- 4.1 The risks associated with 2.1 are low. The implementation to enforce against the land owners should provide an incentive but there could be a view that we are punishing the victims of crime. There is also the risk of appeal against a Notice on various grounds which could have cost or resource implications which may not be fully recovered if successfully defended or there could be an order for costs against the Council if not successfully defended, in some circumstances. The Graffiti Enforcement Process (Appendix 1) provides a staged approach with a clear understanding of responsibilities and assistance that the Council can provide.
- 4.2 There is a risk with 2.2 that there will be no improvement to the current graffiti levels in visible locations as there is no forceable incentive for private land owners (where known). As this report has been requested to deal with outstanding graffiti on publicly visible property its likely that the public will be disengaged with the Council on this matter and damage the reputation regardless of land ownerships or responsibilities.
- 4.3 There is a risk to the Council if option 2.3 is decided upon as there is unknown amount of resources required to remove graffiti for all location around the borough. Without undertaking a full audit of all graffiti within the borough there is an unknown amount of addition funding required.

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

- 5.1 Once approved, the Street Scene and Waste Crime Teams will work together to implement the Graffiti Enforcement Process.
- 5.2 Regardless of which option is agreed upon a review should be undertaken to ensure the preferred option is working and if not, alternative enforcement option should be considered by the use of more complicated processes by using Town and County Plan Act 1990 and/or Anti-Social Behaviour act 2013
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## 6. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue                                 | Implications   | Sign-off                             |
|---------------------------------------|--|--------------------------------------|
| <b>Impact on Corporate Priorities</b> | The recommendations support the Council's priority of <i>Clean, Green and Safe</i> by tackling graffiti which is not only unsightly but also can attract other anti-social behaviour and negatively affect lives.  | Head of Environment and Public Realm |
| <b>Risk Management</b>                | The risks associated with the proposal are highlighted in section 4.1.   | Head of Environment and Public Realm |
| <b>Financial</b>                      | The options set out at 2.1 and 2.2 do not require additional funding and can be undertaken within current resources. 2.3 recommendation would require additional funding, but the amount has not been quantified at this stage. It is also likely that capital funding would be required as part of this option. | Section 151 Officer & Finance Team   |
| <b>Staffing</b>                       | We will deliver the recommendations with our current staffing.   | Head of Environment and Public Realm |
| <b>Legal</b>                          | The Legal Team have been consulted and will work with the Waste Crime Team to deliver and review the process.  | Legal Team                           |

|                                    |   |   |
|------------------------------------|---|---|
| <b>Privacy and Data Protection</b> |   |   |
| <b>Equalities</b>                  |   |   |
| <b>Public Health</b>               |   |   |
| <b>Crime and Disorder</b>          | All racist or sexually explicit graffiti to be reported to Community Protection Team and will be removed immediately by the Waste Crime Team. | Head of Environment and Public Realm    |
| <b>Procurement</b>                 |   | [Head of Service & Section 151 Officer] |

**7. REPORT APPENDICES**

- Appendix 1: Graffiti Enforcement Process

**8. BACKGROUND PAPERS**

None

## Appendix 1 – Graffiti Enforcement Process

