

Medway Council
Meeting of Medway Council
Thursday, 24 April 2014
7.00pm to 10.15pm

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 Iles)
The Deputy Mayor (Councillor Etheridge)
Councillors Avey, Baker, Bowler, Carr, Mrs Diane Chambers,
Rodney Chambers, Chishti, Chitty, Clarke, Colman, Cooper,
Craven, Doe, Filmer, Christine Godwin, Paul Godwin, Griffin,
Griffiths, Adrian Gulvin, Pat Gulvin, Harriott, Hicks, Hubbard,
Irvine, Jarrett, Juby, Kemp, Mackinlay, Mackness, Brake, Maple,
Mason, Murray, O'Brien, Price, 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
Rosie Gunstone, Democratic Services Officer
Mick Hayward, Chief Finance Officer
Wayne Hemingway, Democratic Services Officer
Richard Hicks, Deputy Director, Customer Contact, 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

1037 Record of meeting

The record of the meeting held on 20 February 2014 was agreed and signed by the Mayor as correct.

1038 Apologies for absence

Apologies for absence were received from Councillors Bright, Gilry, Hewett, Igwe, Kearney, Osborne and Purdy.

1039 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

Councillor Filmer declared an interest in any reference to Medway Norse because he was a Director of Medway Norse.

Councillor Mackinlay declared an interest in any reference to Medway Norse because he was a Director of Medway Norse.

Councillor Murray declared an interest in any reference to the University Technical College (UTC) because her employer (Mid Kent College) was one of the UTC partners.

1040 Mayor's announcements

The Mayor informed the meeting of the sudden death of Michael Filmer, one of the Civic and Ceremonial Assistants in the Mayor's Office, on 3 April 2014. She stated that Michael had worked for Medway Council for over 12 years and many Councillors had attended Michael's funeral earlier the same day. The Mayor, on behalf of the Council, placed on record the appreciation for Michael's loyal and dedicated support to successive Mayors over many years.

Councillors Murray and Bowler both paid tribute to Michael Filmer.

The Mayor also announced that Joyce Esterson had died earlier this month. Mrs Esterson was first elected to Rochester Council in 1965 and then after a break to raise her family was re-elected and served on Rochester upon Medway City Council from 1979 to 1995. She was Mayor of Rochester in 1991/92. The Mayor, on behalf of the Council, placed on record their sadness and condolences to the family. The funeral for Joyce Esterson was due to take place on 28 April 2014.

Councillor Murray paid tribute to the life of Joyce Esterson.

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

1041 Leader's announcements

There were none.

1042 Petitions

Councillor Bowler submitted a petition containing 36 signatures which requested the extension of the parking permit scheme in Maidstone Road, Rochester, to include the houses between 85-151 Maidstone Road.

Councillor Harriott submitted a petition containing 14 signatures which requested extra paths through the verges between Boughton Close and Charing Road, Twydall.

Councillor Mackness submitted a petition containing 631 signatures regarding the future of the GP Practice run by Dr Elapatha, Delce Road, Rochester.

Councillor Maple submitted a petition containing 23 signatures regarding the condition of Darland Avenue and Rowland Avenue, Gillingham.

Councillor Murray submitted a petition containing 70 signatures regarding flooding on the public highway near the junction of Star Hill/Rochester High Street, adjacent to Magee's Café, 208 High Street, Rochester.

Councillor Price submitted a petition containing 21 signatures regarding the closure of the Izzatt Day Centre, Clover Street, Chatham.

1043 Public questions

Members agreed that questions would not be read out.

A. Gerardo Esposito of Chatham asked the Portfolio Holder for Finance and Deputy Leader, Councillor Jarrett, the following question:

You are on record as stating that the financial return on ratepayers £4 million investment into the airfield paved runway and infrastructure will be better than depositing the money in a Building Society.

The Rochester Airport Limited bid submission business model reveals you are mistaken. The £4M taxpayers' return on investment (ROI) in the paved runway and airport facilities upgrade is pitiful.

The disastrous ROI figures legitimise the WS Atkins report 2001 assessment that there is no financial case for investing in a paved runway and proposed a grass option B nearly identical to the Airport Masterplan.

- You say the airport accident record is good.
- You say Medway Council is not going to commercialise the airport.
- You say the paved runway and concentrated flights will result in 'less noise than at the moment' but that is untrue.

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Please tell us why the taxpayer is paying millions of pounds for a small number of budget fliers to have a paved runway when they cannot afford it and they have been safely using grass since 1933?

Councillor Jarrett stated that the level of investment was reasonable considering it was an asset owned by the Council, and would be repaid by proceeds from the development created on the site of the redundant runway. In addition it was anticipated that the Council would benefit from in excess of £300,000 per annum of additional business rate income aside from a percentage of retail return against the airport operator's lease holdings. There was also the value of leverage in terms of potential future public sector investment and also in creating additional jobs and economic activity and vitality both directly and indirectly from the development.

There was no supplementary question.

B. Jennifer Sanders of Rochester asked the Portfolio Holder for Finance and Deputy Leader, Councillor Jarrett, the following question:

Please tell us how Medway Council arrived at a £4M ratepayer contribution towards the Rochester Airport paved runway and facility upgrade?

Councillor Jarrett stated that the Council considered the proposal to fund the upgrade of the Rochester Airport at a Cabinet Meeting on 9 July 2013 and at a Council Meeting on 25 July 2013. The reports for those meetings and decisions made were in the public domain and members of the public wishing to understand the decision making process could look at those documents on the Council's website.

The decision to invest in the upgrade of Rochester Airport was made by Cabinet and eventually Council and the capital investment needed for the upgrade was agreed at the subsequent Council meeting. This investment was up to £4M.

The Council then incorporated this into a Lease with Rochester Airport Limited, which would include the staging of investment whereby the works would be carried out by the operator to the Council's specification before staged payments would be made.

There was no supplementary question.

C. John Castle of Chatham asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following question:

Can the Portfolio Holder tell me, if plans for the replacement of the current public car park in Station Road, Rainham go ahead, who will be responsible for construction costs?

If this falls on the local taxpayer, will the revenue eventually recoup these costs, as well as running and maintenance costs?

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Councillor Filmer stated that there was no cost to the Council for the construction of the current station works, which were on Network Rail land, it was their project and was totally financed by Network Rail.

Mr Castle asked whether the lengthening of the platform and disruption to the current station car park would cause significant impact for commuter parking in the coming months? What steps was the Portfolio Holder putting in place to protect residents from anti-social parking in nearby streets and could he also ensure that there would be adequate parking provision for shoppers so that local traders would not be affected?

Councillor Filmer stated that the removal of some parking spaces at the Rainham railway station car park meant that those people who previously parked there would now be able to park in the Council owned car park by the level crossing where there were sufficient spare spaces.

The Council currently had no intention of increasing the capacity at its car park but the Council would look into the issue if there was a lack of car parking spaces should a business case be put forward.

D. Nick Alderson-Rice of Chatham asked the Portfolio Holder for Community Safety and Customer Contact, Councillor Hicks, the following question:

Do you believe that the Transforming Rehabilitation agenda, which will have an adverse impact on local accountability and insight here in Medway, is in the best interests of residents of Medway?

Councillor Hicks stated that Kent Probation was one of the responsible authorities contributing to Medway's Community Safety Partnership which had a responsibility to tackle reoffending by adult and young offenders.

There was no indication that this situation would change significantly as part of the transforming rehabilitation agenda. Councillor Hicks stated that he particularly welcomed the proposals to enable all prisoners to receive contact and supervision on release; particularly those on short sentences who presented the highest risk of reoffending.

Mr Alderson-Rice stated that the Community Safety Partnership would have to deal with two bodies from 1 June 2014 and asked how did they propose to do this?

Councillor Hicks stated that the reasons the government was changing the system was because prison numbers continued to be high and there was a high proportion of offenders who served sentences under 12 months that did not have any supervision at present.

New legislation, starting in 2015, would see all prisoners subject to at least 12 months of contact/supervision. It was this group of prisoners (serving sentences less than 12 months) with the highest rates of re-offending. By incorporating

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this group the Government hoped it could reduce overall re-offending.

Kent Probation was in the process of making the changes the government required of probation services. This would initially involve a split between a National Probation Service (NPS) and a Community Rehabilitation Company (CRC) on 1 June 2014. The local Community Rehabilitation Company would cover Kent, Surrey and Sussex. Kent Probation would start “shadow running” the split between the two new organisations from end of April. Kent Probation was committed to overseeing a safe transition to the new organisations.

E. Sue Berry of Strood asked the Portfolio Holder for Housing and Community Services, Councillor Doe, the following question:

We believe that 133 High Street is not a suitable site to combine the library with other council services. The current building has a mezzanine level in the reference section and we understand that the original plans for Strood Library contained a mezzanine level across the whole library, utilising the roof space. Indeed, the foundations were dug deep enough to accommodate and support this.

How far have the Council investigated this option for a community hub? It would be a cheaper option and the library would be left intact.

Councillor Doe stated that he believed 133 High Street was a perfect location for a Community Hub with a larger space for the children and family zone, as this was a very popular facility at the current library, and space to provide a gateway to Council services such as housing, benefits advice, planning and environmental services, with an adult library, ICT facilities and surgery space for Ward Councillors and other public services.

Bryant Road had not been considered as a location for a Community Hub as it was not a High Street presence. He stated that it should not be forgotten that the Strood Community Hub move would also allow the existing Council Contact Point on the former Civic Centre site, to be relocated to a far better location and in far better premises, improving the offer to customers.

Mrs Berry stated that at the last Overview and Scrutiny Committee meeting she has been told that decisions regarding Strood Library had all been transparent. In the light of this, she asked who had decided that 133 High St would be a suitable site for a Community Hub and when and how was that decision made?

Councillor Doe stated that ultimately the decision was made by Cabinet and this was made after a very careful appraisal. He stated that whilst he did not have the precise dates in front of him, the contract for the refurbishment was approved by Cabinet on 11 February 2014.

F. Kim West of Strood asked the Portfolio Holder for Housing and Community Services, Councillor Doe, the following question:

The Council claim that they have a consistent policy of converting libraries into community hubs. However, there are no plans to site Rainham library and contact point together.

How can the Council justify this while moving and downgrading Strood library (a purpose built, well used, much loved, library) while maintaining a separate Library in Rainham? There is no consistency here.

Councillor Doe stated that Community Hubs, in each of the 5 main town centres, were part of Medway's Cultural Strategy which had been published in 2009, and that this included Rainham.

The Council had made great progress establishing Community Hubs in Gillingham, Chatham and Rochester, and they had been very well received, and work had commenced on site at Strood.

He stated that Rainham presented a challenge in that there were no premises currently available on the High Street which would accommodate both the Library and the Contact Point, but should one emerge that was affordable; the Council would certainly look at it.

He stated that he took issue with Ms West's contention that the Council was downgrading Strood Library. The Council's highly trained library staff would remain in Strood as would the great selection of books and free access to PCs. The new hub would have the same usable library space, with the children's zone expanded due to its popularity.

He stated that for those reasons he believed very firmly in this location and in the new facility that was being provided.

Ms West referred to the local schools, nurseries and local children using the current library. She stated that teachers, parents and children felt the move to 133 High Street would make it too dangerous to use so it was coming off their curriculum. She asked whether a risk assessment had been completed on 133 High Street as this would be a venue too dangerous to use.

Councillor Doe stated that he did not accept this contention. The Council had been liaising with schools and he stated that he was quite confident that there would be a high degree of school use in the area, and as such Ms West's contention was alarmist and quite untrue.

G. Vivienne Parker of Chatham asked the Chairman of the Employment Matters Committee, Councillor Wicks, the following question:

Unison are alleging that Neil Davies, the Chief Executive, has seen his pay and benefits package rise by 11% to £186,587 at a time when other Council staff have had a pay freeze. Is this true?

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Councillor Wicks stated that the salary sum mentioned in the question was incorrect. The Chief Executive's total pay package, excluding pension contributions, was £155,037 and this had not changed for the last three years.

The Chief Executive had been subject to the same pay restraints as all other employees and therefore his pay had been frozen in line with everyone else.

Ms Parker asked if this meant that Neil Davies' pay had been frozen in line with that of other Council staff?

Councillor Wicks stated that the Chief Executive had been treated the same as everyone else.

G(i). Paul Chaplin of Rainham asked the Portfolio Holder for Housing and Community Services, Councillor Doe, the following question:

Does the Council keep an up to date list of approved private landlords, and is this monitored regularly?

Councillor Doe stated that the Council worked with private landlords and perspective tenants in a number of ways.

The Council was part of the countywide Accreditation Scheme for Landlords, which Kent ran, which sought to recognise good landlords, and agents who had the skills needed to run a successful rental business and provide good quality, safe accommodation.

He stated that whilst the obvious thing to do was to have a list of those landlords available to everybody who wanted to take on a lease on one of these properties, many of these landlords may just have one or a small number of properties, therefore, landlords had asked that the Council do not publish their details so they would not be overwhelmed with enquires for properties that they may have already let or were making other arrangements to let.

He stated that the Council's approach, in common with most authorities, was to provide clear advice to perspective tenants on where they could find details of accommodation that may be available. The Council was very aware that turnover and relet times for properties could be very short, often taking just hours for a property to be relet, therefore, signposting was the most effective way of dealing with the issue.

Mr Chaplin asked for clarification on whether the Council had an approved list of private landlords.

Councillor Doe stated that Medway Council was part of the Kent scheme, and the Kent scheme had a list of landlords, which he believed was online and this included those landlords who were in Medway. However, he stated that for

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the reasons he had given earlier the Council was not just handing out a list, as this potentially created more work for landlords to deal with the number of enquiries.

Mr Chaplin stated that according to the Office of National Statistics there were almost four times the amount of private rented houses in Medway as opposed to Council rented, therefore, could the Portfolio Holder explain why there was inadequate supervision of these properties to protect private tenants from unscrupulous landlords who failed to maintain these homes to a satisfactory standard and in many cases did not even undertake the mandatory annual gas inspections?

Councillor Doe stated that he believed that the phrasing of the question was unfortunate because it made assumptions that were just not correct. He stated that all houses in multiple occupation which were legally required to be licensed had been thoroughly inspected and the Council had made sure those had been properly brought up to scratch, including regular re-inspection. Where the premises were not required to be licensed and the Council received complaints about landlords, those were also investigated.

He also stated that the Council had now received funding to deal with rogue landlords and that this initiative was being progressed as well. He stated that he had made it very clear publicly that there was no place for rogue landlords in Medway and that they would be gradually tackled, one by one, and where there were serious breaches they would be tackled at once.

H. Harrinder Singh of Chatham asked the Portfolio Holder for Housing and Community Services, Councillor Doe, the following question:

Since the Council last met, the already strong public opposition to the relocation of Strood Library has only grown. Will the Council now reconsider its position?

Councillor Doe stated that he appreciated there were some strongly held views on this issue and that the Library Service was highly valued by the community. He stated that the new community hub was a positive investment for the future of Strood, and would result in first class levels of service in a first class environment; therefore, the Council would not be reconsidering its position. He stated that the contract was awarded on 11 February 2014 and works had commenced on site.

He stated that he was confident that once customers experienced the offer at Strood Community Hub, based upon the successes of Gillingham, Chatham and Rochester, the benefits would be obvious.

Mr Singh stated that the last time he had queried Councillor Doe regarding public consultation the reply was that there would be ample opportunity for people to provide their views. He put it to Councillor Doe that there had been no such opportunity and in light of that lack of opportunity would he now reconsider it?

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Councillor Doe stated that the Council would be liaising with the public who would have the opportunity to express their views on various aspects of the fitting out of the Community Hub and that this was perfectly reasonable. He stated that the actual decision to place the Community Hub on 133 High Street had already been made and therefore there was no point in consultation on that.

I. Stuart Taylor of Rochester asked the Portfolio Holder for Strategic Development and Economic Growth, Councillor Chitty, the following question:

Medway Council know that Rochester Airport Limited bid submission shows projected air movements of 32,000 rising to about 40,000 per annum.

Medway Council stated in their Public Consultation publicity material and invitations that they were going to recommend a cap of 50,000 air movements.

In response to public feedback Medway Council then announced a reduction to 40,000 air movements per annum.

Listening to public opinion, Medway Council announced a further reduction to a cap of 38,000 air movements per annum.

Analysis has revealed that a cap of 38,000 air movements on a single paved runway is abnormally high for any runway at Rochester Airport, for which the highest recorded number of air movements for 02-20 runway was 32,643 in 2003.

In accordance with Council supplied - but unverified figures - in 2012, residents only experienced 13,122 air movements on the same runway.

A cynical observer might suspect Medway Council inflated the initial air movements figure up to 50,000 in order to manipulate public opinion and manufacture an acceptable outcome for Rochester Airport limited.

Please tell us why you are supporting an unprecedentedly high number of air movements which is almost 300% above the current levels if you have no intention to commercialise Rochester airport?

Further our cynical observer might also suspect that you are perhaps trying to mislead the public, or do you think we are all turkeys like Councillor Jarrett appears to?

Councillor Chitty stated that all previously stated aircraft movements recorded figures had been supplied to the Civil Aviation Authority by Rochester Airport Limited (RAL). RAL was not obliged to do this but chose to do so anyway. Therefore, the figures were verifiable.

The finalised figure of 38,000 for annual air movements was below the busiest years experienced by the current airport operator, which currently operated the

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airport without any restrictions on the number of movements. Air movements in 2012 were low, due to particularly bad weather, and also a period of economic recession that had reduced the numbers of air movements as individuals chose to fly less during financial constraints.

The final figure was arrived at following a genuine and comprehensive public consultation exercise, taking into account public opinion and evidence of previous annual air movements.

Mr Taylor asked when was this extensive public consultation exercise carried out because he had seemed to have missed it somewhere along the line?

Councillor Chitty stated that the consultation was very well advertised. It was over a period initially of some weeks. The secondary one was over a period of three weeks and was advertised quite widely.

J. Rita Mew of Rochester asked the Portfolio Holder for Educational Improvement, Councillor Tolhurst, the following question:

I am sure you know that there are a total of 17 Primary, Junior and Secondary schools within a 1-mile radius of Rochester airfield and that many of the schools hold educational classes outside during good weather.

As the Portfolio Holder for Educational Improvement I am sure you are well aware of the Government's commitment to reduce the impact of aviation noise on the learning environment. I wonder therefore why you supported a plan (at Council on 23 January), which recommends an unprecedented high volume of air movements for a single runway at Rochester Airport.

Replies to date of a questionnaire I sent to the 17 schools reveals that you did not consult with the Heads or Principals about the Rochester Airport plans.

Please tell me why we the public should not reasonably expect your resignation as Education Portfolio Holder as a result of my findings which appear to reveal a neglect of duty in the care of our children's educational environment and failure to ensure compliance with the Statement of Community Involvement?

Councillor Tolhurst stated that she felt that this question had been directed to her incorrectly as she was not the Portfolio Holder with statutory responsibility for schools, however, she agreed to answer this question. The Masterplan for the Rochester Airport site consultation took place and was widely publicised on the Council website and in the local media. Over 7,300 leaflets were delivered to householders and businesses within the surrounding area. Everyone was given the opportunity to take part in the consultation. There was no specific requirement within the Statement of Community Involvement to specifically contact schools in relation to developments such as this. However a detailed assessment of the noise generation and the impact would be required as part of the planning application stage and this would be considered along with the impact at that particular time. The planning process allowed for the local community to have a further involvement in this process.

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Mrs Mew asked whether the Council was going to contact the schools because the Heads and Principals had told her they would love to have been contacted to find out what the Council was doing?

Councillor Tolhurst stated that there was no requirement within the Statement for Community Involvement to specifically contact schools in relation to developments of this kind. However, all local school children, residents of local children, local governors and local teachers had all had an opportunity to be involved in this process and she did not think that anyone could have missed the advertisement about the consultation via the local media and as such, she believed that people had had a good opportunity to put their points across. She also stated that the planning application process did still allow for community involvement and for those views to be passed to the Planning Committee.

K. James Brewood of Chatham asked the Portfolio Holder Strategic Development and Economic Growth, Councillor Chitty, the following question:

The Rochester Airport Masterplan report to Council 23rd January 2014 owned by Robin Cooper Director, Regeneration, Community & Culture, authored by Catherine Smith, Development Policy & Engagement Manager, showed a table entitled,

'Rochester Airport – annual flight movements reported to the CAA since 2000.'

My FOIA request to validate the legitimacy of the table title and figures reveals that Medway Council officers do not have CAA confirmation or endorsement to support the presented table.

Please tell us what measures Council Members use to verify the accuracy of statements and figures used in determining air movement levels for Rochester Airport?

Additionally, what procedures are in place to reprimand any individual found to be misleading Council Members or the public using unverified information in the public domain which is liable to bias or influence opinion when determining future guidelines or policies. If any allegations are proven to be correct, are these determinations reconsidered?

Councillor Chitty stated that the figures supplied to Medway Council came from the Civil Aviation Authority (CAA). They were supplied to the CAA by Rochester Airport Limited (RAL), but it had not been incumbent upon RAL to have done so. Therefore the table title and figures were entirely correct as supplied to Medway Council.

Mr Brewood asked how the Council could set a base figure from an estimate, which had not been verified?

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Councillor Chitty stated that she could only refer to the figures supplied to Medway Council from the CAA, which was a verified source.

L. Keith Baldock of Rochester asked the Portfolio Holder for Finance and Deputy Leader, Councillor Jarrett, the following question:

The Council publicity information for the Rochester Airport states:

"The Council cannot afford to pay for these improvements without private sector funding."

Documents recently released under a Freedom of Information Act request reveals (neither) Medway Council nor Rochester Airport Limited has major private sector funding for the airport project yet the Council continue with their plans. The airport publicity statement is therefore untrue.

Given that you feature in the publicity leaflet in which the statement appears, please explain why the public should not consider you untrustworthy and dishonest?

Councillor Jarrett stated that private sector funding had been secured on the Rochester Airport project, from BAE Systems, for part payment of the TPS airport study that was commissioned to inform the Masterplan process.

There was no supplementary question.

M. Michael Fowler of Rochester asked Chairman of the Planning Committee, Councillor Mrs Diane Chambers, the following question:

Robin Cooper Director of Regeneration, Community and Culture submitted a report authored by Catherine Smith, Development Policy and Engagement Manager to the Planning Committee on 19 February on the Rochester Airport Masterplan which stated:

"The consultation work was carried out in accordance with the requirements of the Council's Statement of Community Involvement (SCI)."

The report contains factually misleading statements such as above and others which attempt to lead the Planning Committee to believe the Rochester Airport masterplan consultation is fully compliant to the Medway Council SCI.

The report also appears to confer planning benefit to a large contentious project in advance of it being adopted in the new Local Development Plan to avoid external scrutiny by the Government Planning Inspectorate.

As chairperson of the Planning Committee please confirm you have or intend to recommend rejection of the report and if not tell us why?

Councillor Mrs Diane Chambers stated that the report to Planning Committee on 19 February 2014 was to inform Members of the content of the Rochester

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Airport Masterplan that had been adopted at the Full Council meeting on 23 January 2014. The Committee had no decision-making role on the Masterplan. She stated that it was not within her area of responsibility or that of the Planning Committee to reject an adopted document of the Council.

Mr Fowler asked Councillor Mrs Diane Chambers how she could say, truthfully and honestly, that the Council had followed due process when the results of the consultation showed that nearly three quarters of respondents were against the masterplan. Most of the comments were concerning safety. He asked how due process had been followed when the Council had ignored the responses and the comments of the residents? He stated that the Council had failed to take due care and had therefore significantly increased the risk to the lives of residents under the flight path and that perhaps the Council did not care and maybe residents were expendable.

Councillor Mrs Diane Chambers stated that this was not a supplementary question, rather it was the questioner's opinion.

N. William McLennan of Rochester asked the Chairman of the Councillor Conduct Committee, Councillor Hicks, the following question:

As the Chairman of the Councillor Conduct Committee, I would like you to provide your personal view on verbal bullying of the public by Councillors.

Councillor Hicks stated that individual concerns about the conduct of a Councillor should be raised under the Council's Code of Conduct process, which could be accessed on the Council's website. Advice about the process involved and about the concerns someone might have could also have been discussed with the Monitoring Officer.

He also stated that where concerns were raised formally they were considered by the Councillor Conduct Committee, which he chaired. Decisions were made by the Committee as a whole after a vote, as was standard practice, therefore, he did not see how it was helpful to offer personal views on a specific issue, in that context.

The Council was of course committed to promoting high standards of conduct and behaviour. Those are enshrined in the Code of Conduct.

Mr McLennan stated that the Councillor did not answer his question. He asked would the Councillor please give his personal views on the bullying of the public by Councillors?

Councillor Hicks explained that the Council was committed to promoting high standards of conduct and behaviour. Those were enshrined in the Code of Conduct and he stated that he had already explained what the process was for dealing with particular concerns. He stated that he could not add anything further to what he had already said.

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Mr McLennan asked whether the Councillor thought that verbal bullying should be time bound?

Councillor Hicks stated that there was a time limit for questions to the Councillor Conduct Committee which Members of the Committee were well aware of. This was something the Councillor Conduct Committee would take into account in dealing with any question put forward.

At the end of the allotted 30 minute period for public questions, Councillor Maple, supported by Councillor Shaw, proposed a motion under Council Rule 16.1 to suspend Council Rules to enable the suspension of the time limit of 30 minutes for agenda item 7 (Public Questions) to be extended as necessary to enable questions O-Q (the remaining first questions submitted by public questioners) to be considered at the meeting.

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

1044 Adjournment

Prior to the consideration of agenda item 8 (Leader's Report), the Worshipful The Mayor of Medway adjourned the meeting between 8pm – 8.10pm following disturbance in the public gallery, as provided for in Council Rule 11.2.3.

Councillor Maple asked for the Mayor to reconsider his proposal to allow the public questions O-Q to be asked at the meeting. The Mayor stated that this matter had already been voted on and the Council had not agreed to Councillor Maple's proposal.

1045 Leader's report

Discussion:

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

- Government Opportunities (GO) awards
- Bluewave Communications Partnership (Medway Council and East Sussex County Council) launch
- Chatham Dockyard closure and 30 years of regeneration
- Local Enterprise Partnership (LEP) submission
- University Technical College
- English Festival
- "A Better Start" Big Lottery Bid
- School Admissions September 2014
- Youth Service.

1046 Overview and scrutiny activity

Discussion:

Members received and debated a report on overview and scrutiny activities, which included the following:

- Draft Capital and Revenue Budget proposals 2014/2015
- Refresh of Council Plan Indicators 2014/2015
- Hot Food Takeaways in Medway: A Guidance Note
- Leader and Portfolio Holders being held to account
- Medway Safeguarding Children Board Mid Term Progress Report
- School Admission Arrangements 2015
- Adoption performance in Medway
- Improvement Plan for Children's Services
- Acute Mental Health Inpatient Beds Review Update
- Health and Wellbeing Board Review of Progress
- Health Inequalities Task Group Review report
- Annual Review of waste contracts
- Cultural activities
- Controlled Parking Zones
- Traffic flow in Chatham
- Possible Snow Angels project
- Update on Fair Access to Credit Task Group Review
- Healthchecks
- Private sector housing
- Strood Library consultation
- Rochester Community Hub.

1047 Nominations for Mayor and Deputy Mayor for 2014/2015

The Portfolio Holder for Children's Services (Lead Member), Councillor O'Brien, supported by Councillor Carr, proposed that Councillor Kemp be nominated as the Mayor of Medway for the 2014/2015 municipal year.

On being put to the vote this nomination was agreed.

Councillor Mackness, supported by Councillor Avey, proposed that Councillor Maisey be nominated as the Deputy Mayor of Medway for the 2014/2015 municipal year.

On being put to the vote this nomination was agreed.

1048 Members' questions

(A) Councillor Juby asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following:

Please could Councillor Filmer, Portfolio Holder for Front Line Services, tell me why Vicarage Road in Gillingham South Ward has been omitted from the current resurfacing list? Residents advise me that council officers had promised them a road resurfacing last year, which has failed to happen.

Councillor Filmer stated that following an enquiry in August 2013 from a member of the public who had expressed her concern regarding the road surface condition of Vicarage Road at its junction with Canterbury Street, a highway inspector arranged for some remedial repairs to be undertaken.

The inspector's report prompted a whole road surface condition survey to be undertaken by an engineer who scored his assessment of the road as a priority 2 rating.

Last year the significant number of priority 1 roads identified as requiring treatment prevented any category 2 roads from being considered for the 2014/2015 programme.

The section of Vicarage Road between Canterbury Street and Belmont Road has been reassessed as priority 1 and would be included within the responsive maintenance works for this year. The remaining section from Belmont Road to College Road remained as a Priority 2.

Councillor Juby asked for a response in writing. He also asked if the category 1 roads in Gillingham South wards could be looked at. There were a number on the list for this year, but at the time the list was published nobody was aware that the railway lines and stations would be closed quite considerably, therefore, could the Council make sure that the rail bus relief service knew which roads were being resurfaced at the weekends or evenings.

Councillor Filmer stated that he was happy to provide a written response and that he would look into the other points that Councillor Juby had mentioned.

(B) Councillor Maple asked the Leader of the Council, Councillor Rodney Chambers, the following:

DCLG Officials wrote to Chief Executives of principal authorities in England regarding the Publicity Code.

What changes will the Council be making to make Medway Matters compliant with the code?

Councillor Rodney Chambers stated that the short answer was that the Council was not planning to make any changes to Medway Matters at present, and that the Council was complying with the law on Council publications. He stated that

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Councillor Maple may already be aware that the letter received by the Council was general and informative in nature and was sent to all Councils, although six other Councils, had been deemed to be non-compliant and had been written to, directing code compliance under section 4a of the Local Government Act 1986 which had been recently inserted by the passing of the (section 39) Local Audit and Accountability Act 2014.

Local authorities were required by section 4(1) of the Local Government Act (1986) to have regard to the contents of the code in coming to any decision on publicity. This was not an explicit order.

The Council always had regard to the code since its publication, which is what the law required, and would continue to do so. It would remain the intention to continue publishing Medway Matters in the current format.

Medway Matters was the most cost effective method for the Council to communicate with its residents and the Council considered that it did not threaten, nor compete with the twice-weekly published Medway Messenger or weekly published Kent on Sunday.

A recent survey had been carried out which stated that Medway Matters was read by two thirds of residents who valued its information about Council services and how to get the best out of those services.

Councillor Maple stated that he would be writing to the Secretary of State, Eric Pickles, within the next seven days as he believed Medway Matters had breached the publicity code in three instances. He asked the Leader of the Council that he would perhaps want to liaise with the relevant officers to reconsider whether those breaches were in place or not. Councillor Maple stated that he would be happy to share a copy of his letter to Eric Pickles with the Leader of the Council.

Councillor Rodney Chambers stated that he would wait to hear from the Secretary of State.

1049 Additions to the Capital Programme

Discussion:

This report provided details of proposed additions to the capital programme for three key schemes (Strood Sports Centre, the Medway Crematorium and the Corn Exchange), which would be funded by prudential borrowing. The report set out the proposed works and funding requirements for each of the projects.

The Cabinet considered this report on 8 April 2014 and its recommendations to Council were set out in the report.

An exempt appendix provided further financial details of the Crematorium Improvement Programme.

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

Decisions:

- (a) The Council approved the addition of Strood Sports Centre redevelopment to the capital programme with funding of £500,000 at this stage to be funded by Prudential Borrowing.
- (b) The Council approved the additional Prudential Borrowing requirement of up to £475,000, so that the Crematorium Improvement Project could be concluded.
- (c) The Council approved the addition of the Corn Exchange Improvement Programme to the capital programme with funding of £100,000 to be funded by Prudential Borrowing.

1050 Stanley Wharf, Rochester Riverside

Discussion:

This report provided details of a proposal to dispose of Stanley Wharf, Rochester Riverside to enable development on the site. The Cabinet considered this report on 8 April 2014 and its recommendations to Council were set out in the report.

An exempt appendix provided details of the tender process for Stanley Wharf, the preferred developer and the financial bid received.

The Leader of the Council, Councillor Rodney Chambers, supported by the Portfolio Holder for Strategic Development and Economic Growth, Councillor Chitty, proposed the recommendation set out in the report.

Decision:

The Council agreed to delegate authority to the Director of Regeneration, Community and Culture in consultation with the Leader of the Council:

- To dispose of the Stanley Wharf site (as shown edged black on the plan attached to the report) for redevelopment.
- To enter into any necessary agreements.

1051 Changes to the Constitution

Discussion:

This report provided details of proposed changes to the Constitution, namely the incorporation of a new statutory council rule requiring a recorded vote to be taken in respect of a substantive motion, and any amendments proposed to it,

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at a budget decision meeting of the authority and also the inclusion of the criteria for the Ward Improvement Fund (as Part 12 to Chapter 5), as recommended by the Councillor Conduct Committee at its meeting on 31 March 2014.

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.

Decisions:

- (a) The Council agreed a new council rule requiring a recorded vote to be taken in respect of a substantive motion, and any amendments proposed to it, at a budget decision meeting of the authority where the Council makes a calculation or issues a precept under the relevant provisions of the Local Government Finance Act 1992 as set out in Appendix A to this report.
- (b) The Council agreed to add the criteria for the Ward Improvement Fund to Chapter 5 of the Constitution, as set out in Appendix B to this report.

1052 Establishment of Committees, Appointments and Schedule of Meetings 2014/2015

Discussion:

This report provided details of the overall allocation of seats on committees and sought to recommend to Annual Council on 14 May 2014, the committees and other bodies to be appointed for 2014/2015 and a programme of meetings. The report also asked the Council to make recommendations to the Joint Meeting of Committees on 14 May 2014, immediately following the Annual Meeting of the Council, in respect of the establishment and membership of sub-committees and task groups.

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

It was noted that the ratio for the School Transport and Curriculum Appeals Committee should read 3:2 (page 129 of the Agenda).

Councillor Shaw, supported by Councillor Murray, proposed the following amendment:

Add new recommendation 6.2:

That the Council resolves:

- i) To agree there should be provision for named substitutes for Members of all Scrutiny Task Groups and;

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- ii) That Council Rule 18 should be changed to include an additional clause as follows:

18.10 – In the case of Scrutiny Task Groups (which are not formal Committees or Sub Committees of the Council), substitutes are permitted to the extent there may be one named substitute for each Task Group Member who must be appointed when the Task Group is established.

The Monitoring Officer advised that Council Rule 16.2 (Amendment to council rules) applied in this case and this amendment would be taken forward without discussion to the next ordinary meeting of the Council.

Decisions:

- (a) The Council agreed to recommend to Annual Council and the Joint meeting of all Committees on 14 May 2014 as applicable:
 - (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 above and in Appendix A, 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 (with nominees to be reported at the Annual Council meeting);
 - (iv) the timetable of meetings for the 2014/2015 municipal year as set out in Appendix C to this report.
- (b) The Council agreed to consider the amendment regarding named substitutes on Scrutiny Task Groups at its next ordinary meeting in accordance with Rule 16.2 of the Council Rules.

1053 Motions

- (A) The Portfolio Holder for Community Safety and Customer Contact, Councillor Hicks, supported by Councillor Adrian Gulvin, submitted the following:**

This Council welcomes the Government budget announcement of a 25% duty on Fixed Odds Betting Terminals and requests that the Chief Executive conveys this to the Chancellor of the Exchequer as well as asking for future consideration of tax increases and restrictions on these machines.

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Councillor Maple, supported by Councillor Bowler, proposed the following amendment:

Retain original motion and add the following paragraphs:

This Council also notes the lack of medical support nationally for those with gambling addiction in comparison to other addictions and requests that the Chief Executive writes to Jeremy Hunt to call in an increased provision for medical support for those with gambling addictions.

This Council is extremely disappointed by the response of the Association of British Bookmakers following a cross party approach in 2013 to create the Medway Responsible Gambling Partnership which to date has not actually met since its initial meeting or achieved anything for the community of Medway.

This Council instructs Medway Council officers to prepare an article 4 designation for Medway's town centres as regards bookmakers and financial institutions that do not have a deposit facility.

Under Council rule 11.4.1 Councillor Hicks, with the consent of the Council and the seconder of the substantive motion, agreed to alter the substantive motion to incorporate the first two paragraphs of the proposed amendment. Councillor Maple indicated that he was content with the revised substantive motion.

Decision:

This Council welcomes the Government budget announcement of a 25% duty on Fixed Odds Betting Terminals and requests that the Chief Executive conveys this to the Chancellor of the Exchequer as well as asking for future consideration of tax increases and restrictions on these machines.

This Council also notes the lack of medical support nationally for those with gambling addiction in comparison to other addictions and requests that the Chief Executive writes to Jeremy Hunt to call in an increased provision for medical support for those with gambling addictions.

This Council is extremely disappointed by the response of the Association of British Bookmakers following a cross party approach in 2013 to create the Medway Responsible Gambling Partnership which to date has not actually met since its initial meeting or achieved anything for the community of Medway.

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Mayor

Date:

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