

# COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE MEETING

Date: Tuesday 30 June 2020  
Time: 6.30 pm or at the conclusion of the Communities, Housing and Environment Committee Acting as the Crime and Disorder Committee whichever is the later  
Venue: Remote Meeting - The Public proceedings of the Meeting will be broadcast live and recorded for playback on the Maidstone Borough Council Website

## 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

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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 11 February 2020 1 - 6
9. Presentation of Petitions (if any)
10. Questions and answer session for members of the public (if any)
11. Questions from Members to the Chairman (if any)
12. Committee Work Programme 7

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**Issued on Monday 22 June 2020**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

13. Reports of Outside Bodies	8 - 13
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### **INFORMATION FOR THE PUBLIC**

In order to ask a question at this remote meeting, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Friday 26 June 2020). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to submit a written statement in relation to an item on the agenda, please call 01622 602899 or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Friday 26 June 2020). You will need to tell us which agenda item you wish to comment on.

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

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: **26 February 2020**

## **MAIDSTONE BOROUGH COUNCIL**

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

#### **MINUTES OF THE MEETING HELD ON TUESDAY 11 FEBRUARY 2020**

**Present:** Councillors Adkinson, Brindle, M Burton, Joy, Khadka, Mortimer (Chairman), Powell and Purle

**Also Present:** Councillor McKay

79. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from:

- Councillor D Rose
- Councillor M Rose

80. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that the following Substitute Members were present:

- Councillor Brindle for Councillor D Rose
- Councillor Adkinson for Councillor M Rose

81. **URGENT ITEMS**

There were no urgent items.

82. **NOTIFICATION OF VISITING MEMBERS**

It was noted that Councillor McKay was present as a Visiting Member for Agenda Item 10 – Questions and Answer Session for Members of the Public.

83. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

84. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

85. **EXEMPT ITEMS**

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

86. MINUTES OF THE MEETING HELD ON 14 JANUARY 2020

**RESOLVED:** That the minutes of the meeting held on 14 January 2020 be approved as a correct record and signed.

87. PRESENTATION OF PETITIONS

There were no petitions.

88. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Ms Dee Bonnet asked the following question of the Chairman:

*"Why does the current Pet Policy In Temporary Housing at Maidstone Borough Council and my request to change the Clause, so that those who are now residing in Temporary Accommodation with their Pets, SHOULD remain there until Permanent Accommodation can be found, have any bearing to the recent Government Guidelines regarding Landlords, Tenants and their Pets and is not on the works programme for this year for the Communities, Housing and Environment Committee? There is nothing stopping Maidstone Borough Council introducing or amending their current policy as it stands, if it wishes, as this was already implemented in July 2018 and inspired by the tragic Suicide of my very best friend John Chadwick. It is indeed the clause as it currently stands, that needs to be changed, as it is placing those at their most vulnerable, at risk of facing sanctions, if a permanent offer is given with a no Pet Policy. The Government is clear there should be a balance with responsible Pet owners, who should not be penalised and a more flexible approach to be taken by Landlords. As it stands the clause I have requested to be changed, is helping those at their most vulnerable, halfway up the ladder, and then they could be forced to choose between "Giving Up Their Pets or Their Home?" I would like to further remind, that my very best friend John Chadwick, was separated from his Pets, his fur babies, to reside in Temporary Accommodation as homeless and died by suicide 10 days later, after being told he had to take the ONE OFFER ONLY of permanent accommodation, otherwise he would have made himself intentionally homeless. I had set the motion in place to fight his case, but this was tragically never to be..."*

The Chairman responded to the Question.

Miss Dee Bonett asked the following supplementary question:

*"It was previously mentioned that there would be a meeting held with myself to discuss a way forward, is this still something that's going to be considered?"*

The Chairman responded to the supplementary question.

To view the full responses from the Chairman of the Committee, please use the below link to access Webcast:

<https://www.youtube.com/watch?v=OSHgLjOqNjc>

89. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members.

90. COMMITTEE WORK PROGRAMME

The Committee considered the Committee Work Programme and made the following comments:

- That a date be attributed to the report on Guidance for Fireworks and that this be extended to NSPCC as well as RSPCA as some children are frightened of fireworks; and
- That the Crime and Disorder Committee be held on the same date as the Communities, Housing and Environment Committee on 17<sup>th</sup> March.

**RESOLVED:** That the changes to the Committee Work Programme be agreed.

91. CHE Q3 BUDGET & PERFORMANCE MONITORING 19-20

The Committee considered the report of the Director of Business Improvement and the Data Intelligence Officer which set out the 2019/20 financial and performance position for the services reporting to the Committee in Quarter 3 and outlined the following points:

- There was an under spend of £216,000 projected for the year against the annual revenue budget of £8.473 million; and
- There was an anticipated slippage on the capital programme of £4.165 million into 2020/21.

In response to questions from Members, the Officers present advised that:

- The savings on Recycling related to savings from the purchase of wheeled bins;
- The underspend on the Guaranteed Rent Scheme was due to an increase in popularity of the other two schemes in operation. The Guaranteed Rent Scheme was to be closed to concentrate on the alternative schemes;
- The surplus for Homelessness Outreach was caused by the time between provision of the grant and the Council's ability to recruit staff. It was confirmed that the grant money would be carried over; and
- Acceptable levels of litter were calculated using guidance provided by Defra.

**RESOLVED**: That;

1. The Revenue position as at the end of Quarter 3 for 2019/20, including the actions being taken or proposed to improve the position, where significant variances have been identified, be noted;
2. The Capital position at the end of Quarter 3 be noted; and
3. The performance position as at Quarter 3 for 2019/20, including the actions being taken or proposed to improve the position, where significant issues have been identified, be noted.

92. ACCESS TO SERVICES REVIEW

The Equalities and Corporate Policy Officer presented the report noting that the report was created in response to a member request, made at the end of the last municipal year.

The Scrutiny Review report recommendations and the record of implementation from 2005/06 had been reviewed. Since 2005/06, the 2010 Equalities Act had been introduced and the Council had ensured that they had robust strategies in place to adhere to this legislation. Upon reviewing the existing key strategic documents and current work-streams, the Officer recommended the creation of a Task and Finish Group to oversee a review of access to services.

**RESOLVED**: That;

1. The scope at appendix 1 and discussed at paragraph 1.3 (onwards) be agreed; and
2. The Head of Policy, Communications and Governance, in consultation with the Chairman and Vice Chairman, be given delegated authority to form a Task and Finish Group and timetable a review, reporting back to the Committee as its next available meeting.

93. HOUSING ALLOCATION SCHEME REVIEW

The Home Choice and Strategy Team Leader introduced their report, with particular focus given to the following points:

- The report summarised the consultation process which had taken place for 8 weeks from mid-November;
- Kent County Council, the Citizens Advice Bureau and all relevant stakeholders were consulted during this process; and
- Following the report, the 840 households currently on the housing register would be notified of their new banding, in effect from 01 April 2020.

In response to Member's questions, the Team Leader confirmed that Band R – Reasonable Preference, fulfilled the Council's statutory requirements within Section 6 of the Housing Act 1996. The term 'Reasonable' had been chosen to include the multitude of situations which Householders may have faced in being placed on the housing register.

It was confirmed that the Pet Policy provisions were covered by the Temporary Housing Strategy rather than the Housing Allocation Scheme.

**RESOLVED:** That;

1. The Committee agrees the proposed changes to the Council's Allocation Scheme as stated in paragraphs 3.2 to 3.11 of this report; and

2. In accordance with the paragraph 24.2 of the Allocation Scheme, that the Committee agrees to amend the quota of the percentage of properties allocated to each band to those stated in paragraph 3.8 of this report.

94. WATER RE-FILL SCHEME

The Water Refill Scheme report was introduced to the committee following a Member request for further information at the previous meeting on 14 January 2020.

The Head of Environment and Public Realm highlighted the following points:

- The request was for £15k for three units, subject to the required exploratory and procurement exercises, as part of the Waste Strategy 2018-2023 as agreed by the Committee;
- Each unit would cost approximately £3k, with an annual maintenance cost of approx. £120 on a three- or five-year agreement;
- Free installation of the units may occur, dependent on continued correspondence with South East Water;
- An estimated £4k would be used for marketing the scheme;
- Purchase of the re-fill units was relevant given the increased awareness of environmental concerns within society and the movement against single use plastics; and
- Installation of the units would coincide with the 18 businesses in Maidstone that have already signed up to refill plastic bottles upon request.

It was confirmed that the units have an expected lifespan of eight years, after which they can be refurbished and that maintenance packages were only available for three to five years at a time. The funding for this would come from the spare capacity within the recycling budget.

The Committee expressed interest in how the success of the scheme would be measured, with Officers stating that water meters would be installed at each unit and that businesses would be contacted to consult on how often they were asked to refill bottles. It was requested that the Committee be updated on the progress of the scheme.

**RESOLVED**: That;

1. The Committee agrees the investment of £15k allocated from the Capital Programme for the installation of three water refill stations, two in the Town Centre and one at Mote Park; and

2. The Committee agrees that the Council should sign up to and promote the existing Refill Scheme to offer free tap water to visitors.

95. DURATION OF MEETING

6.30 p.m. to 7.43 p.m.

## 2020/21 WORK PROGRAMME

	Committee	Month	Origin	CLT to clear	Lead	Report Author
Pets in Temporary Accommodation	CHE	01-Sep-20	Officer Update	No	John Littlemore	Hannah Gaston
Fireworks - RSPCA Guidance Briefing Note	CHE	01-Sep-20	Cllr Request	No	John Littlemore	Tracey Beattie/Martyn Jeynes
Guidance on Powers Available to a Local Authority to Tackle Behavioural Issues	CHE	01-Sep-20	Officer Update		John Littlemore	John Littlemore
MBC Provided Gypsy and Traveller Sites	CHE	01-Oct-20	Cllr Request	No	William Cornall	John Littlemore
Biodiversity Strategy	CHE	TBC	Officer Update	No	Jennifer Shepherd	Andrew Williams
GP Provision	CHE	TBC	Cllr Request	No	Alison Broom	Alison Broom

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# Agenda Item 13

## Communities, Housing and Environment Committee

30/06/20

### Outside Body

<b>Outside Body</b>	Cutbush and Corral
<b>Councillor(s) represented on the Outside Body</b>	Clive English Denise Joy
<b>Report Author</b>	Clive English
<b>Date of Outside Body Meeting Attended</b>	Bi-monthly Board. Building Sub Committee Meetings (CE)

#### **Purpose of the External Board/Outside Body:**

To provide affordable housing for residents of Maidstone aged over 55 years of Age

#### **Update:**

The Almshouse Charity has now largely completed a substantial programme of repairs and upgrades including improving energy efficiency and is now shifting towards a programme of ongoing maintenance, rather than significant upgrading of properties. It has been considering pursuing an aim of producing additional housing and is undertaking work to bring forward proposals and has undertaken initial consultation with residents.

The Trust had begun to undertake additional work on improving resident engagement via Social activities and Trustee Surgeries, however this has been somewhat set back by the current circumstances which have necessitated prioritising resident's health and safety.

The Trust is also conducting some work on updating policies and procedures in areas where these are needed.

Almshouse provision is one of the few ways that genuinely affordable housing on a long-term basis can be offered in this day and age and it is therefore important that MBC through its appointed members both Councillors and otherwise continue to support the organisation.

## Communities, Housing and Environment Committee

30/06/20

### Outside Body

<b>Outside Body</b>	Maidstone Mediation
<b>Councillor(s) represented on the Outside Body</b>	Clive English
<b>Report Author</b>	Clive English
<b>Date of Outside Body Meeting Attended</b>	Bi-monthly Board Meetings.

#### **Purpose of the Outside Body:**

To provide Mediation and related services across the Maidstone and Malling

#### **Update:**

Maidstone and Malling Mediation continues to provide a range of services including family and neighbour mediation, peer mediation in schools and anger management courses. We have been expanding involvement in early intervention in order to try and assist in preventing problems from escalating.

Additionally, the organisation has continued to contribute its expertise in restorative justice. where it has long been a trendsetter. and has provided training to a number of organisations including the Prison Service.

In addition to new initiatives such as assisting the Prison Service to establish Peer Mediation within prisons we have had to face other challenges, such as reconfiguring to deal with the major difficulties posed for many by the current crisis, where Mediation and Anger Management Services have been in considerable demand.

It is important that organisations such as MBC and Social Landlords continue to refer to the services provided as this both helps resolve problems for local residents and reduces the impact on both the Council and other Public Bodies.

## Communities, Housing and Environment Committee

30/06/20

### Outside Body Report

<b>Outside Body</b>	Collis Millennium Green Trust
<b>Councillor(s) represented on the Outside Body</b>	Clive English
<b>Report Author</b>	Clive English
<b>Date of Outside Body Meeting Attended</b>	01/02/20

#### **Purpose of the Outside Body:**

Preservation and Enhancement of the Collis Millennium Green as a public open space and community asset.

#### **Update:**

The main recent activity has been updating the work programme to take account of proposed and current tree works and planting schedules, and ongoing maintenance, along with planning the 3<sup>rd</sup> Festival of Colours (Holi) event that will have taken place on the first weekend in March.

This is a well- supported community event designed to celebrate Maidstone's multicultural heritage and to raise funds for the improvement of the Park.

The next meeting of the Committee will be considering the next stages of these improvements.

## Communities, Housing and Environment Committee

17/03/20

### Outside Body Report

<b>Outside Body</b>	Hayle Park Nature Reserve
<b>Councillor(s) represented on the Outside Body</b>	Paul Wilby, Brian Clark and Derek Mortimer
<b>Report Author</b>	Cllr Paul Wilby
<b>Date of Outside Body Meeting Attended</b>	09/03/20

#### **Purpose of the Outside Body:**

Nature Reserve

#### **Update:**

##### **Activity**

Our biggest achievement this year is signing the lease for the former Dean St land fill site. This was capped in the 1980s and covers an area of around 28 acres. The site has two ponds, which vary in size dependent on the time of the year, and a dry-stone wall that runs along the back of the site. Due to its former use as a tip site there are some restrictions on what we can do. Our aim is to repair the site boundary and then introduce sheep for conservation grazing, this should lower the soil fertility and allow a wider range of wildflowers to return. We are in the process of producing a management plan that will allow us to apply for funding for the site. In a report carried out by an independent assessor for Maidstone Borough Council, Hayle Park Nature Reserve received the highest ranking. Based on this report, we have been proposed by MBC to receive official Local Nature Reserve status. The next stage is for MBC to fund the administrative procedure, which we anticipate will happen in the next couple of months. I am very proud of this achievement and the public recognition for the conservation work that we carry out.

We have also purchased a tractor to help us with maintaining the reserve. This has been a great help in allowing us to stick to our management plan and lighten the load on the volunteers

##### **Worked carried out over the last year:**

We have continued our planting of a new hedge around parts of the inner fence, this should aid small mammals to move about the reserve. Unfortunately, a lot of the planting from the year before has been damaged by vandals. We have replaced most of what was damaged, but this is a constant issue.

Coppicing with standards is almost complete on the area behind Hayle Place. The aim of this is to help increase the diversity of trees in the woodland, by leaving

certain species to reach maturity, whilst other - more numerous species - can be repressed. The wood gathered has been left in piles, providing great habitats for a large variety of invertebrates, mosses, lichens and fungi. Creating different levels of shade and vegetation density generates a wider variety of habitat niches, which will be filled by a range of plant and animal species. As some of you may have already seen, some of the coppiced trees from last year have growth of over 6ft already.

The grass in the enclosed field was cut and baled producing bales for hay. We sold most the hay and recuperated the cost, even making a small profit. The reason we cut and bale the hay is to increase the number of wildflowers in the field by lowering the fertility of the soil. We have seen an increase in the number wildflowers this year following the hay baling in 2018.

#### Events:

There have been several well attended community events this year including; a Dawn Chorus Walk, Bat Walks, Small Mammal Survey and Yoga in the Park. There was a Children's Summer Club, funded by Tovil Parish Council, which was well attended by children of all ages. At our AGM we were excited to host Arbor the Tree giant - over 70 people attended this event.

Many of these events are made possible by the work of Steve Songhurst (Warden of Vinter's Park Nature Reserve) and I would like to publicly thank Steve for all his work and guidance. I would also like to thank Shannon Hines-Clark for organising Yoga in the Park and generously donating her time

#### Plans for the coming year:

- Finish the tree work behind Crisbrook Cottages. Plant the areas that have had tree work done with new saplings of more diverse tree species.
- Continue to host community events. Applause (Arbor the Tree) will be returning with their new show Tree Fellas. Yoga in the Park will also be held.
- Secure more funding for our work. We are in the process of applying for charity status, which will enable us to apply for bigger grants to fund our upcoming projects.

#### **Why it is important that the Borough Councillor retains his or her seat on the Outside Body**

The councillors carry out the majority of the governance of the trust and the fund raising. As an asset to Maidstone its important that MBC has input into the nature reserve

#### **The activity of the Outside Body representative, specifically in their role as Borough Councillor.**

Cllr Paul Wilby is chairman. All Cllrs have been involved in securing the Dean st site, in applying for charity status and help in running events.

## NOMINATION FORM TO OUTSIDE BODY

Date 12<sup>th</sup> February 2020

<b>NAME:</b>	Anne Brindle
<b>ADDRESS:</b>	Barn Cottage Boxley Road Boxley Maidstone Kent ME14 3DN
<b>TELEPHONE NO:</b>	01622 762946 / 07771993577
<b>NAME OF ORGANISATION APPLYING FOR:</b>	Age Uk
<b>ROLE APPLYING FOR:</b>	Outside Bodies Member
<b>REASON FOR APPLYING:</b>	To provide a link between Maidstone Borough Council and Age UK
<b>WHAT SKILLS AND EXPERIENCE COULD YOU BRING TO THE ORGANISATION?:</b>	<p>My "working life" in the NHS needed many skills including interacting with people of all ages and from all walks of life; problem solving; change management to name but a few.</p> <p>In my role as a Borough Councillor I meet many people some of whom are vulnerable and need extra support. The assistance I have been given by Age UK personnel over the past few months has been invaluable. I am certain that working in partnership with Age UK will greatly benefit both organisations.</p>

**Communities, Housing and  
Environment Committee**

**30 June 2020**

**Member Agenda Item Request from Cllr Jonathan Purle:  
Anti-Social Behaviour Powers and the Suppression of  
Nuisances**

**Issue for Consideration:**

1. Councillor Purle has submitted a Member Agenda Item Request as set out in Appendix 1.
2. Member Agenda Item Requests arise as set out in the Constitution under part 3.1, 3.2 'Business'.

**Recommendation:**

That the Committee consider the request from Cllr Purle and decide whether to take the matter further and request an officer report on the item.

Cllr Derek Mortimer  
Chair, Communities, Housing & Environment  
Committee  
Maidstone Borough Council  
Maidstone House  
Maidstone  
ME15 6QJ

17 May 2020

Dear Cllr Derek

**RULE 3.2: AGENDA ITEM REQUEST  
USE OF ANTI-SOCIAL BEHAVIOUR POWERS AND THE SUPPRESSION OF NUISANCES**

1. I write with my characteristically tedious formality to request that this item is placed on the agenda of our next meeting, currently scheduled for 26 May 2020.
2. You will be aware that the Committee will, at that meeting, only be able to request a report to be brought for a further meeting rather than make any immediate decision on matters under this heading. To this end, I would respectfully suggest that matters of timing & preparation, or the weight of other possible agenda items, should not preclude its inclusion.
3. The background to this request includes the recommendations of the Council's Crime & Disorder Committee on 24 September 2019, the question raised by the member for Downswood & Otham at the Committee's meeting on 15 October 2019, and my own experiences over 2018-19 in attempting to get the Council's powers used to have the High-Level Crossing tidied-up.
4. My request is that the coming meeting requests a report to be brought to the meeting after that one concerning: -
  - 4.1. The general topic of ideas for increasing member-involvement in the initiation, consideration and decision-making in the use of the Council's various powers for tackling anti-social behaviour and suppressing nuisances;
  - 4.2. A particular exercise that could be undertaken to this end, being a "call for blights" exercise. This might loosely be summarised as MBC inviting members, parish councils et al to put forward matters of concern and/or ideas for the use of the Council's various powers, and for this Committee to then lead the process of deciding which of these to take forward. I would suggest that the Committee could then preside over an "issue tracking log" arising from the exercise. The exercise could perhaps be undertaken annually.
5. The powers I have in mind are various. The most obvious ones are those contained in the Anti-Social Behaviour, Crime & Policing Act 2014. These include the public spaces protection orders ("PSPOs"), community protection notices, and the power to apply for an injunction on the basis

of a civil standard of proof. Other powers available include the somewhat antiquated power to make by-laws and powers under the Environmental Protection Act 1990.

Yours Sincerely  


**Jonathan Purle**  
**Conservative Councillor for Bridge Ward**

E: [JonathanPurle@maidstone.gov.uk](mailto:JonathanPurle@maidstone.gov.uk)

T: 01622 807060

## COMMUNITIES, HOUSING & ENVIRONMENT COMMITTEE

**30 June 2020**

### 4th Quarter Budget & Performance Monitoring Report 2019/20

<b>Final Decision-Maker</b>	Communities, Housing & Environment Committee
<b>Lead Head of Service</b>	Mark Green, Director of Business Improvement
<b>Lead Officer and Report Authors</b>	Ellie Dunnet, Head of Finance Paul Holland, Senior Finance Manager (Client) Orla Sweeney, Equalities and Corporate Policy Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### **Executive Summary**

This report sets out the 2019/20 financial and performance position for the services reporting into the Communities, Housing & Environment Committee (CHE) as at 31st March 2020 (Quarter 4). The primary focus is on:

- The 2019/20 Revenue and Capital budgets; and
- The 2019/20 Key Performance Indicators (KPIs) that relate to the delivery of the Strategic Plan 2019-2045.

The combined reporting of the financial and performance position enables the Committee to consider and comment on the issues raised and actions being taken to address both budget pressures and performance issues in their proper context, reflecting the fact that the financial and performance-related fortunes of the Council are inextricably linked.

#### Budget Monitoring

Overall net expenditure for the services reporting to CHE is £8.890m, compared to the approved revised budget of £9.251m, representing an underspend of £361,000.

Capital expenditure for the services reporting to CHE of £10.423m has been incurred against the approved revised budget of £13.069m. This means there is slippage of £2.645m, and this will be carried forward into 2020/21.

#### Performance Monitoring

Five of eight targetable quarterly key performance indicators (KPIs) achieved the Quarter 4 target. Seven of ten KPIs are showing improved performance compared to Q4 in 2018/19 and six of ten KPIs are showing an improvement in performance compared to Quarter 3 this year.

**Purpose of Report**

The report enables the Committee to consider and comment on the issues raised and actions being taken to address both budget pressures and performance issues as at 31st March 2020.

**This report makes the following Recommendations to the Committee:**

1. That the Revenue position as at the end of Quarter 4 for 2019/20, including the actions being taken or proposed to improve the position, where significant variances have been identified, be noted.
2. That the Capital position at the end of Quarter 4 be noted; and
3. That the Performance position as at Quarter 4 for 2019/20, including the actions being taken or proposed to improve the position, where significant issues have been identified, be noted.

**Timetable**

<b><i>Meeting</i></b>	<b><i>Date</i></b>
Communities, Housing & Environment Committee	30 June 2020

## 4th Quarter Budget & Performance Monitoring Report 2019/20

### CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>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.</p> <p>The Key Performance Indicators and strategic actions are part of the Council's overarching Strategic Plan 2019-45 and play an important role in the achievement of corporate objectives. They also cover a wide range of services and priority areas.</p>	Director of Finance and Business Improvement (Section 151 Officer)
<b>Cross Cutting Objectives</b>	This report enables any links between performance and financial matters to be identified and addressed at an early stage, thereby reducing the risk of compromising the delivery of the Strategic Plan 2019-2045, including its cross-cutting objectives.	Director of Finance and Business Improvement (Section 151 Officer)
<b>Risk Management</b>	This is addressed in Section 5 of this report.	Director of Finance and Business Improvement (Section 151 Officer)

Issue	Implications	Sign-off
<b>Financial</b>	<p>Financial implications are the focus of this report through high level budget monitoring. Budget monitoring ensures that services can react quickly enough 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.</p> <p>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 Strategy and associated annual budget setting process. Performance issues are highlighted as part of the budget monitoring reporting process.</p>	Senior Finance Manager (Client)
<b>Staffing</b>	<p>The budget for staffing represents a significant proportion of the direct spend of the Council and is carefully monitored. Any issues in relation to employee costs will be raised in this and future monitoring reports.</p> <p>Having a clear set of performance targets enables staff outcomes/objectives to be set and effective action plans to be put in place.</p>	Director of Finance and Business Improvement (Section 151 Officer)
<b>Legal</b>	<p>The Council has a statutory obligation to maintain a balanced budget and the monitoring process enables the Committee to remain aware of issues and the process to be taken to maintain a balanced budget.</p> <p>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 reports on Council performance help to demonstrate best value and compliance with the statutory duty.</p>	Team Leader (Corporate Governance), MKLS

Issue	Implications	Sign-off
<b>Privacy and Data Protection</b>	The performance data is 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. There is a program for undertaking data quality audits of performance indicators.	Team Leader (Corporate Governance), MKLS
<b>Equalities</b>	There is no impact on Equalities as a result of the recommendations in this report. An EqIA would be carried out as part of a policy or service change should one be identified.	Equalities and Corporate Policy Officer
<b>Public Health</b>	The performance recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
<b>Crime and Disorder</b>	There are no specific issues arising.	Director of Finance and Business Improvement (Section 151 Officer)
<b>Procurement</b>	Performance Indicators and Strategic Milestones monitor any procurement needed to achieve the outcomes of the Strategic Plan.	Director of Finance and Business Improvement (Section 151 Officer)

## 1. BACKGROUND AND INTRODUCTION

- 1.1 The Medium-Term Financial Strategy for 2019/20 to 2023/24 - including the budget for 2019/20 - was approved by full Council on 27th February 2019. This report updates the Committee on how its services have performed over the last financial year with regard to revenue and capital expenditure against approved budgets. The figures included within the report are still subject to audit and should therefore be regarded as provisional at this stage.
- 1.2 This report also includes an update to the Committee on progress against its Key Performance Indicators (KPIs).
- 1.3 Attached at **Appendix 1**, is a report setting out the revenue and capital spending position at the Quarter 4 stage. Attached at **Appendix 2**, is a report setting out the position for the KPIs for the corresponding period.

## **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, the Capital Programme and KPIs at the end of March 2020, the Committee can choose to note this information or 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 and/or the KPIs position.
- 

## **4. RISK**

- 4.1 This report is presented for information only and has no direct risk management implications.
- 4.2 The Council has produced a balanced budget for both revenue and capital income and expenditure for 2019/20. The 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 the Committee the best opportunity to take actions to mitigate such risks.
- 

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

- 5.1 The KPIs update ("Performance Monitoring") is reported to service committees quarterly: Communities, Housing & Environment Committee; Economic Regeneration & Leisure Committee; and the Strategic Planning & Infrastructure Committee. Each committee will receive a report on the relevant priority action areas. The report is also presented to the Policy & Resources Committee, reporting on the priority areas of "A Thriving Place", "Safe, Clean and Green", "Homes and Communities" and "Embracing Growth and Enabling Infrastructure".
- 

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

- 6.1 The Quarter 4 Budget & Performance Monitoring reports are being considered by the relevant Service Committees during June 2020, including a full report to the Policy & Resources Committee on 24<sup>th</sup> June 2020.

- 6.2 Details of the discussions which take place at Service Committees regarding financial and performance management will be reported to Policy and Resources Committee where appropriate.
- 6.3 The Council could choose not to monitor its budget and/or the Strategic Plan and/or make alternative performance management arrangements, such as the frequency of reporting. This is not recommended as it could lead to action not being taken against financial and/or other performance during the year, and the Council failing to deliver its priorities.
- 6.4 There is significant uncertainty regarding the Council's financial position beyond 2019/20, arising from the impacts of the Covid-19 crisis and the Council's role in responding to this. Future finance reports to this committee will ensure that members are kept up to date with this situation as it develops.
- 

## **7. REPORT APPENDICES**

- Appendix 1: Fourth Quarter Budget Monitoring 2019/20
  - Appendix 2: Fourth Quarter Performance Monitoring 2019/20
- 

## **8. BACKGROUND PAPERS**

None.

# Fourth Quarter Budget Monitoring 2019/20

Communities, Housing & Environment Committee

30<sup>th</sup> June 2020

Lead Officer: Mark Green

Report Authors: Ellie Dunnet/Paul Holland

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# Executive Summary

This report provides Members with an overview of progress against the 2019/20 revenue and capital budgets as at 31st March 2020 (i.e. the provisional outturn position) for the services falling within the remit of the Communities, Housing & Environment (CHE). The analysis gives consideration given to the Council's overall position.

This report is backward looking and the figures presented therefore do not reflect the significant impact on the Council's finances arising from the Covid-19 pandemic. This is being monitored closely and will be reflected in future budget monitoring reports to this committee

The headlines for Quarter 4 are as follows:

## **Part A: Fourth Quarter Revenue Budget 2019/20**

- Overall net expenditure for the services reporting to CHE is £8.890m, compared to the approved revised budget of £9.251m, representing an underspend of £361,000.

## **Part B: Fourth Quarter Capital Budget 2019/20**

- Capital expenditure for the services reporting to CHE of £10.423m has been incurred against the approved revised budget of £13.069m. This means there is slippage of £2.645m, and this will be carried forward into 2020/21.

## A1) Revenue Budget: Communities, Housing & Environment (CHE)

A1.1 Table 1 below provides a detailed summary on the budgeted net income position for CHE services at the end of Quarter 4. The financial figures are presented on an 'accruals' basis (e.g. expenditure for goods and services received, but not yet paid for, is included).

**Table 1: CHE Revenue Budget: NET EXPENDITURE**

(a)	(b)	(c)	(d)
Cost Centre	Revised Budget for Year £000	Actual £000	Variance £000
Parks & Open Spaces	1,055	1,040	15
Playground Maintenance & Improvements	146	81	65
Parks Pavilions	39	38	1
Mote Park	280	302	-23
Parks & Open Spaces Leisure Activities	-5	-1	-4
Mote Park Leisure Activities	-38	-18	-19
Allotments	14	12	2
Leisure Services Other Activities	10	14	-4
Cemetery	65	45	21
National Assistance Act	-0	-4	3
Crematorium	-784	-738	-47
Community Safety	45	30	15
PCC Grant - Building Safer Communities	0	0	0
CCTV	207	232	-25
Drainage	32	22	9
Licences	-6	-6	-0
Licensing Statutory	-66	-87	21
Licensing Non Chargeable	8	8	-0
Dog Control	29	50	-21
Health Improvement Programme	9	0	9
Pollution Control - General	45	23	22
Contaminated Land	0	-1	1
Waste Crime	7	8	-0
Food Hygiene	2	-4	6
Sampling	3	-0	4
Occupational Health & Safety	-6	-7	1
Infectious Disease Control	1	1	-0
Noise Control	1	0	1
Pest Control	-12	-12	0
Public Conveniences	211	219	-8
Licensing - Hackney & Private Hire	-64	-60	-5

(a)	(b)	(c)	(d)
Cost Centre	Revised Budget for Year £000	Actual £000	Variance £000
Street Cleansing	1,255	1,209	46
Household Waste Collection	1,175	1,174	2
Commercial Waste Services	-59	-43	-16
Recycling Collection	721	620	101
Community Environmental Engagement	0	0	0
Social Inclusion	4	4	0
Public Health - Obesity	0	-0	0
Public Health - Misc Services	2	2	-0
Grants	185	185	0
Delegated Grants	2	3	-1
Parish Services	127	126	1
Member's Community Grant	60	55	5
General Fund Residential Properties	-97	-53	-44
Strategic Housing Role	14	4	10
Housing Register & Allocations	10	11	-1
Private Sector Renewal	-47	-50	3
HMO Licensing	-20	-23	2
Homeless Temporary Accommodation	482	475	7
Homelessness Prevention	262	187	74
Predictive Analysis and Preventing Homelessness	0	0	0
Aylesbury House	20	17	4
Magnolia House	8	11	-3
St Martins House	0	-2	2
Marsham Street	38	37	1
Sundry Temporary Accommodation (TA) Properties	-16	-9	-6
Pelican Court (Leased TA Property)	0	4	-4
2 Bed Property - Temporary Accommodation	-63	-66	3
3 Bed Property - Temporary Accommodation	-53	-53	0
4 bed Property - Temporary Accommodation	-3	-2	-1
1 Bed Property- Temporary Accommodation	-2	-0	-2
Melville Road Supported Accommodation	-25	-25	0
Marden Caravan Site (Stilebridge Lane)	19	16	3
Ulcombe Caravan Site (Water Lane)	7	14	-8
Head of Environment and Public Realm	115	113	2
Bereavement Services Section	238	225	13
Community Partnerships & Resilience Section	523	486	36
Licensing Section	127	118	9
Environmental Protection Section	239	227	12
Food and Safety Section	277	277	0
Depot Services Section	865	817	48
Head of Housing & Community Services	124	124	0
Homechoice Section	241	223	17
Housing & Inclusion Section	638	635	2
Housing & Health Section	319	306	13
Housing Management	296	292	4
Homelessness Outreach	31	31	1
Salary Slippage	-121	0	-121
Fleet Workshop & Management	239	186	53
MBS Support Crew	-54	-57	4
Grounds Maintenance - Commercial	-81	-132	51
<b>Total</b>	<b>9,251</b>	<b>8,890</b>	<b>361</b>

A1.2 The table shows that at the end of the year, overall net expenditure for the services reporting to CHE is £8.890m, compared to the approved revised budget of £9.251m, representing a net shortfall of £361,000.

## A2) CHE Revenue Budget: Significant Variances (>£30,000)

A2.1 Within the headline figures, there are a number of both adverse and favourable net expenditure variances for individual cost centres. It is important that the implications of variances are considered at an early stage, so that contingency plans can be put in place and, if necessary, be used to inform future financial planning.

A2.2 Table 2 below highlights and provides further detail on the most significant variances i.e. those meeting or exceeding £30,000 at the end of Quarter 4.

**Table 2: CHE Variances >£30,000 (@ Quarter 4)**

	<b>Positive Variance Q4</b>	<b>Adverse Variance Q4</b>
<b>Playground Maintenance &amp; Improvements</b> – This underspend relates to staffing costs (£25k) and reduced expenditure on materials and supplies (£40k) as there is funding available in the capital programme for additional spare equipment for future maintenance.	+65	
<b>Crematorium</b> – Increased maintenance costs (additional landscaping costs of £31,000) along with unaccrued maintenance expenditure of £18,000 from 2018/19 are the main factors in this overspend.		-47
<b>Street Cleansing</b> – This area has benefited from an increased level of income for external works.	+46	
<b>Recycling Collection</b> - This variance is a combination of savings from the purchase of wheeled bins (£58,000) along with increased income from the service. (£43,000)	+101	
<b>General Fund Residential Properties</b> – Provision has been made for non-payment of rent for a number of vacant properties (£23,000). There was also unbudgeted spend on maintenance and non-domestic rates (£13,000) and a shortfall in rental income from a vacant property (£6,000).		-44
<b>Homelessness Prevention</b> – There have been significant underspends on the service, including the Guaranteed Rent scheme budget (£20,000), the Deposit Bond schemes (£14,000) and General Expenses (£24,000) The Guaranteed Rent scheme has been put on hold.	+74	
<b>Community Partnerships &amp; Resilience Section</b> – This underspend mainly relates to a recent restructure (£10,000) and staff vacancies during the year (£11,000) along with a general underspend on running costs (£14,000).	+36	
<b>Depot Services Section</b> – The underspend relates to reduced staffing costs following the implementation of a restructure during the year.	+48	

	Positive Variance Q4	Adverse Variance Q4
<b>Salary Slippage</b> – This is a credit budget, which allows for service underspends on salaries due to temporary vacancies arising from staff turnover. This variance is offset by underspends in the service areas.		-121
<b>Fleet Workshop &amp; Management</b> – The main elements of this underspend are the vehicle hire budget (£29,000) and repair and maintenance costs (£24,000). These reduced costs are a result of the purchase of new vehicles and an improved standard of maintenance.	+53	
<b>Grounds Maintenance – Commercial</b> – This variance is from additional section 106 income to fund works that were carried out during the year.	+51	

## B1) Capital Budget: Communities, Housing & Environment (CHE)

B1.1 The final outturn position of the 2019/20 CHE element of the Capital Programme at the Quarter 4 stage is presented in Table 3 below. The budget for 2019/20 includes resources brought forward from 2018/19.

Table 4: CHE Capital Programme 2019/20 (@ Quarter 4)

Capital Programme Heading	Adjusted Estimate 2019/20 £000	Actual to March 2020 £000	Budget Remaining £000
<b>Communities, Housing &amp; Environment</b>			
Brunswick Street - Net Cost of Scheme	2,514	2,796	-281
Union Street - Net Cost of Scheme	975	1,499	-523
Indicative Schemes	3,475	1,545	1,930
Housing - Disabled Facilities Grants Funding	1,570	793	777
Temporary Accommodation	3,236	3,083	153
Gypsy Site Improvement Works	42	47	-4
CCTV Upgrade and Relocation	150	154	-4
Commercial Waste	180	196	-16
Street Scene Investment	147	77	71
Flood Action Plan	100		100
Continued Improvements to Play Areas	422	125	297
Commercial Projects - Crematorium Projects	55	107	-52
Commercial Projects - Cemetery Chapel Repairs	100		100
Other Parks Improvements	100	1	99
<b>Total</b>	<b>13,069</b>	<b>10,423</b>	<b>2,645</b>

B1.2 Comments on the significant variances are as follows:

Brunswick Street/Union Street

Both schemes are forecast to be delivered on budget. The year-end variance reflects the timing of payments to the main contractor and the receipt of external funding. The remainder of the net costs due are funded in the capital programme for the next two years.

Indicative Schemes

The only scheme progressed to date is the purchase of Springfield Mill.

Housing- Disabled Facilities Grants

Expenditure on housing adaptations often does not match the Council's financial year. The 2019/20 budget of £1.57 million includes allocations for a wider range of initiatives, including the "Helping You Home" scheme, operated in conjunction with Maidstone and Pembury hospitals.

Temporary Accommodation

Following the competition of phase 3 £153,000 was unspent, and this will be rolled forward and incorporated into phase 4.

Flood Action Plan

This budget was unspent in 2019/20 and will be rolled forward into 2020/21.

Continued Improvements to Play Areas

This budget is used for grants to parishes and for the purchase of spare equipment to maintain the play areas on an ongoing basis, and the unspent budget is rolled forward annually.

Commercial Projects – Cemetery Chapel Repairs

This budget was unspent in 2019/20 and will be rolled forward into 2020/21.

Other Parks Improvements

This budget was unspent in 2019/20 and will be rolled forward into 2020/21.

**Fourth Quarter Performance Monitoring  
2019/20**

## 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

## Performance Summary

RAG Rating	Green	Amber	Red	N/A <sup>1</sup>	Total
KPIs	5	2	1	5	13
Direction	Up	No Change	Down	N/A	Total
Last Year	7	1	2	3	13
Last Quarter	6	0	4	3	13

- 62.5% (5) of (8) targetable quarterly key performance indicators (KPIs) reportable to the Communities, Housing and Environment Committee achieved the Quarter 4 (Q4) target.
- 70% (7) of (10) KPIs are showing improved performance compared to Q4 in 2018/19<sup>1</sup>.
- 60% (6) of (10) KPIs are showing an improvement in performance compared to Quarter 3 (Q3) this year<sup>1</sup>.

## Safe, Clean & Green

Performance Indicator	Q4 2019/20				
	Value	Target	Status	Long Trend	Short Trend
Percentage of unauthorised encampments on Council owned land removed within 5 working days	100%	90%			N/A
The percentage of land and highways with acceptable levels of detritus	N/A	95.00%	N/A	N/A	N/A
Percentage of fly tips resulting in enforcement action	100.0%	80.0%			
Percentage of fly-tips cleared or assessed within 2 working days	96.96%	94.00%			
Average weight of fly-tipped collected materials (kg)	55.89kg				

<sup>1</sup> PIs rated N/A are not included in the summary calculations

\* Indicates data that has not been authorised

Performance Indicator	Q4 2019/20				
	Value	Target	Status	Long Trend	Short Trend
Percentage of household waste sent for reuse, recycling and composting (NI 192)	45.90%	52.00%			
The percentage of land and highways with acceptable levels of litter	N/A	98.00%	N/A	N/A	N/A

Three KPIs met their targets this quarter under this priority. One KPI missed its target by more than 10% and one is an 'information-only' KPI ('Average weight of fly-tipped collected materials (kg)'). **'The percentage of land and highways with acceptable levels of detritus'** and **'The percentage of land and highways with acceptable levels of litter'** is measured three times per year, as per the DEFRA guidance. The values for Q4, for both KPIs, is 'N/A' so a status cannot be provided.

**'Percentage of household waste sent for reuse, recycling and composting (NI 192)'** missed its quarterly target by over 10% at 45.90%, against a target of 52.00%. Performance has declined when compared with the last quarter (47.02%) and the same quarter last year (47.77%). Garden tonnages are seasonally lower at this time of year which results in a downturn to the composting figure. Food tonnages are holding well suggesting that the service is consistently used by a core group of residents. The Council is continuing to work with Biffa and are implementing improvements to education around contamination in recycling and to improve recycling performance, through new communications.

## Homes & Communities

Performance Indicator	Q4 2019/20				
	Value	Target	Status	Long Trend	Short Trend
Percentage spend and allocation of Disabled Facilities Grant Budget (YTD)	130.4%	100.0%			
Number of households living in temporary accommodation last night of the month (NI 156 & SDL 009-00)	94				
Number of households living in nightly paid temporary accommodation last night of the month	36				
Number of households housed through housing register	147	150			
Number of households prevented or relieved from becoming homeless	152	82.5			
Percentage of successful Relief Duty outcomes	55.77%	60%		N/A	

Two KPIs did not meet their targets under this priority however, both were within 10% of their target. Two KPIs met their respective targets, and two were 'information-only': **'Number of households living in temporary accommodation last night of the month (NI 156 & SDL 009-00)'** and **'Number of households living in nightly paid temporary accommodation last night of the month'**.

**'Number of households housed through housing register'** missed its quarterly target of 150 by 3 households in Q4. Performance has declined since last quarter (153) but has improved since last year (128). It has been reported that the figure for Q4 missed its target due to a reduction in vacant properties coming through from Registered Providers, and a limited amount of new build units being completed during the quarter. Maidstone Borough Council does not have housing stock that is advertised on the housing register, therefore are reliant on housing association partners to provide vacancies.

**'Percentage of successful Relief Duty outcomes'** missed its target by less than 10%. 55.77% of successful duty outcomes were achieved against a target of 60%. Performance has declined since last quarter (69.29%). This KPI was introduced in 2019/20 so it is not possible to compare with the same quarter last year. The total number of applicants where relief duty has ended was 156 this quarter, which is an increase of 16 applicants since last quarter. During 2019/20 there was a drop in the number of social housing lettings that became available through housing partners. This position was reflected across Kent, with 4,717 lettings in 2019/20 compared with 5,367 in the previous year. The Council relies

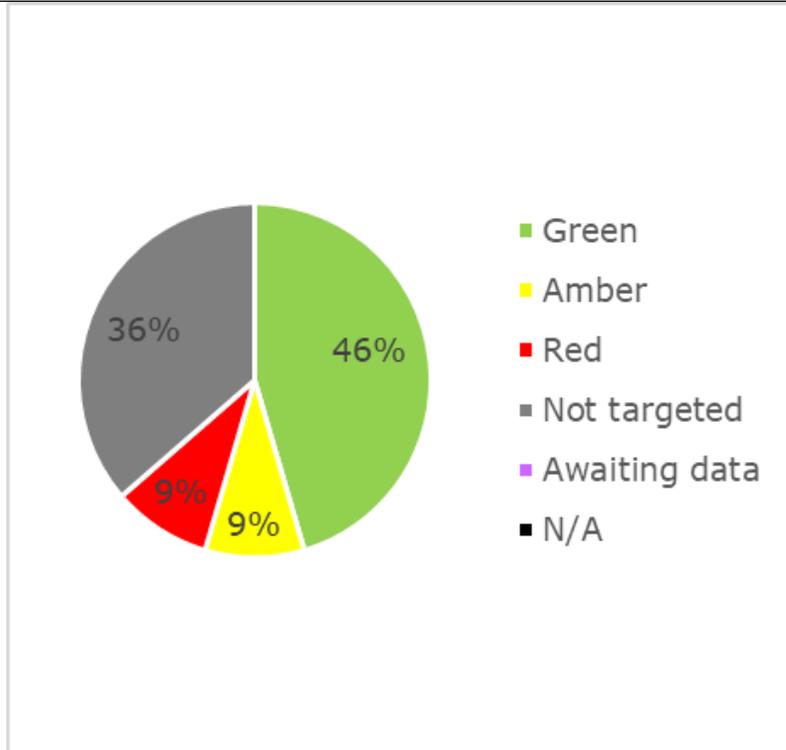
on lettings within the social housing sector as the main way in which the Relief Duty is accomplished, this fall has a direct correlation on the underperformance of this indicator.

**CHE - End of Year Outturn 2019/20**

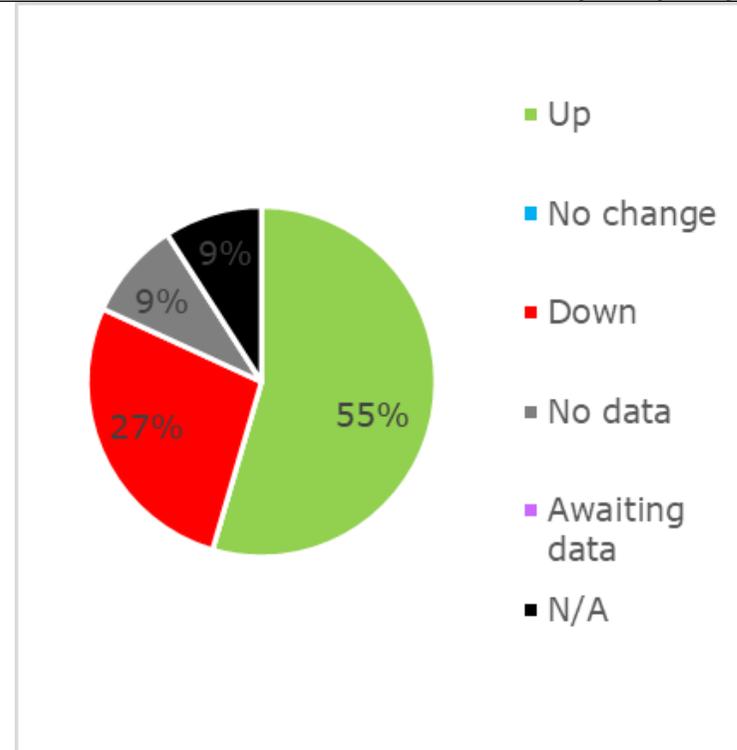


**Safe, Clean & Green**

Annual Status



Direction of travel since 2018/19 (last year)



NOTE: Direction of travel for targeted performance indicators shows if performance has improved or declined. For data only performance indicators direction of travel shows if there has been an increase or decrease in volume.

<b>Indicator</b>	<b>Q1 2019/20</b>	<b>Q2 2019/20</b>	<b>Q3 2019/20</b>	<b>Q4 2019/20</b>	<b>Annual 2019/20</b>	<b>Annual Target 2019/20</b>	<b>Direction of travel</b>	<b>Annual Status</b>
Percentage of unauthorised encampments on Council owned land removed within 5 working days	100%	100%	None in period	100%	100%	90%	↑	✓
The percentage of land and highways with acceptable levels of litter	98.02%	98.34%	98.34%	N/A	98.22%	98.00%	↑	✓
The percentage of land and highways with acceptable levels of detritus	97.92%	98.34%	97.34%	N/A	97.88%	95.00%	↑	✓
Percentage of fly tips resulting in	80.0%	92.3%	82.1%	100.0%	87.0%	80.0%	↑	✓

enforcement action								
Percentage of fly-tips cleared or assessed within 2 working days	95.77%	97.72%	94.87%	96.96%	96.38%	94.00%	↑	✓
Average weight of fly-tipped collected materials (kg)	58.49kg	172.68kg	100.17kg	55.89kg	92.80kg		↓	
Percentage of household waste sent for reuse, recycling and composting (NI 192)	52.26%	50.62%	47.02%	45.90%	49.12%	52.00%	↓	⚠
Maintenance per Hectare Spent on Parks and Open Spaces (New 2019/20)	Annual PI				£6016		No data	
Number of green flag	Annual PI				3	5	↓	⛔

parks					
Section 106 spending (against estimate)	Annual PI	£495335.00			
Percentage of people using parks & amenity green space at least once a week	Annual PI	Due 2020 Resident Survey		N/A	



Please note

As per the DEFRA guidance, the 'The percentage of land and highways with acceptable levels of litter' and the 'The percentage of land and highways with acceptable levels of detritus' KPIs are measured three times per year, hence the Q4 2019/20 values are 'N/A'.

### Summary of 2019/20 year

The environmental performance for the year has been predominately positive and where performance has dipped this is unfortunately representative of the national picture.

The Street Cleansing Team have worked hard to not only achieve positive improvements to cleansing standards, but to also deliver it within budget. This has been reflected in the positive feedback from residents regarding the speed of removal of fly tipping and the littering levels determined by the NI195 surveys.

The recycling performance unfortunately dipped below the target for the year. Nationally, recycling rates have been plateauing or declining over the past couple of years and whilst Maidstone had resisted that trend, this year the rate has declined. There are likely to be a few reasons for this, including the light-weighting of recyclable plastics and more stringent contamination monitoring and therefore rejection.

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The reduction in Green Flags is largely due to the different timeframe in which they can be applied for and awarded. Whatman Park required significant investment in footpaths, the two bridges, the woodland walk and the skatepark. The fourth green flag has now been applied for; however, it is unknown whether the current pandemic will impact the judging and award.

**Homes & Communities**

Annual Status

| Direction of travel since 2018/19 (last year)



Percentage spend and allocation of Disabled Facilities Grant Budget (YTD)	22.8%	64.7%	106.5%	130.4%	130.4%	100.0%	↑	✓
Number of households living in temporary accommodation last night of the month (NI 156 & SDL 009-00)	98	95	92	94	94		↑	
Number of households living in nightly paid temporary accommodation last night of the month	44	45	40	36	36		↑	
Number of households housed through housing register	137	139	153	147	576	600	↓	⚠
Number of households prevented or	139	129	151	152	571	330	↑	✓

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relieved from becoming homeless								
Percentage of successful Relief Duty outcomes (New 2019/20)	47.18%	54.33%	69.29%	55.77%	56.64%	60%	No data	
Percentage of successful Prevention Duty outcomes (New 2019/20)	59.5%	60%	67.5%	64.36%	62.44%	60%	No data	
Number of houses of multiple occupation brought to compliance by private rented sector licensing	H1 = 16		H2 = 15		31			
Number of completed housing assistances	Annual PI				471			



#### Summary of 2019/20 year

Despite an increase in the number of households approaching the Council as homeless, the housing service was able to continue the decrease in the number of families having to go into temporary accommodation. In addition, the Council's strategy to acquire its own temporary accommodation stock led to fewer people being placed into

nightly paid accommodation, thereby providing better quality accommodation for the client and reducing the cost to the Council.

In terms of the total number of lettings for the year, we did experience a drop in the number of vacancies being provided by our housing association partners but this was in part made up by the introduction of new schemes that gave better access to the private rented sector.

The Housing and Health team were very active during the 2019/20 financial year which resulted in a high number of Disabled Facility Grants being approved. Changes to the HMO licencing scheme also meant that the team were able to visit a greater number of properties, provide advice on safety compliance, and once this was met, issue new licences.

The coming year will be marked by the very challenging environment brought about by the health crisis. The housing service rapidly mobilised to ensure that there no one was left on the street. As we move into the recovery phase the new challenge will be to ensure that no one need return to the street but also to deal with the pent up demand for affordable housing that has been coupled with a cessation of activity within the housing market (including the affordable housing sector).

## COMMUNITIES HOUSING AND ENVIRONMENT COMMITTEE

**30 JUNE 2020**

### Key Performance Indicators 2020-21

<b>Final Decision-Maker</b>	Communities Housing and Environment 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 and Information Manager and Orla Sweeney Equalities and Corporate Policy Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### **Executive Summary**

The Committee are asked to consider new key performance indicators that measure achievement of the Council's priorities for 2020-21.

#### **Purpose of Report**

Decision

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

1. That the draft Key Performance Indicators for 2020-21, attached as Appendix 1, be agreed.

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
COMMUNITIES HOUSING AND ENVIRONMENT COMMITTEE	30 June 2020

## Key Performance Indicators 2020-21

### 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims. The performance management process monitors delivery of the Councils Strategic Plan 2019-45 and plays 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.	Anna Collier Policy Information 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(s) supports the achievement(s) of the all cross-cutting objectives as the performance management process monitors delivery of the Councils Strategic Plan 2019-45 and plays an important role in the achievement of corporate objectives.</p>	Anna Collier 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.	Anna Collier Policy Information Manager
<b>Financial</b>	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Section 151 Officer & Finance Team
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Angela Woodhouse Head of Policy Communications

		and Governance
<b>Legal</b>	Acting on the recommendations is within the Council's powers 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 reports on the Council's performance assist in demonstrating best value and compliance with the statutory duty.	Legal Team
<b>Privacy and Data Protection</b>	The recommendations do not propose a change in service therefore will not require a data protection impact assessment.	Policy and Information Team
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Anna Collier Policy and Information Manager
<b>Public Health</b>	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
<b>Crime and Disorder</b>	No Impact	Anna Collier Policy and Information Manager
<b>Procurement</b>	No Impact	Angela Woodhouse Head of Policy and Communications and Governance

**2. INTRODUCTION AND BACKGROUND**

2.1 The Council approved a new Strategic Plan in 2019-45 and agreed four new priorities:

- Embracing Growth and Enabling Infrastructure
- Safe Clean and Green
- Homes and Communities
- A Thriving Place

2.2 Indicators are reviewed at the start of each year and as there has been no changes to priorities, the set of new Key Performance Indicators for 2020-21 is predominantly the same.

2.3 Some minor changes have been made where issues have been identified during the course of 2019-20. Consideration has also been given to the Coronavirus pandemic, its impact on the borough and performance monitoring.

2.4 Four new indicators have been added:

- Percentage of gas safety certificates in place on all residential properties
- Percentage of all electrical safety certificates on all residential properties
- No of high priority fire safety certificates on all residential properties
- Contamination: Tonnage per month rejected

2.5 The Draft indicator set can be reviewed at Appendix 1, set out by priority.

### Reporting

2.6 The Policy and Information team are working on developing performance dashboards over this year which will enable Members to view data outside of the reports. This is likely to be around quarter two or three, once these are progressed Officers will be in touch to trial these.

## **3. AVAILABLE OPTIONS**

### Make a recommendation to Policy and Resources Committee to stop performance monitoring

3.1 Though it is considered best practice, some authorities have chosen to drop performance management or produce performance data which they publish on their website.

3.2 This is not recommended as monitoring performance ensures oversight and challenge to the delivery of the Council's priority action areas and mitigates the risk of the Council not delivering its priorities and key services.

### To keep the current set of indicators as reported in 2019-20

3.3 A set of indicators is currently in place and is being reported to Committee. This is not recommended, as minor amendments reflect changes over the course of the year.

To agree the draft set of indicators at appendix 1

- 3.4 Appendix 1 shows the list of proposed Key Performance indicators for 2020-2, 1 set out by the new priorities in the Strategic Plan 2019-45. Members could also choose to increase, reduce or change any targets or amend suggest new indicators.
- 

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

- 4.1 To agree the draft set of indicators at appendix 1. Monitoring performance is best practice to ensure the delivery of the Council's priorities. Monitoring Performance is particularly important at this time.
- 

#### **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. 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. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
- 5.2 The purpose of the risk section of the report is to understand the risks to the council of the options that members are considering, including the risk of not taking action, and assess them against the council's risk appetite. For more detailed guidance on how to do this see the council's 'Risk Appetite Statement' and seek guidance from the Mid Kent Audit Team. The flow chart below can be used to fill in the 'Risk Management' section on the cross-cutting implications section of the report template.

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

- 6.1 Performance is reported to each committee, each quarter. Members often request future changes or express points of view on either the indicators or performance management generally. Notes have been taken of these for application in the current set and proposed approach.
- 6.2 Indicators will be presented to Policy and Resources Committee on 24 June. Feedback will be provided to Communities, Housing and the Environment Committee on the night.
- 

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

- 7.1 Once the indicators are agreed Heads of Service, Managers will be informed and the reports set up in time for first reporting. The Performance and

Budget report will be added to each Committees work programme for 2020-21.

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## **8. REPORT APPENDICES**

- Appendix 1: New Performance Indicators 2020-21

**Key Performance Indicators 2020-21**

Status	Head of Service	Performance Measures	Frequency	Good Performance	2019/20 Target	2019/20 Outturn	2020/21 Target
<b>Homes and Communities</b>							
Existing	John Littlemore	Number of houses of multiple occupation brought to compliance by private rented sector licensing	Quarterly	Aim to Maximise	N/A	31	30
New	John Littlemore	Percentage of gas safety certificates in place on all residential properties	Quarterly	Aim to Maximise	N/A	N/A	100%
New	John Littlemore	Percentage of all electrical safety certificates on all residential properties	Quarterly	Aim to Maximise	N/A	N/A	100%
New	John Littlemore	No of high priority fire safety certificates on all residential properties	Quarterly	Aim to Maximise	N/A	N/A	100%
Existing	John Littlemore	Number of completed housing assistances	Quarterly	Aim to Maximise	Information Only	471	Information Only
Existing	John Littlemore	Percentage of approved spend for disabled facilities grant	Quarterly	Aim to Maximise	100%	130.4%	75%
Existing	John Littlemore	Number of households prevented or relieved from becoming homeless	Quarterly	Aim to Maximise	300	571	450
Existing	John Littlemore	Percentage of successful housing prevention and relief cases	Quarterly	Aim to Maximise	60.0%	56.6%	60%

Status	Head of Service	Performance Measures	Frequency	Good Performance	2019/20 Target	2019/20 Outturn	2020/21 Target
Existing	John Littlemore	Percentage of successful Prevention Duty outcomes	Quarterly	Aim to Maximise	62.4%	60%	60%
Existing	John Littlemore	Number of households housed through the housing register	Quarterly	Aim to Maximise	600	576	450
Existing	John Littlemore	Number of households living in nightly paid temporary accommodation last night of the month	Quarterly	Aim to Minimise	Information Only	36	Information Only
Existing	John Littlemore	Number of households in temporary accommodation	Quarterly	Aim to Minimise	Information Only	36	Information Only
<b>Safe, Clean and Green</b>							
Existing	John Littlemore	Percentage of unauthorised encampments removed within 5 working days	Quarterly	Aim to Maximise	90.0%	100%	100%
Existing	Jen Shepherd	The percentage of relevant land and highways that is assessed as having acceptable levels of litter	4-monthly	Aim to Maximise	98.0%	98.18%	98%
Existing	Jen Shepherd	The percentage of relevant land and highways that is assessed as having acceptable levels of detritus	4-monthly	Aim to Maximise	95.0%	94.9%	95%
Existing	Jen Shepherd	The average weight of fly tipped material collected	Quarterly	Aim to Maximise	Information Only	92.8kg	Information Only
Existing	Jen Shepherd	Percentage of fly tips assessed within 2 working days	Quarterly	Aim to Maximise	94.0%	96.4%	94.0%

Status	Head of Service	Performance Measures	Frequency	Good Performance	2019/20 Target	2019/20 Outturn	2020/21 Target
Existing	Jen Shepherd	Percentage of fly tips with evidential value resulting in enforcement action	Quarterly	Aim to Maximise	80.0%	87.0%	87.0%
Existing	Jen Shepherd	Percentage of household waste sent for reuse, recycling, composting	Quarterly	Aim to Maximise	52.0%	49.1%	52.0%
Existing	Jen Shepherd	Contamination: Tonnage per month rejected	Quarterly	Aim to Minimise	N/A	N/A	25
Existing	Jen Shepherd	Actual Spend of Section 106 money	Quarterly	Aim to Maximise	Information Only	£6,016	Information Only
Existing	Jen Shepherd	Maintenance per Hectare Spent on Parks and open Spaces	Annual	Aim to Maximise	Information Only	£4,953,335.00	Information Only
Existing	Jen Shepherd	Percentage of People using Parks and Open spaces	Annual	Aim to Maximise	Information Only	No Data Available	50.0%
Existing	Jen Shepherd	Number of Green Flag Parks	Annual	Aim to Maintain	5	3	3

# Agenda Item 17

**Communities, Housing and Environment Committee**

**Tuesday 30 June 2020**

## **Waste and Street Cleansing – Future Provision**

<b>Final Decision-Maker</b>	Communities, Housing and Environment Committee
<b>Lead Head of Service</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 Wards

### **Executive Summary**

The current Mid Kent Waste Contract is due to end in October 2023 and therefore work is due to start on the preparation for the new contract. The Mid Kent partner authorities (Ashford, Maidstone and Swale) have started exploring the future opportunities to deliver this service along with the street cleansing service which is already outsourced in the other authorities.

This report outlines the initial considerations and potential cost implications for delivering one or both services post 2023. The report is intended to provide the Committee with an early indication of the options available before further discussion, workshops and finally decisions are taken about how the services will be delivered and what they will look like.

### **Purpose of Report**

Decision

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

1. that the Committee agree the draft objectives, as set out in paragraph 1.9 so they can form the foundation of the future decision-making process;
2. That the four key areas for decision are noted;
3. That the draft timetable for decisions and implementation as set out in paragraph 1.27 is noted.

### **Timetable**

<b>Meeting</b>	<b>Date</b>
Corporate Leadership Team	Tuesday 16 June 2020
Communities, Housing and Environment Committee	Tuesday 30 June 2020

# Waste and Street Cleansing – Future Provision

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Embracing Growth and Enabling Infrastructure</i></li> <li>• <i>Safe, Clean and Green</i></li> <li>• <i>Homes and Communities</i></li> <li>• <i>A Thriving Place</i></li> </ul> <p>The future waste and street cleansing provision will be designed to support the <i>Safe, Clean and Green</i> priority. The purpose of this report is to highlight the initial findings and options from the modelling of future delivery methods including likely cost implications. These will then be considered in the future by the Council when deciding how to provide the services post 2023, when the current waste contract ends.</p>	Head of Environment and Public Realm
<b>Cross Cutting Objectives</b>	<p><i>The four cross-cutting objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Heritage is Respected</i></li> <li>• <i>Health Inequalities are Addressed and Reduced</i></li> <li>• <i>Deprivation and Social Mobility is Improved</i></li> <li>• <i>Biodiversity and Environmental Sustainability is respected</i></li> </ul> <p>The future service provision will ensure that environmental sustainability is a key focus and all opportunities to reduce our carbon impact will be explored and where possible delivered including considering alternative fuels and maximising recycling quality.</p>	Head of Environment and Public Realm
<b>Risk Management</b>	<p>A full risk assessment of any future changes to the service or delivery model will be carried out in order to inform the decision-making process.</p>	Head of Environment and Public Realm

	This report is intended to highlight the considerations required	
<b>Financial</b>	This report outlines the likely increased cost for the provision of the waste and street cleansing services post 2023. An increase in contract cost has been assumed as part of the Council's Medium Term Financial Strategy. This report outlines the start of a process to consider the options for the waste and street cleansing services post 2023, which will enable the Council to consider the prospective cost implications for future decisions.	Section 151 Officer & Finance Manager
<b>Staffing</b>	This report outlines several options available to the Council for the future provision of the waste and street cleansing service. At this time further exploration of the options can be carried out using the available staffing resources.	Head of Environment and Public Realm
<b>Legal</b>	Accepting the recommendations will fulfil the Council's duties under the Environmental Protection Act 1990. Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of the Environmental Protection Act 1990.  Acting on the recommendations is within the Council's powers as set out in Part 2.2.3 of the Constitution.	Team Leader, Contract and Commissioning
<b>Privacy and Data Protection</b>	This report will not impact the personal data processed by the Council.	Policy and Information Team
<b>Equalities</b>	A full Equalities Impact Assessment will be incorporated into the decision-making process for determining	Head of Environment and Public Realm
<b>Public Health</b>	This report is intended to provide a high-level overview of the possible options for delivering the waste and street cleansing services post 2023. Providing a high-quality refuse, recycling and street cleansing service will support public health objectives through the delivery of an attractive environment.	Head of Environment and Public Realm
<b>Crime and Disorder</b>	Providing a clean environment which is free from litter and graffiti is known to also contribute to how 'safe' an area feels to	Head of Environment and Public

	residents.	Realm
<b>Procurement</b>	At this stage, a commissioning exercise is underway to identify the most effective method of delivering the services post 2023. Should the contract be retendered, a full procurement process would be undertaken in line with Contract Procurement Rules.	Head of Environment and Public Realm

## 2. INTRODUCTION AND BACKGROUND

- 1.1 In 2013, Maidstone Borough Council entered into partnership with neighbouring authorities Ashford and Swale Borough Councils, Kent County Council and Biffa Municipal Ltd to deliver a Mid Kent Waste Contract. This provided consistency of service across the three Boroughs, delivered significant cost savings and improved recycling rates.
- 1.2 The Partnership was supported by Kent County Council as the Waste Disposal Authority through reinvestment of disposal savings brought about by the increased recycling rates, into the services.
- 1.3 The table below shows the current service providers for the existing services:

<b>Service</b>	<b>Service Provider</b>	<b>Contract Renewal Date</b>
Waste Collection	Biffa Municipal Ltd	Oct 2023
Mixed Recycling	Biffa Municipal Ltd	Oct 2023
Garden Waste	Biffa Municipal Ltd	Oct 2023
Clinical Collection	Biffa Municipal Ltd	Oct 2023
Bulky Collection	R. Wyatt (Subcontractor to Biffa)	Oct 2023
Bin Deliveries	R. Wyatt (Subcontractor to Biffa)	Oct 2023
Street Cleansing	Maidstone Borough Council	None
Fly tipping / Hit Squad	Maidstone Borough Council	None
Fleet Maintenance (Waste & Recycling Collection)	Biffa Municipal Ltd	Oct 2023
Fleet Maintenance (Street Cleansing / Grounds Maintenance)	CTS (part of Commercial Services, KCC)	Oct 2023

- 1.4 With the Mid Kent Contract due to expire in three years and no option of an extension work is required to determine the future provision of these services.
- 1.5 Along with our partnering authorities, Maidstone procured the services of Waste Consulting to undertake analysis of potential costs for different service delivery models. They already have significant knowledge of the

Mid Kent Waste Contract as they carried out the modelling for the current contract and have undertaken further analysis over the past 7 years.

- 1.6 Waste Consulting have now completed their initial work and have identified the likely costs should the service continue to be operated as is, as well as looking at alternative delivery methods including a fully in-house service or a Local Authority Trading Company (LATCo). At this stage no recommendations have been made, however Waste Consulting have identified the decisions which will need to be taken, the projected cost implications and the wider environmental impact.
- 1.7 This report outlines the headline results from this modelling, with an estimate of costs, based on current prices, for the various options available.

### **What is important to Maidstone?**

- 1.8 To decide the best option for Maidstone, it is important to set out the objectives the service needs to achieve. Whilst the financial consideration of such a large service is important, it is not the only consideration, particularly given its high-profile nature and potential environmental impact.
- 1.9 Considering the Council’s corporate priorities as set out in the Strategic Plan and the objectives within Maidstone’s current Waste Strategy, the following table outlines the five proposed objectives and their relative weighting.

Maidstone Borough Council Waste Service Objectives		
Ref	Objective	Weighting
1	Minimise the carbon footprint of the overall service, to include taking into account the impact of the fleet and collection frequencies	25%
2	Deliver a cost effective and tailored service with high resident satisfaction	25%
3	Waste and recycling is treated as locally as possible, to support and possibly invest in the local supply chain	20%
4	Maximise recycling rates and financial value of the recycling itself for reinvestment in the service	15%
5	Achieve economies of scale & service efficiencies through partnership working	15%

- 1.10 These priorities reflect the Council’s commitment to tackling climate change, whilst retaining a focus on resident satisfaction and cost.
- 1.11 It is recommended that the Committee agree the draft objectives so they can form the foundation of the future decision-making process. The four key decisions which need to be agreed over the coming 12 – 18 months are now outlined below. Some of the advantages and disadvantages of each approach are discussed within the report however at this stage no recommendation can be made.

### **The Future of the Mid Kent Partnership**

- 1.12 Since 2013, Maidstone Borough Council has been part of the Mid Kent Partnership with Ashford and Swale Borough Councils. This followed the

creation of the East Kent Partnership and has since been followed by South West Kent.

1.13 The Council will need to decide whether to continue as part of Mid Kent or to consider working alone in future or partnering with other authorities. This will also have a bearing on how the future relationship with Kent County Council as the disposal authority develops.

1.14 The table below highlights the key advantages and disadvantages associated with each option:

	<b>Advantages</b>	<b>Disadvantages</b>
<b>Mid Kent Partnership</b>	<ul style="list-style-type: none"> <li>- Strong partnership already developed</li> <li>- Provides greater support to each authority</li> <li>- Opportunities to have combined client team to reduce costs</li> <li>- Cross-boundary services offer cost savings</li> <li>- Greater collective weight to renegotiate with KCC on the Inter-Authority Agreement</li> </ul>	<ul style="list-style-type: none"> <li>- Administration is more complex</li> <li>- Requires partnership to maintain consistency which can make decision-making process more difficult</li> </ul>
<b>Alternative Authorities</b>	<ul style="list-style-type: none"> <li>- Provides support to partnering authorities</li> <li>- Procurement savings from re-tending joint contract</li> </ul>	<ul style="list-style-type: none"> <li>- Very few authorities in Kent not already in Partnership or contract</li> <li>- Requires close geography to generate cost savings</li> <li>- Takes time to develop working relationship</li> </ul>
<b>Single Authority</b>	<ul style="list-style-type: none"> <li>- Independency, ability to make quicker decisions</li> <li>- Able to focus solely on Maidstone's objectives</li> </ul>	<ul style="list-style-type: none"> <li>- Less support particularly in times of disagreement with contractor</li> <li>- Higher procurement and contract cost due to overheads not being shared</li> </ul>

### **To Outsource or Not?**

1.15 Whilst the waste collection service is currently outsourced to a private company, this is not the only delivery option. There are four options for Maidstone to consider for the provision of waste and street cleansing services post 2023:

- Contracted waste collection and in-house street cleansing service (As is)
- Contracted waste and street cleansing service
- In-house waste and street cleansing service (DSO)
- Local Authority Trading Company to operate waste and street cleansing services (LATCo)

1.16 The initial indications are that if the waste contract was retendered now and the street cleansing service remained in-house, it would cost Maidstone Borough Council an additional £590k per year. By 2023 this would increase further as it would need to incorporate property growth and indexation to reflect changes to resource costs i.e. fuel prices, salary costs, CPI.

1.17 Therefore, without making any changes to the services, performance standards or delivery method, the Council will need to budget a significant increase in collection costs.

1.18 The modelling has also considered the comparative costs for the other delivery models, all of which result in significantly higher collection costs; however, the LATCo represents the lowest cost to the Council.

<b>Delivery Model</b>	<b>£</b>	<b>Advantages</b>	<b>Disadvantages</b>
Current	4,490,000	<ul style="list-style-type: none"> <li>- Flexible street cleansing service</li> <li>- Fully supported waste collection service i.e. national back-up</li> <li>- No competition between Waste and Street Cleansing for resources</li> </ul>	<ul style="list-style-type: none"> <li>- Higher pension costs for cleansing staff</li> </ul>
Fully Contracted Out	5,120,000	<ul style="list-style-type: none"> <li>- More resilience due to the vast corporate and national resources</li> <li>- greater support and knowledge e.g. H&amp;S</li> <li>- reduced HR requirement</li> </ul>	<ul style="list-style-type: none"> <li>- Low flexibility</li> <li>- Hidden or additional costs</li> <li>- Lower staff morale</li> <li>- Staff terms and conditions</li> <li>- Waste likely to take priority over street cleansing for resources</li> </ul>
In-house (DSO)	5,140,000	<ul style="list-style-type: none"> <li>- Fully flexible service</li> <li>- Higher level of staff buy-in / morale</li> </ul>	<ul style="list-style-type: none"> <li>- High pension costs</li> <li>- Highest overall cost</li> <li>- Less resilience</li> </ul>

			Waste likely to take priority over street cleansing for resources
LATCo	4,825,000	<ul style="list-style-type: none"> <li>- Council retains full control</li> <li>- Cheapest option</li> <li>- Flexible service</li> </ul>	<ul style="list-style-type: none"> <li>- Possibility of lower staff morale due to different terms and conditions to Council employees</li> <li>- Less resilience</li> </ul> <p>Waste likely to take priority over street cleansing for resources</p>

### Cleansing In or Out?

1.19 An internal review of street cleansing was carried out in 2019 which included speaking with resident, businesses, Councillors and Parish Councils. The feedback was very mixed and in some places contradictory. Whilst most residents described their local area as clean, this varied significantly by area along with residents' expectations of what is 'clean'. Residents main areas of concern were littering and street sweeping as well as maintenance of grass verges. However, Members' and Parish Council concerns were primarily focused on fly tipping, although only 13% of residents agreed with this.

	Advantages	Disadvantages
Cleansing operated alongside Waste Collection	<ul style="list-style-type: none"> <li>- reduced service management costs</li> <li>- Ability to have greater coordination between services</li> <li>- Reduced vehicle maintenance costs due to increased scale</li> <li>- Multi-tasking / skilling of staff</li> </ul>	<ul style="list-style-type: none"> <li>- Less flexibility</li> <li>- Waste likely to take priority over street cleansing for resources</li> <li>- Cleansing standards often compromised due to focus on waste collection</li> </ul>
Cleansing remain separate to Waste Collection	<ul style="list-style-type: none"> <li>- No competition for resources</li> <li>- Fully flexible and responsive service</li> <li>- Higher Staff morale</li> </ul>	<ul style="list-style-type: none"> <li>- Usually higher cost</li> <li>- Services operate separately so low levels of coordination</li> </ul>

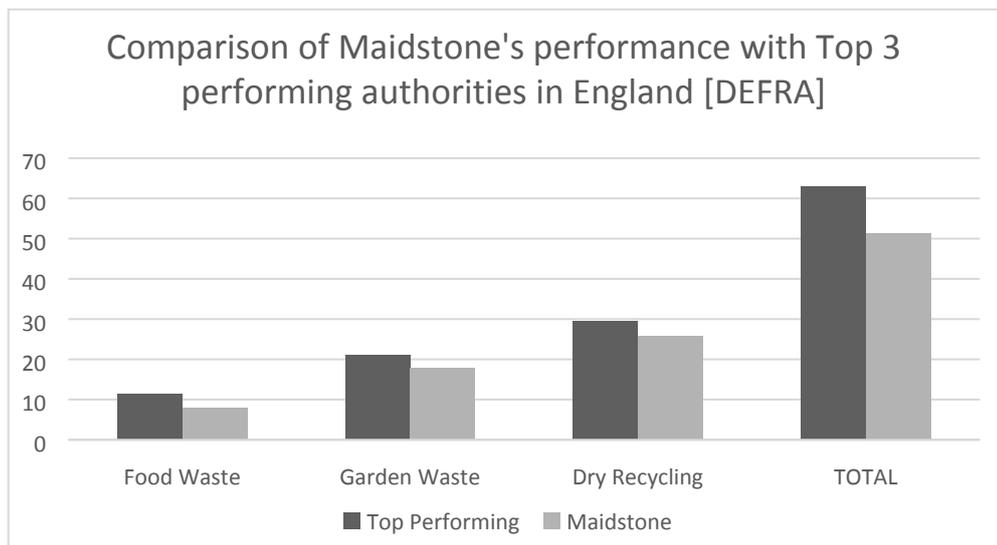
1.20 The review concludes that further investment may be needed in the service to improve resident perception, as well as improving the visibility of the service through published schedules. The recommendation is that a

cheaper delivery model may offer this ability to reinvest money in the frontline service.

1.21 Whilst a decision will have to be taken regarding the delivery model for both the waste and street cleansing services post 2023, most of the cost and risk lies with the waste collection service. It is likely that the decision will need to be taken about the waste collection service in the first instance as this will narrow the options for the street cleansing service. For example, if the best option for the waste service is to create a LATCo, the option to outsource the street cleansing service is likely to be discounted.

### **Our Recycling Ambition**

1.22 With a national target of 65% recycling by 2035 as set out in the Government’s Waste Strategy, Maidstone has a long way to go in the next 15 years. However, the three top performing authorities in England - South Oxfordshire, Three Rivers and Vale of White Horse – are all achieving over 62% with the same collection method as Mid Kent.



1.23 The end of the current waste contract offers the opportunity to explore alternatives to how recycling is collected and consider greater innovation within the services.

1.24 Mid Kent, unlike East and South West Kent Partnership has a fully commingled collection, where all recycling is collected within a wheeled bin. However, Kent County Council, as the disposal authority, prefer the twin-stream collection method, whereby paper and cardboard are collected separately to the other recycling i.e. plastic bottles and tubs, glass, and cans. This system is currently operated in East and South West Kent and was considered by Maidstone in 2013. At that time, it was discounted due to the complexities and cost of collection as well as the modelling showing greater recycling could be achieved through the fully commingled collection.

	<b>Advantages</b>	<b>Disadvantages</b>
<b>Commingled</b>	<ul style="list-style-type: none"> <li>- Established service</li> <li>- Service offered by top three highest performers in England</li> <li>- High satisfaction from residents</li> <li>- Simple service</li> </ul>	<ul style="list-style-type: none"> <li>- Recycling rates plateaued</li> <li>- Lower quality of recycling due to fully mixed collection</li> </ul>
<b>Twin-stream recycling</b>	<ul style="list-style-type: none"> <li>- KCC preferred collection method</li> <li>- Disposal savings due to reduced reprocessing needs</li> <li>- Consistency with East and South West Kent collection methods</li> <li>- Higher quality of recycling</li> <li>- Overall net reduction of costs in region of £150k</li> </ul>	<ul style="list-style-type: none"> <li>- Higher collection costs</li> <li>- More complex vehicles required which pose risk to reliability</li> <li>- Instability of markets may negate disposal savings resulting in increased cost</li> <li>- Additional containers required</li> <li>- increased complexity for residents as sorting required</li> <li>- Recycling rate may reduce due to more complex system</li> </ul>
<b>Alternative refuse frequencies</b>	<ul style="list-style-type: none"> <li>- May be used to offset some of the additional cost of increased recycling collections</li> <li>- Reduction in waste levels</li> <li>- Increase recycling rates</li> </ul>	<ul style="list-style-type: none"> <li>- Resident satisfaction likely to reduce</li> <li>- May result in increased cost due to additional services and bins required</li> <li>- Possible increase in littering and fly tipping due to excess waste</li> </ul>
<b>Active engagement in circular economy e.g. focus on keeping materials in local area</b>	<ul style="list-style-type: none"> <li>- Support circular economy to increase quality of recycling</li> <li>- Greater positive impact on climate change due to focus on full lifecycle</li> </ul>	<ul style="list-style-type: none"> <li>- KCC is waste disposal authority</li> <li>- limit recycling ability and reduce recycling rate</li> <li>- Higher cost</li> </ul>

1.25 There will be a need to consider the Council’s recycling ambition alongside the wider benefits and implications of any such changes.

## The Process from Here

- 1.26 With both the current waste contract and street cleansing's fleet maintenance contract ending in October 2023, there is just over 3 years to make decisions on the four key areas and then implement and mobilise the services.
- 1.27 At this stage, a draft timetable has been developed and is included below. This will be subject to review throughout the process.

Action	Draft Timeframe
Member workshop / webinar	July - Sept 2020
Partnership Agreement	Dec 2020
Decision on Service Delivery Model	April 2021
Decision on Street Cleansing provision	June 2021
Development of Recycling Specification	Sept 2020 – April 2021
Decision on Recycling Specification	June 2021
Service Preparation / Retendering	Sept 2021
Service Mobilisation	April 2023
Service Starts	October 2023

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### 3. AVAILABLE OPTIONS

- 3.1 At this stage in the process, the report is presented predominantly for informational purposes and to provide the Committee with the opportunity to consider and discuss the options available.
- 3.2 It is also recommended that the Committee agrees the draft objectives as set out in paragraph 1.9 of the report. However, the Committee could decide alternative objectives should be included or the weighting should be readjusted.
- 3.3 Following discussion, the Committee could consider that other options should be further explored as part of the commissioning process or provide early feedback about options that may be deemed unpalatable or challenging.

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### 4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 It is recommended that a Members' workshop is carried out with Waste Consulting to discuss in further detail the opportunities and challenges going forward in preparation for agreement across Mid Kent of the post 2023 service delivery arrangements.
-

## **5. RISK**

- 5.1 A full risk assessment of each option will be carried out as part of the commissioning process and prior to decision about the agreed way forward.
  - 5.2 At this stage, there are no risks associated with early knowledge relating to projected costs or from exploring all options and this will enable improved budget planning and considered decisions to be taken which will meet the corporate objectives.
- 

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

- 6.1 Consultation on the street cleansing service was carried out in 2019 and summary details are included in the report.
  - 6.2 Further consultation will be required should service changes be considered.
- 

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

- 7.1 The next steps are covered in section 1.26 onwards.
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## **8. REPORT APPENDICES**

None

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## **9. BACKGROUND PAPERS**

None

# Agenda Item 18

## Communities, Housing and Environment Committee

Tuesday 30 June 2020

### Waste Services Update

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

#### Executive Summary

The Mid Kent Waste Contract has been operational since 2013, however in late 2019 experienced notable service failures due to problems with vehicle reliability and access issues. This report outlines the work undertaken to improve performance over the past few months as well as a revised document offering guidance to developers to ensure waste provision is given more consideration in the future.

#### Purpose of Report

For noting.

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

1. That improvement in performance of the waste collection contract be noted; and
2. That the revised waste information for developers be noted.

#### Timetable

Meeting	Date
Corporate Leadership Team	Tuesday 3 March 2020
Communities, Housing and Environment Committee	Tuesday 30 June 2020

# Waste Services Update

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The report highlights the contractor’s performance levels in relation to services provided across the borough. These services play an important role in supporting the Safe, Clean and Green aims.</p> <p>The reworded guidance on waste collection reinforces the alternate weekly collection system and provides improved guidance for the location and construction of communal bin stores. This takes into account a trend for flats to have more bedrooms, therefore more occupants leading to more waste. The guidance should lead to improved access for our contractor. The guidance supports the Councils clean and green aims with the better conditions encouraging recycling.</p>	Waste Manager
<b>Cross Cutting Objectives</b>	Services include the collection of recycling and garden waste from properties. These materials are recycled and substantially reduce the environmental impact of waste collection, so supporting the aims of Environmental Sustainability.	Waste Manager
<b>Risk Management</b>	This report is for noting only. No new risks have been identified relating to the performance of the waste contract for the remaining 3 and a half years of the contract term.	Head of Environment and Public Realm
<b>Financial</b>	The proposals set out in the recommendation are all within already approved budgetary headings, no additional funding required.	Maxine Mahon – no issues
<b>Staffing</b>	No staffing implications within this report.	[Head of Service]
<b>Legal</b>	The continued contract monitoring and improved guidance will support the Council’s duties to provide a regular domestic waste collection services, as required under Environmental Protection Act 1990 Sec 45.	Robin Harris – no issues

<b>Privacy and Data Protection</b>	No additional implications identified	Equalities and Corporate Policy Officer
<b>Equalities</b>	The contract allows for service standards to be adjusted to reflect equalities needs. Maintaining the standards of assisted collections is key to providing the service to some of our more vulnerable residents. No changes are proposed.	Equalities and Corporate Policy Officer
<b>Public Health</b>	Regular waste collection is a prerequisite to maintaining public health. The continued monitoring of the contract will help to maintain service standards and promote good health within the local population.	Waste Manager Paul Clarke – no issues
<b>Crime and Disorder</b>	No impact identified	Waste Manager
<b>Procurement</b>	No impact identified	Waste Manager

## 2. INTRODUCTION AND BACKGROUND

2.1 In 2013, the Council entered into partnership with Ashford and Swale Borough Councils as well as Kent County Council to let a 10-year contract for the collection of household waste and for some street cleansing services to Biffa Municipal Ltd.

2.2 This contract delivers all of Maidstone's frontline waste collection services including:

- Refuse collection (£1 million)
- Mixed recycling collection (£900k)
- Food waste (£500k)
- Garden waste (£300k)
- Bulky waste (£100k)
- Clinical waste (£10k)
- Textiles and WEEE (waste electrical and electronic equipment)

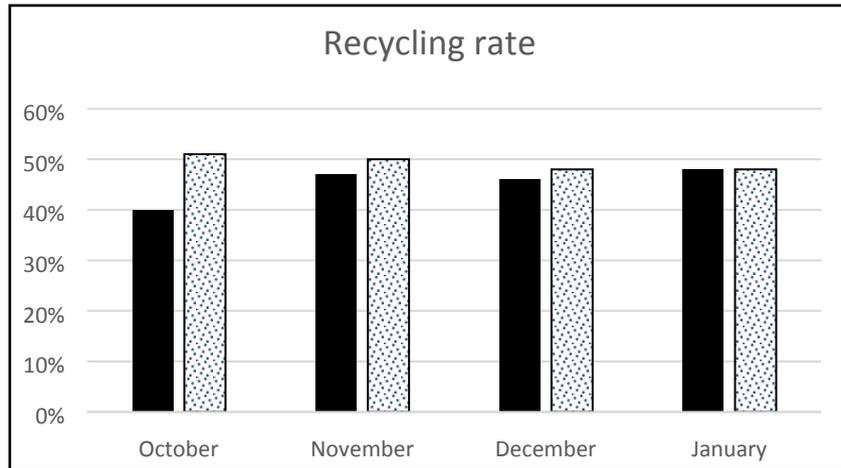
The approximate cost is shown against each service.

2.3 The Mid Kent Waste Contract has delivered over £1million in savings per year for Maidstone with the cost of the service falling to around £34 per household. The contract currently costs the Council £2.8 million per year which is funded from Council Tax, support from Kent County Council and external income such as garden waste subscriptions.

- 2.4 Waste and recycling collection is a primary public service, provided to every domestic household every week. Standards of service impact regularly on every resident. Therefore, any reduction in standards will directly affect the wider public perception of the authority.
- 2.5 Last Autumn/Winter (Nov 2019), there were considerable service issues, primarily caused by continual vehicle breakdowns. This caused delays in areas across the Borough in collecting waste or recycling from properties. This also resulted in an increase in collection issues. The contractor was required to operate a catch-up service on most weekends over this period. MBC officers utilised the performance mechanism within the contract as well as working closely with the contractor's local management team, to resolve the issues and provide updates to residents.
- 2.6 In addition to vehicle maintenance problems, there were a high number of problems gaining access into issues roads due to parked cars, particularly on corners and at junctions. This resulted in the contractor having to repeatedly reattempt collections, putting a further strain on the resources available.
- 2.7 During late November there were changes to the contractor's management team, with the new manager initiating a number of actions to improve performance and resolve the high vehicle downtime. Officers worked with the company in improving the standards of service. The main aim being to ensure we were suitably prepared to operate over the busy Christmas and New Year period. Officers continued to utilise the performance default mechanism where appropriate.
- 2.8 In December the Council issued a statement to apologise to residents for the disruption to service over the previous couple of months. This was widely reported on social media and resulted with an interview on radio Kent.
- 2.9 The purpose of this report is to provide Members with a summary of progress over the recent months, to highlight measures of performance from October to January/February. Information has also been included on headline recycling performance on a month by month basis and a running average for the year.
- 2.10 For Members information key Environmental and service performance data is included as follows:

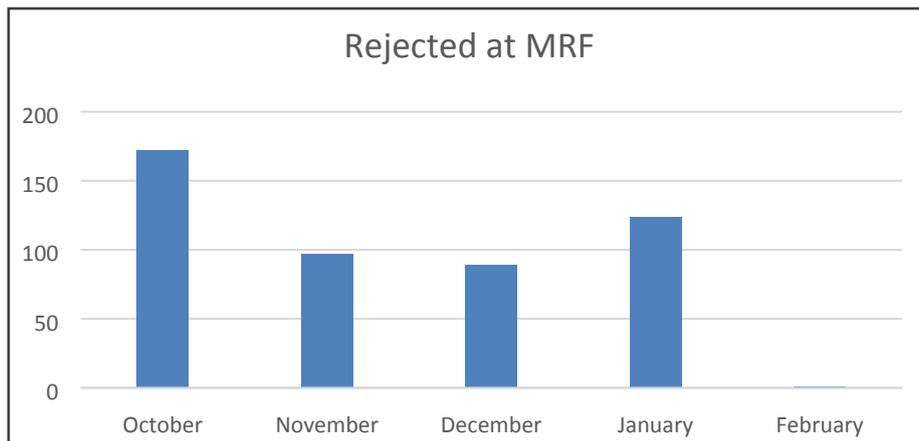
### **Environmental Performance**

- 2.11 The recycling rate is running at nearly 50% for the current financial year. Members will note a dip in monthly performance over the winter (indicated by solid bar), this is usual seasonal variation due to the reduction in the amount of garden waste collected. This is expected to recover during February/March.



Solid bar – monthly figure  
Dotted bar – annual running total

2.12 The decrease over this period has been slightly exaggerated due to contamination of the dry mix recycling, which is discussed below.

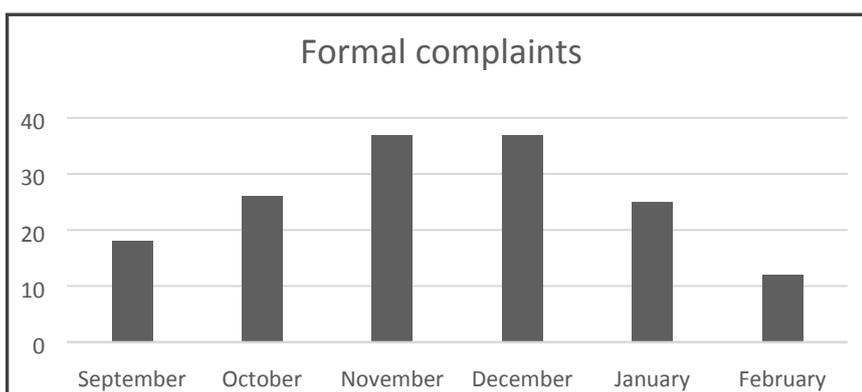


2.13 This is material which has been collected from residents and delivered to the sorting contractor. On delivery the load has failed to meet the required input specification and is therefore rejected and is disposed of as waste.

2.14 Reducing contamination of dry mix recycling is a partnership, even country wide issue.

2.15 The collection system in Maidstone has operated reasonably well for a number of years. In some cases, contamination is nearly a deliberate act, in other cases it's down to a lack of information. This will be addressed by a communications push on improving recycling quality, and extra crew training allowing them to reject contaminated bins at the kerbside.

## **Standard of service performance**



- 2.16 To clarify, these are formal complaints logged by Complaint/FOI team, which are reported to waste department for further attention and written response.
- 2.17 Not all complaints relate to service standards, they can be about the cost of services, Christmas round changes or even the method of collection provided. The number recorded is a measure of public view of service standards.
- 2.18 In addition to these records the contract includes a formal performance mechanism, used to notify the contractor of service issues, these notices fall into three brackets and described as follows:

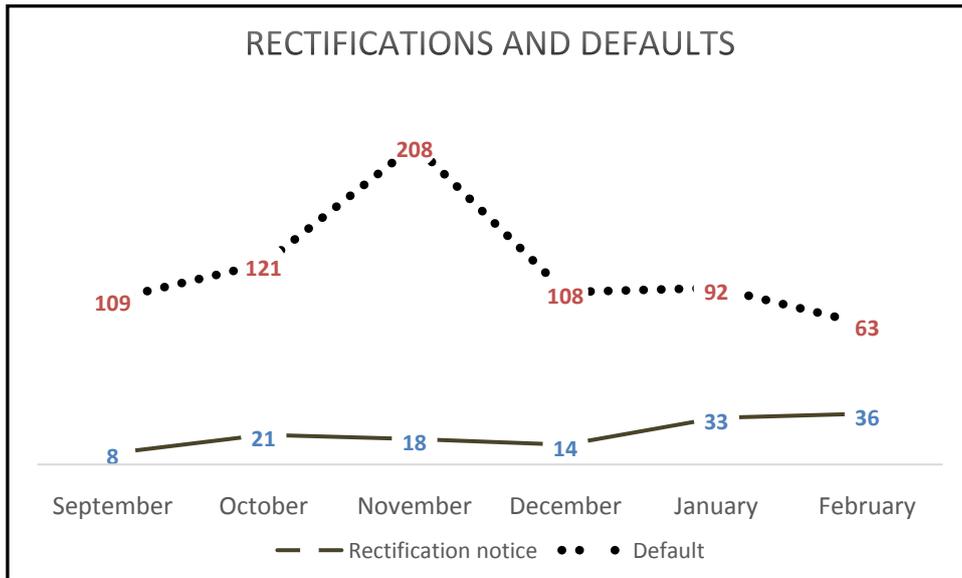
Rectification notices – would be used to formally advise the contractor of a service issue that he is not aware of.

Default notice – would be used when he has failed to respond to the rectification within required timeframe.

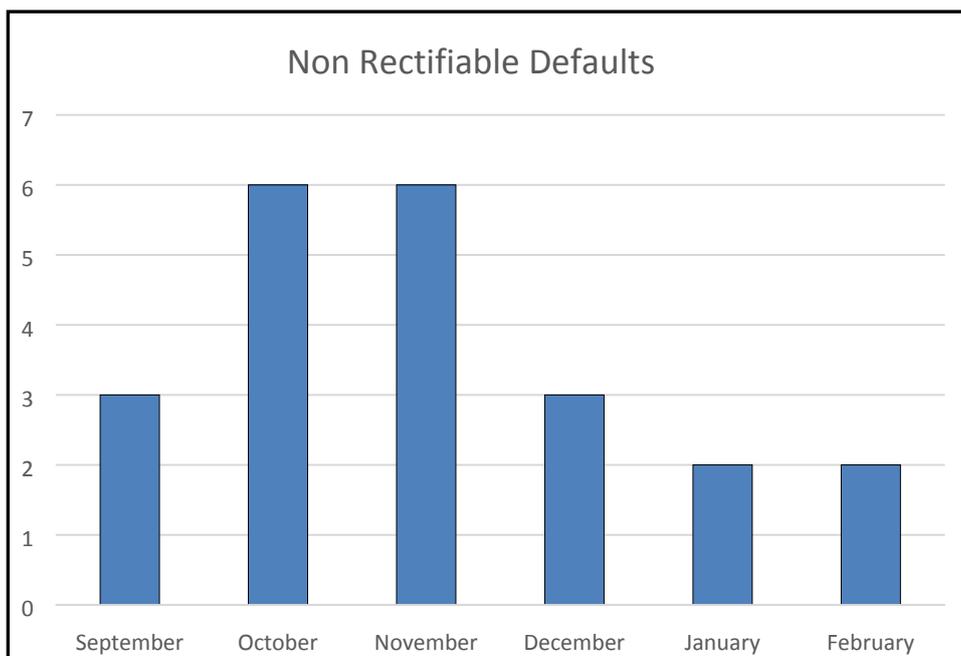
Non rectifiable default notice – used for the failure to remedy a default notice, or other serious failure event.

- 2.19 The data for the period is summarised in table 1.

	<b>Rectification notice</b>	<b>Default</b>	<b>Non rectifiable default</b>
<b>September</b>	8	109	3
<b>October</b>	21	121	6
<b>November</b>	18	208	6
<b>December</b>	14	108	3
<b>January</b>	33	92	2
<b>February</b>	36	63	2



- 2.21 The graph demonstrates a steep rise defaults during the Autumn peaking in mid-November, then settling over December / January. This indicates that during November the contractor was unable to keep up with the service issues notified but has over December and January got that situation under control.
- 2.22 There is a slight rise in rectification notices over this time, this is where issues are noted by Officers during inspections or the public have advised Waste Services of problems direct, without going through the call centre.



- 2.23 Non rectifiable defaults have also peaked in November and tailed back to a reasonable. This again shows where the contractor struggled to keep up with client demands during October/November.
- 2.24 This is a very blunt measure but does tend to show improvement recently.

### **Going Forward**

- 2.25 Officers take the opportunity to highlight actions taken by the contractor over the recent months.
- 2.26 They have raised the importance of vehicle maintenance to Director level at the Contractor, involving their local managers in those conversations and placing a higher demand on their contractor. To date this has improved vehicle resilience.
- 2.27 They have provided completely new management at Maidstone. A new Operations Manager – responsible for day to day scheduling, staff issues, and a new Business Manager – responsible for overall financial control and external contractual issues, have been introduced.
- 2.28 In addition, across the whole partnership (which includes Swale and Ashford Councils) we have a new General Manager and the contract is being overseen in more detail at Company Director level.
- 2.29 These changes confirm a complete management revamp over the last five months. Fundamental service issues being raised by the client Councils are being considered and actioned at a much higher level within the Contractors organisation.

### **Development Waste Guidance**

- 2.30 Waste Services provide a guidance document for local developers. This does not form a formal part of planning consent which is agreed to local and national standards, the guidance helps developers design the property to suit local waste collection services.
- 2.31 A number of conversions or developments have recently been found with insufficient space for our standard waste and recycling services. In some cases, the lack of space has resulted in a restriction of our recycling collection services, in extreme cases we've had to increase collection frequency and/or change the methodology of collection. In the light of these the guidance has been reviewed.
- 2.32 The revised guidance document looks to provide more explicit advice to developers about the existing requirements to deliver successful waste and recycling collection services to residents. The guidance has not substantially changed but looks to improve uniformity in the waste and recycling provision in new developments by offering clear expectations on the requirements for the service.
- 2.33 The attached document has increased the size of the bin stores, improved ventilation, lighting and clarified suitable locations for both collection staff

and residents. Importantly the guidance seeks to improve crew access by insisting on a standard type key arrangement, rather than each having to carry a lot of different keys.

- 2.34 The revised document also acknowledges that over time occupation rates for flats have increased. They are now regularly built as two or even three-bedroom units. The additional living accommodation results in additional residents and therefore additional waste. The revised calculation acknowledges changes and increases the allowance per property, to mirror that for regular houses.
- 2.35 The updated guidance is attached at Appendix 1.
- 2.36 It is intended that this guidance is used as the foundation for future discussions with Planning to introduce statutory planning requirements for the waste management of new developments.

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### **3. AVAILABLE OPTIONS**

- 3.1 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.

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

- 4.1 In considering the action taken to improve performance following the period of disruption as well as the revised guidance for new developments, it is recommended that the Committee note the information.
- 4.2 Current performance has significantly improved, and the contract continues to deliver significant savings to the Kent Taxpayer. It is therefore not recommended that any further action is taken about the delivery of the current contract, but the information is used to inform the future contract post 2023.
- 4.3 A further report will be brought to the Committee next month outlining the next steps for consideration regarding the retendering the Mid Kent Waste Contract including initial findings from a recent modelling exercise of potential costings for alternative delivery models.

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### **5. RISK**

- 5.1 This report is presented for information only and has no direct risk management implications.
- 5.2 The Council continues to monitor the performance of the waste contractor and where appropriate uses the Performance Mechanism to recover costs.

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

- 6.1 In February 2019, a report was presented to the Committee on performance at the mid-point of the 10-year contract. This report seeks to update the Committee on progress following a period of disruption.
- 6.2 Customer satisfaction with the service is measured through the biannual residents' survey and historically has shown high satisfaction with the services offered.
- 

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

- 7.1 The waste team will continue to monitor the contract and take appropriate steps to manage contractor performance. In addition, during the coming year they will take steps to promote recycling participation, reduce contamination and therefore maintain the overall recycling rate.
- 7.2 The revised waste guidance will be posted online on the Councils web site and made available to developers through the Council's planning team.
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## **8. REPORT APPENDICES**

Appendix 1: Developers Guidance for Waste Services

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## **9. BACKGROUND PAPERS**

N/A

## Refuse and Recycling Requirements for Developers Prior to Submitting Plans

**Maidstone Borough Council (MBC) operates a fortnightly refuse and recycling service and a weekly food waste collection service.**

- 1. Introduction**
- 2. New houses**
- 3. Flats**
- 4. Internal design considerations**
- 5. Vehicle Access**
- 6. Collection problems**
- 7. Cost of bins**
- 8. Eurobin dimensions**
- 9. Vehicle dimensions**

### **1. Introduction**

**All new build property must permit residents (or the managing agent) to store sufficient containers, enabling them to use all of our statutory waste and recycling collection services.**

### **2. New Houses**

All collections are made from the front boundary of the property.

Our standard service requires residents to use 1 x black refuse bin (180l), 1 x green recycling bin (240l) and 1 x black/orange food waste bin (23l).

We also offer an 'opt-in' garden waste service and this is collected by means of a 240l wheeled bin (usually brown in colour). The take up of this service is extremely high therefore space should also be allocated to accommodate an additional bin.

Developers are required to pay MBC to provide the standard service containers (wheeled bins) meeting standard EN840.

For information the approximate dimensions for 240 litre bins are as follows: 1070mm height, by 550mm width, by 720mm depth. (Exact details subject to manufacturer)

23 litre containers are approximately 360mm high and 350mm by 300mm - subject to specific manufacturer.

There are occasions where we provide a larger 240 litre waste bin, therefore all individual houses must have a clearly identified flat storage area to accommodate 3No x 240 litre bins and 1No 23 litre container.

The occupier must be able to use the bins whilst they are situated in the storage area, be able to open the lids fully and be able to move one bin without moving another.

Overall we expect the storage area to be approximately 2000mm wide by 780mm deep, with the bins not being visible from the road. This could be simply ensuring space in the rear yard or garden (with suitable side access) or providing covert / shielded storage facility at the front of the property.

In all cases developers must be mindful of the need to allow access and ease of use for the resident and consider nearby properties, with respect to intrusion of odours.

The bin storage area is not the presentation point.

The point of presentation is an area used when the resident presents bins for servicing. This will be at the front of property where the property immediately abuts the public highway. It should be as close as possible to where the vehicle passes but no more than 25m from vehicle to point of presentation.

The developer is required to ensure the point of presentation is clearly stated to new residents and that there is nothing preventing the resident from moving bins from the storage area to the presentation point.

All houses are required to have an individual collection and must not be provided with communal collection arrangements.

### 3. Flats

Flats are generally serviced by communal bin stores. Bin stores should be large enough to accommodate and manoeuvre sufficient 1100 refuse Eurobins and 240 litre bins, for the number of dwellings.

To permit use of all waste collection and recycling collection services, the total overall provision for allocated users of each bin area, needs to be calculated, as follows:

Flats, basic requirement per property type.

No of bedrooms	Refuse litres	Recycling litres	Food
1	180	180	140 litres for every 10 flats -regardless of bedroom numbers
2	180	240	
3	180	240	

It is common for a large development to have more than one bin area, however the allocated users for each bin store must be clearly identified, in terms of specific flat numbers and property type.

This specific detail facilitates the calculation of capacity required for each single bin area and will assist the landlord or property management company, once the property becomes occupied.

Site details and calculations must be submitted by the developer prior to ordering the purchase of bins.

Note. for bin stores serving 4 or less flats each dwelling should be provided with their own designated bins.

The Council will not be responsible for the maintenance of the bin store, which must be;

- Easily accessible from the public highway
- Its location must be carefully considered, so as to not cause intrusion of odours or other issues, to adjoining properties or residents
- Have adequate ventilation – ventilation area to be 1/10<sup>th</sup> of total floor area, placed at high level and split flow through if practicable.
- Sufficient room to move bins around and access all bins
- Lockable doors wide enough to permit easy removal and replacement of the bins. 2m width overall opening minimum.
- Doors must prevent litter escaping from the bin store and be capable of being secured in the open position, to facilitate bin servicing.
- Lighting with secure cables
- Access must be restricted by use of key lock FB1 or FB2
- If access onto the site is restricted by remote control gates, there must be a trade access option. The Authority will not accept key lock or remote fob type access systems.

The distance that residents must travel to use the bin store must be less than 30m (property exit to bin store entrance), excluding vertical distance.

Collection vehicles must be able to park within 10m of the bin store.

There must be a clear identified route to move the bins to the vehicle parking location from the bin store, this must be level, smooth, suitable for purpose with no steps, gradient of less than 1 in 12. Drop kerbs into the road are mandatory.

In order to guarantee access and bin movement, parking must be prevented immediately in front of the bin store and on the route between store and collection vehicle. Developers should be mindful of pavement overhang when cars park.

A minimum free height of 5.200 m must be observed at the designated vehicle parking point.

#### **4. Internal design - practical considerations**

There is a general requirement in modern waste collection systems, for householders to separate types of waste, at a minimum this is non-recyclable and the usual recycling streams.

Occupiers are most likely to need these temporary facilities at the point of arising, so avoiding repeated trips to an external storage area.

Integrating suitable space into the design of cabinets in the kitchen or other appropriate areas, can make more efficient use of space and prove less obtrusive than leaving householders to acquire free standing bins at a later date.

#### **5. Vehicle Access**

Reversing refuse trucks can be hazardous so where possible, the road layout should include sufficient space for vehicles to drive in and turn around keeping reversing manoeuvres to a minimum.

Road design or parking limitations must also allow for access by large 26 tonne vehicle (see general dimension as below) special attention needs to be taken at junctions, bends in roads, pinch points etc. If vehicles cannot gain access it will impact on bin servicing and could also have implications for emergency services.

Developers whose construction includes archways, flying freeholds, building overhangs etc, should also consider the height of these vehicles.

#### **6. Collection problems communal bin stores**

The Council or its contractor will visit the site to service bins on an agreed schedule. If at that time, we are unable to gain access or safely move the bins to the vehicle, the collection will not be completed and the managing agent will be required to manage the waste / recycling until the next scheduled visit.

The Council will not be responsible for removing any side waste, should side waste prevent normal bin emptying, the bins will not be emptied on that visit. The managing agent is required to actively manage and monitor the use of the bin area.

## **7. Cost of Bins**

Developers are required to pay for the provision of all bins required for new developments. The costs are as follows (2020 subject to annual review).

Black 180L wheeled bin for refuse:	£25
Green 240L wheeled bin for recycling:	£25
Food waste bin 23L	£8
Communal Food waste bin 140L	£25
1100 L bin      standard waste	£320 + VAT + Delivery

Developers are welcome to purchase their own 1100L bin(s) however it must comply with EN840 be metal construction with plastic locking lid and comply with the dimensions below.

The Council / its contractor, will not service bins that fail to meet the criteria.

All other containers: domestic wheeled bins (180 and 240 litre) and 23 litre caddies, must be purchased directly from the council.

Developers need to make these arrangements early ensuring that bins are installed before letting properties to new occupiers, so avoiding the situation of the householder having no-where to store their waste / recycling.

Where developers permit uptake of residence before bin delivery has been completed, the developer will be required to make arrangements for waste removal.

Where residents have started to move onto a new development and access is restricted due to scaffolding, material storage, contractor parking etc. The council / contractor will make collections from an agreed location that we can access on a temporary basis, the developer needs to ensure the bins are already on site and these temporary arrangements are in place, before allowing uptake of residence.

Where a developer is aware of the details of the Managing Agent for a communal building, this information must also be provided to the Council as soon as practicable.

## **8. Eurobin dimensions**

W: 1250cm

D: 980cm

H: 1370cm

## **9. Vehicle Dimensions**

Length: 11.5m

Height: 3.32m

Width: 2.5m

Turning circle of vehicle: 33m

**Communities, Housing and Environment Committee**

**Tuesday 30 June 2020**

**Waste Crime Update 2020**

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

**Executive Summary**

The Waste Crime Team was created in 2017, enforcing against fly tipping, littering and other waste related offences. With the Council's zero tolerance approach to such environmental offences, the team take a proactive approach with the use of covert CCTV, dash-cams, vehicle seizures and regular joint operations with the Police's Rural Taskforce.

This report provides an update on performance, achievements and challenges faced over the past 12 months. The report also sets out the plans for the team in the coming months to focus on the areas which have greatest impact on our environment and communities.

**Purpose of Report**

Discussion and Noting

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

1. That the update is noted.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Communities, Housing and Environment Committee	Tuesday 30 June 2020

# Waste Crime Update 2020

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Embracing Growth and Enabling Infrastructure</i></li> <li>• <i>Safe, Clean and Green</i></li> <li>• <i>Homes and Communities</i></li> <li>• <i>A Thriving Place</i></li> </ul> <p>Whilst this report is for noting only, the role of the Waste Crime Team supports the objective for a Safe, Clean and Green Borough.</p>	Head of Environment and Public Realm
<b>Cross Cutting Objectives</b>	<p><i>The four cross-cutting objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Heritage is Respected</i></li> <li>• <i>Health Inequalities are Addressed and Reduced</i></li> <li>• <i>Deprivation and Social Mobility is Improved</i></li> <li>• <i>Biodiversity and Environmental Sustainability is respected</i></li> </ul> <p>The Waste Crime Team tackle littering, fly tipping, abandoned vehicles and other environmental crimes. Therefore this update demonstrates how the team are supporting the cross cutting objective of "environmental sustainability".</p>	Head of Environment and Public Realm
<b>Risk Management</b>	This report is for noting only, however the risks associated with the work of the team are included in the Risk Section	Head of Environment and Public Realm
<b>Financial</b>	The information set out in this update is within already approved budgetary headings and so need no new funding for implementation.	[Section 151 Officer & Finance Team]

<b>Staffing</b>	The report highlights challenges with staff recruitment and retention and the impact this has had on performance. The report also outlines the service's plan for the next 12 weeks based on the current staffing level and how this will support staff retention and development.	Head of Environment and Public Realm
<b>Legal</b>	The report is for noting only	Head of Environment and Public Realm
<b>Privacy and Data Protection</b>	The report is for noting only.	Policy and Information Team
<b>Equalities</b>	The report is for noting only.	Head of Environment and Public Realm
<b>Public Health</b>	The report is for noting only.  Tackling waste crime, reducing litter and improving the appearance of the Borough, will have an indirect impact on improving public health, as it will encourage residents to actively enjoy their environment.	Head of Environment and Public Realm
<b>Crime and Disorder</b>	Tackling waste crime has a positive impact on disrupting organised crime.	Head of Environment and Public Realm
<b>Procurement</b>	The report is for noting only	Head of Environment and Public Realm

## 2. INTRODUCTION AND BACKGROUND

- 1.1 In February 2019, a report was presented to the Communities, Housing and Environment Committee to provide an update on the waste crime service which had been created in 2017. This report is to update the Committee on progress and challenges over the past 12 months.
- 1.2 Prior to 2017, waste crime offences were dealt with by the Environmental Enforcement Team along with statutory nuisance such as noise complaints. However, the team was split to create the Community Protection Team based within Housing and Communities, and the Waste Crime Team part of Environmental Services and located at the Depot.

- 1.3 The Waste Crime Team originally consisted of a Senior Waste Crime Officer and a Waste Crime Officer, focusing predominately on investigating fly tipping and waste carrier offences. Littering enforcement was initially carried out by a private contractor, however this contract ended in August 2017.
- 1.4 The Communities, Housing and Environment Committee took the decision in late 2017 to bring the litter enforcement back in-house with the recruitment of two Street Scene Enforcement Officers. The results presented to the Committee in 2019 showed how the new team had issued Fixed Penalty Notices totalling over £60k for offences including fly tipping, littering, duty of care offences and dog fouling.



*Diagram 1. Current Waste Crime Team Structure (grey shows litter enforcement roles)*

### **Service Challenges**

- 1.5 Whilst the original team structure was to have a Waste Crime Manager, an officer and two street scene enforcement officers on patrol for littering, staff recruitment and retention issues have created challenges over the past 12 months.
- 1.6 It was recognised when the litter enforcement service was brought in-house that key to success would be the recruitment of professional and reliable staff. This had previously been a challenge to the private contractor and resulted in a number of complaints relating to behaviour, which impacted the Council's reputation.
- 1.7 For the majority of the past 12 months, only one enforcement officer post could be filled. This had a significant impact on the level of litter enforcement that could be carried out, with 364 FPNs issued during this time, compared with 450 in the first year of operation.
- 1.8 The confrontational nature of the role is not appealing or suitable to many and therefore recruitment has been difficult with the posts having to be repeatedly re-advertised.

- 1.9 However, the service now has one Street Scene Enforcement Officer in post, although littering enforcement has been disrupted by the pandemic lockdown.
- 1.10 The Committee had also previously highlighted the need to enforce against littering from vehicles. The Government agreed legislation in 2019 to enable local authorities to issue fines similar to Parking Charge Notices (PCNs) to the owners of vehicles from which litter originated. However, this is a very complicated and onerous process, including informal and formal appeals and independent adjudication. Following discussions with the Parking Services Team it was clear that a combined process for parking enforcement and littering from vehicle enforcement was not possible.
- 1.11 The team have explored the options for enforcing against littering from vehicles and have found the most successful option to be using dash-cam footage from the Waste Crime patrol vehicle. This removes the requirement for appeals or independent adjudication and enables FPNs to be issued using the current littering enforcement process. Over the past 12 months the team have issued 364 FPNs, of which approximately 75% were for littering from vehicles.

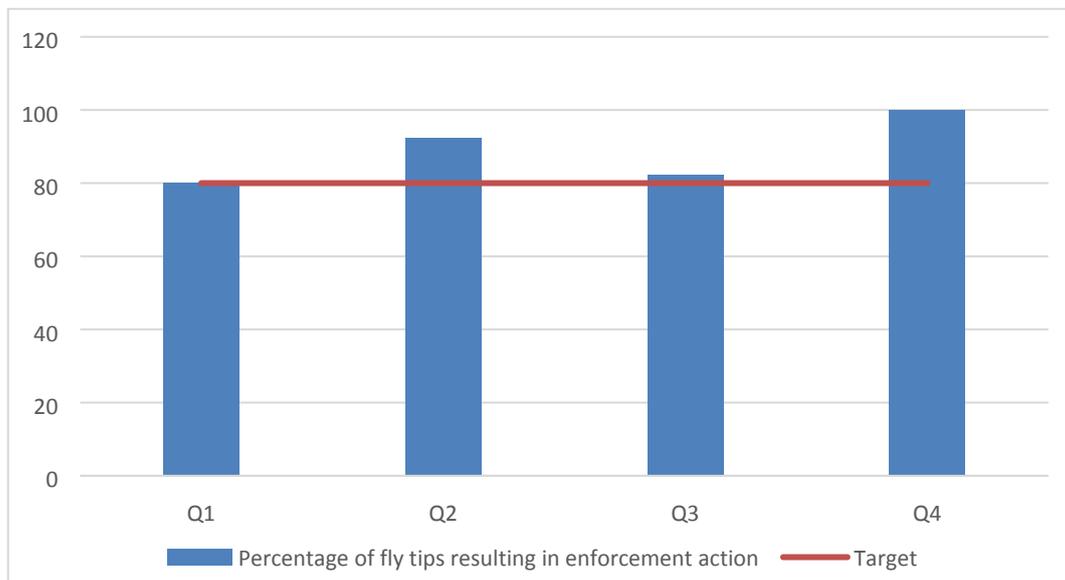
### **2019/20 Performance**

- 1.12 Over the past 12 months, the team have delivered the following enforcement actions:

<b>Enforcement Action</b>	<b>Quantity</b>
Littering FPNs	364
Dog Fouling FPNs	3
Waste offence FPNs inc. Duty of Care	27
Vehicles seized	25
Fly tipping Prosecutions	2

- 1.13 Despite the issues with staff retention and with a very small team of three for most of the year, the performance has been comparable with the initial 12 months of operation. The plans highlighted in the *Next Steps* section demonstrate how the team propose to build upon this success and focus resources at the most high-profile offences and where the impact is greatest both on the environment and local community.
- 1.14 Although the past 3 months have not been representative, over the whole year the littering levels have not increased due to a reduced foot patrol presence. However continuing a more concerted effort to tackle littering from vehicles across the Borough including rural areas where this form of littering often has the greatest impact on the visual appearance of the area, will start to demonstrate positive results.
- 1.15 Although there have only been 2 prosecutions for fly tipping in the past 12 months, there are a number of other cases pending which are currently being investigated by the team. These are directly because of covert CCTV footage from known hotspots and include individuals responsible for multiple offences.

1.16 The table below shows the services KPI for Percentage of fly tips with evidential value resulting in enforcement action. The target was increased from 60% in 2018 to 80% in 2019 and was achieved in all four quarters.

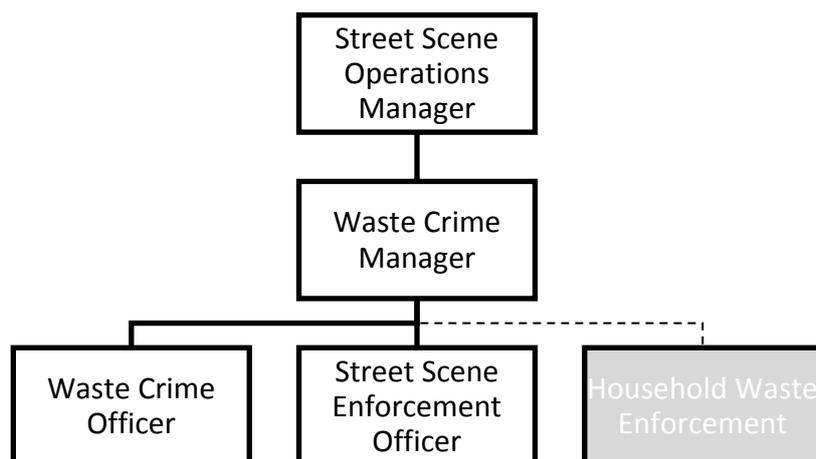


1.17 Two major successes of the year have been the regular joint operations with the Police and the seizure of vehicles linked with fly tipping. Joint operations have been carried out monthly, resulting in a FPNs being issued for Duty of Care and Waste Carrier Offences as well as seizure of vehicles and arrests for fly tipping.

1.18 Since 2019, 25 vehicles have been seized. Since this initiative was introduced 38 vehicles have been seized with four being crushed and nine sold at auction. This has also resulted in a number of successful social media posts, with the most recent reaching over 88k people and over 5.5k comments, shares or reactions.

### **Next Steps**

1.19 From reviewing the performance and challenges of the past year, it is clear that the original structure of the service has limitations and repeated recruitment can be time consuming. However, the current team is working very well with a single Street Scene Enforcement Officer in post.



*Diagram 2. Proposed future structure of Waste Crime Team with greater links to enforcement of household waste*

- 1.20 The intention is for the focus of litter enforcement to be on vehicles rather than foot patrols. This can be delivered with one enforcement officer and will enable them to have capacity to support with the deployment of CCTV cameras and smaller fly tip enforcement. This has the additional benefit of creating a more variable and interesting role, which will improve staff retention and development.
- 1.21 However, this does not prevent foot patrols being deployed when required in littering or dog fouling hot spots in Town, residential and village locations. The team will continue to work with local councillors and parish councils to determine where foot patrols and vehicle presence are required to reduce littering.
- 1.22 This is also not a reason to reconsider outsourcing the litter enforcement service. The in-house service has still delivered a steady flow of enforcement activity, which enabling a more flexible approach to target littering from vehicles, abandoned vehicles and support the deployment of cameras to target fly tipping. The service has also only incurred 2 official complaints and following the review of the body-worn CCTV footage, conduct was found to be acceptable and both FPNs were subsequently paid.
- 1.23 In addition, the household waste team currently carry out enforcement activity in the form of Section 46 Notices, Community Protection Warnings and Notices predominately for managing agents where communal collections are not managed appropriately. There is an opportunity for this work to transfer to the Waste Crime Team given the experience they have, and the Waste Crime Manager currently has to sign these off.
- 1.24 Improvements to the abandoned vehicle process will also enable this to be transferred to the street scene team and increase capacity within the waste crime team to tackle fly tipping and duty of care offences.
- 1.25 The team will also continue to foster the good working relationship with the Police's Rural Taskforce to deliver regular joint operations particularly targeted at criminal fly tippers and those running illegal waste carrier businesses.

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### **3. AVAILABLE OPTIONS**

- 3.1 This report is for noting only.
- 3.2 However, the Committee could decide that a further report is required to consider other ways of delivering the service in the future or alternative performance objectives for the service.

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### **4. RISK**

- 4.1 The key risk associated with this service is not tackling waste crime issues effectively resulting in increases in fly tipping and littering and the resultant cleansing costs.
- 4.2 This report highlights the achievements of the past 12 months and acknowledges the challenges which affect performance. The next steps demonstrate how the service is adapting and responding to these challenges and continues to strive to deliver the zero-tolerance approach to waste crimes.
- 4.3 The greatest risk to the Council is if it decides to no longer support this function and waste crime levels increase. This report seeks to provide reassurance to the Committee that the service continues to perform well.

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

- 5.1 The Committee has previously supported the work of the Waste Crime Team and particularly sought greater impact in disrupting fly tipping. The Committee requested a focus on fly tipping and littering from vehicles and agreed to the investment of two street scene enforcement officers to develop the team and its ability to actively enforce.

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

- 6.1 It is proposed that an annual update will continue to be provided to the Committee to ensure that it is actively engaged in the work being undertaken. This will also provide more context to the quarterly performance reports presented to the Committee which include key performance indicators for waste crime and street cleansing.

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### **7. REPORT APPENDICES**

None

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**8. BACKGROUND PAPERS**

None

**Temporary Accommodation Acquisitions Phase 4**

<b>Final Decision-Maker</b>	CHE
<b>Lead Head of Service</b>	John Littlemore
<b>Lead Officer and Report Author</b>	Hannah Gaston
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

The three previous phases of acquiring properties for temporary accommodation via the purchase and repair programme have been very successful.

On 22<sup>nd</sup> January 2020 as part of the Medium-Term Financial Strategy – Capital Programme we submitted a request for £2.2 million to acquire seven units comprising of six three bedroomed houses and a House in Multiple Occupation (HMO) for Rough Sleepers.

We are seeking Committee to agree an amendment that the composition of the accommodation can be different than set out in the original request of six three bedroomed homes and an HMO and that the Director of Finance and Business Improvement has delegated powers to approve the purchase of properties which may not conform to that specification. These purchases will still fit into the financial envelope of £2.2 million.

**Purpose of Report**

Decision

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

1. That the Communities, Housing & Environment Committee agrees that the composition of temporary accommodation units acquired during phase 4 can differ from that as set out in the Mid Term Financial Capital Programme of 22<sup>nd</sup> January 2020 within the same budget.

**Timetable**

<b>Meeting</b>	<b>Date</b>
CHE	30 <sup>th</sup> June 2020
Council (delete as appropriate)	

## Report title here

### 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>Homes and Communities</p> <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims as set out in section 3 [preferred alternative]</p>	Head of Service
<b>Cross Cutting Objectives</b>	<p>The report recommendation supports the achievement(s) of the Deprivation and Social Mobility cross cutting objectives by supporting those who are homeless and vulnerable to have access to appropriate accommodation, which is of a decent standard.</p>	Head of Service
<b>Risk Management</b>	<p>The risks are limited if we undertake the recommendations. This will enable us to manage our housing stock in the best possible manner to meet the needs of local people.</p>	Head of Service
<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 Officer & Finance Team
<b>Staffing</b>	<p>We will deliver the recommendations with our current staffing regime.</p>	Head of Service
<b>Legal</b>	<p>Accepting the recommendations will fulfil the Council's duties under the Housing Act 1996 and the Homelessness Act 2002. Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of these Acts.</p> <p>Acting on the recommendations is within the</p>	Team Leader, Property and Regeneration

	Council's powers as set out in the Constitution.	
<b>Privacy and Data Protection</b>	Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules.	Policy and Information 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>	The recommendation will have a positive impact on Crime and Disorder with more rough sleepers and homeless people moving away from living on the streets, thus reducing negative street activity.	Head of Service
<b>Procurement</b>	This process will have no impact on procurement requirements.	Head of Service

## 2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone Borough Council for the preceding few years has been purchasing accommodation on the open market to use as Temporary Accommodation (TA). This formed part of our Temporary Accommodation Strategy which was endorsed by CHE on 13<sup>th</sup> December 2016 and sought to give the Council more financial control on our statutory provision of TA as well as ensuring a decent standard is provided to those needing emergency accommodation.
- 2.2 Since the strategy in 2016 was ratified we have purchased a number of properties making a total resource of 77 units available to homeless people. On top of this we also lease a further 20 units which we manage directly through our Accommodation Team.
- 2.3 This process has given us confidence and every year we have purchased more properties increasing our portfolio to ensure we can flex our accommodation to meet the needs of those households approaching for assistance.
- 2.4 In January 2020 we requested Capital funding of £2.2 million for six three bedroomed homes and an HMO as we felt this was required. We have reflected on this request and feel that we need more flexibility (i.e. purchasing different sized accommodation) to meet the needs of those approaching seeking support and accommodation.

2.5 These purchases will still sit within the £2.2 million financial envelope.

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### **3. AVAILABLE OPTIONS**

3.1 The Communities, Housing & Environment Committee agrees that the composition of temporary accommodation units acquired through phase 4 can differ from that as set out in the Mid Term Financial capital Programme of 22<sup>nd</sup> January 2020.

3.2 The Communities, Housing & Environment Committee agrees that the composition of temporary accommodation units acquired through phase 4 cannot be altered and the continuation of purchasing only three bedroomed properties must still occur. This is not recommended, as it would constrain the Council to purchasing accommodation that might not best suit the emerging need.

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

4.1 Our preferred options is that the Committee endorses the recommendation to alter the composition of the units purchased. This will ensure the Council is responding assertively to current demand and future needs of the housing team.

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### **5. RISK**

5.1 We will be applying the same risk formula that was contained within the original report that was approved by P&R committee that was used to agree the additional acquisition of temporary accommodation.

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

6.1 If the recommendations are approved, then the re-commencement of the Phase 4 will continue via the Economic Development team who are leading on the acquisitions.

### **7. BACKGROUND PAPERS**

7.1 Please refer to the Medium-Term Financial Strategy Capital Programme that was endorsed by P&R committee on 22<sup>nd</sup> January 2020.

# Agenda Item 21

## Communities, Housing & Environment Committee

30 June 2020

### Public Spaces Protection Order – Town Centre Renewal/Revision

<b>Final Decision-Maker</b>	Communities, Housing & Environment Committee
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Martyn Jeynes, Community Protection Team Manager
<b>Classification</b>	Public
<b>Wards affected</b>	High Street

#### Executive Summary

A report to request committee to delegate to the Head of Housing and Community Services the authority to review the public consultation responses regarding the continuation of the Begging and Street Drinking controls with the Chair of the Committee and the High Street Ward members and enable the Head of Service to extend/vary the existing Public Space Protection Order (PSPO), where appropriate and necessary. Also, that the Committee extend the current delegation to the Head of Housing and Community Services.

#### Purpose of Report

Decision

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

1. That the Committee give delegated authority to the Head of Housing and Community Services to make/extend/vary/discharge existing Public Space Protection Orders, where appropriate and necessary.
2. That the PSPO implemented in town centre area, outlined in Appendix 1, including prohibitions for anti-social drinking in a public place and begging, as set out in Appendix 2, be extended for a further 3 years, subject to section 2.13.

#### Timetable

Meeting	Date
Communities, Housing & Environment Committee	30 June 2020

# Public Spaces Protection Order – Town Centre Renewal/Revision

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>Keeping Maidstone Borough an attractive place for all. Securing a successful economy for Maidstone.</p> <p>PSPOs provide Councils with a flexible power to implement local restrictions to address the effect on quality of life caused by a range of anti-social behaviour issues in public places in order to prevent future problems and ensure safe and attractive environment.</p>	Head of Housing and Community Services
<b>Cross Cutting Objectives</b>	<p>The report recommendations support the achievements of the Health Inequalities cross cutting objectives by ensuring there is a strong focus on preventative work that is intelligence driven so as to maximise the opportunities to reduces health inequalities in partnership with the police and other community safety related partners.</p>	Community Protection Manager
<b>Risk Management</b>	<p>The management of PSPOs will be subject to the current performance management arrangements within the service, with performance benchmarking as part of the process.</p>	Head of Housing and Community Services
<b>Financial</b>	<p>It is anticipated that the continued delivery of the PSPO and the consultation exercise described in this report will be resourced from within existing budgets.</p>	Section 151 Officer & Finance Team
<b>Staffing</b>	<p>Delivery of the PSPO will continue to be overseen by the Community Protection Team in partnership with Kent Police and One Maidstone. Authorised officers will complete appropriate training in order to be able to issue fixed penalties and deal with prosecutions.</p>	Head of Housing and Community Services
<b>Legal</b>	<p>As contained within the body of the report, any enforcement by way of prosecution, or non-payment of FPN and any other legal process will have resource implications for MKLS. These are not anticipated to be any different than the current PSPO.</p>	[Legal Team]

<b>Privacy and Data Protection</b>	Private information within obtained within the process of delivering the PSPO will be managed in accordance with Environmental Health, Waste Crime & Community Protection Enforcement Policy and the Council's and the Council's Data Protection Policy.	Policy & Information Manager
<b>Equalities</b>	Incidents of ASB will continue to be dealt with in line with the existing strategy and in line with our equality's framework. These legislative changes are designed to have a significant community impact in preventing and limiting anti-social behaviour. The need for an updated EQIA will be looked at.	Policy & Information Manager
<b>Public Health</b>	The Community Protection team is under the reporting line of the Head Housing and Community Services. The focus is strongly on preventative work that is intelligence driven so as to maximise the opportunities to reduce health inequalities in partnership with the police and other community safety related partners.	Community Protection Manager
<b>Crime and Disorder</b>	The continued delivery of the PSPO will contribute to make Maidstone town centre a safer place by promoting the message and enforcement of appropriate standard of conduct and behaviour.	Head of Housing and Community Services
<b>Procurement</b>	Appropriate procurement methods will used to procure consultation, publicity and signage.	Head of Housing and Community Services

## 2. INTRODUCTION AND BACKGROUND

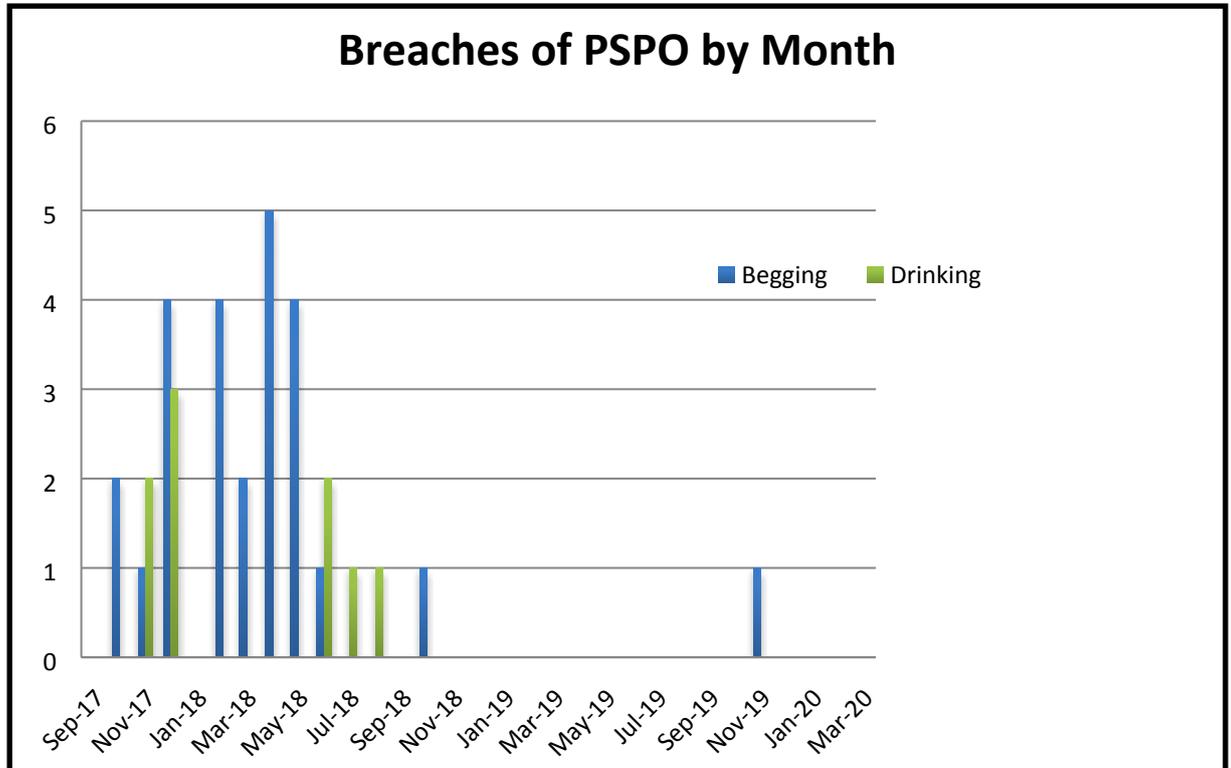
- 1.1 In September 2017, following approval from Communities, Housing and Environment Committee, the current Public Space Protection Order was introduced as detailed in Appendix 1.

### Review of the current order

- 1.2 A desk top review, undertaken with community safety partners and internal teams has found that the existing Town Centre PSPO remains an effective tool as both a enforcement tool and a deterrent against the anti-social behaviour associated with drinking and against begging.
- 1.3 When enforcing the PSPO, particularly around alcohol, the police will use their 4 "E" approach. Engage, Explain, Encourage are used frequently, utilising the PSPO, to challenge behaviour. Enforce is only used where someone presents a persistent issue. Much of the impact of the PSPO is therefore not recorded but that doesn't mean it is not an effective tool/deterrent. This is also in accordance with the Environmental Health,

Waste Crime & Community Protection Enforcement Policy, where the use of the PSPO powers needs to be proportionate to the issues encountered.

- 1.4 Since the introduction of the current PSPO formal offences have been recorded 34 times as shown in the graph below:



- 1.5 As the graph in 2.4 shows, a lot of the formal enforcement was undertaken in the first year after implementation. As per paragraph 2.4 it should be noted that the 34 formal offences recorded were committed by only 18 individuals. 80% of them were down to just 4 individuals. Most cases were referred to the Community Protection Team for summons and these were progressed through legal services where the evidential and public interest tests were met. There have been 3 successful prosecutions of three of the most serial offenders, with mixed results. One offender received a 6 months conditional discharge. One offender was fined £5 and another £430. 3 FPNs of £100 were also paid.
- 1.6 Issuing FPNs and bringing cases to court has been problematic, with many cases being written off by Community Protection officers in accordance with our procedures. The procedures allow that where there is an evidential shortfall or where information about the subject comes to light that would make it disproportionate to proceed, the team can choose not to proceed. Given that many most offences related to begging and the nature of those undertaking the offences it was often challenging to take formal action.
- 1.7 After the first year the need to use the PSPO regularly reduced. This was, in part, down to the effectiveness of the order, but is largely due to the effectiveness of MBCs Homeless Outreach Team. As members will know, this specialist team have significantly reduced the homeless population in

Maidstone and tackled the associated ASB. They work closely with clients with complex needs, offering effective support, which ultimately meant that some of the most frequent offenders were either moved out of the area or supported. As part of the desktop review the Outreach team manager noted that the current PSPO acts as an excellent deterrent to would be offenders and influences those in need of support by removing an opportunity to avoid obtaining the support.

- 1.8 Maidstone Council recently re-trained authorised Police and Police Support officers and trained the Ambassadors provided by One Maidstone, the Maidstone Business Improvement District on the details of the PSPO, enabling them to challenge individuals and make referrals for formal action to be considered. A Memorandum of Understanding between Maidstone Council, Kent Police and One Maidstone has also been drafted and should be signed off by all parties once the current crisis subsides, so that further support and training can be provided to newer officers.

### **Consideration of other powers/measures**

- 1.9 Consideration has been given to other persistent behaviours that have been sought to be controlled by other LAs through their PSPOs. Issues such as cycling, spitting, offensive language and busking have all been implemented in other areas. Our desk top review found that there is very little evidence that these or any other issues were persistent enough to warrant their inclusion as a new measure. It was also felt that many issues, such as those listed above, could be dealt with by tackling the individuals rather than a "blanket ban", particularly if they are persistent.
- 1.10 As an example, with regard to dog control a formal warning was recently issued to a gentleman whose dog was causing damage in Brenchley Gardens and was distressing visitors and the ground's team. The warning requires the named dog owner to keep his dog under close control and places additional measures that we would not apply to all dog owners by way of the dog control PSPO.

### **Ward Member Consultation**

- 1.11 Following the desk top review and prior to undertaking the Public Consultation, the High Street Ward Members were briefed on the findings of the desk top review and the plan to undertake a Public Consultation on retaining the existing measures.

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### **Public Consultation**

- 1.12 Having undertaken our desktop review, the decision was made to reinforce our decision by undertaking a public consultation. This was not initially believed to be necessary but following advice from legal services it was deemed appropriate to ensure the public are aware and supportive of the measures outlined in the PSPO.

- 1.13 A public consultation was launched on the 18th June 2020 and will run until the 7th August. Owing to the current climate and the lack of changes in the proposed order, the consultation asks whether people feel there are issues around specific ASB linked to the measures the PSPO is seeking to challenge. The survey also asks whether those completing the survey are in favour of extending the two measures provided in the draft order in Appendix 2. Some FAQs have also been produced to support peoples understanding of the PSPO and are provided on the website. In the current climate we are only able to offer the survey online. Whilst One Maidstone were involved in in the desk top exercise, we have also asked them them to invite their members to complete the survey as representatives of the businesses in the area concerned.
- 1.14 We are also required by the PSPO legislation to consult with the Police Chief Constable and the Police Crime Commissioner on our proposal to extend the current order.
- 1.15 Once the consultation closes, a summary report will be produced by the Performance Management team for John Littlemore, as Head of Housing and Community Services. The results will then be reviewed and discussed with the Chair of this Committee and the High Street Ward members. If it is deemed appropriate, the PSPO will be extended/varied and sealed for the 1<sup>st</sup> September 2020.
- 1.16 The Head of Housing and Communities has delegated authority to make orders, as per the constitution and this report seeks for that authority to be extended to also include: extend/vary/discharge existing orders, where appropriate and necessary.

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### 3. AVAILABLE OPTIONS

- 3.1 **Do Nothing** - Section 72 of the Anti-social Behaviour Crime and Policing Act 2014, requires Local Authorities to carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before extending the period for which a PSPO has effect, or varying or discharging a PSPO. We are undertaking this review but delegated authority is required to allow the order to be extended/varied appropriately. If delegated authority is not provided the existing order will lapse. This will remove the tool used to tackle anti-social street drinking and may see a return to the pre-Sept 17 position, where those needing support were failing to engage with support services.
- 3.2 **Committee review consultation responses** - Committee could require the consultation responses to be brought back to Committee. However, the next Committee meeting is the 1<sup>st</sup> September 2020, after the 31<sup>st</sup> August expiry date of the current order. If a report was brought back to Committee, a new PSPO could be implemented but there would be a period where the PSPO would be unenforceable due to call-in for any decision made. The service has undertaken a comprehensive review of the current provisions and possible other areas of concern and are satisfied that the evidence supports the decision to extend the existing order. Given the sensitive nature of tackling those who are begging and their

complex needs as detailed in the report, due consideration will be given to the public opinion, in balance with managing their perception of how the PSPO is used in reality. Where necessary additional communications can be undertaken to explain why the PSPO is not there to “fine beggars” but is used to encourage those who need support to do so from more appropriate charities and funds or to deal with those who beg professionally, despite being housed and supported through local government provisions.

- 3.3 Committee may wish to only give the requested delegated authority in regard to the Town Centre PSPO and not all PSPOs. Currently the only other PSPOs are those in relation to Dog Control. A report on these will be brought in September to update on those specific orders and any variation needed as previously requested. Currently our PSPOs cover matters where we would continue to provide reassurance to members that the measures are necessary and appropriate through briefing reports as necessary at appropriate intervals. PSPOs are an operational tool against ASB and they can be managed at an operational level, subject to the normal scrutiny of members as necessary. Some PSPOs can be considered with little impact, such as introducing a local gating order. These would not necessarily need the committee’s oversight but would always be looked at in consultation with the appropriate ward members.
- 3.4 **Delegated authority given to Head of Housing and Community Services** - Providing authority for the current delegation ‘to make Public Space Protection Orders’- to be extended to also include ‘extend/vary/discharge existing orders, where appropriate and necessary’. This is the preferred option as detailed in section 4.

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

- 4.1 Providing extended delegated authority to Head of Housing and Community Services is the preferred option as it ensures continuity with the existing orders which should be extended as detailed in 4.2.

##### **Summary of desk top review**

- 4.2 Our desktop review of the Order, detailed in section 2.2, showed that the current provision provides a sufficient deterrent to would be offenders and remains effective.
- 4.3 It should be recognised that the outstanding achievements of the Outreach team has seen a significant reduction in the number of street homeless, but that service in particular have said that the PSPO has enabled them and others to challenge members of the street population, those known to be associated with ASB and with complex needs. Partners felt that the implementation and existence of the current order, not only enabled us to “reclaim” Jubilee Square from street drinkers, but has also been effectively used to discourage, proportionately, revellers as necessary. We do still have occasional issues with both ASB from street drinking and begging and therefore the need for the PSPO remains. Increased support through

partnership working with Kent Police and One Maidstone will ensure the message delivered remains clear.

## **Public Consultation**

- 4.4 As detailed in the September 2016 report on this topic, there was a degree of confusion around how the measures would be enforced and their purpose. As demonstrated in this report, the PSPO does not seek to criminalise behaviour unless it is justified and proportionate to do so. As with many of the powers introduced by the Anti-social Behaviour Crime and Policing Act 2014, they are tools designed around achieving compliance, without putting an unnecessary burden on the criminal justice system.
- 4.5 The consultations in 2016 demonstrated more than 62% of respondents were in favour of the measure to deal with anti-social drinking. Less than 50% supported the measure around begging, but the comments suggested that the perceived use of the PSPO would be to prey on those already at a disadvantage. As detailed in this report, that is not the case, but it is difficult to convey that message to the public at large, without disclosing sensitive information around the individuals concerned. Whilst we are not pre-empting the consultation response, we are confident that residents and visitors to Maidstone would like to continue to benefit from the impact of the current order and will support its extension.
- 4.6 John Littlemore was the Head of Service for this area during the implementation of the original PSPO and has worked closely with the service to understand its continued value. Mr Littlemore is therefore the most appropriate officer to review the consultation responses and to liaise with the appropriate Ward members to discuss the appropriate steps to be take.

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## **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 throughout this report. 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 As detailed in 2.11 and 4.5

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

- 7.1 As detailed in 2.13. In addition, a media strategy will be developed to ensure the reason for the PSPO and why we are seeking to extend the order will be developed.

## **8. REPORT APPENDICES**

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

- Appendix 1: Public Space Protection Order implemented in September 2017
  - Appendix 2: Draft Public Space Protection Order used as part of the Public Consultation
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## **9. BACKGROUND PAPERS**

20 September 2016 - Report of the Head of Housing and Community Services - Public Spaces Protection Order - Town Centre. Found [here](#)