

**Medway Council**  
**Meeting of Regeneration, Community and Culture**  
**Overview and Scrutiny Committee**

**Thursday, 4 October 2012**

**6.35pm to 9.15pm**

**Record of the meeting**

**Subject to approval as an accurate record at the next meeting of this committee**

**Present:** Councillors: Bright (Chairman), Griffin, Griffiths, Adrian Gulvin, Hicks, Hubbard, Juby, Mackinlay, Maisey and Turpin

**Substitutes:** Councillor Cooper for Councillor Stamp  
Councillor Maple for Councillor Harriott  
Councillor Rodberg for Councillor Etheridge

**In Attendance:** Robin Cooper, Director of Regeneration, Community and Culture  
Angela Drum, Head of Legal Services  
Tim England, Head of Safer Communities  
Stephen Gaimster, Assistant Director Housing, Development and Transport  
Mick Hayward, Chief Finance Officer  
Jill King, Section 106 Officer  
Andy McGrath, Assistant Director, Front Line Services  
Stuart Pickard, Engineer Responsive Maintenance  
Caroline Salisbury, Democratic Services Officer  
Tony Van Veghel, Director, South Thames Gateway Building Control Partnership

**440 Record of meeting**

The record of the meeting held on 16 August 2012 was agreed and signed as correct by the Chairman.

**441 Apologies for absence**

Apologies for absence were received from Councillors Etheridge, Harriott and Stamp.

**442 Urgent matters by reason of special circumstances**

There were none.

**443 Declarations of disclosable pecuniary interests**

There were none.

#### 444 Petitions

##### **Discussion:**

The Chairman welcomed a petitioner who addressed the committee to advise on a number of anti-social behaviour issues in and around Hartington Street in Chatham. The committee was informed that the police had been phoned and e-mailed about the various problems, which the Police Community Support Officer (PCSO) also knew about but no officers or PCSO's had talked to the young people who regularly gathered there.

In response to council officers comments urging the public to continue to report incidents to the police, the petitioner asked what the point of this was when nothing happened as a result of the reports and therefore the petitioners had asked for a camera to be installed to stop this behaviour. Members asked if the installation of a gate would help with the problems described in the alleyway area and were advised that there used to be one but it had been ripped off its hinges.

The Ward Councillor supported the petition and information provided to the committee but noted that there was to be a public meeting held next week, with the Portfolio Holder for Community Safety and Customer First in attendance, to talk about the problems experienced in the All Saints area of Chatham. He proposed that the committee deferred consideration of this matter until after that meeting and that a report was submitted to the next meeting (in December), giving feedback on the outcome of the public meeting.

With regard to paragraph 3.1 of the report, which set out the response to other petitions, a Member raised concern at the response set out about speed bumps, as the "poor safety records are tackled first" was not factually correct as speed bumps had been installed elsewhere where there was no safety problems. Officers responded that, in some cases, speed bumps had been installed outside of council's criteria but this had been resourced from a different budget. They also advised that the information in the report was a very short précis of the actual letter to the petitioners, which set out a lot more information than was detailed in the report.

##### **Decision:**

The committee agreed to defer consideration of the petition referral requesting a CCTV camera in Hartington Street, Chatham and asked that a report is submitted to the next meeting of the committee setting out the outcome of the public meeting to be held in All Saints on 9 October 2012.

#### 445 Portfolio Holder for Strategic Development and Economic Growth

##### Discussion:

The Portfolio Holder for Economic Development and Strategic Growth, Councillor Chitty, addressed the committee outlining the main achievements within areas of her portfolio:

- Chatham Waters – a £650 million comprehensive development that had been referred to the Secretary of State for decision. It would have important implications for employment opportunities for young people in Medway.
- Building works at Victory Pier – which included residential, student and leisure facilities, making Gillingham an attractive place to live and study.
- Development management team – continued to exceed government targets for processing major, minor and other planning applications. Between April – September 2012, a total of 675 planning applications had been received (compared to 765 in same time period in 2011). Work was on-going for the council to become a Community Infrastructure Levy (CIL) charging authority in 2014.
- South Thames Gateway Building Control Partnership – all three local authorities involved in the partnership had agreed to continue for another five year term from 2012 – 2017, as it had proved to be financially viable, with flexibility and resilience through difficult economic times resulting in 21% savings and a £40,000 surplus last year which was being invested in a new IT system. Mid Kent Audit had cited the partnership as an example of best practice.
- Economic development and social regeneration – tackling unemployment and improving skills was fundamental for the future. “Employ Medway” had directly helped over 800 people find work since Autumn 2009. Since April 2011, together with local partners, it had helped 141 long-term unemployed people to remain in employment beyond 26 weeks. 200 new apprenticeships had been created since May 2011, through joint working with partners. As part of this, the council had invested £200,000 in grants to local small businesses to take on young apprentices. The “Employment and Skills Centre” had opened in November 2011 and directly helped to set up 12 construction apprenticeships and three local people to access jobs on Phase One of Rochester Riverside development.

Overall, from February – August 2012, the number of Job Seeker Allowance claimants had fallen by almost 7% (over 500 local residents).

Business start-up and job creation initiatives had helped to create and protect 1,679 jobs in less than three years. Since March 2010, the number of Medway residents in employment had risen by 4,400, with a percentage increase from 66.5% in June 2010 to 69.4% in March 2012. The national average of people employed had shown no increase.

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The council had also secured almost £5 million of EU funds since 2009 to deliver 12 new projects of economic and social regeneration. Over £12 million of external funding had also been secured over the same period.

- Planning Policy and Design – the Medway Local Development Core Strategy was submitted for independent examination in February 2012 with the public examination sessions held in June 2012. This examination was suspended to carry out further work in assessing options for compensatory habitat for nightingales that may be affected by the proposed development at Lodge Hill. The Cabinet approved a Development Brief for Lodge Hill in December 2011.

In the year from April 2011 to March 2012, 809 dwellings were completed in Medway, which was just short of the 815 target. The number of affordable housing completions remained well over 25% of the total number of houses built. A “Housing Design Standards” document had been produced and adopted as planning policy to address officers and Members concerns on the adequacy of new dwellings and laid down minimum dwelling sizes and other standards that new development would be expected to meet. The Gillingham Gateway environmental improvement scheme had vastly improved the ‘entrance’ to Gillingham centre. Funding for the scheme had been through S106 contributions.

Members asked:

- for further clarity over the employment figures quoted by the Portfolio Holder, as this had previously been reported to be 6,200 more people employed than previously but was now reported as 4,400 people.

The Portfolio Holder assured the committee that the previous figure of 6,200 might have included seasonal employment but that she had ensured that the latest figure was included in her presentation and was confident that 4,400 more people were now working in Medway than two years ago.

- why did the latest statistics not show this increase in employment and resulting decrease in unemployment and did the figure of 4,400 include those who had lost jobs.

The Portfolio Holder responded that it was the net figure that had been quoted which was why the figures were coming down.

- following discussions which took place when the Portfolio Holder last attended the committee in 2011 about the economic challenge for High Streets and car park charges in Medway, Members asked what had changed in Medway’s High Streets during the previous year and the impact of this, either good or bad and what specifically had the Portfolio Holder done that had made a difference.

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Councillor Chitty stated that she had responded in detail last year about the Mary Portas national review of High Streets and the variety of opinions over car park charges. However, Medway's car park charges remained lower than elsewhere in Kent. Medway's empty shops and vacancy rates remained below the South East average and however much she would like to see the High Streets flourish, there would always be a higher turnover of businesses during a recession. The "Partners for Growth" scheme for new business had given grants to help small businesses establish themselves and out of the 91 set up with the help of this grant, only three had not survived the first year. When asked if these businesses were located in a High Street, Councillor Chitty responded that they were mainly service industries.

The Portfolio Holder also advised that the Town Centre Forums remained strong and that she worked closely with them as part of the team, as she thought it was important to hear what people had to say for herself. For example, Strood Market had been strengthened and was working well alongside the shops in the area and there had been no increase in the number of unoccupied properties. However, there were continuing challenges and problems but she would look to build on the current successes and engage in a number of initiatives. Councillor Chitty offered to engage with the committee further on possible future initiatives.

- for more information about the infrastructure and roads to the Rochester Riverside development.

The Portfolio Holder advised that although this was not within her remit, a road to the development had recently been approved and the funding would be there for the infrastructure. This would make the site more attractive for developers.

- if the successful apprenticeship scheme would be continued.

Councillor Chitty advised that £100,000 had been spent on this scheme last year and another £100,000 in this year resulting in 200 apprenticeships. This would help to make a strong bid for continued funding in the third year. Due to this scheme's success, the council had also gained another project called "100 in 100". A large number of the apprentices and gone on to find further employment.

- about the "Portas Funds" for High Streets and whether the council had applied for funding from this scheme.

Councillor Chitty advised that funding had not been applied for under this initiative due to the way the bid had to be put together, as it could result in the council spending more money to produce the bid than it would get from the fund. Members expressed concern, as this could give a negative perception to Medway retailers when other Local Authorities received funds from the Portas scheme. The Portfolio Holder responded that she had looked very carefully at the funding and the necessary criteria required and

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that local retailers would have to invest substantial funds themselves as part of the bid. The council would not apply for this type of funding unless there was a clear confirmation from retailers that they were happy to invest in the scheme as well. A Member asked Councillor Chitty to send him information about the process that had been gone through and the reasoning why the council had decided not to apply for the Portas funding, including what conversations took place with retailers about this.

- what contingency plan was in place for the development of the area from Sun Pier to Star Hill, Rochester should the current bid for re-development be unsuccessful.

The Portfolio Holder advised that she had every reason to believe the council would be successful with its current bid. If not, it would apply to another appropriate funding scheme.

**Decision:**

The Committee thanked Councillor Chitty for attending the meeting and the information and answers she provided.

**446 Road maintenance funding**

**Discussion:**

The Assistant Director, Front Line Services introduced the report setting out the background, in particular highlighting that in 2007 it had been identified that the highway maintenance accumulated backlog was around £12 million and that the roads were in a state of decline with the existing funding levels. Following this, a study was carried out which reported a funding shortfall of £13.95 million. However, recent one off investment of £4 million had been spent on resurfacing which had helped to slow the decline by dealing with around 10% of the backlog, which continued to grow year on year.

The Committee was advised that the current maintenance investment on road resurfacing for 2012/2013 was £1.275 million; the consequence of which would result in a further decline in the road network of approximately 1% this year and a similar decline expected each year after that. An additional investment of £1 million - £1.275 million per annum would stop this decline and would, through proper targeting, start to show a reduction over a ten year plan in the number of roads requiring maintenance. The Assistant Director reminded Members that this problem was not specific to Medway but an issue for many Local Authorities across the country but that Medway compared well against other authorities in the South East region.

Members were further advised that there was a significant volume of work created through the number of notifications from the utility companies, particularly as there had been substantial work recently from Southern Water and South East Gas networks and the council was working closely with one of these about the quality of their reinstatement work. The law allowed the

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statutory undertakers (utility companies) to make a temporary repair following the completion of their work and the company then had six months to replace it properly. The council did not carry out 100% inspections of all replacement works; it would take another 8.5 full time members of staff to achieve that. However, the highway inspectors were about to use new ground-penetrating radar technology to assist them, which produced a 3D map of the work carried out beneath the surface without having to take a core sample.

The Committee commended officers on the thorough and detailed report and discussed a number of issues including:

- The use of the chemical repair 'Viafix' by the highway inspectors, with 643 potholes repaired instantaneously in 2011-2012 and Members were pleased to note that none of the repairs using 'Viafix' (which began two years ago) had required further work carried out on them;
- The level of maintenance on Medway's roads was very important to residents (reported through the council's opinion polls and directly to Ward Members) as it had a real consequence on their physical environment;
- If the budget continued in its present form, then the actual structure of some roads (the foundations, rather than the surface) would become affected with a higher financial consequence for the council;
- The problem of poor road structure with less funding than required to maintain it, particularly harsh winters and exacerbated through poor reinstatements by some of the utility companies was accumulating liability for the future;
- The law favoured the statutory undertakers, particularly with regard to only being required to make a temporary reinstatement and to complete it properly within six months and, with the roll out of high speed broadband, the government's stance was probably to relax these laws further;
- The total defect rate in the report seemed very low and Member's concluded from this that many of the defects were not being seen by inspectors as only a small sample were inspected;
- The need to tighten up the inspection regime now, to avoid a backlog of problems in 5-10 years time. If funding could be found now, it would solve huge structural and financial problems and create savings in the future;
- If an additional 8.5 staff were employed to carry out 100% inspections, what would be the cost benefit analysis to the council and the impact on its assets. (If 8.5 staff was not possible, then how many additional staff would be required to make a significant impact). If 100% inspections were possible, it should result in the utility companies acting quickly to reinstate the roads/pavements to the durable quality required. At the moment, it seemed that a lot of the repairs required were around the edges of the utility company's reinstatements, which could leave the council with a significant liability not of its own making;
- Resurfacing of pavements and number of claims against accidents on pavements, although Members noted that the number of claims against the council had decreased over the past few years and trip hazards were dealt with in a timely manner. The number of these attributable to utility company works was unknown;

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- The technology being employed by the Council to allocate resources across the road network and the use of the 3D ground penetrating radar, although the JCAM technology would not be fully functional until 2013/2014 and the benefits of this were untried.
- The Chief Finance Officer advised that the financial pressure on highways was shown within the Medium Term Financial Plan, which was used as a starting point to prepare the annual budget. However, this pressure was part of an overall larger gross deficit for 2013/2014.

**Decision:**

The Committee agreed to:

- (a) refer the report to Cabinet for consideration as part of the budget setting process for 2013/2014 and asked officers to advise on the cost benefit analysis of potential additional investment in utility reinstatement inspections;
- (b) request a Briefing Note on the options available to the Council to manage the utility companies (including information such as how long after a permanent reinstatement is made does the council have to enforce the utility company to re-do the work, if it is sub-standard) and that this information is provided to Cabinet for deliberation along with this report;
- (c) request that a report be submitted to the Committee in due course on the use of the JCAM technology.

**447 Update on the South Thames Gateway Building Control Partnership**

**Decision:**

The Director of the South Thames Gateway (STG) Building Control Partnership introduced the report highlighting that the three councils involved in the partnership had unanimously supported the continuation of the partnership into a second five-year term until March 2017. He advised that the report updated Members on the progress of the partnership in its first term and its plans for the future, which included potential expansion with other Local Authorities joining the partnership.

The committee asked about the planned investment into a new IT system and was advised that this would allow the Building Control Surveyors to use mobile technology whilst on site involving a tablet or i-pad, which could also print information whilst on site, rather than the officer having to return to the office.

With reference to the 24 hour, 365 day out of hours emergency service (referred to in paragraph 3.6 on page 41 of the agenda), Members asked how many emergencies, using this service, had been attended to date. The Director advised that he was unsure of the total number but it was within a 2 hour

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response time and was usually as a re-active response alongside the emergency services, for example for fires, collapsed buildings, tiles fallen from a roof, etc.

**Decision:**

The committee agreed to:

- (a) thank the Director of the South Thames Gateway Building Control Partnership for the report and his answers to Members' questions;
- (b) request a Briefing Note with more detailed information on the 24 hour emergency service provided by the partnership.

**448 Review of the guide to developer contributions**

**Discussion:**

The Assistant Director, Housing, Development and Transport introduced the report, stating that since its original introduction in 2008, there have been a number of changes which justified a review of the Guide. The average collected through S106 agreements amounted to over £2 million per year but given the current market conditions, this figure could reduce.

The draft revised Guide had been subject to a consultation exercise and the views of consultees, including developers, had been considered. The section on affordable homes had been rewritten although it still sought 25% affordable homes on any site meeting the Council's size thresholds. The Assistant Director also updated the Committee on the introduction of the forthcoming Community Infrastructure Levy (CIL), which would replace the existing S106 regime. This was likely to be introduced in either late 2013 or early 2014.

Members discussed a number of issues including the need to update the section on environmental mitigation. Members also asked whether the proposed charging levels had been benchmarked against other Local Authorities in order to remain competitive. The reference to Metropolitan Park (Great Lines Heritage Park), affordable housing mix, internal space standards and corrected officer contact details for Adult Social Care were also discussed.

The Assistant Director responded that Medway was competitive in terms of house building compared to other Local Authorities in Kent, and this was demonstrated by the number of completions (808 for 2011/2012). The reference to the Metropolitan Park stemmed from a historical reference in the South East Plan but would be changed in the final version of the Guide. The affordable housing mix was based on the housing needs survey, space standards were based on government guidance and the officer contact details for Adult Social Care would be updated.

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**Decision:**

The Committee endorsed the Developer Contributions Guide and referred it to Cabinet for approval.

**449 Work Programme**

**Discussion:**

The Democratic Services Officer introduced the report highlighting a number of proposed changes to the work programme, which had been discussed with the Chairman.

A Member asked for an item to be added to the work programme with regard to his, and other Members', concerns about the weakness of the council's present Planning Policy with regard to the urban environment. In particular, he raised the issue of the use of gardens for development and the cumulative effect of this type of development on the density of buildings within the urban area, which was detrimental to the quality of life for residents already living in the urban area. He asked that a report was submitted setting out how this policy could strengthen the council's powers to refuse this type of development.

**Decision:**

The committee agreed to:

(a) the following changes to the work programme:

- (i) the report on Housing and Tenancy Strategy to be deferred to the meeting on 13 December 2012;
- (ii) an additional report on the Housing Allocations Policy be submitted to the meeting on 31 January 2013;
- (iii) a report on the six month review of the Fair Access to Credit task group report to be submitted to the meeting on 11 April 2013;

(b) request a report on strengthening the council's Planning Policy with regard to development in the urban environment.

**Chairman**

**Date:**

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