

**Medway Council**  
**Meeting of Medway Council**  
**Thursday, 25 April 2013**  
**7.00pm to 10.40pm**

**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, Bright, Carr,  
Mrs Diane Chambers, Rodney Chambers, Chishti, Chitty,  
Colman, Cooper, Craven, Doe, Etheridge, Filmer, Gilry,  
Christine Godwin, Paul Godwin, Griffin, Griffiths, Adrian Gulvin,  
Pat Gulvin, Harriott, Hicks, Hubbard, Igwe, Irvine, Jarrett, Juby,  
Kearney, Kemp, Mackinlay, Mackness, Brake, Maple, Mason,  
Murray, O'Brien, Osborne, Price, Purdy, Rodberg, Royle, Shaw,  
Maisey, Smith, Stamp, Tolhurst, Turpin, Watson, Wicks and  
Wildey

**In Attendance:** Neil Davies, Chief Executive  
Dr Alison Barnett, Director of Public Health  
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, Assistant Director Legal and Corporate  
Services/Monitoring Officer  
Julie Keith, Head of Democratic Services  
Barbara Peacock, Director of Children and Adults Services  
John Staples, Media Manager

**1039 Record of meeting**

The records of the meetings held on 24 January 2013 and 21 February 2013 were agreed and signed by the Mayor as correct.

**1040 Apologies for absence**

An apology for absence was received from Councillor Clarke.

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### 1041 Declarations of interest

The Mayor declared an interest on behalf of Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy and Governance, whose post was referred to in agenda item 12 (Deputy Director Designations). Richard Hicks left the room during discussion of this item.

Councillor Griffiths declared a disclosable pecuniary interest in agenda items 15 (Health Scrutiny – Changes to Legislation) and 16 (Health and Wellbeing Board – Establishment as a Committee of the Council) because he was a Non-Executive Director of Medway Community Healthcare Community Interest Company. He left the room during discussion of these items.

Councillor Murray declared a disclosable pecuniary interest in agenda item 8 (Leader's Report) in relation to the University Technical College (UTC) bid because she was employed by Mid Kent College which was involved in this project as a partner.

Councillor O'Brien declared a disclosable pecuniary interest in agenda item 8 (Leader's Report) in relation to Cabinet decision 82/2013 (Road and Pavement Resurfacing Schemes) because he and his wife owned a property in Station Road, Rainham.

Councillor Stamp declared a disclosable pecuniary interest in agenda items 15 (Health Scrutiny – Changes to Legislation) and 16 (Health and Wellbeing Board – Establishment as a Committee of the Council) because of his partner's roles with Healthwatch and the NHS Medway Clinical Commissioning Group.

### 1042 Mayor's announcements

The Mayor welcomed Dr Alison Barnett to her first Council meeting as the Director of Public Health now that public health had been transferred to local authorities.

The Mayor thanked those Members who would be attending the Ball on Saturday 27 April 2013.

The Mayor stated that the Mayor's cycle ride held on Sunday 21 April 2013, as part of the 'Get Active' campaign, was very successful with 55 participants. He gave particular credit to a 6 year old boy who cycled the 20 mile course on a BMX bike fixed in one gear. His Dad followed towing his sister with their toddler son on a seat in front of him. This showed a Better Medway was working well for those in Medway. He informed Members of a guided Walk taking place at Cliffe-Pool Bird Sanctuary on Sunday 28 April 2013, starting at 10am.

The Mayor stated for those who enjoyed the last abseil down Melville Court in September, and wished to go for a bigger challenge, the Quad project (the Quays, Up, Across and Down the towers of the West and East Point in Chatham Maritime) would take place on Saturday 11 May 2013. The Mayor

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was currently putting together a team for climbing the outside of the West Tower; crossing on a rope to the East Tower from where the team would abseil down. The Mayor asked for volunteers to contact him. He also passed around a sponsorship form for this challenge to Members.

The Mayor reminded Members to ensure that written copies of any amendments were provided to the Head of Democratic Services and that copies were brought up to the top table first.

### **1043 Leader's announcements**

There were none.

### **1044 Petitions**

Rachel Garrick submitted a petition which contained 639 signatures regarding the recent Ofsted inspection of the Council's child protection services and called on the Council to report back on progress by 26 May 2013 which would be 100 days since the Ofsted report was published, and also called on the Portfolio Holder for Children's Services, Councillor Wicks to resign.

Nicholas Alderson-Rice submitted a petition which contained 149 signatures which called on both the Council and the Government to reverse the changes to welfare reforms.

David Fraiss submitted a petition which contained 274 signatures which called on the Council to introduce an emergency business rate relief for small and independent traders in Chatham town centre and to work with traders of Chatham town centre to increase the level of footfall.

Councillor Cooper submitted a petition which contained 33 signatures which called on the Council to completely resurface Maple Avenue, Gillingham.

Councillor Avey submitted a petition which contained 213 signatures which called on the Council to introduce traffic calming measures in Elaine Avenue and Elaine Court, Strood.

Councillor Igwe submitted a petition which contained 9 signatures which called on the Council to review the Tesco Express (Darnley Road, Strood) delivery and parking issues.

Councillor Irvine submitted a petition which contained 222 signatures which called on the Council for greater enforcement in Grain village of fines for irresponsible dog owners who allowed their dogs to foul on the pavement.

**1045 Public questions**

**1046 Chris Roome, a governor at Abbey Court School, asked the Portfolio Holder for Children's Services, Councillor Wicks the following**

Will Medway Council confirm that it will be making a bid for funding to the DfE under the recently announced Targeted Basic Need Programme and that the bid will include a proposal to fund the rebuilding of Abbey Court Special School on a single site?

Councillor Wicks confirmed that Medway Council would be making a bid for funding to the Department for Education in relation to the expansion of Abbey Court Special School. Funding was only available to provide additional places and was not to reprovide existing provision or facilities, and so this funding would not be sufficient to rebuild the whole of Abbey Court on a single site.

The analysis of demand showed that there was greater demand for places in the primary phase and therefore the bid would seek funding to extend the primary phase of Abbey Court.

Councillor Wicks stated that no firm commitments could be made at this stage, until it was clear whether the Council would receive any funding.

Chris Roome asked if the Council would also confirm that it would fund the Abbey Court Project either from its own resources or through a combination of its capital funding programme and prudent borrowing, given that such an investment would allow more Medway parents to be given the school of their choice within the Medway area and would reduce significantly Medway's current annual expenditure on the purchase of out of area provision.

Councillor Wicks stated that it would depend on what funding the Council would receive from the government. If this was substantial enough, then the Council could undertake a lot of expansion. This would also enable the Council to look at its capital programme. He also stated that the Council had a duty to make sure that all SEN provision was fairly distributed.

**1047 Wendy Black, a parent at Abbey Court School, asked the Portfolio Holder for Children's Services, Councillor Wicks, the following:**

Abbey Court is a highly successful school with two consecutive Ofsted inspections recognising it as "outstanding" the most recent of which was achieved under the new more rigorous assessment procedures.

Will the Council acknowledge the school as a beacon of excellence and will the Portfolio Holder outline to me as a parent his understanding of the additional benefits beyond the day to day education experiences for the child that can accrue to the parents and family of a child attending Abbey Court?

Councillor Wicks stated that Abbey Court was a beacon of excellence and an outstanding school. He had visited Abbey Court quite a number of times and

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had been impressed by the quality of education on offer to the children and young people under the leadership of Karen Joy, Headteacher, and the Governors.

He understood the additional benefits that parents and families gained at Abbey Court included:

- Children learned functional skills which enabled students to have a fulfilling active life outside of school;
- They also learned communication skills, taught in school which would enable better communication across their home and school settings;
- There was the strong emphasis the school placed on independence, feeding, dressing, toileting, safety and being able to express preferences helped to reduce frustration and they improved behaviour and enabled the child to do more for themselves;
- There were social skills, taught very well and while some children may find it hard to generalise their learning from one setting to another, this work would generally have a positive impact on relationships at home and in the community;
- Abbey Court held sibling sessions which helped brothers and sisters to have positive joint sessions, for example in art or in PE, and this time could give parents a chance to share ideas over coffee and gain mutual support;
- The school has run parent sessions on themes that were of particular interest and where necessary the school would help parents to access other services.

Wendy Black referred to the importance of continuity of provision for her child and asked if the Portfolio Holder would agree that this could best be achieved by establishing Abbey Court as an all through school on a single site?

Councillor Wicks stated that the Council had been looking at the single site issue and that building a school could involve expenditure up to £25m. There was not the capital funding available to do this now that there was when the Council had obtained funding for the three academies, but the Council would be making the best provision it could for the students of Abbey Court.

### **1048 Samuel Narraine, a pupil at Abbey Court School, asked the Portfolio Holder for Children's Services, Councillor Wicks, the following:**

Me and my friends may have disabilities but we have rights too. We want our school to be equal to all the other schools in Medway, why isn't it?

Councillor Wicks thanked Samuel for his question and stated that he and his friends who attended Abbey Court had rights alongside everyone else. Councillor Wicks stated that he did not agree that Abbey Court was not equal to other schools in Medway as he wished that other children in Medway had the opportunity to attend an outstanding school as Samuel did.

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In terms of equality of opportunity, children attending Abbey Court accessed things such as theatre, arts, sports, residential activities, work experience and the Duke of Edinburgh Scheme.

Councillor Wicks stated that Samuel had not said why he thought Abbey Court was not equal to others. There were some schools in Medway who were very fortunate to be having new builds. These were agreed by the last government under a funding stream which was no longer available. These new schools were the exception. Many schools would like more space and more facilities than they had. The Council had to prioritise how it used the small amount of capital it had for all its schools. However, Abbey Court was a priority and was the focus of a targeted bid that was being made to draw more capital funds into the local authority.

Councillor Wicks stated that Abbey Court needed more space which was why the Council was making the most of the opportunities that it had to bid for funding so that it was in a position to develop and enhance the provision for students at Abbey Court.

### **1049 Rachel Garrick of Rochester asked the Portfolio Holder for Children's Services, Councillor Wicks, the following:**

Could the Portfolio Holder, Councillor Les Wicks explain, following on from the recent report by OFSTED, which rated all the areas of Child Protection Services in Medway as 'inadequate', why the Council published incorrect information on its website, stating some areas were rated as 'good' or 'adequate', and that no children were to be at immediate risk, a contradiction to the report's findings?

Councillor Wicks stated that whilst it was true that Child Protection Services in Medway were rated as inadequate in each of the three main domains, it was true to say that the inspectors found no children were left in circumstances of immediate risk and the inspectors also commented positively on social workers' hard work and commitment, some good aspects of the Medway Safeguarding Children Board, the positive impact Children Centres were making and the strong political and corporate support from Members and the Chief Executive.

The Council's website accurately reflected this position. If he could be informed where there were any anomalies, they would be put right.

Rachel Garrick referred to Councillor Wicks's response in which he stated that no children were found to be at immediate risk. She stated that there were children in the area who were inadequately protected.

Councillor Wicks stated that there were no children at immediate risk.

**1050 Derek Munton, Chairman of the Medway Pensioners Forum asked the Portfolio Holder for Adult Services, Councillor Brake, the following:**

Medway Council are supporting the Medway Pensioners' Forum by underwriting our meeting costs 5 times a year and also by printing and distributing the Forum's newsletter 6 times each year.

Can the Portfolio Holder confirm that Medway will continue in this backing to encourage the work of the Forum protecting the interests of older people and as a method of supporting older people to maintain health in body and mind?

Councillor Brake thanked Mr Munton for his question. He stated that the Council recognised the valuable contribution that the Medway Pensioners' Forum made to the lives of older people across Medway, which was why it has provided in-kind support to this organisation. He confirmed that Medway Council would continue to provide this ongoing support.

Derek Munton asked whether he could meet with the Portfolio Holder in the very near future to formalise the arrangements between the Council and the Medway Pensioners Forum.

Councillor Brake stated that he was more than happy to meet with Mr Munton and the secretary of the Medway Pensioners forum to sort these matters.

**1051 Sue Groves MBE of Chatham will ask the Portfolio Holder for Housing and Community Services, Councillor Doe, the following:**

Could the Portfolio Holder, Councillor Doe confirm how many of the Council's public computers have accessibility software, such as Dragon and Jaws, which ensure people have equal access to the Internet, given that, as the Government moves many of its services online, last month's National Audit Office report showed a significant number of people, particularly those over 65 and disabled people, will need additional support to access these services?

Councillor Doe stated that the Council's public computers did not carry any third party assistive technologies, but they did have desktop links to invoke the Microsoft utilities, such as Narrator, Magnifier and the on-screen keyboard. In addition, ICT had developed a utility to enable the mouse buttons to be swapped from left to right click. All this software was free with the windows licence. In addition, a few libraries had Intellikey keyboards and roller-ball mouse facilities.

He stated that Medway's libraries ran 'new to computer courses' which could be of great benefit to those who were new or had no knowledge of using IT. All library staff were trained to support the public in their use of IT and that this was a plus part of the service and in recruitment the Council insisted that candidates had or were willing to achieve the European Computer Driving License, or equivalent.

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The Council wanted to ensure that its public computers met customer needs as far as is possible and he would ask the relevant officers to make contact with Sue Groves MBE to establish if there were any other ways the Council could upgrade its IT systems to meet the needs she had identified, bearing in mind, for example, that some computer systems involved oral computer systems or learning from the voice patterns and therefore they were not particularly suited to an open environment.

Sue Groves MBE asked if there were any plans to actually increase availability of these computers because some of the forms that users had to fill in for these services online took an awful lot of time to do and sometimes had to be saved several times. Also, that there were half hour blocks and there did not seem to be that many computers available and there were an awful lot of OAPs and disabled people that did not have access to computers at home.

Councillor Doe stated that the Council continually looked at its computer provision and it was also a question of space but within those parameters the Council would do what it could and certainly if there were areas where there were substantial difficulties in getting access then the Council would look at those. He stated that he would ask the relevant officers to talk to Mrs Groves to see if the Council could identify what those areas were. He stated that the object really was to be as helpful and inclusive as possible.

### **1052 Rachel Garrick of Rochester will ask the Portfolio Holder for Children's Services, Councillor Wicks, the following:**

Could the Portfolio Holder, Councillor Les Wicks admit to failing vulnerable children, and outline a clear response to the recommendations made in the OFSTED report?

Councillor Wicks stated that the inspection report from Ofsted made clear that there was strong political support for child protection services in Medway. The budget for child protection services had been protected and additional funding had been agreed for specific projects, for example, the new computer recording system.

The need for radical action to improve services was understood before the inspection and that the Council was pursuing those plans to improve things. He stated that had Ofsted come in six months' time they would have found a very different situation. The pace of change was accelerated with the appointment of the new Director of Children and Adults Services who now had a team in place driving improvement in all areas.

Councillor Wicks stated that he would continue to play a leading role in ensuring all was being done to improve children's services in Medway.

Rachel Garrick stated that Councillor Wicks had not appeared to have addressed the initial immediate actions required by the report or those that were outlined to be responded to within three months and then six months, and could he address those points?



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Councillor Wicks stated that the three months actions had already been dealt as part of the inspection regime. There was an Improvement Board within the authority which would meet regularly to make sure that those three and six months measures were put in place. He also stated that the Council was working to meet the new criteria and the inspections when Ofsted came again.

He also reported that there was an outside Improvement Board as well and anybody could access this information.

### **1053 Sue Groves MBE of Chatham asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following:**

Could the Portfolio Holder, Councillor Filmer outline what plans are in place to improve the accessibility to public transport, particularly fully accessible taxis, for disabled people in Medway, following on from the recent survey by the Leonard Cheshire Trust, which highlighted the issues facing disabled people using public transport, and the evidence provided to the Transport Select Committee on 15 April 2013?

Councillor Filmer thanked Mrs Groves for her question. He stated that, in 2003, the Department for Transport intended to make all taxis (Hackney Carriages) wheelchair accessible and had consulted with service users, the taxi trade and local authorities.

The results of the consultation highlighted the need for a broader range of vehicles to meet a range of disabled people's needs, not just wheelchair users. The government decided, as this was a complex matter, not to make regulations and for accessible taxi policies to stay with local licensing authorities.

He stated that taxi drivers were self employed and the vehicles they purchased reflected the demands of their customers. In the last 10 years, Medway Council had not received a complaint about the lack of wheelchair accessible vehicles. The Council would continue to facilitate meetings with the Medway Licensed Taxi Drivers Association and Equality Groups to ensure the needs of disabled people in Medway were met.

With regard to buses, Medway Council had a continuing programme of bus stop upgrades which included raised kerbs to improve boarding and alighting. To date, almost a third of all bus stops within Medway had been improved in this way. As far as buses themselves were concerned, the National Government legislation required that all single deck service buses are to be fully accessible by 1 January 2016 and the double-deckers by 1 January 2017.

Mrs Groves asked if there were any plans for Medway Council to look at models at other Councils where accessible taxis had been increased given that there were only a handful in the Medway Towns and that some of them had used incentives, whilst some of them had used licenses to enable there to be a percentage of accessible taxis.

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Councillor Filmer referred to the Leonard Cheshire report and that he took on board its representations to the Transport Select Committee. He stated that the Council was in constant dialogue with the bus companies and the taxi companies. He also stated that one of the main problems that people in wheelchairs experienced was on public transport where the area that was designated for wheelchairs was actually being used by buggies and this was something the Council could take up with the bus companies to make sure these were kept clear. Councillor Filmer stated that he was happy to speak to the bus companies and the taxi companies.

### 1054 Leader's report

#### Discussion:

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

- University Technical College
- Ofsted inspections
- Lodge Hill
- Tiger (Thames Gateway Innovation, Growth and Enterprise) launch
- Medway celebrations
- Gillingham FC's promotion from League Two
- Book of remembrance which commemorated the young boys who died serving in the Royal Navy during the Second World War, which now resided at the St George's Centre.
- Business rate relief
- New recycling service
- Director of Public Health.

### 1055 Overview and scrutiny activity

#### Discussion:

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

- Council Plan 2013-2015
- Announced Inspection of Safeguarding and Looked After Children in Medway 2011
- Hospital mortality figures – Medway NHS Foundation Trust
- Parking permit zones
- Housing Allocations Policy
- Community Infrastructure Levy
- Welfare reforms
- Discretionary Business Rate Relief
- Update on the proposed integration between Medway NHS Foundation Trust and Dartford and Gravesham NHS Trust

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- Darnley Arches, Strood
- Fair Access to Credit Task Group review.

### **1056 Nominations for Mayor and Deputy Mayor for 2013/2014**

Councillor Mackness, supported by the Portfolio Holder for Strategic Development and Economic Growth, Councillor Chitty, proposed that Councillor Iles be nominated as the Mayor of Medway for the 2013/2014 municipal year.

On being put to the vote this nomination was agreed.

Councillor Purdy, supported by Councillor Griffin, proposed that Councillor Etheridge be nominated as the Deputy Mayor of Medway for the 2013/2014 municipal year.

On being put to the vote this nomination was agreed.

### **1057 Members' questions**

#### **1058 Councillor Juby asked the Leader of the Council, Councillor Rodney Chambers, the following:**

Given the recent changes to housing benefit, what steps are the Council taking to ensure that applicants for social housing have a sound local connection, and are not just incomers from London boroughs taking advantage of the cash incentives being given to them to move away?

Councillor Rodney Chambers stated that Councillor Juby could have found the answer to this on page 77 of the Council agenda (Housing Allocations Policy), however, he clarified the following details of the policy. Section 7 of the policy, Qualification for Housing Register stated that households who had not lived within the Medway boundaries continuously for the two years prior to the application being made would not be accepted onto the Housing Register and also that anybody coming here in residency must be by the applicant's own choice. This was quite clearly laid out in the policy.

The policy continued to describe in detail how it would be applied, and who would not normally be considered as fulfilling the residency criteria, this included:

- Those placed in Medway in temporary accommodation by another authority
- Those placed in Medway in residential or supported housing by another borough
- Secure or flexible tenants of other local authority areas
- Those who have family members in this authority area will still need to have the two year residency qualification.

There was a caveat to this, that certain members of the Armed Forces would still be able to meet the residential requirement as per the Government's

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Housing Allocations (Qualification Criteria for Armed Forces) Regulations 2012, which the Council had adopted as part of its policy.

Councillor Juby asked whether the Leader would send a copy of that policy to the Leader of Brent Council, which seemed to be the main London borough council suggesting that people be given incentives to move out of London.

Councillor Rodney Chambers stated that he was more than happy to send it further afield.

### **1059 Councillor Osborne asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following:**

Can I ask the Portfolio Holder, Councillor Filmer, what is happening in regard to the double yellow lines for Street End Road, seeing as this issue was raised 6 months ago and the junction with Settington Avenue continues to remain lethal to passing traffic?

Councillor Filmer thanked Councillor Osborne for his question. He confirmed that Street End Road junction with Settington Avenue was in the next batch of double yellow line consultations to go out and it would be delivered to residents along with other roads in the batch over the next week.

### **1060 Councillor Osborne asked the Portfolio Holder for Strategic Development and Economic Growth, Councillor Chitty, the following:**

Can I ask the Portfolio Holder, Councillor Chitty, whether she or the Council has made any representation to our MPs or government about the 'City Deal' scheme, given this could be a good opportunity for many small businesses, who now feel let down by an administration that lacks vision?

Councillor Chitty thanked Councillor Osborne for his question. She stated that she was happy to provide details of the representations that had already been made.

The first round was for large metropolitan councils and that excluded Medway. The second round included local authorities named by the government. However, with the suggestion that there was going to be a third round she stated that she was very grateful to Rehman Chishti MP, because he had done an awful lot of work. He asked questions, including to Nick Clegg MP and Vince Cable MP. Rehman Chishti had also written a supporting letter and he had made a very strong stand in showing Medway's interest in the scheme. She also stated that both the MPs for Chatham and Aylesford and Rochester and Strood would be supportive too. She thanked Councillor Chishti for his intervention and his very close work on this and looked forward to the opportunity to perhaps be part of the next programme.

Councillor Chitty stated that she was disappointed with the last part of the question which was really unfair on local business and local industry. She noted that there had been a great deal of work undertaken with small to medium sized

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businesses and she gave some examples. With regards to manufacturing, this was high-tech, high volume and very important. It represented 10% of the business in Medway - £650m and 900 additional new jobs. She stated that she had met with two local businesses earlier in the day who were absolutely outstanding in what they produced and they were very proud of being part of Medway businesses.

With regards to the Council's support, 84 new businesses received grants. In the first tranche 88% were still going after one year and reported that everybody found this figure absolutely outstanding. The Council had provided loans, grants, innovation vouchers and grants for apprentices. With regards to employment, in June 2010 employment in Medway was 113,500, in June 2012 it was 120,800. She stated that these figures were important because it was about people having the ability to access work and contribute to the local economy. 7,300 more people in work was substantial.

Councillor Chitty stated that the work the Administration would continue to support and praise local business for their contribution to the local economy.

### **1061 Councillor Murray asked the Portfolio Holder for Adult Services, Councillor Brake, the following:**

Following on from the very successful initial meeting of the Disability Forum, I was pleased to support along with Councillor Brake, can the Portfolio Holder ensure that the Disability Forum will be provided with money to help them set it up, in the same way that the Ethnic Minority Forum was when it got going?

Councillor Brake stated that the recent meeting with residents with a wide range of disabilities had provided a strong foundation on which to develop the forum. He stated that he had been encouraged by the attendance and was grateful to Councillors from across the political parties for their participation on the day.

There was consensus that a Medway Disabled Residents Forum should be community led, with appropriate council support. Some residents with disabilities had volunteered to sit as a steering group to develop proposals to take the forum forward. This would include identifying its support requirements and the council would provide support to that forum in order to help them set up and he looked forward to seeing this important community-led initiative flourish, giving residents with disabilities a voice.

Councillor Brake stated that he considered the establishment of this forum to be an important part of the journey that empowered residents with disabilities to actively participate, not just in Council matters but with wider civil society, and to make their valuable contribution as equal members of the community and of course part of the big society. He stated that they had his full support in this endeavour.

Councillor Murray stated that one of the biggest demands that the people at the forum made was the need to know that they had that support which translated

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into money. Without this, the Forum would not be able to build their own capacity in the way that the Ethnic Minority Forum did to be sustainable. She asked Councillor Brake as to the level of funding.

Councillor Brake stated that at this point in time he had no real idea as to what the cost of this forum was likely to be. He stated that he would need to establish the cost of setting up such a forum and once that information was available it would be his responsibility to take that to Cabinet regarding the necessary funding in order to make a sustainable forum operational.

### **1062 Councillor Price asked the Portfolio Holder for Children's Services, Councillor Wicks, the following:**

In light of the petition submitted this evening from about 700 parents and residents from across Medway, and the lead recently taken by your opposite number in Sandwell, Councillor Bob Badham, who immediately resigned after a similar poor Ofsted report on child protection standards, will you, Councillor Les Wicks, now resign?

Councillor Wicks stated that he would not resign.

Councillor Price asked if Councillor Wicks could outline the reasons why he would not resign after this damning report and what would it take in future for him to ever consider his position.

Councillor Wicks stated that Councillor Price was playing politics. Councillor Wicks stated that his work had been opposed by Councillor Price including the Primary Capital Programme, the Academies and now the University Technical College (UTC), all of which were the Labour government's policy as well as the current government with regards to the UTC.

Councillor Wicks stated that Councillor Price was in the business of blame and culpability and that Councillor Price had chosen to take a very narrow view of things. Councillor Wicks stated that, for example, in terms of the petition that 28% of the signatories were Labour Party members. Councillor Wicks stated that if Councillor Price ever cared to come up with some serious discussion about education and safeguarding he would be pleased to discuss this. In the meantime, Councillor Wicks stated that he thought the only people he needed to take any notice of were the Leader and the Ofsted Inspector. He would not take notice of both Councillor Price and Councillor Maple.

### **1063 Councillor Griffiths asked the Leader of the Council, Councillor Rodney Chambers, the following:**

Will you support Medway Labour in their endorsement of East Kent with their bid for the 2017 City of Culture, and also explain why Medway hasn't tabled a bid?

Councillor Rodney Chambers stated that the Council wished East Kent good luck in its City of Culture bid and hoped that they were successful and indeed

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should they require Medway Council's support as part of the bid, the Council would be more than happy to give it, indeed as they gave Medway their support when Medway made its City bid – this was on record for all local authorities in East Kent and the Chief Executive of East Kent submitted support in writing.

He stated that as outlined in a Department for Culture, Media and Sport (DCMS) document in 2009 and recently reported by the BBC, a bid of this nature cost approximately £10 million in commitments on top of existing authority's cultural expenditure.

Initial bids were set to cost the registered cities £80,000, with final bids to cost significantly more. Whilst it was hoped that private sector organisations would contribute to this, in uncertain economic times, this could not be assured.

With regard to the last part of the question question, Councillor Rodney Chambers stated that he was pleased that Councillor Griffiths had acknowledged that Medway had a significant cultural offer, however, Councillor Rodney Chambers believed that at this point in time it was right to concentrate on the World Heritage status bid for which much of the work had already been done and if world heritage status was secured, it would put Medway in the forefront because a World Heritage site would be a boost to the major cultural offer.

### **1064 Councillor Igwe asked the Portfolio Holder for Housing and Community Services, Councillor Doe, the following:**

Can I ask the Portfolio Holder, Councillor Doe to support Rede Common's application to be recognised nationally to gain access to funding for continued maintenance, given that it is a community trail that helps residents maintain a closer connection to nature, as well as preserving species that will otherwise become extinct?

Councillor Doe thanked Councillor Igwe for his question and stated there was agreement in the importance of Rede Common as a community and ecological space, which he had often visited, and it was recognised in the Local Development Framework Core Strategy which had been submitted for examination last year.

Within the Core Strategy, paragraph 4.63 provided a list of 15 proposed Local Nature Reserves based on an assessment of criteria for this designation.

The Core Strategy examination process was ongoing and as such there was currently no adopted policy within the Council against which officers could progress this designation. However, the officers within Greenspaces were working very closely with the Friends of Rede Common to agree future management proposals and supporting them in the development of funding applications. The absence of Local Nature Reserve status had not been identified as a limiting factor in funding application and if it was so then it would be looked at again.

## **Council, 25 April 2013**

The meadow areas of the site were managed through the contract with Quadron Services with annual cut and removal of vegetation and as such a sustainable programme of work for this key habitat on the site was secured.

### **1065 Deputy Director Designations**

#### **Discussion:**

This report provided the background in respect of the proposed creation of two deputy director posts, one in Children and Adults Services and the second in the Regeneration, Community and Culture. The new posts related to the existing Assistant Director, Adult Social Care and Assistant Director, Customer First, Leisure and Culture, Democracy and Governance.

During discussion on this item, the Leader of the Council, Councillor Rodney Chambers, confirmed that the Director of Public Health would sit in the Business Support Department.

It was also noted that the Constitution would be amended, as appropriate, to give effect to these changes.

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

#### **Decision:**

- a) The Council approved the creation of two new deputy director roles, as detailed in the body of the report.
- b) The Council agreed the budget transfer between business support and children and adults services to reflect the movement of the IRO (Independent Reviewing Officer) service.

### **1066 Community Safety Plan 2013 - 2016**

#### **Discussion:**

This report provided information on the operation of the Community Safety Partnership in 2012–2013, and sought approval to the proposed Community Safety Plan 2013–2016 for approval as part of the Council's policy framework.

The draft Plan had been considered by the Regeneration, Community and Culture Overview and Scrutiny Committee on 11 April 2013 and Cabinet on 16 April 2013, as set out in paragraphs 6 and 7 of the report.

A Diversity Impact Assessment (DIA) screening form had been completed on the draft plan, as set out in Appendix 3 to the report, which showed that a full DIA was not required.



## **Council, 25 April 2013**

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

### **Decision:**

The Council approved the Community Safety Plan 2013/2016, as set out in Appendix 1 to the report and the Action Plan as set out in Appendix 2 to the report.

## **1067 Licensing Act 2003 - Review of Council's Statement of Licensing Policy**

### **Discussion:**

This report provided details of the review of the Council's Statement of Licensing Policy. There had been considerable changes in legislation over the last twelve months through the Police Reform and Social Responsibility Act 2011, which had been included in the draft statement for consultation.

The Licensing and Safety Committee considered the outcome of consultation of the draft policy on 7 March 2013 and its comments were set out in paragraph 6 and Appendix E to the report.

A Diversity Impact Assessment Screening Form (DIA) had been undertaken on the draft policy, as set out in Appendix C to the report. The screening concluded that a full DIA was not necessary, however, a couple of actions had been identified for future reviews.

The Portfolio Holder for Community Safety and Customer Contact, Councillor O'Brien supported by the Portfolio Holder for Corporate Services, Councillor Mason, proposed the recommendations set out in the report with an addition to recommendation 9.1, as a result of a meeting between local residents and the Chairman of the Licensing and Safety Committee, as follows:

Council is asked to approve the draft Statement of Licensing Policy as set out in Appendix A to the report with effect from 1 May 2013 subject to the following additions to the Statement of Licensing Policy:

### **The following to be added after the section on Weight of Police Evidence (sections 52 and 53 of the policy)**

#### **Protection of Children**

The protection of children from harm is an important licensing objective. Nevertheless, Medway Council will not normally impose conditions requiring or prohibiting the admission of children to any premises, believing this should remain a matter of discretion for the licence holder and takes account of the view of Government that the use of licenced premises by children should be encouraged. However, it will, where appropriate, impose conditions designed to protect children.

## **Policy**

While in some circumstances it may be appropriate to impose a complete prohibition, Medway Council may in other situations consider imposing requirements such as the example conditions set out in Appendix 6 (pool of example conditions) to the Statement of Licensing Policy.

In addition, Medway Council will use all statutory functions to ensure the protection of children from harm with particular emphasis on the sale of alcohol to underage persons.

## **Reasons**

These policies are designed to allow flexibility for the licensee to ensure that, where appropriate, licensed premises are suitable for children but to ensure they are adequately protected.

## **Decision:**

- a) The Council approved the draft Statement of Licensing Policy as set out in Appendix A to the report with effect from 1 May 2013 subject to the following additions to the Statement of Licensing Policy:

### **The following to be added after the section on Weight of Police Evidence (sections 52 and 53 of the policy)**

#### **Protection of Children**

The protection of children from harm is an important licensing objective. Nevertheless, Medway Council will not normally impose conditions requiring or prohibiting the admission of children to any premises, believing this should remain a matter of discretion for the licence holder and takes account of the view of Government that the use of licenced premises by children should be encouraged. However, it will, where appropriate, impose conditions designed to protect children.

#### **Policy**

While in some circumstances it may be appropriate to impose a complete prohibition, Medway Council may in other situations consider imposing requirements such as the example conditions set out in Appendix 6 (pool of example conditions) to the Statement of Licensing Policy.

In addition, Medway Council will use all statutory functions to ensure the protection of children from harm with particular emphasis on the sale of alcohol to underage persons.

**Reasons**

These policies are designed to allow flexibility for the licensee to ensure that, where appropriate, licensed premises are suitable for children but to ensure they are adequately protected.

- b) The Council agreed the amendments to the Licensing and Safety Committee's terms of reference, as set out in Appendix D to the report.

**1068 Health Scrutiny - Changes to Legislation**

**Discussion:**

This report provided details of the changes to the legislation relating to health scrutiny and recommended a way forward where there was a degree of local choice about health scrutiny arrangements. Changes to the arrangements for local authority scrutiny of health came into effect on 1 April 2013 under the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

The Leader of the Council, Councillor Rodney Chambers, supported by the Portfolio Holder for Adult Services, Councillor Brake, proposed the recommendations set out in the report.

**Decision:**

- a) The Council noted the changes to health scrutiny arrangements under the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- b) The Council agreed to delegate the function of health scrutiny to the Health and Adult Social Care and Children and Young People's Overview and Scrutiny Committees.
- c) The Council agreed to delegate to the Health and Adult Social Care and the Children and Young People Overview and Scrutiny Committees the right to refer contested service reconfigurations to the Secretary of State without a requirement to notify full Council of the decision to make a referral before that referral is made given the scope for delay this would cause.
- d) The Council agreed that the membership of the Health and Adult Social Care Overview and Scrutiny Committee and the Children and Young Peoples Overview and Scrutiny Committee should each include a representative of Healthwatch to ensure that the views of the public and people who use services continue to be represented at Overview and Scrutiny Committee meetings (noting that the Healthwatch representative should not also be a member of the Health and Wellbeing Board).

## Council, 25 April 2013

- e) The Council agreed the consequential changes to the Constitution as set out in Appendix B to the report.
- f) The Council agreed that the Kent County Council (KCC) and Medway Joint NHS Scrutiny Committee should be delegated the power to continue to discharge the function of health scrutiny in the circumstances currently set out in the Council's Constitution (Appendix C of the report refers) with a further report to the Council on any changes required to the provisions relating to this Joint Committee (which would need to be agreed jointly with KCC).

### **1069 Health and Wellbeing Board - Establishment as a Committee of the Council**

#### **Discussion:**

This report provided details of the proposal to establish the Health and Wellbeing Board (HWB) as a Committee of the Council and set out proposed terms of reference, the membership and working arrangements for the Board.

The Leader of the Council, Councillor Rodney Chambers, supported by the Portfolio Holder for Adult Services, Councillor Brake, proposed the recommendations in the report. With reference to recommendation 8.4 it was proposed that the Chairman of the HWB should be appointed from among the Councillors serving on the Board and with reference to recommendation 8.7, it was proposed to bring forward a further report on the payment of Special Responsibility allowances to the Chairman and Vice Chairman of the Health and Wellbeing Board.

#### **Decision:**

- a) The Council agreed to establish a Committee of the Council called the Health and Wellbeing Board (HWB) as required under Section 194 of the Health and Social Care Act 2012 with a membership as set out in paragraph 4.2 of the report.
- b) The Council agreed that dual membership of the Health and Wellbeing Board and the Health and Adults Social Care or Children and Young People Overview and Scrutiny Committees should not be permissible for Councillors and Healthwatch for the first year of the Board and that this should also be applicable to any substitute members.
- c) The Council approved the proposed terms of reference for the Health and Wellbeing Board as set out in paragraph 4.3 of the report and noted there was no intention to delegate other Council functions to the Health and Wellbeing Board at this stage.

## **Council, 25 April 2013**

- d) The Council agreed that the Chairman of the Health and Wellbeing Board should be appointed from among the Councillors serving on the Board.
- e) The Council agreed that the Health and Wellbeing Board should appoint its Chairman and Vice Chairman at the first meeting of the Board after every Annual Council meeting rather than at the Joint meeting of Committees on the evening of Annual Council.
- f) The Council agreed the governance arrangements set out in paragraphs 4.4.2 to 4.4.11 of the report.
- g) The Council agreed to bring forward a further report on the payment of Special Responsibility allowances to the Chairman and Vice Chairman of the Health and Wellbeing Board.
- h) The Council agreed to authorise the Monitoring Officer, in consultation with Group Leaders, to make necessary changes to Chapter 3 to the Constitution to incorporate the terms of reference and governance arrangements for the Health and Wellbeing Board as agreed by the Council at this meeting.

### **1070 Appointment of Local Authority School Governors: Changes to Criteria and Delegation**

#### **Discussion:**

This report provided details of a proposal to change the criteria the Local Authority applied to nominations when appointing and removing Local Authority school governors. This related to training and the impact of the Protection of Freedoms Act 2012 which had come into force on 10 September 2012 with the intention of scaling back checks to what the government considered to be more proportionate levels while still offering protection to those that needed it. The report also proposed that future changes to the criteria be made by the Director of Children and Adults Services under delegated authority.

The Portfolio Holder for Children's Services, Councillor Wicks, supported by Councillor Kemp, proposed the recommendations set out in the report.

#### **Decision:**

- a) The Council agreed to adopt the criteria for appointments as set out in Appendix 2 (option A) with effect from 1 May 2013 and to agree that schools will in future determine eligibility and appropriateness of enhanced disclosure checks for Local Authority appointed School Governors on the same basis as they already do for all other types of governors and all other volunteers as set out in paragraph 4.2 of the report.

## **Council, 25 April 2013**

- b) The Council agreed a delegation for future changes to the criteria for the appointment of Local Authority School Governors to the Director of Children and Adults, in consultation with Group Whips, subject to the ability to refer to Full Council for decision in any instance where the Director of Children and Adults prefers to not exercise the delegated authority with effect from 1 May 2013.

### **1071 Duty to Secure Education Places for Vulnerable Children Aged Two Years**

#### **Discussion:**

This report provided information on the statutory duty to secure early education places for vulnerable young children and those from low income households requires provision for around 1400 children. The report identified the number of additional places required, and proposed a capital programme across 2013 and 2014 to ensure that the Council's statutory duty was met, drawing upon the additional capital grant funding allocated to Medway by the Department for Education (DfE).

The Portfolio Holder for Children's Services, Councillor Wicks, supported by the Portfolio Holder for Children's Social Care, Councillor Wildey, proposed the recommendations set out in the report.

#### **Decision:**

- a) The Council agreed that a capital scheme be approved to secure sufficient additional places for young children to meet the authority's statutory duty.
- b) The Council agreed that, initially, an upper limit of £560,000 is set – equivalent to the additional capital funding allocated by the Department for Education (DfE).

### **1072 Establishment of Committees, Appointments and Schedule of Meetings 2013/2014**

#### **Discussion:**

This report set out the position regarding the overall allocation of seats on committees in advance of the Annual Meeting of the Council on 15 May 2013 regarding the committees and other bodies to be appointed for 2013/2014 and a programme of meetings.

Councillor Kemp stated that it was likely that the Business Support Overview and Scrutiny Committee currently scheduled for 7 August 2013 would be moved and that the Fort Amherst Heritage Trust no longer required a Council representative. These changes would be reflected in the report to Annual Council on 15 May 2013.

## **Council, 25 April 2013**

Councillor Kemp, supported by the Portfolio Holder for Corporate Services  
Councillor Mason, proposed the recommendations set out in the report.

### **Decision:**

The Council agreed to recommend to Annual Council and the Joint meeting of all Committees on 15 May 2013:

- (i) the establishment of committees, sub committees and task groups, their size and the allocation of seats to political groups as set out in paragraph 3.5 of the report and in Appendix A to the report, together with terms of reference as set out in the Council's constitution;
- (ii) the establishment of an ad hoc committee to consider the removal of Council appointed school governors as and when necessary and to waive political balance in respect of this Committee;
- (iii) that appointments should be made to Joint Committees, outside bodies and other bodies as set out in Appendix B to the report ( with nominees to be reported at the Annual Council meeting);
- (iv) that membership of the National Association of Councillors should be discontinued as suggested by Group Whips;
- (v) the timetable of meetings for the 2013/2014 municipal year as set out in Appendix C to the report.

### **1073 Special Urgency Decisions**

#### **Discussion:**

This report provided details of decisions taken by the Cabinet on 12 March 2013 under the special urgency provisions contained within the Constitution (Proposal to Establish a Joint Venture Company for Facilities Management) and on 16 April 2013 (Gateway 1 Procurement Commencement: Local Welfare Provision (LWP) Scheme).

An addendum report had been circulated on 19 April 2013 which provided details of a decision taken by the Director of Regeneration, Community and Culture under the urgent action provisions on 22 February 2013 in relation to car parking fees and charges.

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

#### **Decision:**

That the report be noted.

**1074 Motions**

**1075 Councillor Griffiths, supported by Councillor Maple, submitted the following:**

This Council:

- Is concerned at the so called 'bedroom tax' that the Government is putting in place to cut housing benefit from some of Medway's most vulnerable residents on the grounds that their social housing has a spare bedroom;
- Believes it to be an unworkable policy because there is a completely inadequate level of housing stock in Medway, meaning that those people affected would not be able to move even if they were willing to;
- Recognises that this will therefore financially penalise some of the poorest members of our community.

This Council:

- Notes that according to the Government's own impact assessment, two thirds of the households affected have a disabled person;
- Further notes that the policy will cut support from the families of disabled residents, but not prisoners.

This Council:

- Asks the Government to withdraw and reconsider the measures.

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

**1076 Councillor Murray, supported by Councillor Paul Godwin, submitted the following:**

Medway Council deplores the illegal practice of 'blacklisting' within the construction industry and will ensure that any company known to have been involved in blacklisting practices and not to have indemnified their victims will not be invited to tender contracts by Medway Council.

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

**Mayor**

**Date:**

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