

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE MEETING

Date: Tuesday 12 December 2017
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors To be appointed at the ordinary meeting of the Council on
6 December 2017

<u>AGENDA</u>	<u>Page No.</u>
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 (Part I) of the Meeting Held on 14 November 2017	1 - 8
9. Presentation of Petitions (if any)	
10. Questions and answer session for members of the public (if any)	
11. Committee Work Programme	9
12. National Strategy for England 2017	10 - 24

Issued on Monday 4 December 2017

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

PART II

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

Head of Schedule 12 A and Brief Description

13. Minutes (Part II) of the Meeting held on 14 November 2017	Para 3 – Info re financial or business affairs	25
14. Temporary Accommodation Strategy Review	Para 3 – Info re financial or business affairs	26 - 37

PUBLIC SPEAKING

In order to book a slot to speak at this meeting of the Communities, Housing and Environment Committee, please contact 01622 602743 or by email to committeeservices@maidstone.gov.uk by 5 pm one clear working day before the meeting. 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.

ALTERNATIVE FORMATS

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

Should you wish to refer any decisions contained in these minutes to the **Head of Policy and Resources Committee**, please submit a Decision Referral Form, signed by **three** Councillors, to the **Head of Policy and Communications** by: **1 December 2017**

MAIDSTONE BOROUGH COUNCIL

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE

MINUTES (PART I) OF THE MEETING HELD ON TUESDAY 14 NOVEMBER 2017

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

Also Present: Councillor English

54. APOLOGIES FOR ABSENCE

It was noted that apologies had been received from Councillor Webster.

55. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Perry was substituting for Councillor Webster.

56. URGENT ITEMS

There were no urgent items.

57. NOTIFICATION OF VISITING MEMBERS

Councillor English indicated his wish to speak on Agenda Items 12 – Heather House Community Centre and 16 – Decommissioning Part of the Public Realm CCTV Service.

58. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor M Burton indicated that as the instigator and presenter of the Petition against the closure of Heather House he had pre-determined and would therefore sit in the public gallery and not participate in the debate but would leave the Chamber when it came to the vote.

Councillors Garten, Perry and Mrs Ring advised that although they were signatories to the Petition which related to the proposed closure of Heather House they came with an open mind and would listen to both sides of the debate before coming to a decision.

59. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on Agenda Item 12 – Heather House Community Centre and Councillor Mortimer stated that he

had also been lobbied on Agenda Item 16 – Decommissioning Part of the Public Realm CCTV Service.

60. EXEMPT ITEMS

RESOLVED: That the items on Part II of the agenda should be taken in private, as proposed, due to the likely disclosure of exempt information.

61. MINUTES OF THE MEETING HELD ON 17 OCTOBER 2017

RESOLVED: That the minutes of the meeting held on 17 October 2017 be approved as a correct record and signed.

By way of an update, the Chairman advised that a letter had not yet been drafted to send to the West Kent Health and Wellbeing Board but he confirmed that it would be sent shortly.

62. PRESENTATION OF PETITIONS

Councillor M Burton presented a Petition 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 Committee noted:-

- The value that the Community Centre brought to Park Wood.
- The public perception was that the facility had been allowed to deteriorate and the true value has been ignored.
- That there is no concrete evidence that a new facility would be built if the existing building was to be demolished.

63. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Mrs Harris addressed the Committee to make a Statement with regard to Heather House.

The Committee noted the following points:-

- That she was a member of the Heather House Short Mat Bowls Club who had been using the facility for 20 years.
- The facility had been much appreciated over the years by local residents who came along not only for the activities but also for

companionship.

- Many residents would not be able to travel to other venues as they did not have transport.
- Lack of storage facilities at other venues was a problem. Heather House had storage facilities which was a huge benefit.
- Lack of heating and kitchen facilities had meant that there had been a reduction in bookings.

Mr Long also addressed the Committee to make a Statement with regard to Heather House.

The Committee noted the following points:-

- That he was a member of Semara Bowls Club for the last 10 years.
- That storage facilities at other venues were non-existent so finding an alternative venue had been difficult.
- Lack of heating had been a problem.
- That he felt Golding Homes could have assisted with some funding to keep the facility open in the short term.
- That should a new facility be built, it should have sufficient storage areas.

The Chairman read out a Statement from Councillor Pickett which stated that:-

- He was against the proposed plan to close Heather House as he felt it was a very popular and well used facility.
- The Council had a duty of care to the residents and users of Heather House to provide an amenity that helped social cohesion and health and well-being.
- Lack of maintenance over the years had been a problem.
- The local community could not wait a minimum of two years before a new facility was built.
- The Council should adopt a sticking plaster scheme where a minimum amount of money was spent to retain the present building and mount essential repairs and remedial work.
- That the new boilers installed are transferred to the new facility when it was built.

64. COMMITTEE WORK PROGRAMME

The Committee considered the Committee Work Programme.

RESOLVED: That the Committee Work Programme be noted.

65. HEATHER HOUSE COMMUNITY CENTRE

The Committee considered the report of the Head of Housing and Communities relating to Heather House Community Centre.

The Committee raised the following points:-

- That Section 106 contributions could have been directed towards the facility which would have secured its future.
- That there should be a 'sticking plaster' plan put in place until firmer plans had been made for the facility to be rebuilt.
- The Centre had been run down over a number of years with no investment being put into it.
- There should be plans in place for the long term future, looking 20-25 years ahead.
- The Committee should see the audited accounts for Heather House.
- There was a need for a facility of this kind in the area and if it was closed down then it would be many years before a new community centre could be built.
- The item should be deferred until the Committee have had an opportunity to visit the facility and further information on costings had been provided.
- That several years ago there was a vision for a new hall which would have included a doctor's surgery, pre-natal facilities and a café.
- That the Council should carry out a consultation with the local residents to see what they wanted from the facility for the future.
- That the redevelopment of this facility should not be kicked into the long grass.
- That there was not sufficient information contained in the report to enable a decision to be made on the long term future of the facility.
- If the decision was to go for a deferral, then that would seal its fate for closure.

RESOLVED: That Option 3 as detailed in the report be agreed and that the Committee receive a costed business plan for the redevelopment of the facility within 3 months.

Voting: For: 8 Against: 0 Abstentions: 0

Councillor Mrs Joy asked for her dissent to be noted that the report did not have all the necessary information in order to make an informed decision.

66. KEY PERFORMANCE INDICATOR UPDATE QUARTER 2, 17/18

The Committee considered the report of the Head of Policy, Communications and Governance which related to Key Performance Indicators Update Quarter 2 2017/18.

It was noted that 7 out of the 11 Key Performance Indicators had achieved their target for Quarter 2.

The Officer advised that the following targets had been significantly exceeded:-

1. The number of affordable homes delivered (gross) – 74 against 50 target
2. Number of household prevented from becoming homeless through the intervention of housing advice – 137 against 75 target
3. Percentage of fly-tips with evidential value resulting in enforcement action – 60% against 20% target
4. Percentage spend and allocation of Disabled Facilities Grant Budget (YTD) – 48.4% against 20% target

RESOLVED: That the summary of performance for Quarter 2 of 2017/18 for Key Performance Indicators (KPIS) be noted.

67. 2ND QUARTER BUDGET MONITORING 2017/18

The Committee considered the report of the Director of Finance and Business Improvement which provided an overview of the revenue budgets and outturn for the second quarter of 2017/18, and highlighted financial matters which may have a material impact on the Medium Term Financial Strategy or the Balance Sheet.

It was noted that there was an overall positive variance of £177,547. However, the current forecast indicated that the outturn position would change to an overspend of £140,960.

The Head of Finance highlighted that the capital programme included the recent purchase of Lenworth House and other housing investments.

RESOLVED:

1. That the revenue position at the end of the second quarter and the actions being taken or proposed to improve the position where significant variances had been identified be noted.
2. That the position with the capital programme be noted.

68. REVIEW OF PARISH SERVICES SCHEME

The Committee considered the report of the Director of Finance and Business Improvement which related to the Parish Services Scheme.

It was noted that a review of the Parish Services Scheme had taken place this year and a consultation had been undertaken with the parishes during July, August and September. The survey form had been sent to the Clerks and Chairs of each Parish Council.

The Committee was informed that the only change proposed by the Council to the Scheme was an additional aim, namely to recognise the financial constraints faced by the Borough Council. In view of this the Director of Finance and Business Improvement felt it was appropriate to explore ways in which expenditure on the Parish Services Scheme could be reduced whilst continuing to serve its overall objectives.

The changes proposed were as follows:-

- Grounds maintenance would be recalculated based on a current standard amount per hectare of open space and would be reviewed annually in line with the Council's overall grounds maintenance budget.
- The analysis of survey returns did not show that small parishes incurred significantly higher costs per unit of population on the services covered by the PSS. It was therefore considered that the Small Size Allowance be removed for future years.
- The War Memorials grant would be retained at the same fixed amount as in 2017/18.
- There was some disparity around the number of notice boards in each parish. Therefore it was considered that there was no merit in paying a regular annual amount for notice boards if they are only renewed after a number of years. Hence it was proposed that the grant for notice boards be withdrawn and that a central fund of a fixed amount from which parishes could apply for a grant as and when notice boards needed replacement be established.
- The Play Areas grant would in future be a fixed amount to cover basis compliance costs (e.g. quarterly inspection) for strategic play areas. The cost of replacement equipment would be covered by a

one-off grant for strategic play areas across the borough.

- The Churchyards grant would be retained at the same fixed amount as in 2017/18.

In response to questions raised by Members, the Director of Finance and Business Improvement advised:-

- That the survey was sent to Parish Clerks and Chairmen.
- That the notes of the last Parish Liaison Meeting would be available shortly.

RESOLVED:

1. That the outcomes of the review of the Parish Services Scheme be noted.
2. That consideration of Recommendations 2 and 3 of the report of the Director of Finance and Business Improvement be deferred until after the Parish Liaison Meeting in January when the representatives would have had an opportunity to be properly consulted.

Voting: For: 2 Against: 1 Abstentions: 5

69. DECOMMISSIONING PART OF THE PUBLIC REALM CCTV SERVICE

The Committee considered the report of the Head of Housing and Communities which provided Members with an update on reducing the hours of monitoring of CCTV cameras to 84 hours per week and the consultation undertaken with MaidSafe and Kent Police on the impact of reducing the hours of monitoring.

It was noted that the number of cameras that remained in operation and are being monitored by Medway Control Group (MCG) had been reduced to 33. This comprised of 28 static cameras and 4 mobile cameras and a single camera that utilised a wireless link.

Councillor English addressed the Committee as a representative of One Maidstone. He emphasised that One Maidstone considered that the reduction in hours of monitoring was not ideal but agreed that this would be an acceptable level of service.

Members raised the following points:-

- That CCTV cameras make people feel safe, particularly the elderly. However, the Police should be paying for this service.
- That the CCTV cameras used by Shop Retailers could be linked up.

- That partnership working and a review of the technology should be looked as part of the tendering process.

RESOLVED: That Option 3 as outlined in paragraph 5.3 to the report be implemented by the Head of Housing and Community Services.

Voting: For: 7 Against: 1 Abstentions: 0

70. EXCLUSION OF THE PUBLIC AND THE PRESS

RESOLVED: That the press and the public be excluded from the meeting due to the possible disclosure of exempt information.

71. SERVICE LEVEL AGREEMENTS - REVIEW OF FUTURE FUNDING

The Committee considered the exempt report of the Head of Housing and Communities which provided a progress update on how the future funding to external organisations would be distributed.

It was noted that following the decision made by the Committee in January 2017 to reduce the Service Level Agreement budget, this report sought approval on how the remaining budget, which would reduce by a further 5%, would be distributed for the financial year 2018/19.

RESOLVED: That

1. The Communities, Housing and Environment Committee adopt Option B as set out in paragraphs 3.3 and 3.5 – 3.7 for funding grants post April 2018 to external organisations through Service Level Agreements held with the Housing and Communities Service.
2. The Communities, Housing and Environment Committee gives delegated authority to the Head of Housing and Community Services to enter into Service Level Agreements to provide projects from 2018/19 to be agreed with the relevant providers.

Voting: For: unanimous

72. DURATION OF MEETING

6.30 p.m. to 9.10 p.m.

2017/18 WORK PROGRAMME - CHE COMMITTEE

Report Title	Work Stream	Committee	Month	Lead	Report Author
Review of the Council's Temporary Accommodation Strategy	Updates, Monitoring Reports and Reviews	CHE	Dec-17	John Littlemore	Tony Stewart
National Litter Strategy	Updates, Monitoring Reports and Reviews	CHE	Dec-17	Jennifer Shepherd	Martyn Jeynes
Update on Heather House	Updates, Monitoring Reports and Reviews	CHE	Jan-18	William Cornall	Matt Roberts
Fees & Charges	Corporate Finance and Budgets	CHE	Jan-18	Mark Green	Ellie Dunnet
Medium Term Financial Strategy & Budget Proposals 2018/19	Corporate Finance and Budgets	CHE	Jan-18	Mark Green	Ellie Dunnet
Strategic Plan Action Plan 2018/19	Corporate Planning	CHE	Jan-18	Angela Woodhouse	Angela Woodhouse
Crime and Disorder Overview and Scrutiny	Crime and Disorder	CHE	Feb-18	John Littlemore	Matt Roberts
Setting new Key Performance Indicators (please note that there will be workshops with each committee prior to the report in January/February)	Corporate Planning	CHE	Mar-18	Angela Woodhouse	Anna Collier
Q3 Performance Report 2017/18	Updates, Monitoring Reports and Reviews	CHE	Mar-18	Angela Woodhouse	Anna Collier
Homelessness Reduction Act	Updates, Monitoring Reports and Reviews	CHE	Mar-18	John Littlemore	Tony Stewart
Community Toilet Scheme	Updates, Monitoring Reports and Reviews	CHE	Mar-18	Jennifer Shepherd	John Edwards
Supporting RSLs	Changes to Services & Commissioning	CHE	Mar-18	William Cornall	John Littlemore
Crime and Disorder Overview and Scrutiny	Updates, Monitoring Reports and Reviews	CHE	Mar-18	John Littlemore	Matt Roberts
Mid Kent Waste Contract Review & Clean and Safe Strategy	Updates, Monitoring Reports and Reviews	CHE	TBC	Jennifer Shepherd	Jennifer Shepherd
Fleet maintenance arrangements	Changes to Services & Commissioning	CHE	TBC	Jennifer Shepherd	Ian Packer / John Edwards
Commercial Waste Future Proposal	Regeneration and Commercialisation	CHE	TBC	Jennifer Shepherd	John Edwards
Safeguarding Policy Update	Updates, Monitoring Reports and Reviews	CHE	TBC	John Littlemore	Matt Roberts
West Kent CCG Forward Plan/Maidstone and Tunbridge Wells NHS STP	Updates, Monitoring Reports and Reviews	CHE	TBC	TBC	TBC

Agenda Item 12

Communities, Housing and Environment Committee

Tuesday 12 December 2017

Litter Strategy for England 2017

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Head of Service/Lead Director	Director of Regeneration and Place
Lead Officer and Report Author	Head of Environment and Public Realm
Classification	Public
Wards affected	All

Executive Summary

In April 2017, the Government launched the Litter Strategy for England 2017 which detailed its intention to tackle littering through education, enforcement and infrastructure. This has been followed by a recent announcement to increase the maximum value of fixed penalty notices for littering and introduce legislation to tackle littering from vehicles.

This report outlines the Strategy's key actions, the work already being undertaken locally and recommendations for the future to support the work of the new on-street enforcement team.

This report makes the following recommendations to this Committee:

1. To note the national actions of the Litter Strategy for England 2017 and to agree to support the continuation of local actions as set out in Appendix A.
2. To increase the current Fixed Penalty Notice for Littering from £80 to £120.
3. To agree to offer a reduced charge of £90 for the early payment (within 14 days) of a Fixed Penalty Notice for Littering

Timetable

Meeting	Date
Communities, Housing and Environment	12 December 2017

Litter Strategy for England 2017

1. INTRODUCTION AND BACKGROUND

- 1.1 In April 2017, the Government launched a new Litter Strategy for England with an ambition to be *"the first generation to leave the natural environment of England in a better state than it found it"*. The Strategy is to apply best practice in education, enforcement and infrastructure to deliver a substantial reduction in litter and littering behaviour.
- 1.2 The Strategy sets out three key areas of focus in order to achieve this, with a number of actions and working groups set up to deliver a cultural change to littering:
- Clear and consistent anti-litter message
 - Improve enforcement against offenders
 - Cleaning up the Country
- 1.3 The Strategy also identifies the challenges of measuring litter and seeks to develop an *"affordable, impartial, statistically robust and proportionate methodology for assessing and monitoring the extent of litter in England."* Plans to continue monitoring litter levels in England are also set out alongside the consideration of litter reduction targets for commonly littered items.
- 1.4 This report sets out the primary actions identified within the Litter Strategy for England and the work being undertaken locally in Maidstone Borough to support our priority of *"a Clean and Safe Environment"*. A full list of the actions is shown in Appendix A.

Education and Awareness

- 1.5 The Government's focus is for a national anti-litter campaign similar to those delivered in the 1970's by Keep Britain Tidy and engaging with communities of all ages and businesses to get involved.
- 1.6 A Litter Innovation Fund has also been launched to deliver small scale local projects. Each successful application will receive funding of up to £10k to deliver their project. The intention is for this to test new innovations and extend the implementation of best practice. The Council has already made an Expression of Interest and has been asked to submit a full application for the funding. The project proposed in Maidstone is for large anti-littering sculptures to be used in key locations as an alternative to the standard signage commonly used.
- 1.7 The Litter Strategy also supports the continuation of National clean-up days which started with "Clean for the Queen" in 2016 and the "Great British Spring Clean" in 2017. Maidstone supported both of these events and, working with the Kent Resource Partnership, has delivered two clean-up events this year in March and October. It is the intention for these events to continue along with the support of the many volunteer litter-pickers who

regularly undertake work across the Borough throughout the year. Over the coming 12 months, it is also intended to increase knowledge of the work carried out by volunteers and encourage more to participate in community clear-ups.

Improving Enforcement

- 1.8 The Strategy looks to balance stronger enforcement with a proportionate and appropriate response to drive a cultural change to littering. Along with the Strategy, the Government also launched a consultation to consider increasing fixed penalty notices for littering. The Council responded to this consultation as part of the Kent Resource Partnership, supporting the increase in FPN value to reflect the cost to the local taxpayer.
- 1.9 The Strategy also highlighted the issue of littering from vehicles and proposed to introduce legislation to enable local authorities to take enforcement action against the registered keeper of vehicles from which litter is proven to originate. This has only previously been allowed by London Authorities.
- 1.10 However the Strategy is clear that enforcement action must be proportionate and appropriate and cannot be considered as a way to generate income for local authorities. New guidance is proposed to help ensure enforcement action is used when it is in the public interest to do so, and the enforcement action needs to be transparent.

Infrastructure

- 1.11 Whilst there is no doubt that littering is a man-made problem which is the result of human behaviour, the Strategy looks at all factors which will reduce this behaviour, including infrastructure. This includes the provision of cleansing services, including reviewing the standards that should be achieved and the response times for different land types as well identifying an effective measure for littering. The Strategy also highlights to importance of packaging design in reducing littering, both through the placement of messages and the ability for them to be recycled easily.
- 1.12 Roadside litter particularly on the Strategic Road Network, which is more challenging to clean, has been identified as a target area. The Strategy notes the work already being taken by Highways England to tackle litter hotspots and to work more collaboratively with local authorities. It recognises the challenges of cleansing high speed roads and seeks to find ways to overcome the barriers.
- 1.13 The provision of litter bins; the number, design and location vary from borough to borough and are often an area of significant consideration and debate. The Strategy proposes guidance on "binrastructure" to provide best practice and consistency.
- 1.14 The Strategy also acknowledges the role packaging design has on the generation of problematic litter. It seeks to work with these industries to identify ways to improve recycling and reduce the likelihood of the waste ending up as litter.

New Legislation announced by Government

1.15 In October 2017, the Government's Environment Minister, Therese Coffey announced new steps to be introduced following completion of the public consultation.

1.16 The announcement included:

- From April 2018 the maximum on the spot fine local authorities can issue for dropping litter will nearly double, from £80 to £150. The minimum fine will increase from £50 to £65, while the default fine will increase from £75 to £100.
- For the first time, local authorities outside of London will also be able to apply these penalties for littering to vehicle owners if it can be proved litter was thrown from their car – even if it was discarded by someone else

1.17 This poses two opportunities for Maidstone, firstly to consider increasing the fixed penalty notice to reflect the costs to the Council and secondly to actively tackle littering from vehicles. This could be delivered by the new on-street enforcement team which will be in place by April 2018 as well as the Waste Crime Team supported by the Waste Crime Response Team, the operational team tasked with the removal of fly tipping.

2. AVAILABLE OPTIONS

2.1 Following the launch of the new Litter Strategy for England and subsequent announcement regarding new legislation for increasing the maximum FPN and tackling littering from vehicles, the Council could decide to implement one of the following three options:

2.2 Option 1 - Note the actions proposed by Government in the Litter Strategy for England but take no specific action to change the approach to engagement or enforcement in Maidstone. This includes retention of the existing FPN value of £80.

2.3 Option 2 – Increase the value of the FPN to the maximum of £150 for littering including from vehicles.

2.4 Option 3 – Increase the value of the FPN to £120 for littering including from vehicles as a proportionate penalty and offer a reduced charge of £90 for the early payment (within 14 days) of the FPN.

2.5 For both Options 2 and 3, it is also proposed that the Council supports the actions set out within the Litter Strategy for England and through the Kent Resource Partnership, provides information and feedback to the working groups tasked with a number of actions within the Strategy.

- 2.6 Alternatively the Committee could decide to propose an alternative amount for the FPN between the value of £65 (minimum set by Government) and £150 (maximum set by Government).
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3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 It is recommended that Option 3 is agreed by the Communities, Housing and Environment Committee. This option takes into account the Government's requirement for the FPN to be proportionate and reflect the local situation. It does not seek to increase the FPN to the maximum allowed but by £10 for the majority of offences. However the option also includes a higher charge of £120 for those who do not make payment within the first 14 days. The reduced charge for immediate payment is intended to increase the payment rate and reduce the need for cases to be referred for prosecution.
- 3.2 The small increase in income will be used to fund an improved back office system which will be able to fully manage the information for issuing, reconciliation, payment and prosecution of littering offences.
- 3.3 It is also recommended that the Committee agrees to support the actions of the Litter Strategy for England through local actions to increase education, improve infrastructure and deliver stronger enforcement.
- 3.4 Option 1 is not recommended as it does not acknowledge the importance of tackling littering and the effect litter has on the perception and appearance of the Borough. The public consultation identified that 85% of respondents supported an increase in the FPN value, showing the level of public interest in maintaining a clean and attractive environment. This is also supported through local residents' surveys and the Council's own priority of "*a clean and safe environment*".
- 3.5 Option 2 is not recommended as the maximum value of the FPN is considered to be too significant increase to the current value of £80, which would be disproportionate to the offence. In addition it could be considered that the Council was seeking to generate an income from the FPNs which is contrary to the information contained within the Strategy and likely to be in the guidance due to be launched in January 2018.
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4. RISK

- 4.1 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.
- 4.2 A risk assessment associated with the recommendations contained within this report is attached in Appendix B.
- 4.3 Three risks have been identified, all of which are managed carefully as per the Policy and therefore are within the Council's risk appetite.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The Government carried out a public consultation into a number of the proposals within the Litter Strategy for England. This identified 85% of respondents supported an increase in the FPN value for littering. The Council contributed to this consultation through a joint response by the Kent Resource Partnership.
- 5.2 This committee has also previously been consulted on the enforcement service through a number of recent reports. The most recent was the agreement to introduce an in-house on-street enforcement team by April 2018. Through these discussions with the Committee, the issue of littering from vehicles has been highlighted as an area the Council wishes to tackle.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The recommendations will be introduced following completion of the Government's legislative changes which are proposed for April 2018.
- 6.2 It is proposed that the increase in FPN value, reduced charge for early payment and the enforcement of littering from vehicles will be introduced with the on-street enforcement team in April 2018, subject to the relevant legislation being in place.
- 6.3 Engagement and education will continue and will incorporate these changes to ensure residents and visitors to Maidstone Borough are aware of the work being undertaken to tackle littering and waste related crime and improve the appearance of the Borough.
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7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The recommendations support the Council's priority for a <i>Clean and Safe Environment</i> , specifically by tackling littering from vehicles, which has been difficult to target in the past and increasing the FPN value to deter littering.	Head of Environment and Public Realm
Risk Management	A risk assessment has been carried out and identified 3 risks. Existing and proposed mitigation have been included in Appendix B. The risks are within the Council's risk appetite and will be managed	Head of Environment and Public Realm

	according the Policy.	
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation. The additional charge per FPN will be used to cover the cost for a back office system which is expected to enable full management of the FPNs from issue to prosecution where applicable.	S 151 Officer and Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Head of Environment and Public Realm
Legal	The legislative framework for the recommendations set out within this report is due to be put in place by Government by April 2018. Legal services will be consulted on the use of these powers and are included in the project group delivering the new on-street enforcement team.	Legal Team
Privacy and Data Protection		
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment. However, it is important that, should there be a change to the financial penalty incurred; this is communicated widely including hard to reach groups.	Equalities and Corporate Policy Officer
Crime and Disorder		
Procurement		

8. REPORT APPENDICES

- Appendix A – Summary of national and local actions
- Appendix B - Risk Assessment

9. BACKGROUND PAPERS

Litter Strategy for England 2017

Appendix A – Litter Strategy for England – Actions

	Strategy Actions	Our Actions
Education	World-class National Anti-Litter Campaign – set up working group which brings together key campaigning organisations and behavioural experts	As part of the Kent Resource Partnership, the Council already works with all Kent authorities on the “Love Kent Hate Litter” campaign. The Council has also used Keep Britain Tidy material, including the recent Chewing Gum Campaign.
Education	Change the littering culture through education of young people – increase ECO Schools programme and Green Flag Awards. Work with National Citizen Service, Scouts Association and similar Youth organisations	The Council has an Education Officer who regularly carries out engagement work within schools and youth groups and supports the ECO schools programme.
Education	Inspiring and engaging local communities – Support and endorse national clean up days. Working group to bring together local councils, campaigners and behavioural experts to explore barriers for residents to get involved.	Maidstone organises and promotes two clean up days per year, in March and October. The Council also supports volunteers through the provision of litter-picking equipment, collection of waste and insurance. An annual “Thank you” lunch is also provided to all volunteers.
Education	Litter Innovation Fund – offer funding for small scale local projects to develop and test initiatives to promote anti-littering	The Council has made an expression of interest for £10k funding (maximum allowed) for an innovative litter campaign. This has been accepted and a full application is now being made.
Education	Business Investment – promote litter prevention partnerships. Businesses supporting local events and provide investment	The Council has previously secured funding from businesses for litter bins and encouraged them to actively take part in clean ups.

Education	<p>Voluntary and regulatory measures to increase recycling and reduce litter – working group to look at deposit and reward/return schemes. Requirement for anti-littering messages on packaging. Increasing reach of industry funded Chewing Gum Action Group campaigns through toolkit approach</p>	<p>The Council, as part of the Kent Resource Partnership supports the work to consider a national deposit or reward/return scheme and have contributed to this discussion. The Chewing Gum Campaign was delivered in Maidstone and the Environmental Improvement Team will continue to deliver such campaigns funded through industry.</p>
Enforcement	<p>Review the case for increasing FPNs – consultation launched to seek views on increasing fines for littering and related offences</p>	<p>The Kent Resource Partnership responded to the consultation document including the views of all Kent authorities. This supported the increase of fixed penalty notices for littering.</p>
Enforcement	<p>New regulations for littering from cars – regulate to allow English Councils to fine the keeper of a vehicle from which litter is thrown</p>	<p>This would be a positive step forward to particularly tackle littering at major road junctions and on rural roads, where enforcement has been typically difficult to achieve. The Council would look to use the new Street Scene Enforcement Officers to undertake enforcement of littering from cars.</p>
Enforcement	<p>Improved guidance for proportionate and appropriate enforcement action – robust guidance to ensure enforcement action is used when it is in the public interest to do so and FPNs are not used to generate income. Support Councils to use Community Protection Notice powers to change anti-social behaviour.</p>	<p>The Council already utilises Community Protection Warnings / Notices to deliver positive action for anti-social behaviour including waste related issues.</p> <p>The introduction of a new on-street enforcement team is designed to ensure enforcement action taken is proportionate and in the public interest. The initiative has not been designed to generate income for the Council and will have a revenue cost.</p>

Enforcement	<p>Increase awareness of the range of sanctions – publicise enforcement activity more effectively. Work with magistrates to increase knowledge of the sanctions. Work with Community Payback to encourage use of litter-picking as sanction.</p>	<p>There is ongoing work in this area as although publicity is generated regarding action taken, this rarely results in press coverage. Use of the Council’s website and Borough Insight magazine to demonstrate the Council approach to enforcement will be increased.</p>
Infrastructure	<p>Roadside Litter – working group to consider the barriers and how to overcome them to carry out increase cleaning of road network. Highways England launched litter strategy in 2014 and plan to build upon this to support national campaigns, improve signage and more effective partnership working. Understanding H&S constraints and developing WISH 24 guidance.</p>	<p>The Council works with Kent County Council to carry out the cleansing of high speed roads safely. Liaison with Highways England has also improved over the past year following work by the Kent Resource Partnership to build a stronger working relationship.</p>
Infrastructure	<p>Highways England litter hotspots – identified 25 priority litter hotspots on the strategic network and will ensure a lasting improvement in cleanliness in those areas. Working to update code of practice on litter and refuse to hold land managers to account and to clarify standards.</p>	<p>The Council already works with Highways England to support the cleansing of the strategic road network including collaborative work to remove fly tipping.</p>
Infrastructure	<p>Promote the use of reporting apps – encouraging local authorities to use apps and digital methods for the reporting of litter problems and offer a speedy response</p>	<p>The Council launched “Mobile Worker” a couple of years ago which enables reports to instantly be sent from residents to the frontline without the need for unnecessary administration which slows the response. This also enables residents to review action taken and to see if issues have already been reported. From a management perspective, the system also enables monitoring of hotspots and easy interrogation of data.</p>

Infrastructure	<p>Guidance on “binrastructure” – provide guidance to Councils on the design, number and location of litter bins and street furniture based on best practice from across the Country.</p>	<p>Within Maidstone Borough there are a high number of litter bins, which are all located based on evidence of littering and cleansing standards. A national guidance document would be welcomed to ensure our provision is in line with national standards.</p>
Infrastructure	<p>Working with relevant industries to tackle problematic litter – focus will be on fast food packaging, smoking related litter and chewing gum. Work also with haulage industry to understand issues related to waste from lorries. Working with industry to explore how packaging design contributes to littering</p>	<p>Through the Kent Resource Partnership, Maidstone has worked with a number of industries responsible for packaging including Alupro, Marks and Spencer, Sainsburys and McDonalds to deliver campaigns and consult on packaging and labelling.</p>

Litter Strategy for England
Appendix B – Risk Management

22

Vulnerability/Risk	Trigger	Consequences	Current Rating
Higher level of prosecution required	<ul style="list-style-type: none"> - Increase in FPN value results in lower payment rate - Two tier payment value results in confusion 	Costs are not fully recovered through FPN Higher legal costs Reputational risk to the Council Negative publicity for the service Failure of the trial	Likelihood: 2 Impact: 2 Rating: 4
Unable to tackle littering from vehicles	<ul style="list-style-type: none"> - Legislation is not robust enough - Requirement for evidence is unachievable i.e. witness statements considered insufficient 	Reputational risk Higher levels of littering at junctions and rural roads Low levels of customer satisfaction and negative perception for cleansing service and appearance of Borough	Likelihood: 2 Impact: 2 Rating: 4
Government intervention	<ul style="list-style-type: none"> - Council fails to achieve cleansing standards as set out in Code of Practice - Fail to take action to support the national ambition of the Litter Strategy - Disproportionate and inappropriate use of enforcement powers 	Reputational risk to the Council Financial cost of any intervention	Likelihood: 1 Impact: 4 Rating: 4

No.	Current Rating	Target Rating	Risk		
1	4	4	Higher level of prosecution required		
Control in place	Adequacy of controls	Required action/control	Responsible Officer	Success Factors	Date for Review
FPN value for immediate payment is only small increase Ability to extend early payment	Good	Monthly monitoring of payment rates	Jennifer Shepherd	Payment rate > 70%	Monthly

period for those with financial difficulties Back office system being procured to manage issuing and payment process.					
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No.	Current Rating	Target Rating	Risk		
2	4	4	Unable to tackle littering from vehicles		
Control in place	Adequacy of controls	Required action/control	Responsible Officer	Success Factors	Date for Review
Provided feedback to Government's consultation to help shape legislation On-street enforcement team in place in April to carry out investigations and gather evidence Information from Government is currently positive	Fair	Adoption of best practice from Government guidance document due to be launched in Jan 2018 Consideration of dash-cams for enforcement vehicles to capture footage of littering from vehicles	Jennifer Shepherd	Issuing of FPNs for littering from vehicles	April 2018

No.	Current Rating	Target Rating	Risk		
3	4	4	Government Intervention		
Control in place	Adequacy of controls	Required action/control	Responsible Officer	Success Factors	Date for Review
Cleansing standards	Good	Respond to future consultations	Jennifer Shepherd	Good NI195 cleansing	April 2018

<p>and response times exceed Code of Practice Education and engagement actions already being carried out locally New in-house enforcement team to be introduced with greater control and not financially driven</p>		<p>and call for evidence relating to enforcement and code of practice Review updated Code of Practice when launched and ensure service is compliant Continuous improvement to cleansing service to reduce response times and improve cleansing standard</p>		<p>scores Improved response times</p>	
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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 14

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