

# COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE MEETING

Date: Tuesday 29 June 2021  
Time: 6.45 pm (or at the conclusion of the Crime and Disorder Overview  
and Scrutiny Committee, whichever is the later)  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Bartlett, Joy, McKenna, Mortimer, Newton, Purle (Vice-Chairman),  
D Rose (Chairman), 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.*

---

## **AGENDA**

## **Page No.**

1. Apologies for Absence
2. Notification of Substitute Members
3. Urgent Items
4. Notification of Visiting Members
5. Disclosures by Members and Officers
6. Disclosures of Lobbying
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
8. Minutes of the Meeting Held on 1 June 2021 1 - 3
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 4 - 5
13. Reports of Outside Bodies

---

**Issued on Monday 21 June 2021**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

14. 4th Quarter Financial Update & Performance Monitoring Report 2020/21	6 - 40
15. Access to Services Review Membership	41 - 45
16. Refresh of the Council's Tenancy Strategy	46 - 76

## **INFORMATION FOR THE PUBLIC**

In order to ask a question at this meeting, either remotely or in person, 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 25 June 2021). 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 make a 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 5p.m. one clear working day before the meeting (i.e. by 5p.m. on Friday 25 June 2021). You will need to tell us which agenda item you wish to speak on.

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

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: **23 June 2021**

## **MAIDSTONE BOROUGH COUNCIL**

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

#### **MINUTES OF THE MEETING HELD ON TUESDAY 1 JUNE 2021**

**Present:** Councillors Bartlett, Joy, McKenna, Mortimer, Newton, Purle, D Rose (Chairman), M Rose and Young

1. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

3. **ELECTION OF CHAIRMAN**

**RESOLVED:** That Councillor D Rose be elected as Chairman of the Committee for the Municipal Year 2021/22.

4. **ELECTION OF VICE-CHAIRMAN**

**RESOLVED:** That Councillor Purle be elected as Vice-Chairman of the Committee for the Municipal Year 2021/22.

5. **ADJOURNMENT OF MEETING**

At 6.35pm, following the Election of the Vice-Chairman, the Committee:

**RESOLVED:** That the meeting be adjourned until the conclusion of the Crime and Disorder Overview and Scrutiny Committee, when the remaining items on the agenda would be discussed.

6. **URGENT ITEMS**

The Chairman agreed to accept the urgent item request, England Trees Action Plan, as it was a matter currently under consideration by officers, and it would be taken after Item 16 on the agenda.

7. **NOTIFICATION OF VISITING MEMBERS**

There were no Visiting Members.

8. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

9. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

10. EXEMPT ITEMS

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

11. MINUTES OF THE MEETING HELD ON 6 APRIL 2021

**RESOLVED:** That the Minutes of the meeting held on 6 April 2021 be approved as a correct record.

12. PRESENTATION OF PETITIONS

There were no petitions.

13. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

14. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

Councillor M Rose asked the following question of the Chairman:

*'I would like to ask the Chair for an update on the ongoing pilot scheme for what we call Pets Policy scheme please.'*

The Chairman responded to the question.

The full response was recorded on the webcast and made available to view on the Maidstone Borough Council website.

To access the recording, please use the link below:

[https://www.youtube.com/watch?v=h\\_8Rr0a9-z0](https://www.youtube.com/watch?v=h_8Rr0a9-z0)

15. COMMITTEE WORK PROGRAMME

It was agreed that an invitation be extended to social housing providers for future meetings of the Committee.

It was requested that Street Cleansing Monitoring was added to the work programme.

**RESOLVED:** That the Committee Work Programme be noted and requests for additional items be considered.

16. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

17. REFERENCE FROM LICENSING COMMITTEE - HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2021 - 2026

The Head of Housing and Community Services introduced the reference from the Licensing Committee, explaining that the policy is a statutory requirement. Feedback from the trade was received and considered by the Licensing Committee during the examination of the updated policy.

**RESOLVED:** That the draft Hackney Carriage and Private Hire Licensing Policy 2021-2026, attached at Appendix A to the reference, be approved.

18. URGENT ITEM - ENGLAND TREES ACTION PLAN

Councillor Purle introduced the item request and explained that more trees being planted within the Borough would be a key step towards tackling the climate emergency and air quality issues.

**RESOLVED:** That a report on the England Trees Action Plan be brought to the next meeting of the Committee.

19. DURATION OF MEETING

6.30pm to 7.42pm.

Note – the Committee was adjourned between 6.35pm and 7.13pm to conduct the meeting of the Crime and Disorder Overview and Scrutiny Committee.

## 2021/22 WORK PROGRAMME

	Committee	Month	Origin	CLT to clear	Lead	Report Author
Heather House and Pavilion Update (noting)	CHE	31-Aug-21	Officer Update		William Cornall	Andrew Connors
England Trees Action Plan	CHE	31-Aug-21	Cllr Request		William Cornall	Rob Jarman
Anti-Idling Policy	CHE	31-Aug-21	Cllr Request		John Littlemore	John Littlemore
Housing Strategy Update - Consultation	CHE	31-Aug-21	Officer Update		John Littlemore	John Littlemore
Possible Provision of further Council owned G&T Sites	CHE	31-Aug-21	Cllr Request		William Cornall	William Cornall
Social Housing Provider Presentation - Golding Homes	CHE	31-Aug-21	Cllr Request		John Littlemore	John Littlemore
Low Emission Strategy Refresh	CHE	05-Oct-21	Officer Update		John Littlemore	Tracey Beattie
Q1 Budget and Performance Monitoring 2021/22	CHE	05-Oct-21	Officer Update	No	Mark Green	Ellie Dunnet
Review of the Pet Policy pilot	CHE	05-Oct-21	Officer Update		John Littlemore	Hannah Gaston
Housing Strategy Consultation Review	CHE	02-Nov-21	Officer Update		John Littlemore	John Littlemore
Draft Medium Term Financial Strategy 2022/23-2026/27	CHE	30-Nov-21	Governance	No	Mark Green	Ellie Dunnet
Fees and Charges 2022/23	CHE	30-Nov-21	Governance	No	Mark Green	Ellie Dunnet
Q2 Budget and Performance Monitoring 2021/22	CHE	30-Nov-21	Officer Update	No	Mark Green	Ellie Dunnet
Review of the use and enforcement of ASB powers with a view to procuring a pronounced tightening	CHE	30-Nov-21	Cllr Request		John Littlemore	Martyn Jeynes

## 2021/22 WORK PROGRAMME

	Committee	Month	Origin	CLT to clear	Lead	Report Author
Review of the efficiency and effectiveness of the community safety unit	CHE	30-Nov-21	Cllr Request		John Littlemore	John Littlemore
Medium Term Financial Strategy & Budget Proposals 2022/23	CHE	04-Jan-22	Governance	No	Mark Green	Ellie Dunnet
Q3 Budget and Performance Monitoring 2021/22	CHE	01-Feb-22	Officer Update	No	Mark Green	Ellie Dunnet
Community Safety Plan and Strategic Assessment - Crime and Disorder Committee	CHE	01-Mar-22	Officer Update		John Littlemore	Martyn Jeynes
Parks Delivery Plan for Biodiversity	CHE	TBC	Officer Update	No	Jennifer Shepherd	Andrew Williams
Options on Tightening the Approach to Littering, Graffiti and Waste Crime (to incorporate Street Cleansing Monitoring)	CHE	TBC	Cllr Request		John Edwards	John Edwards
Provision of GP Services and Community Hub Update from the CCG	CHE	TBC	Cllr Request	No	Alison Broom	Alison Broom

# Agenda Item 14

## COMMUNITIES, HOUSING & ENVIRONMENT COMMITTEE

29 June 2021

### 4<sup>th</sup> Quarter Financial Update & Performance Monitoring Report 2020/21

<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) Carly Benville, Senior Business Analyst
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### Executive Summary

This report sets out the 2020/21 financial and performance position for the services reporting into the Communities, Housing & Environment Committee (CHE) as at 31<sup>st</sup> March 2021 (Quarter 4). The primary focus is on:

- The 2020/21 Revenue and Capital budgets; and
- The 2020/21 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. The report for this quarter has a particular focus on the impact the Covid-19 pandemic has had on the Council's financial position and performance.

#### Budget Monitoring

Overall net expenditure at the end Quarter 4 for the services reporting to CHE is £8.326m, compared to the approved budget of £8.915m, representing an underspend of £0.589m.

With regards to the capital programme expenditure of £7.348m has been incurred against an adjusted budget of £14.029m million for CHE. This is an underspend of £6.681m.

#### Performance Monitoring

73.33% targetable quarterly key performance indicators reportable to the Communities, Housing & Environment Committee achieved their Quarter 4 target.



**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 31 March 2021.

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

1. That the Revenue position as at the end of Quarter 4 for 2020/21, 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 2020/21, 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	29 June 2021

## 4<sup>th</sup> Quarter Financial Update & Performance Monitoring Report 2020/21

### 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>	Principal lawyer (Corporate Governance), MKLS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<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.	Policy and Information Team
<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 2020/21 to 2024/25 - including the budget for 2020/21 - was approved by full Council on 26th February 2020. This report updates the Committee on how its services have performed over the last quarter with regard to revenue and capital expenditure against approved budgets.
- 1.2 The report particularly focuses on the impact of the Covid-19 pandemic on the financial position and performance of the service areas that fall under this committee, and provide some further detail around particular areas of concern.
- 1.3 This report also includes an update to the Committee on progress against its Key Performance Indicators (KPIs).

- 1.4 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 2021, 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 produced a balanced budget for both revenue and capital income and expenditure for 2020/21. The budget is set against a backdrop of limited resources and a difficult economic climate, even before the impact of the Covid-19 pandemic became clear. 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 2021, including a full report to the Policy & Resources Committee on 23<sup>rd</sup> June 2021.
- 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 2020/21, 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 2020/21
- Appendix 2: Fourth Quarter Performance Monitoring 2020/21

---

## **8. BACKGROUND PAPERS**

None.

# Fourth Quarter Financial Update 2020/21

Communities, Housing & Environment Committee

29<sup>th</sup> June 2021

Lead Officer: Mark Green

Report Authors: Ellie Dunnet/Paul Holland

# Contents

**Part A: Executive Summary & Overview** Page 2

**Part B: Revenue Budget Q4 2020/21**

B1) Revenue Budget Page 5

**Part C: Capital Budget Q4 2020/21**

C1) Capital Budget Page 9



# Part A

## Executive Summary & Overview



This report provides members with the provisional outturn for 2020/21 for this committee's revenue and capital accounts for the fourth quarter of 2020/21.

Members will be aware that since the budget was agreed in February 2020, the position for 2020/21 and future years has changed significantly as a result of the Covid-19 pandemic. Specific impacts include:

- Redirection of existing resources to support vulnerable people
- Administering government support schemes, notably business rate reliefs and grants
- Increased activity in some council services
- Temporary closure of some Council facilities
- Reduction in levels of activity in some other Council services
- Income generating activities severely impacted by overall contraction in economic activity
- Change in working patterns, with almost all office-based staff now working from home
- Reduced levels of Council Tax and Business Rates collection.

As reported throughout the financial year, it was anticipated that this would result in adverse budget variances for many service areas for 2020/21, particularly in relation to income. However, progressively more generous government support and active mitigation of the losses have resulted in an overall underspend of £1.2m for the 2020/21 financial year. This is essentially an over-correction for the very significant losses that the Council has incurred. The underspend is one-off in nature and does not give a true reflection of the underlying budget position.

The overall position for the Council as reported to government on our monthly financial monitoring returns is summarised in table 1 below, along with funding that we have received from central government during the year. Councils have been asked to complete these returns to enable a comprehensive picture of the financial impact of Covid-19 on local authorities to be compiled by the Ministry of Housing, Communities and Local Government.

	<b>£000</b>
<i>Additional Spending</i>	1,668
Income Reductions:	
Business Rates (MBC share)	895
Council Tax (MBC share)	591
Other Income	4,699
<b>Total</b>	<b>7,853</b>
<i>Offset by</i>	
Unringfenced government grants	2,525
Sales, fees and charges compensation (estimated)	2,321
Tax Income Guarantee compensation (estimated)	52
New Burdens funding	567
Service specific grants	743
	<b>6,208</b>

*Table 1, Covid-19 financial impact and government funding*

It should be noted that the projections detailed within table 1 do not correspond to the in-year budget outturn. This arises for the following reasons:

- Due to the statutory accounting arrangements for council tax and business rates, these losses do not impact the general fund balance until next year.
- The variances above reflect an estimate of the financial impact of Covid-19, and do not take into account other factors which may impact on the budget outturn such as underspends that have the effect of mitigating Covid-19 related losses.

Given the all-encompassing impact of Covid-19 across many of the Council's services, mitigation for losses will be treated as a corporate exercise, and we will therefore not attempt to apportion all unringfenced support received across service committees.

In addition to the unringfenced grants totalling £2.5m, the council has received funding which can be clearly matched to additional expenditure, or outgoing grants. These funding streams have been used during the year to offset increased costs incurred in responding to the Covid-19 pandemic. Any unspent funding at 31 March which is ringfenced for specific activities will be carried forward into the current financial year and will be used to fund further activities which support the intended purpose of the grant.

The analysis also includes both the revenue and capital year-end position and updates the Committee on a range of other inter-related financial matters including Local Tax Collection, Reserves and Balances, Treasury Management and Maidstone Property Holdings.

The budget figures shown for revenue and capital are the revised estimate for 2020/21.

The headlines for Quarter 4 are as follows:

#### Part B: Revenue budget – Q4 2020/21

- Overall net expenditure at the end of Q4 for the services reporting to CHE is £8.326m, compared to the approved budget of £8.915m, representing an underspend of £0.589m.
- We are due to receive funding to mitigate the impact of losses from fees and charges income. Current estimates are that this funding will be in the region of £2.3m for the council as a whole for the financial year.

#### Part C: Capital budget – Q4 2020/21

- Expenditure of £7.348m has been incurred against an adjusted budget of £14.029m million for this committee. This is an underspend of £6.681m.

# Part B

# Fourth Quarter Revenue Budget 2020/21



## B2) Revenue Budget

B1.1 The table 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).

### CHE Revenue Budget & Outturn – Quarter 4

(a)	(b)	(c)	(d)
Cost Centre	Approved Budget for Year £000	Actual £000	Variance £000
Parks & Open Spaces	1,051	1,000	51
Playground Maintenance & Improvements	143	106	36
Parks Pavilions	31	28	3
Mote Park	272	321	-50
Parks & Open Spaces Leisure Activities	-5	1	-6
Mote Park Leisure Activities	-38	1	-38
Allotments	14	12	2
Cemetery	70	34	36
National Assistance Act	-0	0	-0
Crematorium	-831	-1,108	277
Community Safety	28	30	-2
PCC Grant - Building Safer Communities	0	-0	0
C C T V	77	18	59
Drainage	32	42	-10
Licences	-6	-6	1
Licensing Statutory	-64	-72	7
Licensing Non Chargeable	8	8	-0
Dog Control	30	24	5
Health Improvement Programme	9	0	9
Pollution Control - General	1	-10	11
Contaminated Land	1	-0	1
Waste Crime	40	10	30
Food Hygiene	9	-2	11
Sampling	4	1	3
Occupational Health & Safety	-6	-6	-1
Infectious Disease Control	1	1	-0
Noise Control	1	0	1
Pest Control	-12	-2	-10
Public Conveniences	195	254	-59
Licensing - Hackney & Private Hire	-63	-36	-27
Street Cleansing	1,224	1,172	52
Household Waste Collection	1,200	1,235	-35
Commercial Waste Services	-55	-64	9
Recycling Collection	762	636	126
Community Environmental Engagement	1	1	-0
Community Hub	13	98	-85
Public Health - Obesity	0	-0	0
Public Health - Misc Services	0	0	0

(a)	(b)	(c)	(d)
Cost Centre	Approved Budget for Year £000	Actual £000	Variance £000
Grants	177	174	3
Delegated Grants	2	2	1
Parish Services	130	131	-1
Member's Community Grant	0	1	-1
General Fund Residential Properties	-95	-51	-45
Strategic Housing Role	14	5	9
Housing Register & Allocations	11	12	-1
Housing Advice	0	1	-1
Private Sector Renewal	-47	-50	3
HMO Licensing	-20	-12	-9
Homeless Temporary Accommodation	392	349	43
Homelessness Prevention	116	116	-0
Predictive Analysis and Preventing Homelessness	56	56	0
Aylesbury House	1	0	1
Magnolia House	7	-0	7
St Martins House	0	-3	3
Marsham Street	58	49	10
Sundry Temporary Accommodation (TA) Properties	2	-16	18
Pelican Court (Leased TA Property)	17	17	0
2 Bed Property - Temporary Accommodation	-54	-59	5
3 Bed Property - Temporary Accommodation	-29	-30	1
4 bed Property - Temporary Accommodation	-1	-1	-0
1 Bed Property- Temporary Accommodation	3	0	3
Supported Accommodation	-28	-30	2
Marden Caravan Site (Stilebridge Lane)	19	17	2
Ulcombe Caravan Site (Water Lane)	7	1	5
Head of Environment and Public Realm	115	97	18
Bereavement Services Section	277	250	27
Community Partnerships & Resilience Section	472	416	57
Licensing Section	126	118	8
Environmental Protection Section	252	232	20
Food and Safety Section	277	270	6
Depot Services Section	881	878	2
Biodiversity & Climate Change	33	20	13
Head of Housing & Community Services	123	123	1
Homechoice Section	243	218	25
Housing & Inclusion Section	694	665	29
Housing & Health Section	315	269	46
Housing Management	303	294	9
Homelessness Outreach	31	30	1
Salary Slippage	-133	0	-133
Fleet Workshop & Management	217	217	0
MBS Support Crew	-53	-38	-14
Grounds Maintenance - Commercial	-131	-138	8
<b>Totals</b>	<b>8,915</b>	<b>8,326</b>	<b>589</b>

Table 2, Budget &amp; Outturn – Communities, Housing &amp; Environment Committee Total

B1.2 The table shows that overall net expenditure at the end of Quarter 4 for the services reporting to CHE is £8.326m, compared to the approved budget of £8.915m, representing an underspend of £0.589m.

B1.3 The table indicates that in certain areas, significant variances to the budgeted income levels have emerged during the fourth quarter of the year. The reasons for the more significant variances are explored in section B2 below.

## B2) Variances

B2.1 Across the budget as a whole the impact of Covid-19 and lockdown can be seen most significantly in those areas where income is a significant element of the budget. Whilst this has resulted in significant adverse variances in other committee budgets, for CHE there has been a positive variance from increased demand for services.

The budget shown is now the revised estimate for 2020/21.

	Positive Variance Q4	Adverse Variance Q4
<b>Communities, Housing &amp; Environment Committee</b>	<b>£000</b>	
<b>Parks &amp; Open Spaces</b> - There were savings from a number of vacant posts which were partially offset by the costs of some additional tree works	51	
<b>Crematorium</b> – Income levels increased significantly due to increased demand from Covid-19 related deaths.	277	
<b>CCTV</b> - Mobile cameras were not deployed through the year and not all the static cameras were powered up, so costs were reduced this year.	59	
<b>Public Conveniences</b> – This variance has arisen from a number of factors, primarily due to water leaks and increased running costs.		-59
<b>Street Cleansing</b> – Increased income and vacant posts have led to the underspend in this area.	52	
<b>Recycling Collection</b> – Green bin income has increased significantly and there has been a reduction in running costs.	126	
<b>Community Hub</b> – These costs will be funded by the central government grants referenced earlier in this section (Policy & Resources).		-85
<b>Salary Slippage</b> - There is a credit budget for 'salary slippage' being the savings arising from staff vacancies. These are reflected in the actual figures for individual sections (i.e. staff teams). The section codes underspent in aggregate by £262,000. This was significantly more than the budget for salary slippage and reflects a policy of deliberately holding posts vacant to address the budget risks that it was originally thought would be posed by Covid-19.		-133

Table 3, Significant variances – Communities, Housing & Environment Committee

# Part C

# Fourth Quarter Capital Budget 2020/21





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

B1.1 The position of the 2020/21 CHE element of the Capital Programme at the Quarter 4 stage is presented in Table 4 below. The budget for 2020/21 includes resources brought forward from 2019/20. The budget shown is the revised estimate for 2020/21.

**Table 4: CHE Capital Programme 2020/21 (@ Quarter 4)**

Capital Programme Heading	Adjusted Estimate 2020/21 £000	Actual to March 2021 £000	Budget Remaining £000
<b>Communities, Housing &amp; Environment</b>			
Housing - Disabled Facilities Grants Funding	591	660	-69
Temporary Accommodation	1,887	1,406	482
Brunswick Street - Costs of Scheme	4,233	2,489	1,745
Brunswick Street - Receipts	-1,502	-1,843	341
Union Street - Costs of Scheme	5,201	2,599	2,602
Union Street - Receipts	-2,100	-740	-1,360
Springfield Mill - Phase 1	1,807	1,366	441
Springfield Mill - Phase 2	1,322	787	535
Granada House Extension	125	62	63
Private Rented Sector Housing Programme	822	175	647
Affordable Housing Programme	800	16	784
Acquisitions Officer - Social Housing Delivery P/ship	80	86	-6
Street Scene Investment	96	113	-17
Flood Action Plan	50	7	44
Electric Operational Vehicles	100	16	84
Rent & Housing Management IT System	50	31	19
Installation of Public Water Fountains	15		15
Crematorium & Cemetery Development Plan	230	22	208
Continued Improvements to Play Areas	123	98	26
Parks Improvements	99		99
<b>Total</b>	<b>14,029</b>	<b>7,348</b>	<b>6,681</b>

B1.2 Comments on the variances in the table above are as follows:

Crematorium & Cemetery Development Plan – The budget is for the construction of a new mess hut at the cemetery. Works are progressing and the project will be completed during 2021/22.

Springfield Mill – Phase 1 & 2 – Both these schemes are scheduled for completion during the first quarter of 2021/22.

Brunswick Street/Union Street – Both these schemes are scheduled for completion during the first quarter of 2021/22. Part of the 2020/21 budget for both schemes was identified for slippage as part of the third quarter report.





Temporary Accommodation – Five properties were purchased during the year. The remaining balance will be rolled forward and added onto the approved budget for 2021/22.




Private Rented Sector Housing and Affordable Housing Programmes – Work is progressing on the Heather House scheme, and the acquisition of Trinity Foyer was completed. Parts of the 2020/21 budgets for both schemes were identified for slippage as part of the third quarter report.

# Fourth Quarter Performance Monitoring 2020/21

## CHE: Part A – Quarter 4 Performance

### 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	11	1	3	9	24
Direction	Up	No Change	Down	N/A	Total
Last Quarter	9	1	7	7	24
Last Year	6	2	8	8	24

- 73.33% of targetable quarterly key performance indicators (KPIs) reportable to the Communities, Housing and Environment Committee achieved their Quarter 4 (Q4) target<sup>1</sup>.
- Compared to last quarter (Q3 2020/21), performance for 52.94% of KPIs has improved, 5.88% have sustained, and for 41.18% KPIs has declined<sup>1</sup>.
- Compared to the same quarter last year, performance for 37.5% of KPIs have improved, 12.25% have sustained, and for 50% of KPIs performance has declined<sup>1</sup>.

### Safe, Clean & Green

Performance Indicator	Q4 2020/21				
	Value	Target	Status	Short Trend (Last Quarter)	Long Trend (Last Year)
Percentage of unauthorised encampments on Council owned land removed within 5 working days	100%	100%			
The percentage of relevant land and highways that is assessed as having acceptable levels of detritus	N/A	95.00%	N/A	N/A	N/A
Percentage of fly tips with evidential value resulting in enforcement action	100.00%	87.0%			
Percentage of fly tips assessed within 2 working days	97.57%	94.00%			N/A
The average weight of fly tipped material collected	209.03kg				

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

Performance Indicator	Q4 2020/21				
	Value	Target	Status	Short Trend (Last Quarter)	Long Trend (Last Year)
Percentage of household waste sent for reuse, recycling and composting	48.76%	52.00%			
The percentage of relevant land and highways that is assessed as having acceptable levels of litter	N/A	98.00%	N/A	N/A	N/A
Contamination: Tonnage per month rejected	374.38	287.50			N/A
Actual Spend of Section 106 money (Annual KPI)	£435,291.00			N/A	
Maintenance per Hectare Spent on Parks and open Spaces (Annual KPI)	£6020			N/A	
Percentage of People using Parks and Open spaces at least once a week (Annual KPI)	N/A			N/A	N/A
Number of Green Flag Parks (Annual KPI)	4	3		N/A	

Considering the data that Maidstone Borough Council currently has access to, under 'Safe, Clean & Green', two KPIs missed their targets in Q4, one by more than 10%. Four KPIs are information-only. Two KPIs are new for 2020/21 and hence it is not possible to compare performance against previous years.

When we compare the KPIs to last quarter (Q3 2020/21), three saw an improvement and three declined. Compared to the same quarter last year, three improved, two sustained performance, and two declined.

'**The percentage of land and highways with acceptable levels of detritus**' and '**The percentage of land and highways with acceptable levels of litter**' is only measured three times per year, as per the DEFRA guidance. Data already provided this year covers the three main seasons that would impact the standard of street cleaning, whereby in the winter period of January to March, there is little amount of vegetation growth or leaf fall and a high chance of snow.

The '**Percentage of People using Parks and Open spaces at least once a week**' does not have a figure for 2020/21 because we did not ask this question in our annual residents' survey this year.

The '**Percentage of household waste sent for reuse, recycling and composting**' KPI missed its Q4 target, achieving 48.76% against a target of 52.00%. The performance throughout the year continues to have been affected by Covid-19 Lockdowns, which has increased the volume, and type, of waste collected from households. In Q4 there was also a period of snow (February), which reduced the garden waster tonnage to zero, and affected the usual collections for around 35,000 households. This impacted the volume of tonnage sent for reuse, recycling and composting.

The '**Contamination: Tonnage per month rejected**' KPI also missed its Q4 target, achieving 374.38 tonnes against a target of 287.50 tonnes. Once again, the Waste Management team are partly attributing this to the increase in residents working from home, and in some cases, misusing their recycling bins due to their waste bins filling up quicker.

This causes rejections of loads at the sorting facility. The delivery of 'bin hangers' to half of the properties in the borough throughout Winter did show a limited improvement in rejections. Therefore, more bin hangers have been ordered to deliver to the remaining half of properties in the borough in early June.

At the time of writing last quarter's report, full data had not been provided for the above KPI, and '**Contamination: Tonnage per month rejected**', because data was being awaited on from Kent County Council. However, this data is available now:

- '**Percentage of household waste sent for reuse, recycling and composting**'

The final Q3 figure was 48.07%: 15,889.96 tonnes of household waste collected, and 7,637.7 tonnes of it was sent for reuse, recycling or composting. The target was 52.00%, so it was missed within 10%. The KPI is affected by seasonal variations in the waste stream, so a slight reduction was expected due to a reduction in garden waste tonnage over the winter months. This KPI is expected to pick up as garden waste tonnage begins to increase with the seasons changing.

- '**Contamination: Tonnage per month rejected**'

The final Q3 figure was 468.19 tonnes (127.21 in October, 149.54 in November, and 191.44 in December), against target of 287.50 tonnes. The Waste Team stress that contamination continues to be a problem affecting all partners in Mid Kent. After delivery to Allington, Maidstone Borough Council's loads are bulked together and so it is difficult to track down the crew or area responsible for any contaminations. In addition, during the Autumn, Kent County Council started a more rigorous check at Allington, which has increased the number of rejected loads. The team are awaiting the delivery of more bin hangers, giving residents clear information on how they can improve recycling. The team are aiming to distribute these in June 2021.

Other things the team have been working on to help reduce contamination and improve the quality of recycling, includes:

- Featured in the borough's Insight magazine
- Increased social media presence
- Revised bin stickers
- Updated the crew pack
- Crew (refresher) training

## Homes & Communities

Performance Indicator	Q4 2020/21				
	Value	Target	Status	Short Trend (Last Quarter)	Long Trend (Last Year)
Percentage spend and allocation of Disabled Facilities Grant Budget (YTD)	110.7%	75.0%			
Number of households living in temporary accommodation last night of the month (NI 156 & SDL 009-00)	137				
Number of households living in nightly paid temporary accommodation last night of the month	52				
Number of households housed through the housing register	210	28 112.5			

Performance Indicator	Q4 2020/21				
	Value	Target	Status	Short Trend (Last Quarter)	Long Trend (Last Year)
Number of households prevented or relieved from becoming homeless	157	112.5			
Percentage of successful Prevention Duty outcomes	66.06%	60%			
Percentage of successful Relief Duty outcomes	39.34%	60%			
Percentage of gas safety certificates in place on all residential properties	100.00%	100.00%			N/A
Percentage of all electrical safety certificates on all residential properties	100.00%	100.00%			N/A
Percentage of high priority fire safety certificates on all residential properties	100.00%	100.00%			N/A
Number of houses of multiple occupation brought to compliance by private rented sector licensing (Bi-annual KPI)	13	15			
Number of completed housing assistances (Annual KPI)	342			N/A	

Under 'Homes & Communities', of the nine KPIs with targets, seven met these and two missed them by more than 10%. Three KPIs are for information-only purposes. Three KPIs are new KPIs for 2020/21, and so previous performance data is unavailable.

When we compare the KPIs to the last quarter (Q3 2020/21), six saw an improvement, one sustained its performance, and four declined. Compared to the same quarter last year, three improved, and six declined.

The '**Percentage of successful Relief Duty outcomes**' achieved a figure of 39.34% this quarter compared to a target of 60%. Performance has improved since last quarter (35.29%) but has declined since last year (55.77%). This quarter saw a total of 122 applicants whose relief duty ended, and 48 of these had their duty ended because they had suitable accommodation for at least 6 months. The team highlight that the target set is ambitious, and is higher than national figures reported on the percentage of successful outcomes. The latest published homelessness statistics at national level (Jul-Sep 2020) demonstrate that the percentage of successful relief duty outcomes were 41.7%, with the South East achieving 36.8%. Although this does not allow for seasonal/trend variations, it does give a benchmark to measure performance against.

Furthermore, if the Council is unable to relieve homelessness within a 56 day period, applicants who are unintentionally homeless and in priority need proceed to be owed the main housing duty by the authority from day 57. Whilst these applicants are subsequently secured settled accommodation, these outcomes are not recorded as a successful relief of homelessness. In this quarter, 56.9% of applicants whose relief duty ended after day 56 were owed the main housing duty.

The '**Number of houses of multiple occupation brought to compliance by private rented sector licensing**' KPI missed its target of 15 by 2 in the second half of 2020/21.

Overall, the annual 2020/21 target has been achieved. Over the last 6 months, proactive visits to houses of multiple occupancy (HMOs) for licensing have been affected by access difficulties due to the lockdowns imposed around COVID-19. HMOs continue to be licensed, and some inspection visits being rescheduled to take place in the 2021/22 year.



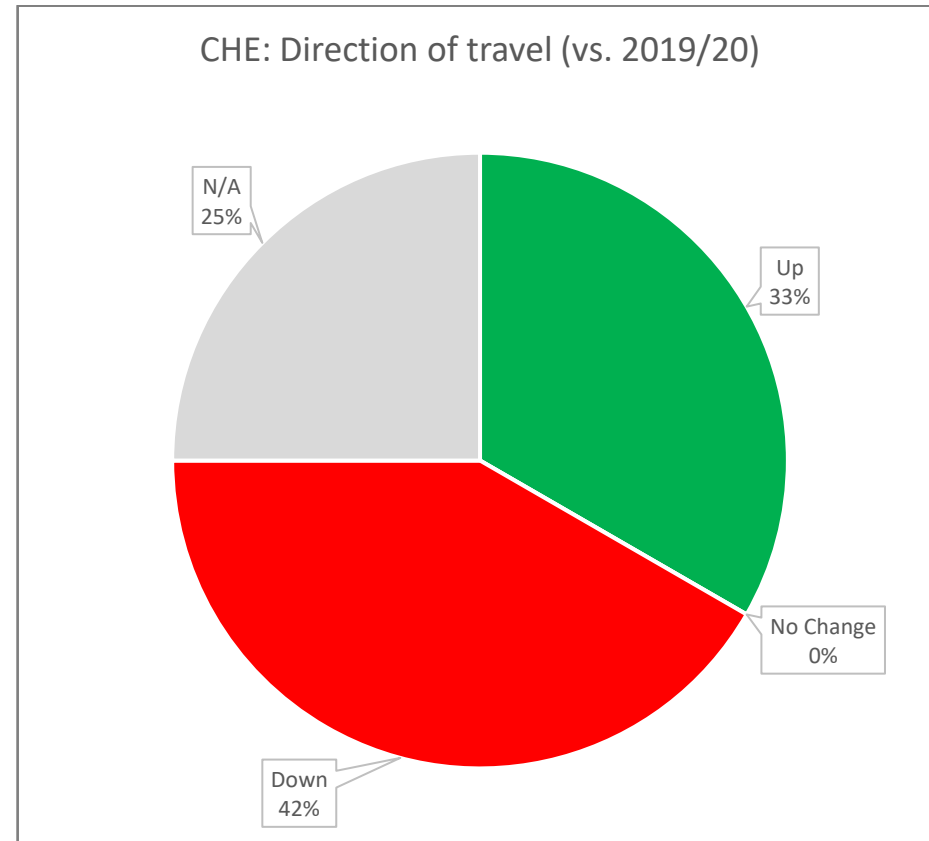
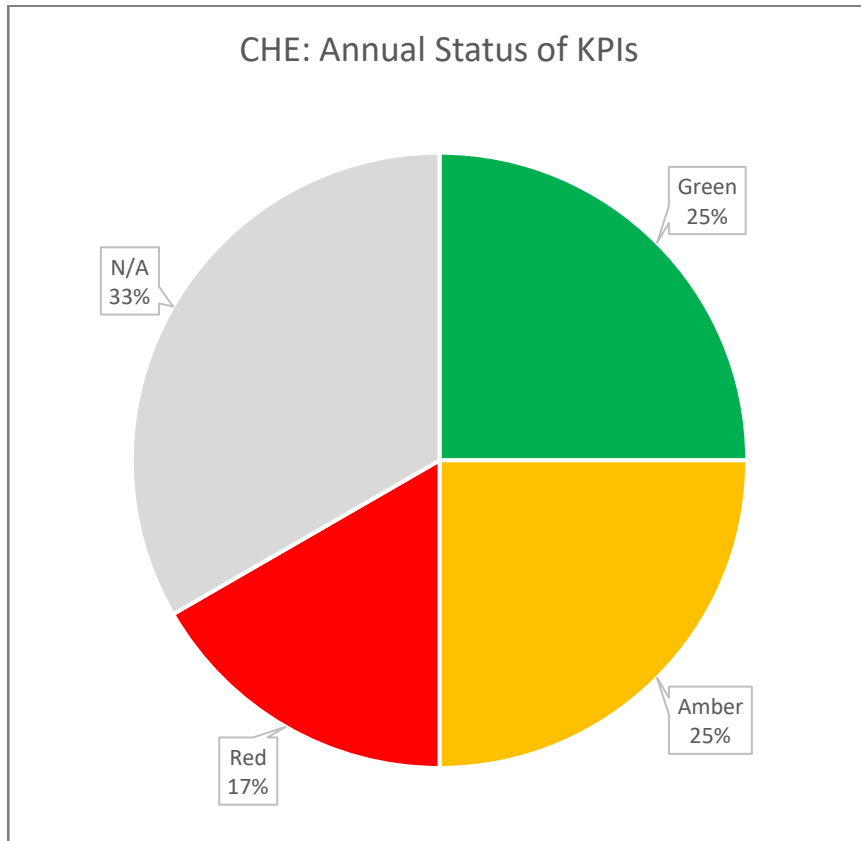
# CHE: Part B – 2020/2021 End of Year Outturn




























## Safe, Clean & Green

Annual Performance of KPIs

31



Indicator	Q1 2020/21	Q2 2020/21	Q3 2020/21	Q4 2020/21	Annual 2020/21	Annual Target 2020/21	Annual Status	Directio n of travel (Last Year)
Percentage of unauthorised encampments on Council owned land removed within 5 working days	100%	100%	0%	100%	83.33%	100%		
The percentage of relevant land and highways that is assessed as having acceptable levels of detritus	94.87%	94.54%	95.59%	N/A	94.97%	95.00%		
Percentage of fly tips with evidential value resulting in enforcement action	93.1%	93.1%	76.2%	100.0%	90.4%	87.0%		
Percentage of fly tips assessed within 2 working days	97.38%	99.31%	84.44%	97.57%	95.3%	94.00%		N/A
The average weight of fly tipped material collected	36.62kg	73.35kg	61.36kg	209.03kg	98.59kg			

Indicator	Q1 2020/21	Q2 2020/21	Q3 2020/21	Q4 2020/21	Annual 2020/21	Annual Target 2020/21	Annual Status	Directio n of travel (Last Year)
Percentage of household waste sent for reuse, recycling and composting	52.81%	50.85%	48.07%	48.76%	50.24%	52.00%		
The percentage of relevant land and highways that is assessed as having acceptable levels of litter	98.18%	94.16%	97.17%	N/A	96.48%	98.00%		
Contamination: Tonnage per month rejected**	314.46	395.43	468.19	374.38	1552.46	1150.0		N/A
Actual Spend of Section 106 money	Annual KPI				£435,291.00			
Maintenance per Hectare Spent on Parks and open Spaces	Annual KPI				£6020			
Percentage of People using Parks and Open spaces at least once a week	Annual KPI				N/A			N/A
Number of Green Flag Parks	Annual KPI				4	3		

## Notes

- 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.
- 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 2020/21 figures are 'N/A'.
- The '**Percentage of People using Parks and Open spaces at least once a week**' does not have a figure for 2020/21 because we did not ask this question in our annual residents' survey this year.

## Summary of 2020/21 year

### Street Cleansing Manager Comments:

During the various lockdown periods of 2020/21, Street Cleansing have identified a number of changes to the public attitude and behaviour with general increases of requests for litter picks and reporting of fly tips. We can only presume that this is due to an increase on the public walking in localised areas and spotting environmental issues. As a result of these additional reports we have needed to increase the resource to deal with reaction requirements.

ω

### Waste Services Manager Comments:

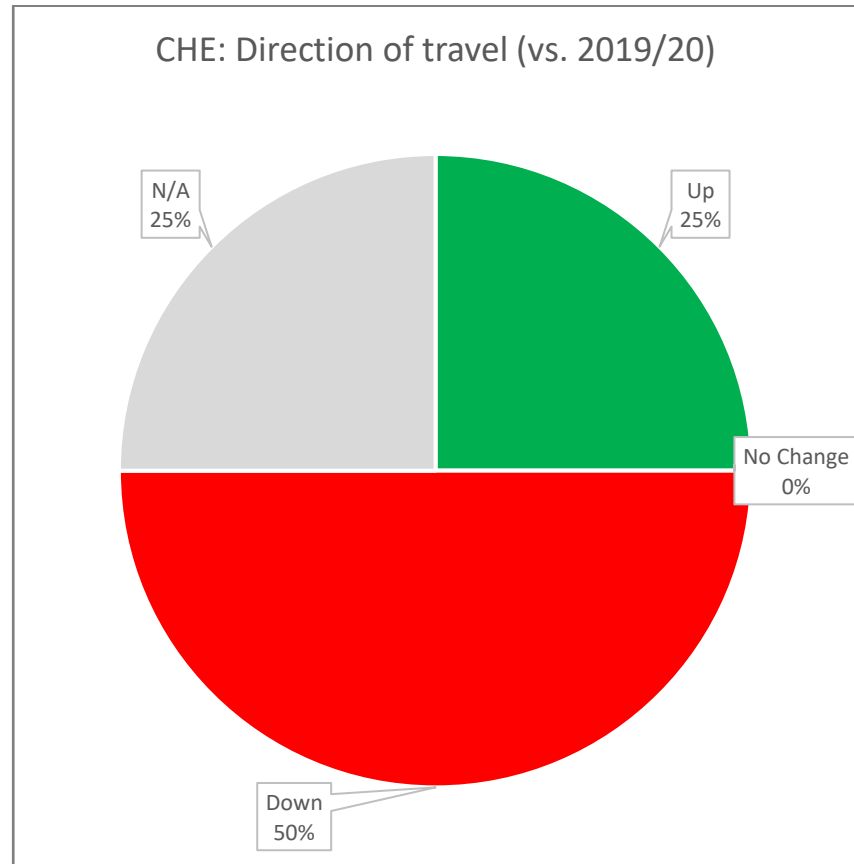
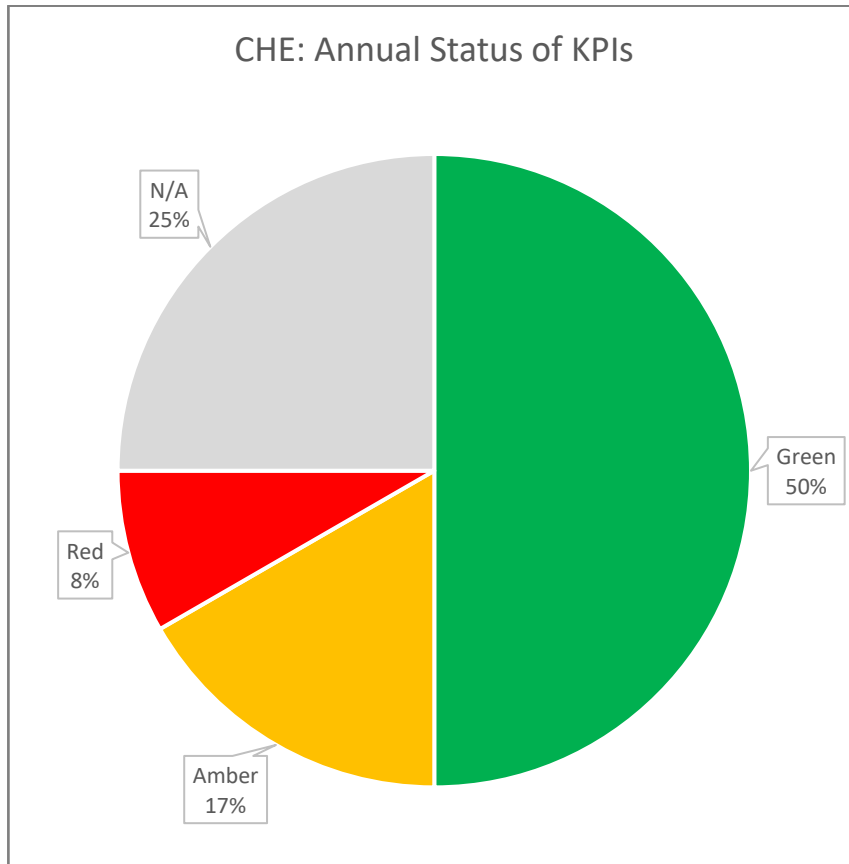
Annual performance has been affected by the continued Covid-19 lockdown, which has increased the volume (and type) of waste collected from households. Every Local Authority has seen a slight dip in recycling performance, caused by an increase in contamination in 20/21. We also were affected by the service disruption in early February 2021, caused by severe weather. During this period, the snow reduced garden waste tonnage to zero for weeks and affected the usual waste/recycling collection regime for about 35,000 households. This dramatically reduced recycling performance for February, which contributed to the dip in the annual result.















Additionally, the large increase in homeworking over the year has resulted in residents generating more waste at home. In some cases, the recycling bin has been misused causing more rejections at the sorting facility than previous years. The delivery of information (bin hangers) to half of the properties in the borough during November 2020 did show a limited improvement. Therefore, we will be rolling out the delivery of information to the remainder of the Borough in early June 2021.











# Homes & Communities

## Annual Performance of KPIs

35



Indicator	Q1 2020/21	Q2 2020/21	Q3 2020/21	Q4 2020/21	Annual 2020/21	Annual Target 2020/21	Annual Status	Direction of travel
Percentage spend and allocation of Disabled Facilities Grant Budget (YTD)	58.9%	70.0%	92.6%	110.7%	110.7%	75.0%		
Number of households living in temporary accommodation last night of the month (NI 156 & SDL 009-00)	91	91	139	137	137			
Number of households living in nightly paid temporary accommodation last night of the month	34	31	37	52	52			
Number of households housed through the housing register	86	166	189	210	651	450		
Number of households prevented or relieved from becoming homeless	120	177	194	157	648	450		
Percentage of successful Prevention Duty outcomes	68.35%	74.29%	74.88%	66.06%	71.38%	60%		

Indicator	Q1 2020/21	Q2 2020/21	Q3 2020/21	Q4 2020/21	Annual 2020/21	Annual Target 2020/21	Annual Status	Direction of travel
Percentage of successful Relief Duty outcomes	51.97%	57.48%	35.29%	39.34%	46.26%	60%		
Percentage of gas safety certificates in place on all residential properties	97.33%	97.26%	95.95%	100.00%	97.78%	100.00%		N/A
Percentage of all electrical safety certificates on all residential properties	100.00%	93.67%	92.41%	100.00%	96.71%	100.00%		N/A
Percentage of high priority fire safety certificates on all residential properties	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%		N/A
Number of houses of multiple occupation brought to compliance by private rented sector licensing (Biannual KPI)	17		13		30	30		
Number of completed housing assistances	Annual KPI				342			

## Summary of 2020/21 year

### Head of Housing & Communities Comments:

The early stages of the pandemic lockdown affected both the willingness of vulnerable people to have staff visit them at home and our ability to deliver the disabled facilities grant scheme, which requires the involvement of a range of external agencies and contractors. However, as we came out of the more extreme measures associated with the early lockdown and as our Housing & Health Team together with other services adapted to the new environment, more disabled facilities grants were able to be delivered. This is reflected in the final quarter's spend which increased exponentially compared with the first quarter's figure. The Housing & Health Team continued to deal with properties reported as being in disrepair or affected by other issues, which resulted in over 340 interventions and 30 houses in multiple occupation being able to be licensed.

A similar pattern emerged with activity around lettings from the Housing Register. This indicator relies on the performance of our housing association colleagues together with our Homechoice Team. During the early stages of the pandemic, most housing partners closed down their operations and vacant properties reduced significantly. Over the year, we worked closely with our partners to ensure that a steady flow of accommodation could be achieved and new build developments could come forward. The strenuous efforts made collectively within the profession enabled more lettings to take place than in the previous financial year. This has proved to be one of the contributory reasons why temporary accommodation (particularly for families) has remained relatively low despite the consistent demand on service as the through flow of families into settled housing could be maintained.

Other contributory factors to the relatively low use of temporary accommodation for families has been the successful application of new ways of preventing homelessness delivered through the Housing Advice Team. A range of options have been delivered, including the use of predictive analytics; proactive grants for individual households; and the change in the Allocation Scheme. In addition, the government measures around the moratorium on possession proceedings and evictions from rented accommodation also contributed to the management of numbers having to enter temporary accommodation.

Where growth in emergency accommodation did occur was in response to the "Everyone In" campaign sponsored by government, as a result of the pandemic and separately during the harsh weather experienced during the winter months. Due to the achievements of the Outreach Service, the numbers of persons sleeping on the streets remained low but as the impact of the pandemic was felt, more households who have tenuous housing arrangements such as 'sofa-surfing' found these options reducing. As a result, we had a steady flow throughout the year in the number of people who were new to the street but they were rapidly assisted before succumbing to the worst aspects of street homelessness. Flexible use was made of the Council's own temporary accommodation by the Accommodation Team to make best use of the stock in a deft and responsive way. The Ministry of Housing, Communities & Local Government was equally impressed by the combined efforts of the various



teams within the Housing Service to assist those accommodated into emergency housing to more settled accommodation in a relatively short space of time.

Throughout the period the Accommodation Team has ensured that the Council's accommodation is compliant with a range of safety measures, with all of the temporary accommodation compliant. The Team is also tackling a historic compliance issue relating to a small number of properties transferred into the Housing Service earlier in the financial year.



## Communities, Housing and Environment Committee

**29 June 2021**

### Access to Service Review Membership

<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>	Orla Sweeney, Senior Policy and Engagement Officer
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### **Executive Summary**

The Communities, Housing and Environment Committee appointed a Task and Finish Panel in February 2020 to undertake a review on Access to Services. An update report was taken to the Committee’s April meeting.

Following the local elections in May 2021, the membership of the panel has reduced from five to three member, therefore the Committee is asked to renew the membership of the Panel.

#### **Purpose of Report**

Decision

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

1. The Head of Policy, Communications and Governance, in consultation with the Chairman and Vice Chairman, be given delegated authority to renew the membership of the Access to Services Task and Finish Panel.

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Communities, Housing and Environment Committee	29 June 2021

# Access to Service Review Membership

## 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>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, the review will support the Council's overall achievement of its aims through the delivery of a final report and recommendations.</p>	Head of Policy, Communications and Governance
<b>Cross Cutting Objectives</b>	<p><i>The four cross-cutting objectives are:</i></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 supports the achievements of 'Health Inequalities are Addressed and Reduced' and 'Deprivation and Social Mobility are Improved' cross cutting objectives by proposing actions which support their delivery.</p>	Head of Policy, Communications and Governance
<b>Risk Management</b>	Please refer to paragraph 5.1 in the report.	Head of Policy, Communications and Governance
<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>	No current implications but the proposed recommendation would be delivered within our current staffing.	Head of Policy, Communications and Governance
<b>Legal</b>	Accepting the recommendations will help fulfil the Council's duties under the Public Sector Equalities Duty. Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of Equality Act 2010.	Legal Team
<b>Privacy and Data Protection</b>	No current implications but 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 emerging recommendations will have a positive impact on population health or that of individuals.	Public Health Officer
<b>Crime and Disorder</b>	No impact identified.	Head of Service or Manager
<b>Procurement</b>	No impact identified.	Head of Service & Section 151 Officer

## 2. INTRODUCTION AND BACKGROUND

- 2.1 Following a Councillor request made to Communities, Housing and Environment Committee to revisit the Access to the Council's Services for disabled people Overview and Scrutiny Review carried out in 2006, it was agreed by the Communities, Housing and Environment Committee in February 2020 that a Task and Finish panel would be formed to review Access to Council Services.
- 2.2 The Access to Services review was scoped and agreed by the Communities, Housing and Environment Committee. Its focus is on three key areas: Digital Accessibility, Communications and Buildings (the physical environment).

- 2.3 Five members of the Committee originally put themselves forward to form the Task and Finish panel, Councillors Burton, Mrs Joy, Mortimer, Powell and Mrs Rose.
  - 2.4 An update on the progress of the review was provided to Committee at its April 2021 meeting. The report and minutes of this meeting can be found [here](#) and provide a good background into the Panel's undertakings so far.
  - 2.5 In order to continue the review, the Committee are asked to consider appointing new members to the Panel.
  - 2.6 The Panel have held a series of meetings on Digital Accessibility and have begun to gather evidence on Communications and the Council's engagement with its wider community. The Panel are at the evidence gathering stage of the review, so this is an opportune time for new members to join and build on its learning in order to make meaningful recommendations as part of a final report. New Members will be fully supported by the Senior Policy and Engagement Officer.
- 

### **3. AVAILABLE OPTIONS**

- 3.1 The Committee could decide to stop the review; however, the review has been included in the Council's Equalities Action Plan and stopping the review could reduce the Council's formal activities to meet its Equality Duty.
  - 3.2 The Committee could decide to do nothing and continue with the remaining membership. However, this is not recommended as it would leave the Panel under resourced and could impact negatively on the outcomes of the review.
  - 3.3 The Committee could replace or add more members to the Access to Services review to enable the organisation to continue to improve on the way in which it fulfils the Public Sector Equalities Duty.
- 

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

- 4.1 To replace the members of the Access to Services review Task and Finish Panel and continue with the review.
- 

### **5. RISK**

- 5.1 The review has already been agreed and is progressing. Recommendations will be made at the conclusion of the review.

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

None.

---

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

7.1 The Senior Policy and Engagement Officer, along with the existing membership, will support the new panel members, providing them with an appraisal of the action to date and the next stage of the review.

---

**8. REPORT APPENDICES**

None

---

**9. BACKGROUND PAPERS**

None

## COMMUNITIES, HOUSING & ENVIRONMENT COMMITTEE

29 June 2021

### Refresh of the Council's Tenancy Strategy

<b>Final Decision-Maker</b>	CHE COMMITTEE
<b>Lead Head of Service</b>	William Cornall Director of Regeneration & Place
<b>Lead Officer and Report Author</b>	John Littlemore Head of Housing & Community Services
<b>Classification</b>	Public
<b>Wards affected</b>	ALL

#### Executive Summary

The Council is required to publish a Tenancy Strategy setting out how it will grant tenancies and to be used as a guide for social housing providers operating in its district.

#### Purpose of Report

Decision

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

1. That the Committee adopts the new Tenancy Strategy 2021-26 attached as Appendix A to this report.
2. That the Committee approves for use by the Housing Service the secure tenancy agreement attached as Appendix C of this report.

#### Timetable

<b>Meeting</b>	<b>Date</b>
CHE Committee	29-06-2021



# Refresh of the Council's Tenancy Strategy

## 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>• <i>Accepting the recommendations will materially improve the Council's ability to achieve the outcomes within Homes and Communities.</i></p>	Head of Housing & Community Services
<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><i>The report recommendations supports the achievements of the cross cutting objectives.</i></p>	Head of Housing & Community Services
<b>Risk Management</b>	<p><i>By having an up to date Tenancy Strategy, the Council is at a lesser risk of challenge when issuing new tenancy agreements.</i></p>	Head of Housing & Community Services
<b>Financial</b>	<p><i>The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.</i></p>	Section 151 Officer & Finance Team
<b>Staffing</b>	<p><i>We will deliver the recommendations with our current staffing.</i></p>	Head of Housing & Community Services

<b>Legal</b>	<i>The secure tenancy template attached at Appendix C has been provided by the MKIP Legal Service, as a best practice document.</i>	Legal Team
<b>Privacy and Data Protection</b>	<i>Accepting the recommendations will not increase the volume of data held by the Council. We will hold that data in line with our retention schedules.</i>	Head of Housing & Community Services
<b>Equalities</b>	<i>The recommendations do not propose a change in service therefore will not require an equalities impact assessment</i>	Head of Housing & Community Services
<b>Public Health</b>	<i>We recognise that the recommendations will have a positive impact on population health or that of individuals.</i>	Head of Housing & Community Services
<b>Crime and Disorder</b>	<i>The recommendation will have a neutral impact on Crime and Disorder. The Community Protection Team have been consulted and mitigation has been proposed</i>	Head of Housing & Community Services
<b>Procurement</b>	<i>Not applicable</i>	Head of Housing & Community Services

## **2. INTRODUCTION AND BACKGROUND**

- 2.1 The Communities, Housing & Environment Committee considered and approved the draft Tenancy Strategy 2021-26 for consultation at its meeting on 2<sup>nd</sup> February 2021.
- 2.2 The Council has consulted with registered providers of social housing (housing associations) within our area and received comments from several organisations. All the respondents were supportive of the refreshed Tenancy Strategy and some housing associations provided suggestions to improve the document or make certain points clearer.
- 2.3 The final version of the Maidstone Borough Council Tenancy Strategy 2021-26 is set out at Appendix A. The comments from housing association partners are set out in the Appendix B of this report together with the Council's suggested response.
- 2.4 The Housing Service wrote to 18 housing associations operating within our district, asking them to comment on the draft Tenancy Strategy 2021-26. The Council received 11 responses, including from our largest social housing provider - Golding Homes. All of the response received were positive about

the content of the new Tenancy Strategy; suggestions for improving the Strategy have been included into the final version attached as Appendix A of this report.

- 2.5 In addition, when the matter was discussed at CHE Committee in February 2021 there was a request to consider the detailed content of the tenancies that the Council intended to offer, having taken the decision to develop a limited number of new social housing; to be let by the Council on lifetime tenancies.
- 2.6 Of particular interest was the ability of tenants to keep pets. At the time, the Council was only providing temporary accommodation and a 'secure tenancy' template was not available to share with Members of the Committee. This has now been developed by MKIP Legal Services and is attached as Appendix C of this report for approval to use. Reference is made to the same Pet Owner Contract that has successfully been employed within the Council's temporary accommodation.

---

### **3. AVAILABLE OPTIONS**

- 3.1 Having received comments from local housing associations, the CHE Committee is invited to adopt the refreshed Tenancy Strategy 2021-26 in order to remain compliant with Section 150 of the Localism Act 2011 and to enable applicants to understand the type of tenancy that the Council will issue; and to provide guidance for housing associations letting affordable housing in our district.
- 3.2 The Council could choose not to adopt a new Tenancy Strategy but to do so would place the Council in default of its obligations under the Localism Act 2011 and is therefore not recommended.

---

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

- 4.1 To comply with our statutory responsibilities and to promote best practice, the Committee is invited to adopt the option set out in Paragraph 3.1 of this report.

---

### **5. RISK**

- 5.1 By adopting an up to date Tenancy Strategy, the Council is reducing the risk of challenge from applicants who are provided with a Council tenancy.
-

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

6.1 The Council has fulfilled its statutory requirement to consult with housing associations providing affordable housing in its district. The results of the consultation are attached as Appendix B.

---

## **7. REPORT APPENDICES**

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

- Appendix A: Maidstone Borough Council Tenancy Strategy 2021-26
  - Appendix B: Summary of responses from Housing Association consultation
  - Appendix C: Template Secure Tenancy Agreement
- 

## **8. BACKGROUND PAPERS**

- Maidstone Borough Council Tenancy Strategy 2021-2026 report to CHE Committee 2<sup>nd</sup> February 2021
- Localism Act 2011

# Maidstone Borough Council Tenancy Strategy 2021-2026

Version 2.2  
June 2021

# Contents

1	Purpose of this Strategy.....	1
2	Legislative Framework.....	1
3	Tenancy Type and Length.....	2
4	Circumstances in which Specific Tenancies will be Granted .....	4
5	Renewal or Termination of a Tenancy .....	5
6	Affordable and Social Rent.....	6
7	Existing & Transferring Tenants.....	6

## **1 Purpose of this Strategy**

Maidstone Borough Council's Tenancy Strategy provides guidance on the tenancy type when providing accommodation and for Registered Providers of social housing that have housing stock within the borough. The Strategy describes the circumstances to which Registered Providers must have regard when formulating policies on these matters.

The Tenancy Strategy is to be considered in conjunction with the Homelessness Strategy and Allocation Scheme, all of which support Maidstone Borough Council's Housing Strategy. This Strategy does not provide guidance as to how social housing should be allocated as this is provided by the Council's Allocation Scheme.

Housing and Communities is a priority within Maidstone Borough Council's Strategic Plan. We want to see housing that is safe, desirable and promotes good health and well-being. This can be expressed as stable communities whose social mobility is not constricted by their tenure. This Tenancy Strategy seeks to achieve this balance through our own housing provision and that of our Registered Providers of social housing.

Registered Providers of social housing work across multiple local authority areas and this Tenancy Strategy is meant to provide guidance in the Maidstone Borough Council area only.

## **2 Legislative Framework**

The Localism Act 2011 states that each local authority must publish a Tenancy Strategy setting out the matters to which itself and Registered Providers of social housing for its borough are to have regard for in formulating policies relating to:

- the types of tenancies they will grant
- the circumstances under which different types of tenancies will be granted
- where they elect to grant fixed-term tenancies, the length of the fixed term
- the circumstances in which they will grant a further tenancy when the fixed-term expires

For the purposes of this Strategy, Registered Providers of social housing include Maidstone Borough Council as a stock holding authority.

### 3 Tenancy Type and Length

#### Probationary/Starter Tenancy

A probationary or starter (or introductory) tenancy is normally granted for 12 months to enable the tenant to demonstrate that they can manage their tenancy well. Once the probationary period is satisfactorily completed the tenancy will become more secure.

Probationary tenancies enable social landlords to obtain possession of a property more easily where there have been problems with the way in which the tenancy has been conducted. Examples include a persistent failure by the tenant to pay their rent on time and/or the tenant or a member of their household causing anti-social behaviour.

The landlord will be expected to follow the correct legal process if it decides to seek possession and Maidstone Borough Council would also encourage landlords to make use of powers granted to extend the length of probationary tenancies where there are ongoing issues surrounding the conduct of a tenant, so as to provide sufficient time to try and resolve problems. The Council also expects landlords to meet the appeal requirements of the legislation.

#### Excluded Licence and Non-Secure Tenancies

The Council owns and retains property specifically to be used as temporary accommodation (TA) for persons it is assisting under Part 7 Housing Act 1996. Properties being used in this way are exempted from being Secure Tenancies by virtue of the relevant legislation.

Persons accommodated whilst enquiries are made into the duty that is owed to the applicant will be provided with an excluded licence agreement.

Persons owed the main housing duty and accommodated in TA will revert to a weekly periodic non-secure tenancy.

#### Secure Tenancy

Secure tenancies are granted by Local Housing Authorities under Housing Act 1985. A secure tenancy can be:

- a fixed-term tenancy – where the landlord and tenant have agreed the tenancy will run for a set period of time, for example 12 months; or
- a periodic tenancy – for an indefinite period with the rent being paid on a periodic basis, for example weekly or monthly



Secure tenancies will be given to a tenant once an initial probationary tenancy has satisfactorily completed.

Maidstone Borough Council prefers to provide periodic tenancies.

Where a fixed term tenancy is granted this will be for a specific purpose e.g. supported accommodation. In these circumstances, the period of the fixed term will range between 2 and 5 years depending on the occupants and the requirements of the scheme.

Where appropriate, tenancies should be re-issued at the end of the term unless there is a significant change of circumstance within the household. For example, a change in household composition that means the property is under-occupied etc. in which case the Council may decide to offer a property more suited to the tenant's needs on the same terms and conditions.

### Assured Tenancy

Assured tenancies are granted by Registered Providers of social housing under the Housing Act 1988. An assured tenancy can be:

- a fixed-term tenancy – where the landlord and tenant have agreed the tenancy will run for a set period of time, for example 12 months; or
- a periodic tenancy – for an indefinite period with the rent being paid on a periodic basis, for example weekly or monthly

Assured tenancies are often given to a tenant once an initial probationary/starter tenancy has successfully been completed.

Maidstone Borough Council encourages its Registered Providers of social housing to provide periodic tenancies.

If the Registered Provider of social housing provides fixed term tenancies, the Council prefers a five year fixed term tenancy as the minimum for the majority of households. It would also encourage the use of a longer fixed term tenancy where a household's circumstances are unlikely to change over time. For example, people with long term health conditions.

Tenancies should be re-issued at the end of the term unless there is a change of circumstance within the household. For example, a change the household composition that results in the property being under-occupied, etc.

## 4 Circumstances in which Specific Tenancies will be Granted

### Households with a disabled household member (adult or child)

Maidstone Borough Council encourages:

- Lifetime tenancies for households moving into extra care or designated older persons accommodation
- Minimum five year fixed term tenancies for adapted homes and general needs accommodation
- Shorter fixed term tenancies for "move on" or respite care
- Affordable rent levels at or below the Local Housing Allowance level

Registered Providers should engage other agencies involved in meeting the household's needs (e.g. social care) at the initial assessment and during the course of the tenancy.

Any decision not to reissue a tenancy should be based on clear criteria which may include changes in housing need related to disability.

### Lower income households not in receipt of Universal Credit / Housing Benefit

Maidstone Borough Council encourages periodic tenancies or a minimum fixed-term tenancy of five years.

Support to households offered should their circumstances change (e.g. a household member is made unemployed)

Clear information about any additional costs associated with a tenancy (e.g. administration fees, deposits, etc)

### Single and couples under 55 with no children

Maidstone Borough Council would prefer:

- Periodic tenancies; particularly for households who may have a continuing vulnerability (e.g. long term physical and/or mental health issues)
- Fixed-term tenancies to be for a minimum period of 5 years
- Affordable rent levels at or below the Local Housing Allowance level

Registered Providers of social housing should engage other agencies involved in meeting the household's needs (e.g. social care) at the initial assessment and during the course of the tenancy.

Any decision not to reissue a tenancy should be based on clear criteria which may include changes in housing need related to vulnerability.

### Older people

Maidstone Borough Council would prefer:

- Periodic tenancies for households who whom it is likely to be their last home
- Fixed term tenancies might be appropriate to make the best use of designated or adapted accommodation, bearing in mind the individual circumstances of the tenant and their household

Registered Providers of social housing should engage other agencies involved in meeting the household's needs (e.g. social care) at the initial assessment and during the course of the tenancy.

## **5 Renewal or Termination of a Tenancy**

The decision on whether a tenant is able to remain in social housing at the end of their fixed-term tenancy will depend on the Registered Provider's policy. Registered Providers are expected to review a fixed term tenancy six months before it is due to end to decide whether it should be renewed and must publish clear guidance on the process and assessment criteria to be used in deciding if the tenancy should be renewed.

If there has been no significant changes to the households circumstances since the beginning of a tenancy, Maidstone Borough Council would expect that a further tenancy is granted.

Reasons not to consider a further tenancy include, but are not limited to:

- Anti-Social Behaviour issues - These issues must be persistent over the lifetime of the tenancy or have been most prevalent in the last two years of the tenancy and it is considered that a change in location or living circumstances is likely to resolve the issue
- Under-Occupation - In cases where there are one or more spare bedrooms in a property the non-renewal of a tenancy will be expected to make best use of housing stock within the Borough

- Statutory Over-crowding - In cases of statutory overcrowding as currently defined by part 10 of the Housing Act 1985 s.326

## **6 Affordable and Social Rent**

Maidstone Borough Council's published Affordable and Local Needs Housing Supplementary Planning Document states that the largest need for social housing within the borough is for Social Rent properties, as it is the tenure that deals most effectively with affordability issues.

To encourage the provision of Social Rent on new developments, Maidstone Borough Council will be flexible when considering the total number of units of affordable housing on a site to ensure the overall development remains viable

Affordable rents are typically higher than social rents, so that properties let on this basis generate additional income for investment in new affordable housing.

Maidstone Borough Council require that Registered Providers cap the Affordable Rent to Local Housing Allowance (LHA) levels if 80% of the gross market rent exceeds the LHA level.

## **7 Existing & Transferring Tenants**

Registered Providers of social housing should ensure that any existing tenants that are moving to another property and are being offered a change to their tenancy understand the changes to their terms and any implications this may have.

Registered Providers are able to determine whether a tenant will keep their current terms but in cases of under-occupation or a tenant moving into a property which has been adapted for their specific needs, Maidstone Borough Council would recommend that if a tenant had a periodic or 'lifetime' tenancy and/or were paying social rent that this should be maintained.

In situations where a tenant is forced to leave their property under circumstances beyond their control, Registered Providers will need to strongly consider if it is appropriate to move these tenants to different terms.

## APPENDIX B

### Responses from Housing Association partners to the draft Tenancy Strategy 2021-26

Housing Association	Comments	MBC Response
English Rural	No amendments suggested.	Noted
Golding Homes	Suggestion around pre tenancy training, which is currently offered to applicants who are nominated to housing association partners.	Agreed to incorporate into the tenancy introduction.
Gravesend Churches HA	Positive feedback received.	Noted
Home Group	Positive feedback received.	Noted
MHS Homes	Following the last review of their own tenancy strategy, MHS decided against fixed term tenancies. All their affordable rents are fixed to LHA rates or less. In conclusion, MBC's draft strategy is aligned to their own policy.	Noted
Moat Housing	Positive feedback received.	Noted
Orbit Housing	<p>Although Orbit currently use fixed term tenancies, they are in the process of reviewing its use and are looking to introduce 1 year probationary tenancies that convert to a lifetime tenancy.</p> <p>Orbit do not use fixed term tenancies in their older person accommodation.</p> <p>When developing new housing, Orbit appraise each scheme to determine whether they can primarily be let at a social rent. Where the scheme is delivered at an affordable rent, the level is capped to the Local Housing Allowance rate.</p>	Noted

Optivo	<p>Optivo supports the draft strategy.</p> <p>One point of clarification:</p> <p><i>'Where appropriate, tenancies should be re-issued at the end of the term unless there is a change of circumstance within the household. For example, a change in financial circumstances, household composition, etc. in which case the Council may decide to offer an alternative equivalent tenancy at another address, which might be with a Registered Provider of social housing.'</i></p> <p>What is meant by 'a change in financial circumstances', and how might that affect the re-issuing of a tenancy?</p>	<p>The original government policy behind the Tenancy Strategy was to encourage those that could afford alternative housing would be encouraged to do so, thereby freeing up social housing for those most in need. This policy approach has since become unfavoured and the original intention to provide statutory guidance around financial means was not published.</p> <p>An alternative form of words has been included in the final draft of the Tenancy Strategy to read:</p> <p><i>'Where appropriate, tenancies should be re-issued at the end of the term unless there is a significant change of circumstance within the household. For example, a change in household composition that means the property is under-occupied etc. in which case the Council may decide to offer a property more suited to the tenant's needs on the same terms and conditions.'</i></p>
Sage HA	Positive feedback received.	Noted
Town and Country	<p>Positive feedback received.</p> <p>Town and Country are no longer using Fixed Term Tenancies and are now using a one year starter tenancy followed by an assured tenancy.</p>	Noted

<p>West Kent Housing Association</p>	<p>Positive feedback received.</p> <p>For point 3 probationary/starter tenancy – consider changing ‘abide by its conditions’ to <i>‘manage their tenancy well’</i></p> <p>For the heading - Single and childless couples under 55 – consider changing to <i>“Single and couples with no children”</i> – as this is a more sensitive way of phrasing the description.</p>	<p>Noted</p> <p>Suggestion incorporated into the final draft</p> <p>Suggestion incorporated into the final draft</p>
--	--	--

## Introductory / Secure Tenancy Agreement

This is your tenancy agreement, the legal contract which sets out the conditions of your tenancy. It also sets out the Council's responsibilities as your landlord and your responsibilities as a tenant. It is important that you understand that if you break any of the terms of this contract, you could lose your home. If you would like help to understand this agreement, please contact a Housing Officer on **01622 [ ]**.

This is a legal contract describing the conditions of a tenancy between:

(1) **Maidstone Borough Council**, Maidstone House, King Street, Maidstone, ME15 6JQ; and

(2) **the tenant(s) named below** and who have signed on Page 17 in relation to the property described below:

Full name of Tenant(s):										
Address of property (your home):										
	Postcode:									
Type and size of property:		House		Flat on .....	Floor		Maisonette			
		Other								
Number of bedrooms:		1		2		3		4		5
		Other								
Gardens:		No Garden				Front Garden			Rear Garden	
	Storage room number (if applicable):									
Permitted number of persons:										
Start date of tenancy:	..... (day of week) ____ / ____ /20__.									

Type of tenancy at start of tenancy –

Introductory Tenancy

Secure Tenancy

For introductory tenants only:

The date your tenancy will become a secure tenancy is (unless Maidstone Borough Council has taken steps to extend or end your tenancy as set out in this tenancy agreement): \_\_\_\_ / \_\_\_\_ /20\_\_ .

Total weekly rent at the start of the tenancy:



## Definitions Introductory / Secure

### anti-social behaviour

Anti-social behaviour is conduct causing or likely to cause nuisance, annoyance, harassment, alarm or distress to a person residing, visiting or otherwise engaging in a lawful activity in the locality of your home.

Examples of anti-social behaviour include but are not limited to:

- using or threatening to use violence
- damaging and vandalising property
- spraying or writing graffiti
- loud music or making other loud noise
- persistent arguing and slamming doors
- noise or mess from pets
- drunkenness
- dumping rubbish
- setting fires
- riding motorbikes or mopeds anywhere other than on the road
- repairing cars on estate roads or parking areas
- revving of motor vehicles' engines
- speeding in motor vehicles
- obstructing any shared areas, doorways and other entrances or exits
- throwing items from balconies or windows
- racist or homophobic behaviour, gestures and language.

### assign

A method for transferring your tenancy to someone else.

### common areas

All parts of the building which all tenants share, for example, the hallways, stairs, shared landings, shared laundry rooms, and shared gardens.

### the Council

Maidstone Borough Council as landlord; also includes officers of the Council and agents acting on the Council's behalf.

### fixtures and fittings

All appliances and furnishings (not removable furniture) including those for supplying or using gas and water.

### improvement

Any alteration or addition to your home to make it better which is made by you or on your behalf which was not there when you moved in, for example, additional building work inside or outside, the erection of aerials or satellite dishes.

### introductory tenancy

An introductory tenancy is a periodic weekly tenancy granted under the Housing Act 1996. An "introductory tenant" is a tenant under an introductory tenancy, and the "introductory period" is the duration of the introductory tenancy (usually one year, but this can be extended in some circumstances).

### lodger

A lodger is a person who lives in your home but does not have exclusive right to any part of it. You are responsible for making a lodger leave if you want to end the arrangement.

### neighbourhood

The local area where you live, for example, [ ]. The area will include property which is privately owned or rented and property which is owned or managed by the Council or housing associations. This area usually includes local shops and facilities, for example schools and leisure centres.

### **personal property**

All personal items which belong to you or a member of your household or visitors and includes curtains, furniture and floor coverings such as carpets.

### **the property / your home**

The property (dwelling-house, flat, maisonette or other dwelling) in which you live and includes any garage, shed, other structure, garden or land etc, as set out on Page one, but does not include any common areas.

### **Secure tenancy**

In the context of this tenancy agreement this means a secure periodic weekly tenancy granted under the Housing Act 1985. A "secure tenant" and other similar terms should be construed accordingly.

### **sub-let/sub-tenant**

Giving another person (called the sub-tenant) the right to live in all or part of your home and charging them money to live there.

### **tenancy agreement**

This agreement.

### **[Tenants' Handbook**

A handbook containing useful information (such as contact telephone numbers) but it does not form part of this tenancy agreement. Copies of the Tenants' Handbook are available on request from your Housing Officer.]

### **Tenancy Policy**

Maidstone Borough Council's published tenancy policy. A copy is available on the Council's website ([www.Maidstone.gov.uk](http://www.Maidstone.gov.uk)) or is available on request from your Housing Officer.

### **terms and conditions**

All or any of the clauses of this agreement.

### **Maidstone House**

Maidstone Borough Council's offices at:

Maidstone House,  
King Street,  
Maidstone,  
Kent,  
ME15 6JQ.

### **written permission**

A letter from the Council giving you permission to do something (note: any permission sought will not be unreasonably withheld but may be subject to reasonable conditions).

### **you / tenant**

The tenant and, if you are a joint tenant, any one or all of the joint tenants.

### **your household**

You, your family and other persons living in your home including any adult family members, other adults, children under 18, lodgers, sub-tenants, and visitors.

## 1. Introduction

- 2.1** This tenancy agreement is a legal contract describing the terms and conditions of your tenancy and your rights and responsibilities as a tenant. If there is anything you do not understand please contact your Housing Officer or seek legal advice before you sign this contract.
- 2.2** This tenancy agreement describes either your secure tenancy under the Housing Act 1985 or your introductory tenancy under the Housing Act 1996. Whichever tenancy you have, it is important for you to know that you have a number of rights and responsibilities.
- 2.3** It is important you understand that if you break any of the terms or conditions of this contract the Council may commence legal proceedings against you. This could ultimately result in the termination of your tenancy and everyone living in your home being evicted.
- 2.4** The definitions section sets out the meanings of words used in this tenancy agreement.
- 2.5** Any reference to an Act of Parliament or regulation within this tenancy agreement includes any subsequent amendments to such legislation or regulations.
- 2.6** Where any term or condition of this tenancy agreement requires you to get written permission from the Council, such permission will not be unreasonably withheld but it may be given subject to reasonable conditions.
- 2.7** For more information about Maidstone Borough Council tenancies, such as practical suggestions and contact numbers, see the [Tenants' Handbook]. You can view the [handbook] on the website [and copies of the handbook are available on request from your Housing Officer].
- 2.8** Unless the contrary is stated or implied the rights and obligations set out in this agreement are

intended to replicate the rights and obligations established by statute, such as by the Housing Act 1985, Part IV. The contrary may be implied where, for example, rights and obligations are set out in the contract which either are not addressed by statute or where the statute gives the Council discretion.

## 2. Introductory tenancies

Section two applies to introductory tenants only.

- 2.1** An introductory tenancy is a tenancy for a trial period for the first 12 months (unless it is extended as described below). Introductory tenants have fewer rights than a secure tenant.
- 2.2** If you break any of the terms or conditions of this tenancy agreement, the Council may decide to apply to the County Court for a possession order. This could ultimately result in the termination of your tenancy and everyone living in your home being evicted. Before the Council applies to the court, it will serve you with a Notice to Terminate the tenancy and details of your right to request a review of its decision. The Council can ask the court that you pay the Council's legal costs if it makes an application to the court.
- 2.3** The Council may decide to extend the introductory tenancy trial period if you breach any of the terms or conditions of this tenancy agreement. Before the Council extends your trial period, it will give you a notice of its intention to do so and this notice will include details of your right to request a review of its decision.
- 2.4** If you keep to the terms and conditions of this tenancy agreement and the Council has not started possession proceedings during the introductory period, then you will automatically become a secure tenant at the end of the introductory period.
- 2.5** Succession rights are limited to those allowed by Sections 131 to 133 of the Housing Act 1996. In general, this means that if you die whilst your tenancy is an introductory tenancy, your tenancy will pass to your husband, wife or civil partner if he/she occupied the property as his/her only or

principal home at the time of your death. This is called 'succession'. If you do not have a husband, wife or civil partner the tenancy can pass on to a member of your family who occupied the property as his/her only or principal home at the time of your death if they also resided with you throughout 12 months immediately before your death. If a joint tenant dies the tenancy will pass to the other joint tenant and this will count as a succession.

- 2.6** As an introductory tenant you have the right to assign your tenancy to a person who is qualified to succeed to your tenancy. If you do this, this will count as a succession.
- 2.7** Whilst your tenancy is an introductory tenancy, you do not have the right to buy your property or to exchange your property with another tenant.

### 3. Rights of a secure tenant

- 3.1** As a secure tenant the Council can only end your tenancy by obtaining and enforcing a County Court order for possession. In most cases, the court will only grant a possession order in relation to a secure tenant if it is satisfied that it is reasonable to do so.
- 3.2** The tenancy will only be secure while you occupy the property as your only or principal home. If at any time your tenancy ceases to be a secure tenancy the Council may end it by giving you four weeks' notice to quit.
- 3.3** The Council will not attempt to take possession of your home or take any other action without trying to discuss the matter with you beforehand.
- 3.4** If your home has special adaptations which you or your household do not need, the Council may apply to the court for a possession order to take back your home provided suitable alternative accommodation is made available for you.
- 3.5** As a secure tenant, and as long as your tenancy remains secure, you have the right to assign your tenancy to a person who is qualified to succeed to

your tenancy. If you do this, this will count as a succession.

- 3.6** If your tenancy started before 1 April 2012 then succession rights are limited to those allowed by S.87 of the Housing Act 1985 before it was amended on that date. In general, this means that on your death your tenancy may pass to:
  - a) Your husband, wife or civil partner if he/she occupied the property as his/her only or principal home at the time of your death;
  - b) In the absence of such a succession, a family member if he/she occupied the property as his/her only or principal home at the time of your death and resided with you throughout the period of twelve months ending with your death.
- 3.7** If your tenancy started on or after 1 April 2012 but before 1 April 2013 then a person may succeed to your tenancy in accordance with S.86A(1) of the Housing Act 1985 but if there is no person qualified to succeed under S.86A(1), then a family member may succeed to your tenancy pursuant to S.86A(2) following the same rules for family member succession as were contained in S.87 of the Housing Act 1985 before it was amended on 1 April 2012.
- 3.8** If your tenancy started on or after 1 April 2013 then succession rights are limited to those allowed by s.86A(1) of the Housing Act 1985. In general, this means that on your death your tenancy may pass to your husband, wife or civil partner (or a person who you lived with as if you were husband and wife or civil partners) if he/she occupied the property as his/her only or principal home at the time of your death. No other family member can succeed to your tenancy.
- 3.9** In certain circumstances, you have the right to buy your property. You should contact Maidstone Borough Council if you want to know more about your right to buy.
- 3.10** In certain circumstances, you have the right to exchange your tenancy with another tenant.

## 4. Demoted tenancies

- 4.1** If you, any member of your household or any visitor/s cause anti-social behaviour the Council may apply to the County Court to have your secure tenancy changed to a demoted tenancy. If the Council decides to apply to the court for an order to demote your tenancy, it will give you a notice of its decision and details of your right to request a review.
- 4.2** If the Council successfully obtains a court order demoting your tenancy this will mean that your tenancy is no longer a secure tenancy and you will only have the rights of an introductory tenant.

## 5. Rent

- 5.1** The term “rent” includes the weekly rent, service charges and any other weekly charges.
- 5.2** When you sign the tenancy, you will be required to pay four weeks rent in advance.

### Paying your rent Your responsibilities

- 5.3** You must pay the rent and any other money owed to the Council under this tenancy agreement.
- 5.4** Rent falls due on a Monday and it must be paid in advance. You may pay your rent weekly or for any longer period such as fortnightly, four- weekly or monthly. However, the Council will not consider that your rent account is in arrears if payment is made and received before close of business on the Friday in the week which it is due.
- 5.5** You can pay your rent in any of the following ways: by Direct Debit, by standing order, by debit or credit card, by internet banking, by cheque, by cash payment and by PayPoint. The Council will charge you a fee for any payments made by credit card and the fee may change from time to time depending on what fee the Council is being charged by your credit card provider. *(For more information about payment methods and*

*current credit card charges please ask your Housing Officer.)*

### Changing your rent

- 5.6** The Council may vary the amount of rent at any time provided it gives you notice in writing at least four weeks before any change.

### Joint tenant responsibilities

- 5.7** Each joint tenant is responsible for the rent. The Council can recover all arrears owed to it from any individual joint tenant. This means that even if one joint tenant leaves all tenants continue to be responsible for rent, arrears and tenancy charges.

### Difficulty in paying your rent

- 5.8** If you have any difficulty paying your rent you or someone acting on your behalf must inform the Council immediately.
- 5.9** If you do not pay your rent, the Council may apply to the court for a possession order which could ultimately result in the termination of your tenancy and everyone living in your home being evicted. The Council can ask the court that you pay the Council’s legal costs if it makes an application to the court.

## 6. The property (your home)

### Living in your home

- 6.1** You must occupy the property as your only or principal home. If you no longer occupy the property as your only or principal home then the Council may end your tenancy.
- 6.2** The Council conducts audits of the properties it rents to tenants. If requested by a Housing Officer you must provide proof:
- a) of your identity and of anyone living with you; and
  - b) that you are living in the property.

- 6.3** If you leave your home for one month or longer you must notify your Housing Officer in writing of:
- a) the dates of your absence; and
  - b) the name and contact details of a nominated key holder in case of emergencies.
- 6.4** To avoid statutory overcrowding, you must not have more people living in your home than the permitted number (this is shown on page one).

## Criminal, illegal or immoral activity

- 6.5** You, members of your household or visitors must not carry out or use your home or any common areas for any criminal, illegal or immoral acts such as:
- Cultivating, manufacturing, selling or conspiring to sell, using, possessing and/or dealing in illegal drugs or substances,
  - Handling or storing stolen or counterfeit goods,
  - Prostitution.
- 6.6** You should be aware that the Council may apply to the court for a possession order (which may ultimately result in the termination of your tenancy and everyone living in your home being evicted) if you or a member of your household or visitor is convicted of an indictable offence committed in, or in the locality of, your home.

## Lodgers

- 6.7** If you are a secure tenant you may take in lodgers providing you do not have more people living in your home than the permitted number allowed, as detailed on page one. You must notify your Housing Officer in writing of the names and dates of birth of your lodgers within fourteen days of them moving in. Such notification will be in addition to any notification which you may need to give the relevant authority which administers any welfare benefits you are claiming. *(If you are*

*an introductory tenant, you do **not** have the right to take in lodgers.)*

## Sub-letting

- 6.8** If you are a secure tenant and want to sub-let part of your home, you must get prior written permission from the Council before you do so. The Council will not give permission for more than the permitted number of persons allowed to live there, as detailed on page one. You must not sub-let the whole of your home. The Council may prosecute any tenant who parts with the possession of the property or sub-lets the whole of it as provided for by the Prevention of Social Housing Fraud Act 2013. *(Note: If you are an introductory tenant, you do **not** have the right to sub-let the whole or part of your home.)*

## Running a business

- 6.9** You must not run a business from your home without first obtaining written permission from the Council. Any request for permission must be made in writing and addressed to your Housing Officer at Maidstone House. When deciding whether to grant permission the Council will consider factors such as the noise, any nuisance which may be caused to your neighbours or whether damage will occur to the property or common areas. Permission will not be granted if it would result in a breach of planning legislation.

## Pets and animals

- 6.10** Some types of property are not suitable for animals. If you live in sheltered accommodation, a multi-storey block or in accommodation which shares a common entrance, you will need to sign the Council's Pet Owner Contract before you are allowed to keep an animal in your home.
- 6.11** You, members of your household or visitors must not allow any animal to frighten, annoy or cause a nuisance to any other person living in the locality of your home. Dogs must be accompanied by you or a responsible member of your household and kept on a lead when in common areas.



**6.12** You must not keep any animal which causes or is likely to cause a nuisance, annoyance or disturbance to neighbours or others living in the locality of your home. Examples of this include, but are not limited to: allowing your animal to persistently foul in an inappropriate place, straying, barking, creating an offensive smell, inadequate control or creating any kind of health hazard. In these instances, the Council may withdraw its permission for you to keep the animal(s) and you must then remove it/them from your home.

**6.13** You must comply with the terms of the Control of Dogs Order 1992, whereby all dogs in public places are required to wear a collar with identification attached to it, including the owner's name and address.

**6.14** You must not keep any dog listed under the Dangerous Dogs Act 1991 at your home.

**6.15** In cases of cruelty to animals or where the animal is causing a nuisance, annoyance or disturbance to others, the Council may give you written notice requiring you to remove it from your home. The Council may also report these cases to the RSPCA or the Police.

**6.16** You, members of your household or visitors must ensure that any animal kept at your home does not prevent an employee, contractor or agent of the Council gaining access to your home.

## Personal property

**6.17** You are responsible for your personal property and the decoration of your home and it is your responsibility to take out insurance to protect them. The Council is not responsible for the loss or damage of any personal property (whether they belong to you or someone else) no matter how they become damaged or lost unless the damage or loss is caused by the Council's negligence. *(Note: The Council strongly advises which you take out and keep current contents insurance which covers the contents of your home and third-party damage to the contents of adjoining properties and personal injuries. The Council has arranged a low-cost contents insurance policy which is available for all tenants*

*to apply for – see the Tenants' Handbook for further information).*

## Access to your home

**6.18** You must allow Council employees, their contractors, agents or other statutory bodies to enter your home at all reasonable hours to inspect your home or carry out any works.

**6.19** You must also ensure their safe passage for inspecting, carrying out repairs, gaining access to roofs and loft spaces or for any other reason including the annual gas safety inspection.

**6.20** You must not allow an accumulation of personal property to prevent or obstruct any inspection conducted by or on behalf of the Council, or cause structural damage to the property or pose an environmental health risk. You will be asked to dispose of excess items if you cause such risks. If you refuse to dispose of excess items the Council may enforce clearance by obtaining a court order.

*(Note: If you do not allow access to your home you could be putting yourself and your neighbours at risk and the Council may take legal action to gain access to your home and you may have to pay the costs. You may also be prosecuted for obstruction. The Council recommends that you ask for identification of any person seeking to enter your home who claims they are from the Council).*

**6.21** The Council will give you at least 24 hours' notice of intended entry to your home by its employees/contractors or agents (except in cases of emergency, see 7.5).

## Ventilation and heating

**6.22** You must make sure that at all times there is adequate ventilation and heating within your home and follow any advice given by the Council to prevent condensation. If condensation occurs you will be responsible for any repair work, unless it occurs as a result of a fault in the property.

**6.23** You must have any chimneys in use swept at least once a year.

## Using appliances and equipment

- 6.24** You must use all domestic and Council appliances and equipment in accordance with the manufacturer's and/or the Council's instructions. You are responsible for all damage to your home or injury to people caused by your appliances and equipment.
- 6.25** You must take adequate care and precautions when bringing, storing, charging or using power scooters or other devices used to aid mobility to ensure that damage does not occur to your home.

## Motorbikes

- 6.26** You must not store or use mopeds, motor bikes, mini-motos or quad-bikes within the dwelling (meaning the house, flat or maisonette in which you live), and you must not cause, allow, permit or encourage any member of your household or any visitor to do so.

# 7. Repairs, improvements and alterations to your home

## The right to repair

- 7.1** Some repairs are covered by regulations, which means that by law the Council must carry out certain small, urgent repairs which are likely to affect your health, safety or security within specified timescales.
- 7.2** You must give the Council clear notice that your home requires repair. This can be reported by telephone, in writing, via the website and by visiting Maidstone House.  
*(Note: For more information about your rights, please refer to the Tenants' Handbook or contact your Housing Officer).*

### Your responsibilities

- 7.3** You must look after your home in a reasonable manner and make sure your home remains in good condition at all times.

## Internal decoration

- 7.4** You are responsible for decorating the inside of your home and ensuring you keep it in a clean and well-decorated condition. You must not apply textured coatings to the internal walls and ceilings of your home.

## Emergency access

- 7.5** In an emergency, the Council or any person authorised by the Council may require access to your home. In the event that your home is unoccupied or access is unreasonably denied, the Council may use reasonable force to gain entry to your home without giving you any formal written notice. Upon completion of the works and/or inspection, your home will be secured properly and repaired if necessary.
- An emergency in these circumstances is when either your home or another person's property and health and safety is deemed to be at imminent risk of harm, such as where there is a suspected fire, burst water pipe, gas leak or electrical fault. In the event that access is unreasonably denied, you may be prosecuted for obstruction.

- 7.6** You must immediately report any defects or damage to your home which are the responsibility of the Council and enable the Council to arrange for inspection and/or repair(s) to be carried out. For contact information please refer to the [Tenants' Handbook].

## Alterations and improvements

- 7.7** You have the right to carry out alterations, additions or improvements to your home provided you first obtain written permission from the Council. Any request for permission must be in writing and addressed to your area surveyor at Maidstone House. Alterations and additions include any alterations to the gas or electrical installations (such as those in 7.8). You may need to obtain planning and building control permission prior to permitting any work to start. Future maintenance of any improvements will be your responsibility.



## Own gas appliances

**7.8** You are responsible for arranging an annual service of your own gas fired appliances and accompanying flues where the Council has not accepted responsibility. You must provide the Council with service certificates upon request.

## Paying for works

**7.9** The Council may require that you pay for the cost of any reinstatement works to your home if you have had any alterations, additions or improvements carried out (or arranged to be carried out) without written permission from the Council.

**7.10** You are responsible for any deliberate or negligent damage to your home or common areas caused by you, any member of your household or visitor. This means you must arrange for and pay the cost of repairing any damage. You are also responsible for any substandard works or repairs which you arranged to be carried out to your home, meaning that you must have the works or repairs redone to a good standard. You must also take all reasonable measures to ensure that your family and other persons do not cause wilful or negligent damage to your home or common areas.

## Lofts

**7.11** No storage of items in the loft of your home is permitted where there is upgraded levels of loft insulation (150mm and above). Where storage of items in the loft is permitted this is at your own risk. Lofts in flats are not part of your home and must not be accessed by you or your household.

## Away from home

**7.12** You must take all reasonable measures to ensure that when away from your home:

- The property is adequately secured to prevent unwanted access by people not invited by you to live there
- The property is adequately heated at all times

- You turn the water off at the mains if you will be away for a long period during cold weather.

## Gardens

**7.13** If your home includes a garden, you must at all times keep it cultivated, neat, tidy and free from rubbish, pests and weeds. You must also maintain any trees so as not to endanger the health and safety of people in the vicinity or cause damage to any other property. You may be recharged for the cost of any necessary clearance or maintenance work undertaken by the Council.

## Smoke detectors

**7.14** You are responsible for maintaining any battery- operated smoke detector and ensuring it is always in good working order.

### The Council's responsibilities

**7.15** The Council will be responsible for repairing and maintaining the structure of your home. (For further details, see the Tenants' Handbook).

**7.16** If you are a secure tenant and have made alterations additions or improvements to your home the Council will only repair them if the Council has agreed in writing to maintain and repair them.

**7.17** The Council is not required to carry out works or repairs for which you are responsible under the terms of this tenancy agreement.

**7.18** The Council is not responsible for repairing internal decorations affected by improvement works carried out at your home unless the damage to the decoration has been caused as a result of negligence on behalf of the Council.

**7.19** The Council is not responsible for the removal and replacement of any furniture or floor coverings which have to be moved to enable repair or improvement work to be carried out.

## Gas servicing

**7.20** The Council will annually inspect gas service pipes and gas fired equipment for which the Council has a statutory duty to inspect and

maintain. You must provide access for the gas service and any resulting repairs to be performed.

## Consultation

**7.21** The Council will consult tenants who are likely to be substantially affected by any proposed major repairs and/or improvement schemes.

## Rebuilding

**7.22** The Council is not required to rebuild or reinstate your home in the case of destruction, serious structural damage or deterioration.

# 8. Living in your community

## Nuisance and anti-social behaviour

### Council responsibilities

**8.1** The Council will not tolerate anti-social behaviour and will investigate all reported cases of nuisance or harassment. The Council will take appropriate and proportionate action against perpetrators.

**8.2** Malicious or false allegations made of anti-social behaviour may result in action being taken against the person making these claims.

### Your responsibilities

**8.3** You are responsible for the behaviour of every member of your household and visitors to your home. This responsibility includes behaviour on surrounding land, in common areas and throughout the neighbourhood in which your property is situated.

**8.4** You must not engage in anti-social behaviour in your home, in common areas or in the neighbourhood in which your home is situated. If you do, the Council may decide to apply to the court for a possession order which could ultimately result in the termination of your tenancy and everyone living in your home being

evicted. The Council may also seek other legal remedies.

**8.5** You must not:

- Engage in any form of harassment or intimidation on the grounds of race, ethnicity, nationality, faith or religion, sexuality, disability or gender, which may interfere with the peace and comfort of, or cause offence to any other person residing in or visiting or otherwise engaged in a lawful activity within the neighbourhood in which your home is situated (including Council employees, agents or contractors);
- Inflict domestic violence, threaten violence or use mental, emotional, financial or sexual abuse against your partner, ex-partner or another member of your family or household;
- Threaten violence towards any person residing in or visiting the neighbourhood or any person otherwise engaged in lawful activity within the surrounding areas of the neighbourhood and this includes any of the Council's employees, agents or contractors;
- Threaten violence against, harass, verbally abuse or intimidate any Council employee or agent of the Council at or in the vicinity of his/her place of work, including any Council premises (including the common areas of any Council-owned property) or in Maidstone town centre, the neighbourhoods and shopping parades;
- Harass or use physical, mental, emotional or sexual abuse against anyone residing in, visiting or otherwise engaged in lawful activity within the neighbourhood in which your home is situated;
- Cause damage to the Council's common areas. You must not interfere with the security and safety equipment in communal blocks. Where a door entry system is fitted, doors must not be jammed open. You must not allow in strangers without identification;
- Keep any illegal weapon or any other dangerous object which is prohibited by

law in your property. You must get written permission from the Council to keep any weapon in your home. Consent will normally be granted in respect of licensed weapons.

**8.6** You must not cause, allow, permit or encourage any member of your household or any visitor to do any of the things set out in 8.4 and 8.5.

## Damage to your home

**8.7** You or any member of your household or any visitors must not do anything which increases the risk of fire, flood or damage to your property or adjoining properties. If there is a fire, flood or other such incident in your home, you may be responsible for repairing any damage as a result of not using your home in a responsible manner.

## Flammable material

**8.8** You, any member of your household or any visitors must not keep or use bottled gas (portable gas space heaters), paraffin, petrol or any other flammable material within the property (meaning the house, flat or maisonette in which you live) or in common areas, except for those required for general household use. Bonfires are not permitted.

## Vehicles

**8.9** Within the boundary of the property, motor vehicles must be parked on a Council approved hardstanding. Prior written permission must be sought from the Council before parking a trailer, caravan or boat on a hardstanding.

**8.10** You or any member of your household or any visitors must not park or leave a vehicle, trailer, caravan or boat anywhere which may block access for emergency service vehicles or cause a nuisance to others.

**8.11** You or any member of your household or any visitors must not cause or allow an obstruction to any garage, rights of way, roads, footpaths or access routes across your home, in common areas, shared areas or in the neighbourhood.

**8.12** You or any member of your household or any visitors must not allow anyone to sleep in a caravan or other vehicle parked outside your home.

**8.13** You or any member of your household or any visitors must not park the following vehicles on the property (including any garden), common areas, shared areas, or on Council-owned land within the vicinity of your home:

- Goods vehicles of more than 1500 kg (unladen weight)
- Unroadworthy or dangerous vehicles
- Vehicles without a road fund licence (tax disc) or a valid MOT (except as provided for in 8.14).

**8.14** You or any member of your household or any visitors must not park any SORN registered vehicles on common areas, shared areas, or on Council-owned land in the vicinity of your home and may only park such vehicles within the boundary of the property on a Council approved hardstanding.

**8.15** You or any member of your household or any visitors must not abandon vehicles in the neighbourhood in which your home is situated. The Council will take steps to remove such vehicles and then charge the costs of removal to the registered owner.

**8.16** You must exercise care in the maintenance of your vehicle to ensure it does not spoil the appearance of the area, e.g. oil spillage. The cost of any such remedial work will be charged to you.

**8.17** You or any member of your household or any visitors must not drive across a kerb to access the property unless it has been lowered in accordance with the regulations of the Highway Authority.

**8.18** You are only entitled to strip down or repair vehicles at the property which are regularly used by you or your household. You or any member of your household or visitors must not repair vehicles on any common areas, shared areas, or

on Council owned land within the vicinity of your home.

**8.19** You or any member of your household or any visitors must share the use of any driveway which gives access to both your home and an adjoining property with the occupants of that adjoining property. The driveway must not be blocked in any way, for example, by parking a vehicle or by fencing off part of it.

**8.20** You or any member of your household or any visitors must not park a vehicle or drive across grassed areas in or around properties owned by the Council and you must pay the costs incurred by the Council for works to repair any damage to the kerb or drains, soil replacement and re-sowing of grass.

## Community responsibilities for those living in blocks of flats or maisonettes

### Smoking in common areas

**8.21** You or any member of your household or any visitors must not smoke in the common areas of the building.

### Behaviour in common areas

**8.22** You must not throw food, refuse or any other object from a window, from landings, down stairwells or from balconies.

**8.23** You must not hang bird feeders, flower pots, washing, clothes, mats or rugs or any other object from the windows and balconies. You must not hand beat or shake washing, clothes, mats or rugs on or from the windows of your home or from any common areas such as landings, balconies, stairs or roof.

### Refuse

**8.24** You must not place any discarded household or garden objects, e.g. washing machines and garden waste, in the bin areas or drying areas.

You must securely bag all rubbish before putting it in the refuse chutes or bin areas.

**8.25** Under no circumstances should you dispose of any bulky items via the refuse chutes, as this can cause the chutes to become blocked (where chutes exist).

**8.26** You must securely bag all rubbish before putting it in the refuse chutes or bin stores.

**8.27** You must not leave refuse bags/sacks or containers of recycling outside your front door or in the communal areas.

### Lifts

**8.28** You must not interfere with the lift system or wedge lift doors open as this can affect the efficiency of the system (where they exist).

### Business notices

**8.29** You must obtain written permission from the Council before affixing any plate or notice on any part of your home or common areas relating to advertisements for trade or professional business.

**8.30** You must not hold or permit any sale or auction at your home or on common areas without prior written permission from the Council.

### Fixing items to outside walls

**8.31** You must not affix any item to the outside walls and brickwork including hanging baskets or bird feeders. You must not allow or permit external window boxes or plants to be placed on any window sills.

### Fire safety

**8.32** Common areas must be kept clear to enable emergency evacuation and the Council may remove any objects found there. If the Council removes one or more items of your personal property which are obstructing common areas, you must pay for the cost of the removal.

If your home is a flat or maisonette you must not cause an obstruction in any of the common areas by leaving prams, pushchairs, bicycles, power

scooters or other devices used to aid mobility, domestic appliances, furniture, floor coverings, rubbish or any other objects there. You are responsible for contacting the Council immediately if you become aware of any such obstruction. Common areas remain Council property.

*(Note: This condition is important for your safety and that of your neighbours. Obstructions in common areas can be fire risks and/or trip hazards).*

## Flooring

**8.33** The Council may require you to keep all the floors in the property substantially covered with material suitable for reducing the transmission of noise (such as carpet or rugs).

**8.34** You must obtain the Council's prior written permission before you install floor tiles, laminate or wooden flooring or flooring of a similar nature, and the Council will only give permission to tenants living in flats and maisonettes in exceptional circumstances. If you install any such flooring without the Council's prior written permission, the Council may require you to remove it at your own expense and replace it with floor coverings as set out in the previous clause.

## 9. Ending the tenancy

### Your responsibilities when ending your tenancy

**9.1** If you intend to end your tenancy, you must give the Council at least 28 days' written notice (called 'notice to quit'). The notice to quit must expire on the day of the week on which your tenancy commenced (e.g. if your tenancy commenced on a Monday, the notice to quit must expire on a Monday).

**9.2** Once you have given 'notice to quit' you must allow Council staff access to the property (at a pre-arranged date) for an inspection. In some

cases, this will involve prospective new tenants accompanying Council staff.

**9.3** You must return all keys to the property to Maidstone House by 12 noon on the day you leave, (including gas and electric meter keys where appropriate).

**9.4** If you are joint tenants either of you can end the tenancy by giving the Council notice to quit (see 9.1). This will end the tenancy for all joint tenants regardless of who has given the notice.

**9.5** You must leave the property, including any garden, in a clean and tidy condition, clear of all personal property, furniture and rubbish. Any personal property left will be cleared by the Council and you must pay the costs incurred by the Council in clearing the property.

**9.6** You must repair any damage (however caused) prior to leaving the property. If you fail to repair any damage prior to leaving the property, you must pay the costs incurred by the Council in carrying out those repairs.

### The following applies to introductory tenants only

**9.7** The Council will only take steps to recover possession of your home as follows:

- If you break any of the terms or conditions of this tenancy agreement
- Where the sole tenant dies and there is no person who is qualified to succeed to the tenancy
- If you abandon the property, or sub-let or leave the property without giving the Council vacant possession. In this case, the steps the Council may take include serving you with a 'notice to quit' or other appropriate notice on you at your last known address.

### The following applies to secure tenants only

**9.8** The Council will only take steps to recover possession of your home as follows:

- If you break any of the terms or conditions of this tenancy agreement, the

Council may give you written notice that it intends to apply to the court for an order of possession on one or more of the grounds set out in the Housing Act 1985. (If the court grants the Council a possession order this could ultimately result in the termination of your tenancy and everyone living in your home being evicted)

- Where the sole tenant dies and there is no person who is eligible to succeed to the tenancy
- If you abandon the property, or sub-let or leave the property without giving the Council vacant possession. In this case, the steps the Council may take include issuing you with a 'notice to quit' or other appropriate notice at your last known address.

### The following applies to both introductory and secure tenants

**9.9** Any notice the Council wants to serve on you may be served personally or by first class post addressed to you at the property or your last known address. The Council may also leave any notice at the property by posting it through the front door or otherwise by affixing it to a conspicuous part of the property.

**9.10** Delivery of a notice by any of the ways set out in 9.9 above will constitute good and proper service.

## 10. False statement

**10.1** You or someone acting on your behalf must not make a statement:

- which you know is false,
- which you thought could be false,
- which involves you in any way in supplying information which may deceive an officer of the Council or its agent in allocating you this property. The Council will take legal action to obtain possession of your home in any such circumstance.