

MAIDSTONE BOROUGH COUNCIL

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 18 JUNE 2019

Present: Councillors M Burton, Harper, Khadka, Mortimer (Chairman), Powell, Purle, Mrs Robertson, D Rose and Young

Also Present: Councillor B Hinder

6. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Mrs Joy and M Rose.

7. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that the following Substitute Members were present:

- Councillor Mrs Robertson for Councillor Mrs Joy
- Councillor Harper for Councillor M Rose

8. **URGENT ITEMS**

The Chairman informed the Committee that he had agreed to take an urgent update to agenda Item 13 – Key Performance Indicators 2018/19 – Q4 Update. The update provided details of the performance indicator which related to percentage of household waste sent for reuse, recycling and composting.

The Committee agreed to consider the suggested performance indicators for graffiti when considering the report on graffiti later on the agenda.

9. **NOTIFICATION OF VISITING MEMBERS**

Cllr Hinder was present as a Visiting Member, and indicated that he wished to speak on Agenda Item 10 – Petition on Village Green Status for Weaving Heath.

10. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

11. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

12. EXEMPT ITEMS

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

13. MINUTES OF THE MEETING HELD ON 16TH APRIL 2019

RESOLVED: That the minutes of the meeting held on 16 April 2019 be approved as a correct record and signed.

14. MINUTES OF THE MEETING HELD ON 21ST MAY 2019

RESOLVED: That the minutes of the meeting held on 21 May 2019 be approved as a correct record and signed.

15. PRESENTATION OF PETITION

Mr Clark presented a Petition which requested that the Council approach KCC to change the status of Weaving Heath to that of a designated Village Green and made the following comments:-

- Weaving Heath had been transferred to the Council under a Section 106 agreement in 1982 to be used as an open space for 80 years.
- The area was used by the community for walking trails, dog walking, a street picnic, fitness classes and boot camps. The area also provided a much needed wildlife haven.

Cllr Hinder addressed the Committee as a Visiting Member and highlighted that:-

- That the area was much used by the community and had a recognised voluntary group which provided assistance with de-littering and general upkeep.
- As mentioned in the Green and Blue Infrastructure Plan, local people are best placed to help decide on what is best for their area.
- There was no protection for this area in the Council's Local Plan.
- After 80 years the Council could choose to change the use of the land and to safeguard it, the residents would like to ensure that the area is fully protected.
- The residents wanted to improve their community amid traffic chaos and over-development.

The Chairman, in the absence of a report, read out the advice he had received from the Director of Regeneration and Place, which had previously been given to Boxley Parish Council in September 2018.

The Committee noted that:-

- Weaving Heath had been referred by Ward Homes to Maidstone Borough Council under a Section 106 Agreement from March 1982 to be used as a public open space for a period of 80 years. Therefore the land had protection for a further 44 years (until 2062), although there was no particular designation for it in the Local Plan.
- Anyone could make an application to KCC for village green status but it was usually residents associations, parish councils or groups of other interested persons who make such applications. The Council, as the district Council, could then comment as a consultee.
- To achieve village green status the applicant would need to demonstrate that the public had used the area "as a right" uninterrupted for at least 20 years. As the land was transferred to the Council as public open space and the Council set it up as an amenity space, it would be seen that the public had not used it "as of right" for the requisite time as the Council as freeholder, allowed the public to use it. Therefore this may make the application unsuccessful.
- An alternative course of action for the parish might be to put forward a case under the upcoming review of the MBC Local Plan to include the land as local green space as such spaces have similar protection to that of green belt in planning terms.

The Committee considered that a report should be presented to the Committee (or appropriate Committee) on what options would be available to take this forward and that legal officers be present when the item is discussed.

RESOLVED: That Officers produce a full report on the options available to the appropriate Committee within the next 2 months.

Voting: For: unanimous

16. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

17. COMMITTEE WORK PROGRAMME

The Committee Work Programme was discussed and the following amendments/comments were made:-

Low Emissions Study – Officers would be producing a report following receipt of the results of the study which would be considered firstly by Strategic Planning and Infrastructure Committee and then by this Committee.

Bio-Diversity Strategy – This should be included on the Committee Work Programme for September/October.

Maidstone Cemetery – Once the full costs of Phase 1 of the scheduled works are realised then a report would be produced for the Policy and Resources Committee to consider any additional funding.

RESOLVED: That the Committee Work Programme be noted and amended accordingly.

18. KEY PERFORMANCE INDICATORS 2018/19 - Q4 UPDATE

The Information and Corporate Policy Officer provided an update to the Committee on performance for quarter 4 of 2018/19 for Key Performance Indicators (KPIs).

The Committee noted that:-

- The urgent update provided data on the percentage of household waste sent for reuse, recycling and composting. The value had decreased slightly but the overall status remained the same.
- The suggested KPIs for graffiti would be considered as part of the discussion on the report on the agenda.
- 50% of the targeted KPIs reported in the quarter achieved their target compared to 60% at quarter 3 and 42% in the same quarter last year.
- The dedicated fly tipping hit squad had increased the Council's ability to deal with fly-tipping in the borough. Quarter 4 the percent of fly tips resulting in enforcement action was 81.5% against a target of 50%.
- Number of applications where Prevention Duty had ended as applicant had suitable accommodation for at least 6 months – comparisons could not be made in terms of previous years as this was due to changes in the Homelessness Reduction Act 2017, which was enacted in April 2018.

In response to questions from Members, Officers advised that:-

- In regard to percentage of littering attended to, a notification may not be responded to if the area was due to be de-littered within 3 to 4 days on its current schedule.
- It was hoped that Officers should be able to see if the stickers on recycling bins had had a positive effect on contamination figures within a month.
- The Committee approved 50% as its recycling target when it considered the Waste Strategy. Therefore the figure for this year

had been 51.4% which showed that the Council had continued to deliver the national target. The Council would continue to work with partners to keep pushing food and garden waste and commit to waste reduction.

- The Council, along with KCC, ran a school campaign on food waste.
- It was thought that Officers would not know the baseline until the end of the financial year for the 'Number of applications where Prevention Duty had ended'.

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

19. FOURTH QUARTER BUDGET MONITORING 2018/19

The Committee considered the 4th Quarter Budget Monitoring 2018/19 report presented by the Interim Head of Finance.

The Interim Head of Finance highlighted:-

- There had been a underspend of £62,000 against the revenue budget.
- The overspend on Recycling Collection was caused by a one-off adjustment of £0.341m to move from a cash basis of accounting, where all income was taken when money was received, to an accruals basis where it was attributed to the period when it was earned.
- The unused grants of £260,000 for homelessness prevention would be carried forward to 2019/20.
- The housing incentives budget had been historically under-utilised and would be reviewed to create a more realistic level.

In response to a question from a Member, the Head of Environment and Public Realm advised that the £180k allocated to commercial waste would be spent in this financial year for a new refuse vehicle.

The Chairman advised that he had been in discussions with representatives from the Mall Shopping Complex and suggested that the underspend be utilised to provide a changing places facility in the new Food Hall. He suggested that this was vital for visitors to the town who had complex disabilities, especially as there was only two other changing places in the town, one at the YMCA and one at Mote Park.

The Committee felt that before putting forward such a proposal there should be more details on costings, particularly in relation to ongoing maintenance costs and that other funding or grant opportunities should be fully explored.

The Chairman was asked to provide a briefing note to the Committee on the full proposals, costings and ongoing maintenance and that opportunities for funding or grants be investigated for this facility.

RESOLVED:

1. That the Committee notes the financial performance for Quarter 4 2018/19.
2. That the Committee notes the slippage within the capital programme in Quarter 4 2018/19.
3. That the Chairman produce a briefing note on his proposals for the provision of a changing places facility in the new Food Hall that would be developed in the Mall Shopping Complex and that the briefing note should include costings, including for ongoing maintenance and options for any funding or grant opportunities.

Voting: For: Unanimous

20. **ENVIRONMENTAL HEALTH AND COMMUNITY PROTECTION ENFORCEMENT POLICY**

The Mid Kent Environmental Health Manager presented a report which updated, revised and combined the existing enforcement policies for both the Mid Kent Environmental Health Service and Maidstone's Community Protection Team and Waste Crime.

The Committee noted that as these service areas covered environmental and public health legislation and share similar processes it seemed appropriate to combine them into one document.

In response to questions from Members, the Community Protection Manager advised that:-

- The policy gave Officers a framework to work towards.
- A Service Level Agreement was being drafted with One Maidstone in relation to the Town Centre Ambassadors and training would be provided in July/August.

RESOLVED:

1. That the adoption of the Environmental Health and Communities Protection Enforcement Policy 2019 be approved.

Voting: For: Unanimous

21. MID KENT ENVIRONMENTAL HEALTH ANNUAL REPORT 2018-19

The Mid Kent Environmental Health Manager presented a report which provided an update on the work of the Mid Kent Environmental Health Service for Maidstone during 2018/19.

The Committee noted that the service would look at new opportunities to identify potential for income streams across the service during 2019/20, for example giving food hygiene or contaminated land advice.

In response to questions from Members, the Officer responded as follows:-

- The team would like to explore further the registration and inspections on businesses that carry out lip filling and would discuss this direct with the Member outside of the Committee meeting.
- A formal letter was given to those food businesses that score 2 or below which detailed the work they needed to carry out to comply with the relevant standards. The businesses would be revisited by officers within a given timeframe. Businesses also had the option to appeal against the risk rating which was undertaken by both Food and Safety Team Leaders. They also have the option to request a Rescore Inspection but would need to pay for this full inspection.
- 'A' rates premises presented the highest risk rating and in 2018/19 two Maidstone businesses received this score and therefore received two inspections each during the year (four interventions).
- If an Officer inspected a business that they considered a danger to the public then an emergency hygiene prohibition notice would be served on the premises.

RESOLVED: That the Communities, Housing and Environment Committee noted the content of the report.

22. HEATHER HOUSE AND PAVILION BUILDING

The Housing Delivery Manager provided an update to the Committee on the findings from the procurement and stakeholder/resident survey which was undertaken to enable the Committee to make an informed decision.

The Committee noted that indicative costs for a new build community centre would be around £2.5million. However, there was potential for residential development on the Pavilion building site but this would still leave a subsidy gap of just over £2m.

It was noted that a procurement process was undertaken to identify suitable 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 Prior Information Notice (PIN) was advertised on the Kent Business Portal on 23 January 2019 and produced a total of 12 responses. Of the 12 responses, 5 responded by saying that they would be interested in participating in the project.

There were 3 respondents who indicated that 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) was happy to act as facilitator and project enabler to find partners to contribute towards the design and finance.

It was also noted that the Royal British Legion Social Club had advised the Council in February 2019 that it would cease trading later in the year and therefore wanted to surrender their lease and vacate the building. The Rugby Football Club would be entering into a short term lease with the Council to continue to operate from the building.

The Committee commented as follows:-

- That the refurbishment and extension for Heather House should be a priority before the residential units.
- That the long term future and maintenance of Heather House should be looked at to ensure the same issue is not being discussed in 13 years' time.

In response to questions from Members, the Officer advised that:-

- An informative event would be held at Heather House to enable the design team to engage with the local community and stakeholders.
- It would make more sense to have the same company undertaking both the new build for Heather House and the residential units. However, due to the specialist nature of the refurbishment works to Heather House, it might be necessary to have two separate contractors for the new build residential units and the refurbishment works to Heather House.
- The refurbishment works for Heather House are reliant upon any land value generated by Maidstone Property Holdings (MPH) for the residential housing on the Pavilion Building site being paid to the Council and pledged towards the cost of the refurbishment and extension of Heather House. A case would have to be made to Policy and Resources Committee for an additional £600,000 from the capital programme or alternative sources.
- That there was a delivery timescale of 18 months but it was considered that this could be shortened to 12 months.

- The indicative project costs related to the refurbishment and extension of Heather House include contingency, and a further 10% of on-costs such as consultancy fees.

RESOLVED: 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 in order to partially fund a refurbishment of Heather House 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.

Voting: For: Unanimous

23. GRAFFITI REMOVAL

The Committee considered the report of the Head of Environment and Public Realm which was in response to a request by Councillor Purle in November 2019 requesting that the Communities, Housing and Environment Committee consider how graffiti was dealt with in the Borough, particularly on private land and where there had been an historical issue.

The report also outlined options to tackling the issue of graffiti, particularly on private land such as those highlighted in the report as hotspots.

It was noted that officers had drawn up a working process to tackle graffiti, particularly where engagement with the landowner has not been fruitful.

In response to questions from Members, the Officer stated that:-

- 77 reports of graffiti had been received by the Council over the past 12 months.
- Although some of the groups who carry out tagging are known to the Police, they are rarely caught and prosecuted.

RESOLVED: That

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

3. That the following KPI be introduced for the removal of graffiti:-

Percentage of reports of graffiti incidences responded to within 2 working days.

Voting: For: unanimous

24. DURATION OF MEETING

6.30 p.m. to 8.55 p.m.