

Medway Council
Meeting of Medway Council
Thursday, 26 July 2012
7.00pm to 10.30pm

Record of the meeting

Subject to approval as an accurate record at the next Full Council meeting

Present: The Worshipful The Mayor of Medway (Councillor Hewett)
The Deputy Mayor (Councillor Iles)
Councillors Avey, Baker, Bowler, Brake, Bright,
Mrs Diane Chambers, Rodney Chambers, Chishti, Chitty,
Clarke, Colman, Cooper, Craven, Doe, Gilry, Christine Godwin,
Paul Godwin, Griffin, Griffiths, Adrian Gulvin, Pat Gulvin, Hicks,
Hubbard, Igwe, Irvine, Jarrett, Juby, Kearney, Kemp, Mackinlay,
Mackness, Maisey, Maple, Mason, Murray, O'Brien, Osborne,
Price, Rodberg, Royle, Shaw, Smith, Stamp, Tolhurst, Turpin,
Watson, Wicks and Wildey

In Attendance: Neil Davies, Chief Executive
Robin Cooper, Director of Regeneration, Community and
Culture
Mick Hayward, Chief Finance Officer
Wayne Hemingway, Democratic Services Officer
Richard Hicks, Assistant Director, Customer First, Leisure,
Culture, Democracy and Governance
Perry Holmes, Monitoring Officer
Julie Keith, Head of Democratic Services
Simon Wakeman, Marketing and Public Relations Manager

212 Record of meetings

The records of the meetings held on 26 April 2012 and 16 May 2012 were agreed and signed by the Mayor as correct, subject to the inclusion of Councillor Watson as present at the meeting held on 26 April 2012.

213 Apologies for absence

Apologies for absence were received from Councillors Carr, Etheridge, Filmer, Harriott and Purdy.

Councillor Gilry thanked Members for cards, messages and flowers sent to Councillor Harriott following his recent illness.

214 Declarations of disclosable pecuniary interests

Councillor Doe declared a disclosable pecuniary interest in agenda items 7E (public question) and 10E (Member question), because he was the Chairman of the Strategic Partnering Board (NHS Medway) and left the meeting for these items.

Councillor Paul Godwin declared a disclosable pecuniary interest in agenda item 9 (Report on Overview and Scrutiny Activity – specific references to KMPT) because he was a Non-Executive Director of the Kent and Medway NHS and Social Care Partnership Trust and left the meeting for this item.

Councillor Christine Godwin declared a disclosable pecuniary interest in agenda item 9 (Report on Overview and Scrutiny Activity – specific references to KMPT) because her husband (Councillor Paul Godwin) was a Non-Executive Director of the Kent and Medway NHS and Social Care Partnership Trust and left the meeting for this item.

Councillor Griffiths declared a disclosable pecuniary interest in agenda item 8 (Leader's report), if there was any specific discussion on Medway Community Healthcare, and on agenda item 19A (Motion) because he was a Non-executive Director of Medway Community Healthcare Community Interest Company. He left the meeting for item 19A (motion).

215 Mayor's announcements

The Mayor announced that Rose Collinson, Director of Children and Adults, was unable to be present at what would have been her final Council meeting and placed on record Members' thanks and appreciation for everything Rose had done during her time with Medway and wished her well for the future.

The Mayor announced the sudden death of Mark Agate who was a leading light in many organisations in Medway including the Medway Urban Parks and Green Spaces Forum, Rochester Bridge Trust and Gillingham FC Supporters Association. The Mayor had written expressing condolences to Mark's family.

Councillors Mrs Diane Chambers, Doe, Cooper and Smith paid tribute to Mark Agate and recorded, on behalf of Members, their appreciation for Mark's contribution to the life of the local community.

The Mayor announced a number of forthcoming events planned to raise money for the Charities that he was supporting during this Mayoral year and he encouraged Members of the Council to come along. These included:

- A performance of Rumours by Neil Simon at The Oast House Theatre in Rainham on Tuesday 11 September;
- A ski night at Chatham ski slope on 24 October;
- The Mayor would be doing a sponsored abseil down mhs Homes' Melville Court in Chatham on 22 September and anyone who would like

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to sponsor that event or take part themselves could get more information from his office.

- He was also supporting events which promoted healthy lifestyles including a bike ride around the Hoo Peninsula on 26 August, a walk for life from Strood to Rainham on 30 September and a walk around a nature/bird reserve in Hoo on 28 October.

Tickets and further information for these events were available from his office.

216 Leader's announcements

The Leader paid tribute to Rose Collinson's commitment and contributions during her 14 years' service to Medway Council and previously at Kent County Council. He placed on record his thanks and that she would be leaving Medway with Members' best wishes.

217 Petitions

Councillor Paul Godwin submitted a petition which contained 18 signatures to request the installation of a surveillance camera in the alleyway leading to the park on Hartington Street, Chatham.

Councillor Shaw submitted a petition which contained 38 signatures to request the installation of speed bumps in Hartington Street, Chatham.

218 Public questions

219 Edward Richmond of Chatham asked the Portfolio Holder for Housing and Community Services, Councillor Doe, the following:

Could the Portfolio Holder tell me how much Medway Council has spent on Chatham Town Football Club over the last 15 years, including a breakdown of exactly where this money has gone?

Councillor Doe advised that the Council had spent the following sums:

£750 Ward Improvement Fund
£5,000 Festival of Sport
£1,866 Advertising for Kicks, Strood
£5,000 FA Ground Grading Match Funding.

Edward Richmond stated that the car park at Maidstone Road sports ground was split into two parts. The larger part was part of the Chatham Town Football Club lease, the smaller part was for the general public. The part that Chatham Town Football Club leased was used in hours probably less than 1 to 1.5% of the year. During Chatham Town football matches they used all of the car park, the rest of the time it sat empty approximately 98.5% to 99% of the year. This was a waste, especially now the park had more facilities and people were using it more, also that people with disabilities had no parking spaces. Could the Council open the car park to all, as it would not harm Chatham Town at all?

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Councillor Doe stated that whilst he had not had notice of that particular issue and that he had not measured the car park out, he would look into it and if it appeared appropriate the Council would do something about it. However, he could not give a definitive assurance until he had looked into it.

220 Colleen O'Neill of Chatham asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following:

Can the Portfolio Holder explain what oversight has been undertaken over poor workmanship by contractors of Southern Water on Bankside in Luton?

Councillor Jarrett, on behalf of Councillor Filmer, responded by stating Southern Water and BT Open Reach had been working in Bankside, as part of the water main replacement works and the high speed broadband. BT Open Reach approached Medway Council wishing to work at the same time as Southern Water in Bankside, which the Council had no objection to in principle, provided they worked together to minimise disruption.

However instead of working in conjunction with Southern Water, BT Open Reach started work on site without any joint working arrangements and without securing any permissions from Medway Council to carry out the works. When this was discovered the works were stopped, and Fixed Penalty Notices were issued to BT Open Reach. The BT Open Reach works have only been reinstated with interim not permanent reinstatements.

BT Open Reach would be working in Bankside when Southern Water have completed their works, and at this time the reinstatements would be made permanent and in keeping with the surrounding materials.

221 Sue Groves MBE's question to the Portfolio Holder for Finance and Deputy Leader, Councillor Jarrett was withdrawn

Sue Groves MBE was unable to attend the meeting and asked that her question be deferred until the Council meeting on 18 October 2012.

222 John Ward of Chatham asked the Leader of the Council, Councillor Rodney Chambers, the following:

It has always been my understanding that when, we the public, place our crosses on ballot papers at local elections to elect the Members of this Council, we thus authorise the Elected Members to act as our representatives to debate and, similarly, vote on all matters that come before them.

Would the Leader kindly list any exceptions to this, whereby Council Members can bypass the democratic method and devise other ways to decide specific matters? Can he also state the criteria on which such departures can be permitted?

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Councillor Rodney Chambers thanked Mr Ward for his question and he stated that there was a clear legal framework for local authority decision-making which was clearly set out in the Council's Constitution.

In terms of specifics, the Constitution set out those matters, which must come before the Council for decision, for example, the annual budget and council tax setting. It also set out how decision-making on other Council functions was split between the Cabinet and regulatory committees. Most meetings were open to the public although there would be occasions where it was legally permissible to exclude the press and public, for example where the decision involved consideration of commercially sensitive information.

Currently the Council did not have individual decision making by Cabinet Members or Ward Councillors although these were both legally permissible.

Obviously in an organisation of the size and scale of Medway not all day-to-day decisions could be taken by elected Members. There was a scheme of delegation agreed by Councillors to enable Directors and their staff to take these day-to-day decisions and officers were required to work within this scheme.

The only exceptions he could see to this process were on the rare occasions when extremely urgent decisions must be made by himself, as Leader, or the Chief Executive or relevant Director where delay would have been to the detriment of the Council and on those occasions, there would be a requirement to report those matters as appropriate afterwards, however, these procedures had not been invoked since the 2011 Local Election.

Therefore, the Leader was satisfied that the elected Members of the Council made not only decisions on behalf of Medway residents but that these decisions are made in an open and transparent manner

John Ward thanked the Leader for the response as it was very useful to have that on the public record. He stated that until recent years, the Mayoralty was selected via a rather odd system that allocated points to named party political groups on the Council. Moving away from this had depoliticised the mayoral selection which had acted as a reminder to Members that they were here to serve the community's interests over and above any personal or party ambitions, therefore, could the Leader ensure and assure that this current method of mayoral selection could never be changed in future years.

Councillor Rodney Chambers stated that he would give no such assurances and that like other decisions that he had mentioned earlier, which were the responsibility of the Council, the election of the Mayor was the responsibility of the Council.

223 Vivienne Parker of Chatham asked the Portfolio Holder for Housing and Community Services, Councillor Doe, the following:

On 5 January this year, I personally delivered a common registration application to Greenspaces covering the Coney Banks, Daisy Banks, Barnfield and Bishops Hoath Wood. I have now received notification that part of the Daisy Banks are to be enclosed as a school playing field.

Has the Council's inaction in dealing with the commons registration been due to the application for the change of use on the site?

Councillor Rodney Chambers, on behalf of Councillor Doe, responded by thanking Ms Parker for her question. The short answer to the question was no, but the Leader assured her that the delay in dealing with her commons registration application had not been held up because of a possible change of use on part of one of the sites. However, he did consider the time taken to respond to her application unacceptable.

He was aware that the Assistant Director, Richard Hicks, in a letter to Ms Parker had now outlined how this matter would be taken forward.

Vivienne Parker advised that she understood that Medway Council no longer sought planning permission for this land for the benefit of the local community. She asked if it was the council's wish to nibble away yet again into the Horsted Valley, which was an important open space, currently under consideration for designation as a local nature reserve and commons registration, simply to make this land more attractive to developers?

Councillor Rodney Chambers, on behalf of Councillor Doe, responded by stating that whilst he would have preferred notice of this supplementary question, he was quite happy to provide Ms Parker with an explanation of the designation of the areas that she had mentioned.

224 Colleen O'Neill asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following:

Can the Portfolio Holder guarantee that water companies undertaking meter works in Medway will utilise appropriate materials that are in keeping with previous surface materials, as in many cases the replacement material is of poor quality and is sinking?

Councillor Jarrett, on behalf of Councillor Filmer, thanked Ms O'Neill for her question, advising that it was important to distinguish between an interim or temporary reinstatement with a permanent reinstatement. The reinstatement of the highway generally had two phases, interim and permanent. The interim reinstatement was a backfilling of the excavation and a temporary surface arrangement, usually in a temporary tarmac material.

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The reinstatement of the highway surface to the required standards was usually more specialist which followed the interim reinstatement within a six month period.

Therefore, many of the reinstatements that may be classed as poor may have been, in fact, interim reinstatements, and yet to be made permanent. Should a permanent reinstatement be defective there was a guarantee period, where if it was defective it was redone at the Statutory Undertaker's expense, and fines were issued.

Every effort was made to reinstate the highway with appropriate materials, and there was a Code of Practice that related to that. If this did not happen then the reinstatement was classed as defective and it was redone at the public utility company's expense and a fine imposed for that.

The only time this did not happen was if the materials were no longer available, and if this was the case the closest possible match was sourced, and this still had to be agreed in this case

Colleen O'Neill asked what length was the guarantee period for the work to be reinstated that was defective?

Councillor Jarrett, on behalf of Councillor Filmer, stated there was a specified period and the council could take sanctions against the Statutory Undertakers if the work was not done to an appropriate standard.

He agree with Ms O'Neill that this was a serious matter in as much as Statutory Undertakers often left a patchwork quilt of repairs across Medway and this was something that caused great concern and that the Council would use all the powers it could to ensure that reinstatement was done to an acceptable standard.

225 Leader's report

Discussion:

Members received and debated the Leader's report, which included the following:

- Armed Forces Covenant and Armed Forces Day
- World Heritage Status – Great Lines Heritage Park
- University Technical College
- Jubilee Celebrations and Festivals
- Medway and the London 2012 Olympics, including the Torch Relay and the Medway Mile
- Green Flags Re-accreditation
- Government Aviation Consultation
- Director of Children and Adults (Rose Collinson)
- Mary Portas High Street Review

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- Local Enterprise Partnership.

226 Overview and scrutiny activity

Discussion:

Members received and debated a report on Overview and Scrutiny activities, which included the following:

- Raising performance at Key Stage 2 Task Group report update
- Provisional Key Stage 1 and 2 results
- Careers advice for young people
- Adult Mental Health Social Care: options for the future
- Annual scrutiny of the Community Safety Partnership
- Using the River Medway to its full potential
- Update on Marlowe Park Medical Centre
- E-petition facility on the Council's website
- Proposals for the development of additional primary age provision in Chatham.

227 Members' questions

228 Councillor Juby asked the Portfolio Holder for Finance and Deputy Leader, Councillor Jarrett, the following:

Following the Audit Committee held on 10 July I noticed that there was a report on the issue of Blue Badges for persons with mobility problems. I have been receiving complaints about the length of time it is taking to issue these now, sometimes leading to imposition of parking fines or people being housebound for months because of the long wait between application and receipt of a new badge.

Would the Portfolio Holder publish guidelines on the length of time to be allowed for an application to be processed?

Councillor O'Brien (as the appropriate Portfolio Holder) stated that information was already published into how long it could take for an application for a blue badge to be processed on the Council's website. Customers were advised that their applications could take up to eight weeks to process depending on their circumstances.

The Council was issuing on average 115 badges per week, and that this had risen to 200 in the last two weeks. The Council had been dealing with a backlog of applications following the national change to the scheme. Therefore, the Council had been advising an 8-week turn around to encourage customers to apply in good time to avoid any delay in receiving a badge.

Ultimately, the aim was to process all applications, including those requiring additional assessment to determine eligibility, in 20 days. Priority would be

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given to applications from terminally ill customers, which were processed the same day for despatch to the client the following day.

Councillor Juby asked whether the guidelines could be published in the next copy of Medway Matters as well as on the website, given that not everybody had a computer.

Councillor O'Brien undertook to look into this suggestion.

229 Councillor Juby asked the Portfolio Holder for Finance and Deputy Leader, Councillor Jarrett, the following:

In view of the statements made to the Local Government Association by Mr Eric Pickles MP, with regard to better use of council resources and pooling of staff, should Medway Council be looking at one of his ideas as to whether it is possible to remove a Council's Chief Executive without incurring massive costs.

Does the Portfolio Holder consider that a Chief Executive is necessary to the effective running of Medway as our council model is comprised of a strong leader and a very large Cabinet?

Councillor Jarrett stated that that Eric Pickles MP would be well advised to lead by example and ask himself whether actually a Head of Department for Communities and Local Government (DCLG) was needed and that perhaps that person would like to sacrifice himself as an example of efficiency. Councillor Jarrett attended a meeting where Eric Pickles MP said that they were setting an example because now DCLG water their own plants so it seemed that Central Government really stepping up to the plate in terms of making efficiency savings.

With regard to Medway Council's situation, of the 55 unitary councils the average population was 218,000 and Medway's population was 256,000. The average pay of Chief Executives across those 55 unitaries was £159,000 whilst Medway's Chief Executive received £147,000. The average size of Cabinets across those 55 unitaries is 8.96, therefore Councillor Jarrett did not consider that Medway had a large Cabinet. It was an appropriately sized Cabinet.

He stated that he considered it essential to have a Chief Executive. There was a very lean management structure with two Directors, a Chief Executive and 14 Assistant Directors and it was evident that the Chief Executive was picking up substantial duties over and above those that would normally be expected by a Chief Executive, he took overarching responsibility for all the central services, for example, and a good deal more besides.

Councillor Jarrett stated that, in carrying out the research into unitary authorities, he had tried to find a (a Liberal Democrat run unitary) comparator, and after some considerable research, the Liberal Democrat run Portsmouth, which had a smaller population than Medway, had the same size Cabinet as Medway and paid its Chief Executive more than Medway. He stated that maybe Councillor Juby would like to talk with his colleagues down at Portsmouth as he

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was sure they would be only too pleased to hear from him and he could give them some advice on how to run their Council.

230 Councillor Smith asked the Portfolio Holder for Housing and Community Services, Councillor Doe the following:

The public will have seen the vast coverage that our local newspaper has recently given to the Medway School Games and the Mayor has publicly given his support to the School Sports Partnership by making it one of his charities.

I understand that Medway Council has withdrawn their support of the Secondary School Games from 2013/14. Could Councillor Doe give me a clear explanation as to why this decision was taken?

Councillor Doe stated that since April 2011 the Council had charged secondary school academies £750 per annum to take part in the Secondary School Games series. This was because academies were funded directly rather than via the local authority.

This service was offered via the schools service level agreement and it was advertised to all academies. The overwhelming number of secondary schools in Medway were now academies.

For the academic year starting September 2012 none of the academies took up the offer, via the service level agreement, to take part in the secondary school games. Instead the schools informed the Council they would be arranging their own competitions.

As they were arranging their own competitions and do not want to take part in the Secondary School Games the Council was not in a position to be able to hold them. However, the continuance of the games was welcomed even if they were going to be run by the academies and that the Council was still willing to be involved should the academies wished the Council to organise them again upon a payment towards the Council's costs (which would still be less than it cost to put the games on).

Councillor Doe stated that he understood why the academies wanted to run it themselves, as they were entering into self-governing arrangements, however, if they needed informal advice the Council would be very happy to provide it to them.

Councillor Smith stated that she understood that it was a decision by the schools not to contribute the money towards the senior school games and that she was sure they would continue. However, she believed it was very sad that those games will continue next year without the support of Medway Council.

Councillor Doe reiterated that the academies had made a decision that they did not wish the Council to run those particular games and this had been a decision within the academies' gift.

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Equally, the Council was open to give the academies informal advice given the Council had a great deal of in-house knowledge. He also stated that if the academies wanted the Council, after a couple of years, to come back and organise the games, this would be fine.

However, he did not think it was fair or reasonable to give the impression that the Council was pulling the plug on these games, as they were not. It was the academies who had decided that they want to organise the games themselves. The Council was prepared to help them to make sure the event was a success, if they wanted advice, but he suspected that the academies would get on with it themselves.

231 Councillor Osborne asked the Portfolio Holder for Front Line Services, Councillor Filmer the following:

Can the Portfolio Holder clarify the oversight given to Southern Water contractors and specifically the poor quality of workmanship on the Bankside in Luton, but also more widely across the unitary authority area?

(Note: Councillor Osborne confirmed that given this question had been answered under public questions earlier in the evening (see minutes nos. 220 and 224, he would move to his supplementary question).

Councillor Osborne asked, in light of the response given to the member of the public, could the Council publish or give examples to him of where these companies had been fined and also could the Council publish on the website, guidance to the public about how they would go about seeking redress given the amount of work currently going on across the towns?

Councillor Jarrett stated, on behalf of Councillor Filmer, that there would be interest in this information and the transparency of seeing that type of information on the website and that he was sure that Councillor Filmer, when he returned from holiday, would take that up and deal with it.

232 Councillor Osborne asked the Portfolio Holder for Adult Services, Councillor Brake, the following:

Can the Portfolio Holder confirm the extent of consultation with the PCT on the formerly proposed Luton NHS Healthy Living Centre since the rejection of the previous application and whether the administration will join with the community and local Councillors to oppose this ill-located proposal by the PCT?

Councillor Brake stated that the council had been in discussion with the PCT for some years regarding the land the Council owned between Alexandra Road and Lawn Close in Luton. The land was declared surplus to the Council's requirements in July 2009 and terms had been agreed with the PCT to enable them to acquire the land and build a new Healthy Living Centre for local residents, which was, of course, subject to planning consent. As an extensive site search in the area had not revealed any other suitable locations known to

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the Council, the Administration supported the provision of this much-needed facility for local residents on this site.

However, the disposal of the land was subject to all the necessary planning consents being obtained and during this process consultations with local residents would take place in the usual way. Clearly if planning consent was not obtained, the facility would not be built on this site.

Councillor Osborne stated that given the PCT was not interested in the site at all, could the Portfolio Holder guarantee that the land declared surplus to requirement would not be developed into housing.

Councillor Brake stated that if Councillor Osborne was to, perhaps, spend less time trying to score what appears to be political points with a health centre, he would think it would be a great help to the people in his ward by picking up the phone and speaking with officers instead of ducking down behind his computer screen.

Councillor Brake stated that Councillor Osborne was not asking a question, but that he was making a statement and that he was saying to the Council meeting that he had information that nobody else appeared, certainly in Medway Council, to be aware of. He asked Councillor Osborne pick up the phone and to speak to people, as he was sure that the Council would be prepared to talk him.

233 Councillor Turpin asked the Portfolio Holder for Adult Services, Councillor Brake, the following:

From April 2013 Local Authorities will assume responsibility for commissioning drug treatment programmes. With this in mind I would like to ask what provisions Medway Council will be planning to effectively conduct this important role?

Councillor Brake stated that in Medway, the Council hosted the Drug Alcohol and Action Team support function although funding for this service came from a variety of agencies.

From April 2013 in the main drug and alcohol services would be commissioned by local authorities through Directors of Public Health using the ring fenced public health budget.

The new national Drug Strategy would require expert commissioning skills to align existing services and contracts with the new agenda.

The current functions of the Medway Drug Alcohol and Action Team transferred to the Public Health Directorate on 1 June 2012, and a role would be created in Public Health that was responsible for the co-ordination of the wider drug and alcohol harm reduction strategies.

In November 2011 the Medway Drug Alcohol and Action Team Board agreed to engage the Kent Drug Alcohol and Action Team to undertake adult drug and

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alcohol community and prison commissioning on behalf of Medway. This would be through a section 75 agreement between NHS Medway and Kent County Council. For information a section 75 agreement, as detailed in the NHS Act 2006, set out the arrangements on partnership working between the NHS and local authorities. The rationale for this decision was that the two Drug Alcohol and Action Teams shared some key partners in relation to adult commissioning (Police, NHS Cluster and Probation) but more importantly Kent Drug Alcohol and Action Team have significant experience in commissioning of substance misuse treatment services including family and carer specialist services, prison substance misuse and criminal justice services.

Councillor Turpin asked what safeguards would be implemented by the Council to ensure that this provision was fit for purpose?

Councillor Brake stated the section 75 agreement, which was an agreement between the NHS and the various parties, would set out that the Kent Drug Alcohol and Action Team would be responsible for the procurement, performance and contract monitoring. However, the Medway Drug Alcohol and Action Team Board would hold Kent to account for their commissioning function.

All service specifications would be approved by the Medway Drug Alcohol and Action Team Board and the needs assessment to inform commissioning would be the responsibility of the Medway Drug Alcohol and Action Team. Clear roles and responsibilities, with respect of the commissioning cycle, were outlined in that section 75 agreement and would be valid from 2012-2013 and could be reviewed thereafter on an annual basis.

In addition to the role of the Medway Drug Alcohol and Action Team Board, the Health and Adult Social Care Overview and Scrutiny Committee would, on an annual basis, have the opportunity to discuss and comment on the service provision.

234 Councillor Adrian Gulvin asked the Portfolio Holder for Finance, Councillor Jarrett, the following:

Under the Localism Act 2011, the manner in which council tax benefit is administered is being devolved to local authorities from central Government (DWP). Could the Portfolio Holder comment on how he sees this impacting on current benefit recipients and the wider council tax payers?

Councillor Jarrett stated that this was one of the most important issues and one of the most difficult challenges facing the council over the next few months through and into budget setting. As part of the devolution of this responsibility, Government had protected pensioners such that they were unaffected by any subsequent changes that local councils make. The good news was therefore that all current and future pensioners in Medway would continue to receive the same level of support towards their council tax bills as was currently the case. Of course, if individual circumstances changed, then that level of support would

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change too, which meant that future lottery millionaires could look forward to paying their council tax in full.

However pensioners currently only accounted for about 40% of those presently receiving help to pay their council tax. The remainder were of working age and many of these would be in receipt of Job Seekers' Allowance, income support or other benefits.

The decision to localise support for council tax was taken as part of the 2010 Spending Review and was accompanied by a declaration that there was an expectation that the level of support would reduce by 10%, as a contribution towards the deficit recovery plan. Of course any such reduction now needed to be made against working age recipients since pensioners were protected.

Councils were of course free to make alternative savings, other than cutting benefit, to compensate for the central reduction to funds that was accompanying the localisation. This could have meant cutting funding for services or increasing council tax, were that to be permitted under Government capping arrangements.

The Council had carried out calculations against the indicative grant issued for council tax support in 2013/2014 and believed that there would be a shortfall, significantly in excess of the Government's figure of 10%. Furthermore any move to bill council tax upon those in receipt of benefit was likely to prove difficult to collect and incur further costs.

This would be a difficult issue on a number of fronts. Clearly there were hard financial decisions to be made and the Council would be bringing forward proposals in the near future. As a benchmark, there was a general scheme being discussed for the other parts of Kent that was based upon an overall cut in benefit for non-pensioners of 18.5% but the Council believed that this understated potential costs. The timescales for this exercise were also challenging in that Councils had to have a scheme agreed by 31 January 2013, having been subject to a public consultation. Further any proposed changes must be deliverable by the providers of the computer software that calculates benefit entitlement and this was a significant risk in its own right.

It was an important task in attempting to make this task painless for current recipients of support for council tax who by definition were not amongst the well-off in the community. At the same time the Council could not ignore the expectation of the majority of taxpayers that bills would be contained and services continue to be provided.

How the Council tackled these issues would be a moot point, and the Council would be bringing forward proposals for consultation in due course. Under the government legislation, as well as protecting pensioners, the Council could exclude if it so wished, other vulnerable groups which would make the task of bridging the gap that much more difficult and he believed under the consultation being brought forward the only group, apart from pensioners, that the Council

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would be looking to exclude, would be war widows, the reason for which was quite plain.

It would be made clear at all times to the people of Medway that these changes that were being proposed were being brought about because of the Deficit Reduction Plan and not because of any actions proposed or being taken by the Council.

Councillor Adrian Gulvin thanked Councillor Jarrett for a very comprehensive explanation for what was a very difficult situation. He asked Councillor Jarrett what actions were being taken to lobby the government with regard to local government administration

Councillor Jarrett responded by stating that he had taken a number of steps relating to this and associated issues relating to council tax late last year as follows:

- Firstly, at a seminar asking the Secretary of State, Eric Pickles, four questions to which Councillor Jarrett received increasingly testy responses, and about whether the council tax freeze was enshrined in the base.
- This followed on from meetings with Bob Neill, MP, who assured the Council that this was in the base and therefore the Council was protected in regards to that.
- Councillor Jarrett then wrote to the Secretary of State and received a response from Baroness Hanham confirming that the council tax freeze grant was not in the base.
- Subsequent to that, government inserted council tax freeze grant into the base. Councillor Jarrett stated that he had correspondence with Grant Shapps, MP, on a related matter, and received a response from Bob Neill MP, which was a rather neutral type of response.
- Following that Councillor Jarrett took part in a radio 1:1 with Bob Neill MP on the matter of council tax benefit grant and during the discussion he stated that this was part of the Deficit Reduction Plan, and whilst there was general support for this, there was not necessarily support for it in the way it was being done.
- At the recent Local Government Association General Assembly Councillor Jarrett spoke at the General Assembly and made relevant comments on this matter and addressed them to the Chairman of the LGA, Sir Merrick Cockell, and to the President of the LGA, Lord Best, and promised to write to them both, which he did on 10 July. Councillor Jarrett confirmed that he had received a holding reply from Sir Merrick Cockell and awaited a substantive reply.

Councillor Jarrett had received a substantive reply on 25 July from Lord Best, including a substantial extract from Hansard and referred to some general points made by Lord Best including this: "I append the Hansard report on our debate and you will see that I am seeking to get greater discretion for councillors to exercise their own judgement by providing them with the flexibility

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to reduce the single person discount is a better way of finding the savings for the treasury than impoverishing those already on the lowest incomes”.

Councillor Jarrett stated that under the current proposals, the single person discount which was 25%, would remain unchanged under these proposals. Councillor Jarrett stated that Lord Best added “it would be excellent if you could see what reduction a single person discount perhaps only for those in Band C and above could achieve sufficient revenue to avoid touching current council tax benefit claimants”. Councillor Jarrett stated that he would ask the Chief Finance Officer, Mick Hayward, to see if he could produce with some helpful calculations so that Councillor Jarrett could reply to Lord Best in a timely manner.

Councillor Jarrett made further references to Hansard and stated that Lord Best was a cross bencher. Lord Best stated “my amendments concentrate on not on whether the arrangements should be localised per se but on the ways in which localisation can be made to work. The amendments are aimed at making the process of localising the council tax benefit or discounts fit for purpose by allowing local authorities proper discretion to tackle the difficult position in which they are placed because of the requirement on them to save a further £400m per annum”. Councillor Jarrett stated that this seemed a reasonable approach in that if the government really did want to localise this matter, it should surely localise it in all its parts.

Councillor Jarrett stated that Lord Best had added “my starting point in pursuing these amendments has not been so much about the principle of localisation but addressing the implications of the cuts”.

Councillor Jarrett stated that, later in his speech, Lord Best had said “from the prospective of local councils there are practical problems in being asked to raise revenue by reducing discounts on council tax for the poorest households. The cost of collecting council tax for those with no spare income is likely to be very high because arrears and the cost of prosecuting those who fall into arrears is a serious problem, the amount to be found by each council is likely to be much greater than the headline figure of 10% of last year’s council tax benefit bill. Costs seem certain to grow as more people become eligible for help. The 10% council tax benefit cut seems merely an underestimate of where this is going and it comes on top of the 28% of cuts in government funding which local authorities are already having to handle”. Councillor Jarrett stated that it was the government’s thinking on this was predicated on the reduction on the number of benefit claimants, however, here in Medway and elsewhere in the country all the evidence suggested that the number of benefit claimants was rising and that in Medway already this year, the Council was expecting an additional £200,000 worth of benefits being paid out.

Councillor Jarrett stated that Lord Best added “I have nailed my colours to the mast and suggested that the best extension to flexibilities which the Bill is giving to councils would be to vary the level of discount for single occupancy. This is the big one when it comes to discounts, it is not means tested and clearly the concession is not targeted on those in most need of help. Moreover

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it is not necessarily good social policy to award single occupiers of, for example, large properties, yet the larger the property and the more valuable the property, the greater will be the benefit to the occupier of the single person discount.”

Councillor Jarrett stated that Lord Best continued “what about the argument that council tax should reflect the amount of use the person that occupies is likely to make of local services and there are shades I think of the thinking that elected a poll tax here. The Bill recognises that council tax is a tax on property irrespective of the uses made of council services by those that occupy or do not occupy that property. I cannot think that there are any grounds to argue that a discount should always be applied at a fixed 25% by local authorities in all areas to benefit all single occupiers”.

Councillor Jarrett stated that there were various other comments throughout the debate but certainly one idea that was being promoted by Members of the Lords was that the single person’s discount be revised to 17.5% from 25% and that was the work the Council would do to look into this.

Councillor Jarrett stated that he was doing the best he could and he added this matter had been raised with three local MPs. All of the three MPs were on side over this issue and doing what they could to press the government to think carefully about this issue.

Councillor Jarrett added that the genesis for the whole of this issue was the economic mess that the coalition government inherited and this was demonstrably the case and he recalled the words of the greatest Prime Minister since Winston Churchill when she (Margaret Thatcher) said “that the trouble is with socialists they eventually run out of other people’s money”, which was exactly the reason for being in this state.

235 Councillor Conduct Complaints Under the Localism Act 2011

Discussion:

This report set out the proposed arrangements for the adoption of a Member Code of Conduct and for the consideration and investigation of Councillor conduct complaints by the Council under the Localism Act 2011, and in place of the previous Standards regime.

The report provided details of the Councillor Conduct Committee which would replace the previous Standards Committee, the draft Code of Conduct, the appointment of an Independent Person (and a reserve) in respect of the review process, together with consequential changes necessary for the Council’s Constitution.

Councillor O’Brien, Portfolio Holder for Community Safety and Customer Contact, supported by Councillor Mason, Portfolio Holder for Corporate Services, proposed the recommendations, as set out in the report.

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Councillor Maple, supported by Councillor Shaw, moved the following amendment:

Delete existing recommendation 8.1 and replace with:

“This Council recognises the precedent of previous Standards Committees in waiving political balance. This Council approves the setting up of a Councillor Conduct Committee with a membership of 8 Councillors (2 Conservative, 2 Labour, 2 Liberal Democrat, 2 Independent) to deal with policy, complaints against Councillors and issues regarding the Code of Conduct for Councillors, with terms of reference set out in Appendix 4 to the report”.

Delete recommendation 8.2.

On being put to the vote, the amendment was lost.

Decision:

- a) The Council approved the setting up of Councillor Conduct Committee (to replace the current Standards Committee) with a membership of 8 Councillors (Con: 5, Lab 2:, Lib Dem: 1) to deal with policy, complaints against councillors and issues regarding the Code of Conduct for Councillors, with the terms of reference set out in Appendix 4 to the report.
- b) The Council appointed Councillors Griffiths, Adrian Gulvin, Hicks, Kemp, O'Brien, Shaw, Smith and Tolhurst to the Councillor Conduct Committee for the municipal year 2012/2013 as nominated by Group Whips.
- c) The Council approved the draft Code of Conduct for Councillors and the draft Process with effect from 26 July 2012.
- d) The Council agreed, in order for Parish Councils to resolve complaints at a local level, under section 101 of Local Government Act 1972 to delegate the discharge of functions under section 28(6) of the Localism Act 2011 as it relates to Parish Councillors to the Parish Councils of Allhallows, Cliffe and Cliffe Woods, Cooling, Cuxton, Frindsbury Extra, Halling, High Halstow, Hoo St Werburgh, St James - Isle of Grain, St Mary Hoo and Stoke.
- e) The Council authorised the Monitoring Officer to make such amendments as are necessary to other affected Codes and Protocols for future approval by the relevant Committee and Full Council as appropriate.
- f) The Council approved the appointment of Linda Veloso as the Independent Person under section 28 (7) of the Localism Act 2011 from the date of this meeting until the end of the municipal year 2015, to carry out the functions required by section 28(7).

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- g) The Council agreed to delegate to the Monitoring Officer the appointment of David Radlett as an Independent Person under section 28 (7) of the Localism Act 2011 when Linda Veloso has a conflict of interest which prevents her carrying out her role, for any necessary period(s) within the period from the date of this meeting until the end of the municipal year 2015.
- h) The Council agreed to designate the Monitoring Officer as the Proper Officer for the purpose of requests for dispensations from Members or co-opted Members under section 33 of the Localism Act 2011.
- i) The Council agreed consequential changes to the Constitution as set out in Appendix 5 to the report.

Note: A majority of Members of the Council approved decisions f) and g) in accordance with section 28(7) of the Localism Act 2011.

236 Localism Act 2011 - Constitutional Issues

Discussion:

This report provided details of various provisions on the Localism Act 2011 which affected the Council's constitutional arrangements, in particular, options around form of governance, election and term of office of executive leaders, petitions and councillor call for action. The report had been initially considered by the Business Support Overview and Scrutiny Committee on 21 June 2012 and Cabinet on 10 July 2012, with the views and comments set out in paragraphs 4 and 5 of the report.

The Leader of the Council, Councillor Rodney Chambers, supported by Councillor Jarrett, Portfolio Holder for Finance and Deputy Leader, proposed the recommendations set out in the report.

Decision:

- a) The Council agreed, at this stage, to make no change to the current arrangements regarding the form of governance but noted that the Localism Act 2011 provided options to make changes.
- b) The Council agreed that a four year term of office for the executive Leader should be retained and approved the minor changes to the Council's executive arrangements as set out in Appendix B to the report, given the potential for further regulations being made by the Secretary of State.
- c) The Council agreed that no change should be made at this stage to the Council's petitions scheme even though the Localism Act revoked the duty to have a scheme for handling petitions, noting that the Business Support Overview and Scrutiny Committee had called for a report reviewing the arrangements for e-petitioning.

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- d) The Council approved the changes to the overview and scrutiny rules as highlighted in Appendix C, to give effect to revocation of the Councillor Call for Action scheme (for non crime and disorder issues) and the implementation of a requirement to enable any Member of the Council who was not a member of the relevant Overview and Scrutiny Committee to be able to refer matters to the Committee (with the exception of excluded matters).

237 Anti Bribery Policy

Discussion:

This report provided details of the provisions of the Bribery Act 2010 and the work towards the development of an Anti Bribery Policy which would form part of the Council's Constitution.

The Audit Committee considered this report on 10 July 2012 and its views were set out in paragraph 3.5 of the report. The Employment Matters Committee considered this report on 18 July 2012 and its views were set out in addendum report.

A Diversity Impact Assessment (DIA) screening form had been undertaken and was attached at Appendix 2 to the report. It was not necessary to undertake a full assessment on the draft policy.

Councillor O'Brien, Portfolio Holder for Community Safety and Customer Contact, supported by Councillor Jarrett, Portfolio Holder for Finance and Deputy Leader, proposed the recommendations set out in the addendum report.

Decision:

- (a) The Council noted the views and comments of the Audit Committee and Employment Matters Committee, and approved the Anti Bribery Policy, as set out in Appendix 1 to the report, as part of the Constitution, subject to the inclusion of the following amendment to paragraph 4 of the section entitled "Who in the Council is covered by this Policy" (page 158 of the Council agenda refers):

"The Council will also seek to promote this policy with partners and suppliers and will expect ~~partner organisations to have similar policies in place~~ them to bring it to the attention of their staff when they are working for the Council and for large partner organisations and suppliers to have similar policies in place".

- (b) The Council agreed the additions to the Employee Code of Conduct, as set out in paragraph 3.9 of the report.

238 Addition to the Capital Programme

Discussion

This report provided details of Integrated Social Care System which was an electronic records management system that was used to record information about families. The Cabinet agreed the award of the contract to Corelogic, subject to Council agreeing the addition to the Capital Programme, on 15 May 2012.

Councillor Jarrett, Portfolio Holder for Finance and Deputy Leader, supported by Councillor Rodney Chambers, Leader of the Council, proposed the recommendations set out in the report.

Decision:

The Council approved the addition to the Capital Programme for the Integrated Social Care System as detailed in paragraph 2.3 of the report.

239 Proposed New Supermarket and Community Hub in Strood: Update Report

Discussion:

This report provided an update on the proposed disposal of land and the possible development of a new supermarket and Community Hub in Strood. Council had previously made a decision in respect of the proposals on 20 October 2011, however, the purchaser was not prepared to be obliged to build the Hub, (as this would also oblige it to build the store whether it wants to or not) as a condition of the land sale and that it would only build the hub if it built a new store on the site.

Councillor Jarrett, Portfolio Holder for Finance and Deputy Leader, supported by Councillor Doe, Portfolio Holder for Housing and Community Services, proposed the recommendation set out in the report.

Decision:

The Council agreed to delegate authority to the Assistant Director of Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to enable the disposal of the Temple Street Car Park and the adjoining yard (as shown edged black and hatched black on the plan attached to the report), upon the best terms reasonably obtainable.

240 Children and Adults - Constitutional Matters

Discussion:

This report provided details of a number of proposed appointments to the Children and Young People Overview and Scrutiny Committee and the

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temporary arrangements regarding the statutory posts of the Director of Children's Services and Director of Adult Social Services.

Councillor Royle, Chairman of the Children and Young People Overview and Scrutiny Committee, supported by Councillor Jarrett, Portfolio Holder for Finance and Deputy Leader, proposed the recommendations set out in the report.

Decision:

- a) The Council appointed Kwashie Anang as a parent governor representative to the Children and Young People Overview and Scrutiny Committee for a four year term.
- b) The Council appointed Doyin Yahyi as a Medway Youth Parliament representative to the Children and Young People Overview and Scrutiny Committee.
- c) The Council appointed the following as named substitutes to the Children and Young People Overview and Scrutiny Committee: -
 - Karen White – Headteacher representative (non-voting co-optee)
 - Perdita Blinkhorn – Medway Youth Parliament representative (non-voting co-optee).
- d) The Council appointed the Chief Executive to the post of Director of Children and Adult Services, on an interim basis, as outlined in paragraph 3 of the report.

241 Audit Committee Terms of Reference

Discussion:

This report provided details of a proposed change to the Audit Committee's terms of reference with regards to the Committee's role in receiving reports in line with the Council's bribery and covert surveillance policies.

Councillor Clarke, Chairman of the Audit Committee, supported by Councillor Jarrett, Portfolio Holder for Finance and Deputy Leader, proposed the recommendation set out in the report.

Decision:

The Council approved the amendment to the Audit Committee Terms of Reference, as set out in Appendix A to the report.

242 Special Urgency Decisions

Discussion:

This report provided details of a decision taken by the Cabinet on 12 June 2012 (Mercury Abatement and Improvements to Medway Crematorium - Cremator Works) under the special urgency provisions contained within the Constitution.

Councillor Rodney Chambers, Leader of the Council, supported by Councillor Jarrett, Portfolio Holder for Finance and Deputy Leader, proposed the recommendation set out in the report.

Decision:

The Council noted the report.

243 Motions

(A) Councillor Murray, supported by Councillor Maple, proposed the following:

Council notes:

- That there are currently 10,500 blue badge holders in Medway and this number is expected to increase year on year.
- That Medway Maritime Hospital is introducing parking charges to blue badge holders, expected to raise approximately £180,000 per annum.
- That Medway Conservatives introduced a £10 administration charge for all successful blue badge applications in this year's budget, which Labour Members opposed.
- That the Tory-led Coalition Government is forcing the NHS to make £20bn of 'savings' before 2015, though demand on the NHS continues to grow.
- That Darent Valley Hospital in Dartford, currently consulting on a merger with Medway Maritime Hospital, still offers blue badge holders unlimited free parking.
- Maidstone Hospital still offers free parking for blue badge holders and Queen Elizabeth the Queen Mother Hospital in Margate, William Harvey Hospital in Ashford and Canterbury Hospital all offer disabled badge holders free parking for three hours.

Council believes:

- It is a political contradiction to oppose parking charges for Medway's Blue Badge holders, but to introduce administration charges.

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- The point of a Blue Badge is to make life easier for people with disabilities; allowing disabled and blind people to park closer to shops and amenities, like the hospital.
- Many disabled people in Medway have multiple hospital appointments a week, and describe the Blue Badge as “a lifeline”.
- The Blue Badge is also a “lifeline” for carers of sick children under the age of 3.
- With the Conservative-led Coalition pushing through a £2.17 billion reduction in support for disabled people, disabled people are already shouldering an unfair burden of Coalition cuts.

Council resolves:

- To call on Medway Maritime Hospital to scrap all parking charges for Blue Badge holders.
- To scrap the £10 administration fee for successful Blue Badge applicants to Medway Council.

Councillor Murray, prior to moving the motion, informed Members of a couple of factual inaccuracies, namely that Darent Valley Hospital charged blue badge holders at a flat rate of £1 and that Maidstone Hospital offered free parking to those blue badge holders who lived in Maidstone.

Councillor O'Brien, Portfolio Holder for Community Safety and Customer Contact, supported by Councillor Brake, Portfolio Holder for Adult Services, proposed the following amendment:

Replace original motion with the following:

Council resolves to urge Medway Maritime Hospital to adopt the policy of Medway Council which permits blue badge holders to park for free in all its car parks.

On being put to the vote, the amendment was carried.

The substantive motion was put to the vote and was carried.

Decision:

Council resolves to urge Medway Maritime Hospital to adopt the policy of Medway Council which permits blue badge holders to park for free in all its car parks.

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Mayor

Date:

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