

# Meeting of Medway Council

Members of Medway Council are hereby summoned to attend a meeting of the Council for the business as set out in the agenda below

<b>Date:</b>	Thursday, 26 January 2017
<b>Time:</b>	7.00pm
<b>Venue:</b>	St George's Centre, Pembroke Road, Chatham Maritime, Chatham ME4 4UH

## Agenda

- 1 **Apologies for absence**
- 2 **Declarations of disclosable pecuniary interests and other interests**

A member need only disclose at any meeting the existence of a disclosable pecuniary interest (DPI) in a matter to be considered at that meeting **if** that DPI has not been entered on the disclosable pecuniary interests register maintained by the Monitoring Officer.

A member disclosing a DPI at a meeting must thereafter notify the Monitoring Officer in writing of that interest within 28 days from the date of disclosure at the meeting.

A member **may not participate** in a discussion of or vote on any matter in which he or she has a DPI (both those already registered and those disclosed at the meeting) and **must withdraw** from the room during such discussion/vote.

Members may choose to voluntarily disclose a DPI at a meeting even if it is registered on the council's register of disclosable pecuniary interests but there is no legal requirement to do so.

Members should also ensure they disclose any other interests which may give rise to a conflict under the council's code of conduct.

In line with the training provided to members by the Monitoring Officer members will also need to consider bias and pre-determination in certain circumstances and whether they have a conflict of interest or should otherwise leave the room for Code reasons.

**3 Record of meeting**

**(Pages 17  
- 40)**

To approve the record of the meeting held on 13 October 2016.

**4 Mayor's announcements**

**5 Leader's announcements**

**6 Petitions**

**7 Public questions**

This report sets out the public questions received for this meeting.

**A) Mike Billingham of Chatham will ask the Leader of the Council, Councillor Jarrett, the following:**

When is the Council going spend some of the money taken from permit parking and use it for the purpose it should be used, to develop the remainder of the Jezreels site, which is shown on the Council's own website as still being owned by the Council, and therefore the ratepayers, as a car park for local residents (not the old car park which has been sold)?

**B) Guy Jordan of Strood will ask the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:**

Following recent tragic events in Medway, will the Council review its homeless strategy, especially provision for rough sleepers?

**C) David Crowhurst of Hempstead will ask the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:**

I note that the Council was unsuccessful in two applications to the Government's Homelessness Prevention Programme whilst a number of our fellow Kent local authorities were successful. I also note that those successful authorities appear to have worked in collaboration with other authorities.

So could the Portfolio Holder please inform me whether Medway worked in collaboration with any other local authority and if this was not the case, perhaps he could inform me why Medway chose not to?

- D) Dalia Halpern-Matthews, Nucleus Arts, will ask the Portfolio Holder for Business Management, Councillor Turpin, the following:**

How can Medway Council justify the addition of 20% rates against Medway Council's strategic priorities - A place to be proud of; to maximise regeneration and economic growth; to support Medway's people to realise their potential?

- E) Steve Dyke of Strood will ask the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty the following:**

The National Institute for Health and Care Excellence (NICE) recently conducted a public consultation on its draft guidance about practical measures that can be taken to improve air quality, including in relation to planning and transport. The guidelines are intended for local authority staff and Councillors, among others, and Medway Council would seem to be an eligible stakeholder in relation to the guidance.

Medway has an acknowledged problem with certain types of air pollution. The Council is also currently developing its Local Plan.

It is to be hoped therefore that as a responsible local authority, Medway Council will have responded to this consultation. Can the Councillor advise if this is indeed the case and if its responses will be made public?

- F) Chas Berry of Strood will ask the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:**

Following the deaths of two further homeless people in Chatham over the Christmas period does he now regret the inadequate answer he gave following the death last summer of Samson Paine and will he now consider his position and resign?

- G) Paul Chaplin of Rainham will ask the Portfolio Holder for Adult Services, Councillor Brake, the following:**

In view of the fact that care staff now have to be paid the minimum wage, and the Council have not increased the money they pay to care homes for about two years, how much are the Council intending to increase the council tax to fund social care?

**H) John Castle of Chatham will ask the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:**

Streetlink work tirelessly in London to prevent such tragedies as the two deaths in Medway by aiming to provide a place of safety for all those found sleeping on the street.

Medway Council relies heavily on the voluntary sector to provide such services under the Severe Weather Protocol. The guidelines are followed more strictly in some areas than others regarding the 3 nights below 0 in particular.

When does Medway Council plan to take similar action to prevent similar needless deaths?

**I) Robert Heathfield of Chatham will ask the Portfolio Holder for Business Management, Councillor Turpin, the following:**

The public consultation on Business Rates highlighted that the proposed option two will mean charity shops paying 20% business rates, this means in reality Medway Council is taking money from many local charities including those who help terminally ill children.

What do you say to families who have terminally ill children who will see reduced funding for those charities?

**8 Leader's report**

**(Pages 41  
- 88)**

**9 Overview and scrutiny activity**

**(Pages 89  
- 108)**

**10 Members' questions**

**A) Councillor Freshwater will ask the Leader of the Council, Councillor Jarrett, the following:**

Members will be aware that the Government in recent years have very much raised the profile and public concerns over pollution both in rivers and the sea. The sewage and polluted water in the tidal section of the River Medway have got stalled in an insanitary circulation, which is slowly getting worse and I understand there is no action being taken to ease this situation. Later this year, Medway Council is hosting a celebration of the Dutch Invasion of the Medway which will attract a large number of visitors, including from the Netherlands who are very likely to be horrified at the state of the water and the lack of available pump-out facilities.

Can the Leader of the Council, therefore, please outline what urgent consideration and action Medway Council is going to take in connection with public health concerns over the pollution and sewage contamination of the tidal Medway in hosting the important Battle of Medway celebrations in June 2017.

**B) Councillor Pendergast will ask the Leader of the Council, Councillor Jarrett, the following:**

The Medway Local Plan, currently being consulted on for 3 years, sets out the vision for the Council's approach to development between 2012 and 2035. When adopted, the plan will play an important role in shaping Medway's future.

The Council will be aware that the proposed 30,000 new homes and current 7,000 approved, but unbuilt homes, will generate an additional £55 million per year in Council Tax.

It would seem right therefore that the Local Plan also includes a vision and statement informing residents where this additional colossal income sum will be spent for the benefit of Medway residents. Can you confirm that this will be the case?

**C) Councillor Fearn will ask the the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:**

I believe this whole Council will wish to express its sadness that during the Christmas period two homeless men died in Medway.

Can the Portfolio Holder confirm with me what preventative work and measures our Council is taking with regard to the homeless including how much money is being spent in tackling the issues relating to homelessness within Medway?

**D) Councillor Griffin will ask the Porfolio Holder for Business Management, Councillor Turpin, the following:**

Do the community wardens have an effective plan in place to rescue stray dogs and promote responsible ownership?

**E) Councillor Bowler will ask the Portfolio Holder for Business Management, Councillor Turpin, the following:**

In light of the fact that Conservative Councillors on the Business Support Overview and Scrutiny Committee unanimously voted against Labour Group proposals to retain 20% support to all organisations that qualify for business rate relief due to being a community, voluntary or charity organisation, could the Portfolio Holder please inform me what value he places on the voluntary and community sector?

**F) Councillor Griffiths will ask the Portfolio Holder for Business Management, Councillor Turpin, the following:**

The report into Business Rate Relief which was discussed at the Business Support Overview and Scrutiny Committee meeting on 5th January made no reference to the impact of the loss of match funding given by the government towards business rate relief.

Could the Portfolio Holder please detail to Council what consideration was given to the impact of the loss of match funding from the government towards business rate relief?

**G) Councillor Osborne will ask the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:**

Does the Portfolio Holder, on behalf of the Council, regret the deaths of two homeless people in Medway over the festive period?

**H) Councillor Price will ask the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness the following:**

All Councillors will, I'm sure, take great pride in the fact that Medway has the second highest Duke of Edinburgh Awards achievements in the country. I am concerned that, under the Portfolio Holder's proposals to privatise the service, the standards currently being achieved in Medway will fall.

Can the Portfolio Holder reassure Council that these achievements are not at risk under his proposals?

**I) Councillor Maple will ask the Portfolio Holder for Business Management, Councillor Turpin, the following:**

Christmas Day is a day which many people understandably think of their loved ones who are no longer with them. Many families take time to visit cemeteries on this particular day which is why the situation that occurred at cemeteries across Medway, including the one in my ward, not being opened was totally unacceptable.

Would the Portfolio Holder like to take this opportunity to apologise for Medway Council's failure to ensure that the company that has responsibility for this failed to deliver an adequate service giving a clear indication of lessons learnt to make sure that the same situation never happens in Medway again?

**J) Councillor Stamp will ask the Portfolio Holder for Front Line Services, Councillor Filmer, the following:**

As you are aware, a late night permit scheme operates in Rochester, which allows holders of parking permits to park their vehicles in a Council car park between the hours of 7pm and 9am, setting a precedent for the rest of Medway.

Therefore will the portfolio holder agree to extending the Rochester late night permit scheme to allow residents in Gillingham and other parts of Medway to park overnight in a specified car park close to where they live?

**K) Councillor Murray will ask the Portfolio Holder for Adult Services, Councillor Brake, the following:**

The Local Government Association estimates that the size of the funding gap in providing adult social care in England by 2020 is £2.6bn. For some Councils year on year cuts have reduced the hourly rate they pay to domiciliary care providers from £15 per hour to between £12 and £13 per hour which according to the UK homecare Association, barely covers the cost of a care worker's salary (paid at the minimum living wage), statutory holiday, travel, sickness and pension entitlements.

Can the Portfolio Holder tell me how much Medway Council pay per hour to both homecare and care home providers who are looking after our most vulnerable and elderly people making reference to whether he agrees with me that if the Government do not make more funding available for the provision of social care we will be unable to ensure that safe care arrangements to those entitled to support can be made?

**L) Councillor Khan will ask the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:**

Given that a number of neighbouring local authorities, including Canterbury, Maidstone, Tunbridge Wells and Thanet were successful in securing funding through the Government's Homelessness Prevention Programme, could the Portfolio Holder please update Council as to why the two bids that we submitted to that programme were unsuccessful?

**M) Councillor Cooper will ask the Portfolio Holder for Business Management, Councillor Turpin, the following:**

Elderly users of the Age UK Medway day centres currently pay £42 per day. Any decision to withdraw the 20% support that Age UK Medway currently receives as a result of qualifying for business rate relief would result in an increased cost for those elderly people and will price many people out of using the service.

Does the Portfolio Holder believe that this is acceptable?

**N) Councillor Gilry will ask the Portfolio Holder for Business Management, Councillor Turpin, the following:**

Medway Council relies on the voluntary sector to deliver services and to provide support to local residents. If costs to voluntary sector organisations rise then the service that they are able to deliver will be limited at the expense of local residents.

Conservative members of the Council's Business Support Overview and Scrutiny Committee voted unanimously against Labour Group proposals to retain the 20% support to all organisations that qualify for business rate relief due to being a community, voluntary or charity organisation. The removal of this support will have a hugely detrimental effect on voluntary sector organisations who will be unable to provide the services that the Council currently relies on them providing. When these organisations are no longer able to provide these services local residents will turn to the Council for help and support. The cost to the taxpayer and the Council to substitute the services that are currently being provided by voluntary sector organisations will be greater than the savings made as a result of removing the 20% support.

Please could the Portfolio Holder inform Council what long term measures he has taken to ensure that taxpayers will not be out of pocket as a result of its short term decision?

**O) Councillor McDonald will ask the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty, the following:**

Could the Portfolio Holder please outline the following three figures:

- How many Medway Council licensed taxi drivers are currently operating in Medway;
- How many 'out of borough' are currently operating in Medway and;
- How many Uber taxi drivers are currently operating in Medway?

**P) Councillor Johnson will ask the Portfolio Holder for Front Line Services, Councillor Filmer, the following:**

Municipal bus companies provide some of the best bus services in the country and the current Bus Services Bill, which prevents local authorities from setting up their own company to provide bus services is opposed by 57% of the population.

Does the Portfolio Holder agree with me that, where there is a need and a demand, Councils such as Medway should be able to provide their own bus service?

- 11 Community Governance Review - Proposed Establishment of Rochester Town Council** (Pages 109 - 120)
- This report sets out matters for consideration regarding the conduct of a Community Governance Review and seeks approval to the terms of reference and other administrative matters associated with the review.
- 12 Localising Support for Council Tax** (Pages 121 - 126)
- This report seeks Council approval of the adoption of a revised local council tax reduction scheme.
- 13 Shared Legal Service Between Gravesham Borough Council and Medway Council** (Pages 127 - 174)
- This report seeks approval for Medway Council to accept the delegation from Gravesham Borough Council of its Legal Services functions.
- 14 Appointment of External Auditor - Decision to Opt in to the National Scheme for Auditor Appointments** (Pages 175 - 182)
- This report seeks approval for the appointment of the External Auditor to the Council for the 2018/19 accounts and beyond, as the current arrangements only cover up to and including the 2017/18 audits. The report also seeks approval to a consequential change to the Constitution.
- 15 Social Media and the Code of Conduct for Councillors** (Pages 183 - 190)
- This report seeks approval to amend the Members Code of Conduct, making an explicit reference to the use of social media, as recommended by the Councillor Conduct Committee on 12 October 2016.
- 16 Review of Allocation of Seats on Committees** (Pages 191 - 196)
- This report informs Members that the political balance of the Council has changed following by-elections in Strood South Ward and Rainham Central Ward together with receipt of notification that

Councillor Joy has joined the Conservative Group. As a consequence the Council is now required to review the allocation of seats on Committees to political groups.

- 17 Land Adjacent to Golf Driving Range, Street End Road, Chatham (Pages 197 - 202)**
- This report provides details of a proposed land and property transaction over £500,000 in respect of the Cabinet's decision on 22 November 2016 relating to land adjacent to the Golf Driving Range, Street End Road, Chatham.
- This report is submitted for Members' information.
- 18 Schedule of Meetings 2017/2018 (Pages 203 - 212)**
- This report seeks approval to a provisional programme of meetings for the 2017/2018 municipal year for recommendation to the Annual Meeting of the Council on 17 May 2017.
- 19 Use of Urgency Provisions (Pages 213 - 218)**
- This report provides details of recent usage of urgency provisions contained within the Constitution.
- 20 Motions**

**A) Councillor Mrs Diane Chambers has submitted the following:**

This council notes the Government's Review of Gaming Machines and Social Responsibility Measures.

The council further notes the earlier publication of independent research indicating that:-

- local betting offices (and therefore gaming machines) are clustered in areas of higher deprivation, and that
- rates of problem and at risk gambling have been found to be higher among loyalty card holders living near clusters of betting shops.

This council calls on the Government to address widespread public concern over this issue by implementing the proposals put forward by the Local Government Association and its member councils, to:

- Reduce high street gaming machine stakes to £2
- Give local authorities more powers to manage and respond to clusters of gambling premises in their areas, through:-
- Introducing a statutory cumulative impact approach to gambling licensing, in line with its approach to alcohol licensing.
- Aligning the licensing objectives in the Gambling Act 2005 with those of the Licensing Act 2003, to include an anti-social behaviour / public nuisance objective.

**B) Councillor Freshwater has submitted the following:**

Just because Medway's residents are not shouting outside Gun Wharf with placards or protesting on the street, it does not mean that Medway does not have a serious housing crisis causing misery and heartache to many thousands of residents trying to live and plan their lives in Medway.

Medway Residents living in affordable and social housing contribute millions to our local economy and do the very important jobs which keep Medway running. Housebuilders have told the Council that the building of affordable homes needed for Medway residents is entirely the Council's responsibility and are continuing to employ very specialist financial viability advisors to protect their 20% profits and reduce their Section 106 affordable housing commitment to a trickle under planning agreements. The current government refuses to give funds to Medway Council to replace affordable housing being unfairly lost to London commuters. The government also refuses to fund Councils for additional affordable homes needed for 350,000 people from the EU and elsewhere, arriving each year who pay millions in additional income tax.

Medway Council must be bold and urgently find a solution to provide hope to the many thousands of people losing any hope of putting down secure roots in Medway and also satisfy business needs for growth and prosperity for the Medway economy where many essential local services and local businesses relying on paying mid-range or low salaries but cannot compete with London salaries.

For Members' information and example, the price of timber framed one bedroomed homes are £17,000 and two bedroomed £18,000 both include delivery to site but excluding land costs. The building regulations require any timber framed structures to have a minimum 60 year life expectancy and the NHBC 'Buildmark' and similar warranty schemes provide 10 years structural cover to accord with the requirements of the Council of Mortgage Lenders (subject, of course, to the builder being a registered member of whichever scheme is employed). So, in reality, 60 years would be an appropriate warranty period for the timber frame structural elements and, 10 years for everything else. The same as masonry built houses. In essence, timber frame and masonry construction are both classed as 'Permanent Construction' and have the same life expectancy. Insurance companies, mortgage providers, and building societies do not differentiate between timber frame and masonry.

It is worth noting that although timber frame construction is not (currently) widespread in England and Wales, 80% of all new housing in Scotland is of timber frame construction. And, with the ever increasing drive towards thermal efficiency and sustainability in housing, this is likely to become the case in England & Wales, probably sooner rather than later. In North America, Canada and the Scandinavian countries, where this figure rises to 90%, timber frame have been the construction method of choice for many

hundreds of years.

The Council's position regarding the provision of affordable housing has dramatically deteriorated since the Housing Task Group report to the Council. I would therefore ask the Council to recommend the Cabinet:

1. To obtain detailed information of timber framed homes as a credible and financial solution for the urgent need to provide affordable housing for desperate Medway people.
2. To urgently hold and further extend discussions with community groups under the Local Plan to promote and discuss the building of local communities of timber framed homes on brownfield sites.
3. Following the Government decision on 3 October to substantially increase housing investment, to formulate a credible action plan to go forward to government and the Rt Hon Sajid Javid MP Secretary of State for Communities and Local Government requesting that Medway Council be given urgent funding or be allowed to borrow money against Medway assets to buy brownfield sites and complete appropriate infrastructure building costs. This will allow Medway residents and housing associations to go forward in partnership with the Council with their own investments for the building of thousands of timber framed homes.

**C) Councillor Khan has submitted the following:**

Council regrets the deaths of two homeless people in Medway over the festive period.

Those deaths draw into question the Council's existing policy which sees SWEP (Severe Weather Emergency Protocol) being triggered after three consecutive days of sub-zero temperature forecast. Council takes the view that three days is far too long for homeless people to possibly be subjected to sub-zero temperatures without SWEP being triggered.

Council notes that SWEP was triggered as a result of just one forecast day of sub-zero temperatures on the 29th December 2016 owing to 'low confidence in the forecast'. If the Council deems it appropriate to trigger SWEP as a result of just one forecast day of sub-zero temperatures then it is only right that this becomes Council policy.

Given that housing and homelessness are matters for Cabinet, the Council is asked to agree, in principle, and recommend the Cabinet to amend its current policy to trigger SWEP as a result of one forecast day of sub-zero temperatures.

**D) Councillor Johnson has submitted the following:**

This council notes:

1. That the Bus Services Bill currently passing through Parliament includes Clause 21 that will effectively “prohibit a local authority from forming a company for the purposes of providing a local bus service”.
2. That the Localism Act (2011) provides general powers of competence to local authorities.
3. That municipal bus companies like Reading and Nottingham provide some of the best bus services in the country and have a successful track record of increasing bus passenger numbers and providing high quality bus services.
4. That polling by We Own It found that a majority of the public (57%) oppose Clause 21, whilst just 22% support it. The opposition to Clause 21 is consistent across voters from all political parties.

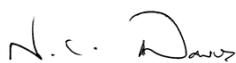
This council believes:

1. Clause 21 contradicts the general powers of competence and the spirit of the Localism Act 2011.
2. If there is a need and a demand from their public, then Councils should be able to provide their own bus services.
3. Consequently Clause 21 should be omitted from the Bus Services Bill.

This council resolves:

1. To write to Lord Ahmad and to call on the Department for Transport to omit Clause 21 from the final legislation.
2. To write to Rehman Chishti MP, Tracey Crouch MP and Kelly Tolhurst MP to ask them to oppose clause 21 when the Bus Services Bill reaches the House of Commons and ask them to write to Lord Ahmad and the Department of Transport to raise concerns about Clause 21.

**For further information please contact Julie Keith, Head of Democratic Services on Telephone: 01634 332760 or Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)**



**Neil Davies  
Chief Executive**

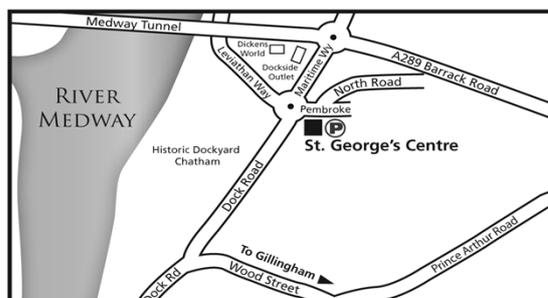
**Date: 18 January 2017**

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Name = CAN-St Georges Centre, Password = StGeorge01

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