

MAIDSTONE BOROUGH COUNCIL

Communities, Housing and Environment Committee

MINUTES OF THE MEETING HELD ON TUESDAY 20 SEPTEMBER 2016

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

Also Present: Councillor Cuming

47. **APOLOGIES FOR ABSENCE**

There were no apologies.

48. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

49. **URGENT ITEMS**

There were no urgent items.

The Chairman agreed to take a revised appendix II to item 17 – Public Spaces Protection Order – Town Centre as this had not printed correctly.

50. **NOTIFICATION OF VISITING MEMBERS**

Councillor Cuming was in attendance as an observer but reserved his right to speak on item 17 – Public Spaces Protection Order – Town Centre.

51. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

52. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

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

It was moved that item 21 - Minutes of the meeting held on 19 July 2016 be taken in public, but the information contained therein should remain private.

RESOLVED: That the exempt items on the agenda be taken in private as proposed.

54. MINUTES (PART I) OF THE MEETING HELD ON 19 JULY 2016

RESOLVED: That the minutes (part I) of the meeting held on 19 July 2016 be approved as a correct record and signed.

55. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

56. QUESTIONS AND STATEMENTS FROM MEMBERS OF THE PUBLIC (IF ANY)

Joan Langrick asked the following question:

Could this now lack of certainty regarding how effective antibiotics may be in treating patients with various infections, such as sepsis, pneumonia, tuberculosis and others, be taken into consideration when deciding how low the temperature has to fall before the homeless are accepted into a night shelter during bitterly cold winter months.

The Chairman responded to advise that the Council worked with partners and directly with those affected to tackle the issue of homelessness. An outreach programme offered screening for diseases to the street population.

The Head of Housing and Community Services explained that the Winter Shelter had been running for four years, and operated throughout the cold season regardless of the temperature. A pilot scheme to identify and treat tuberculosis infection among the street homeless had been successful and had subsequently been rolled out across Kent.

57. CHANGE TO THE ORDER OF BUSINESS

RESOLVED: That item 17 – Public Spaces Protection Order – Town Centre be taken in advance of item 11 due to a Visiting Member having reserved their right to speak on the item.

58. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - PUBLIC SPACES PROTECTION ORDER - TOWN CENTRE

The Community Partnerships and Resilience Manager introduced the report which provided results of the public consultation on Public Space Protection Orders (PSPOs), and recommended the implementation of an Order with prohibitions against drinking in a public space and begging.

The consultation was open for eight weeks, and it was summarised that:

- 86.4% of respondents felt safe in the town centre during the day and evening.
- 61.6% of respondents were in favour of the implementation of a PSPO to tackle drinking in a public place.

- There was little support among respondents for a PSPO to address rough sleeping.

The original proposal to committee in November 2015 had included rough sleeping and use of legal highs within the PSPO. The revised proposal omitted these for the following reasons:

- A small percentage of those who were classed as homeless were street sleeping. Of those, approximately ten people were believed to be street sleeping and involved in anti-social behaviour.
- Legislation against legal highs had been introduced nationally. In Maidstone the number of premises selling legal highs had significantly reduced.

The committee was advised that a PSPO prohibiting public drinking would feature two directions in the order. The first direction would allow an officer to request a person to surrender their alcohol if it was believed that there was a risk of anti-social behaviour. The second direction would require a person who had surrendered alcohol not to drink at that place for a period of 24 hours.

It was explained that there was already legislation in place to address begging, and so the proposed PSPO would specifically tackle the use of objects or animals when begging. Enforcement would be implemented through fixed penalty charges, civil injunctions or criminal behaviour orders.

During discussion it was confirmed that:

- A number of PSPOs have been implemented nationally. Where these have been used to prohibit rough sleeping, this has acted to displace street homeless to other areas outside the PSPO jurisdiction.
- With regard to a prohibition against the use of an object or animal for begging, the parameters of a breach would be accounted for in the drafting of the Order.
- A PSPO was enacted over a three year duration. The effectiveness of the Order would be monitored during that time. At the end of that term Members could decide to continue with or change the Order. Firm evidence would be required to extend the PSPO area to a wider area.
- The Order would primarily be enforced by the Police and Council Officers with delegated responsibilities.

A Member put forward that, as MBC was already involved in a successful publicity campaign which addressed the problems that can arise from donating to those who are begging, there was less reason to include begging within a PSPO. The money that would be spent on the PSPO could instead be diverted towards further financing the campaign.

It was moved that begging be removed from the PSPO. This was not seconded.

It was moved, seconded and:

RESOLVED:

1. That a PSPO be enacted in the town centre area defined by Appendix IV to the report of the Head of Housing and Community Services, including prohibitions for Drinking in a public place and Begging as set out in Section 5.4 of the report.

For – 7 Against – 0 Abstain - 1

2. That authority be delegated to the Head of Housing and Community Services, in consultation with the Chairman and Vice-Chairman of Communities, Housing and Environment Committee, to make any minor amendments or corrections to the Order before it is enacted.

For – 8 Against – 0 Abstain – 0

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

The Chairman raised the matter of the Health workshop, and the Head of Housing and Community Services advised that dates would be circulated.

Members were in agreement that the next Crime and Disorder Overview and Scrutiny Committee in November should be held on a separate date to the Communities, Housing and Environment Committee due to the amount of business to be considered.

RESOLVED: That the Communities, Housing and Environment Work Programme 2016-17 be noted.

60. REFERENCE FROM THE PLANNING COMMITTEE - AIR QUALITY MITIGATION

The Committee considered the reference from Planning Committee recommending that consideration be given to how the Sutton Road/Loose Road area can be built into any action plan (or similar programme should one be formulated) for air quality mitigation having regard to the housing developments coming forward.

It was noted that an item proposing the establishment of an Air Quality Working Group was included further on in the agenda, and that the details of this be reported back to the Planning Committee.

RESOLVED: That the reference be noted.

61. REPORT OF THE HEAD OF POLICY AND COMMUNICATIONS - STRATEGIC PLAN PERFORMANCE UPDATE Q1 FOR CHE

The Head of Policy and Communications introduced the report detailing the performance of the service areas within the remit of the committee.

It was explained that:

- Recycling rates had missed the target by 1%, but were expected to meet the target within the second quarter;
- Occurrences of fly-tipping had fallen by one third;
- Once the Safeguarding Policy had been agreed training would be delivered to practitioners;
- The target for the delivery of affordable homes had exceeded its target;
- The number of people using leisure facilities fell within the remit of the committee as it correlated with health and wellbeing.

Members requested a more detailed breakdown of the 16% increase in crime reports, attributed to an increase in reporting of domestic violence. The Head of Housing and Community Services confirmed that the Safer Maidstone Partnership was looking into the issue, and more information would be provided to the Crime and Disorder Overview and Scrutiny Committee.

RESOLVED:

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

62. **REPORT OF THE DIRECTOR OF FINANCE AND BUSINESS IMPROVEMENT - FIRST QUARTER BUDGET MONITORING 2016/17**

The Chief Accountant presented the report which outlined the financial position of the service areas under the committee's jurisdiction at the end of the first quarter.

In response to a question it was clarified that a variance of more than £30,000 within a cost centre would be reported to the committee.

RESOLVED: That the report be noted.

63. **REPORT OF THE HEAD OF ENVIRONMENT AND PUBLIC REALM - KENT COUNTY COUNCIL WASTE STRATEGY CONSULTATION**

The Head of Environment and public Realm introduced the report setting out a draft response to Kent County Council's (KCC) Waste Disposal Strategy.

It was explained that the priorities outlined in the Waste Disposal Strategy, attached at appendix A to the report, closely aligned with those

of MBC. There was a good relationship between the two authorities, as evidenced by the Mid Kent Waste Partnership.

During discussion it was put forward that there was a need for an additional household waste recycling facility in Maidstone. KCC had stated that the current household waste recycling centre based at Tovil would be at capacity within five years, however feedback from residents and other users of the site suggested that capacity had already been reached.

RESOLVED: That the draft consultation response attached at appendix B to the report of the Head of Environment and Public Realm be agreed and submitted as the Council's response.

For – 8 Against – 0 Abstain – 0

64. REPORT OF THE HEAD OF ENVIRONMENT AND PUBLIC REALM - FLY-TIPPING PERFORMANCE

The Head of Environment and Public Realm presented the report which provided details of fly-tipping reporting, the new facilities within the mobile working system, and proposed a workshop to demonstrate the mobile solution.

With regard to the mobile working system it was advised that:

- The new system had been in operation for a year and allowed residents to pin point and report fly-tipping online. The location of the fly-tipping was then sent to an operative to remove;
- Benefits included the ability to collect data on fly-tipping behaviour. One downside was that the map only showed the areas that MBC was responsible for collecting fly-tipping from, and for other areas users were prompted to contact Environmental Enforcement. It was felt that the prompt needed to be clearer and more seamless;
- The data is collected had so far revealed that over 50% of fly-tipping was household waste, and that fly-tips were more prevalent in urban areas;
- Some councils used an app called Littergram to allow residents to report fly-tipping, however this was not currently compatible with MBC's system. A message had been placed on Littergram to advise residents to use the council's website;
- The closure of the refuse freighter service had not made any significant change to fly-tipping figures.

RESOLVED:

1. That the report of the Head of Environment and Public Realm be noted.
2. That a Member workshop to demonstrate the mobile solution used to report and manage fly tipping and other responsive services be held.

For – 8 Against – 0 Abstain – 0

65. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - ENVIRONMENTAL HEALTH SERVICE UPDATE

The Mid Kent Environmental Health Manager introduced the report providing an update on the delivery of the council's environmental health functions during the year 2015/16.

Councillor M Burton left the room at 8.22 p.m. and re-entered at 8.23 p.m.

During discussion it was clarified that Environmental Health did not comment on planning applications as a matter of course, and only provided a response where one had been requested due to noise or contaminated land queries. A Planning Officer could identify when an environmental health response was required by using the mapping software.

RESOLVED: That the service delivery made by Mid Kent Environmental Health in Maidstone Borough during 2015/16 be noted.

66. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - AIR QUALITY WORKING GROUP

The Head of Housing and Community Services presented the report asking Members to consider the establishment of a working group to explore themes arising from the Low Emissions Strategy workshop held in July 2016.

Three nominations to the working group were requested, and were received as follows: Councillors M Burton, D Mortimer and Robertson.

RESOLVED:

1. That a Member working group of five members be established.
2. That the three representatives of Communities, Housing and Environment Committee be appointed as follows:

Councillors M Burton, Mortimer and Robertson.
3. That a reference be made to Strategic Planning, Sustainability and Transportation Committee to request the nomination of two Members to represent that committee on the working group.
4. That the terms of reference of the working group be agreed at the first meeting of the group.

For – 8 Against – 0 Abstain – 0

67. PART II

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

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

Minutes (Part II) of the meeting held on 19 July 2016	Para 3 – info re: financial / business affairs; Para 7 – info re: crime prevention, investigation or prosecution.	148 - 149
Exempt Report of the Head of Housing and Community Services - Property Acquisition	Para 3 – info re: financial / business affairs.	150 - 158

68. MINUTES (PART II) OF THE MEETING HELD ON 19 JULY 2016

RESOLVED: That the Minutes (Part II) of the meeting held on 19 July 2016 be approved as a correct record and signed.

69. EXEMPT REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - PROPERTY ACQUISITION

The Housing and Enabling Manager presented the exempt report on a proposed property acquisition.

It was explained that the property could be used to provide accommodation for six individuals.

In response to a question it was clarified that during financial calculations it was assumed that one room would always be empty so that all income scenarios could be accounted for.

RESOLVED:

1. That the purchase of the property named in the exempt report of the Head of Housing and Community Services for use as accommodation for homeless households be approved, subject to contract and survey.
2. That the acquisition and cost of works associated with the property be funded from available resources within the Housing investments Capital Programme.
3. That the Director of Finance and Business Improvement be authorised to conclude negotiations with the owner, and the Head of Mid Kent Legal Services be authorised to complete the purchase on the agreed terms.

For – 8 Against – 0 Abstain – 0

70. DURATION OF MEETING

6.31 p.m. to 8.43 p.m.