

Medway Council
Meeting of Medway Council
Thursday, 24 July 2014
7.00pm to 10.30pm

Record of the meeting

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

Present: The Worshipful The Mayor of Medway (Councillor Kemp)
The Deputy Mayor (Councillor Maisey)
Councillors Avey, Baker, Bowler, Brake, Bright, Carr,
Mrs Diane Chambers, Rodney Chambers, Chishti, Chitty,
Clarke, Cooper, Craven, Doe, Etheridge, Gilry,
Christine Godwin, Paul Godwin, Griffin, Adrian Gulvin,
Pat Gulvin, Harriott, Hewett, Hicks, Hubbard, Igwe, Iles, Irvine,
Jarrett, Juby, Kearney, Mackinlay, Maple, Mason, Murray,
O'Brien, Osborne, Price, Purdy, Rodberg, Royle, Shaw, 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
Wayne Hemingway, Democratic Services Officer
Mick Hayward, Chief Finance 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

182 Record of meetings

The records of the meetings held on 24 April 2014 and 14 May 2014 (Annual Meeting) were agreed and signed by the Mayor as correct.

183 Apologies for absence

Apologies for absence were received from Councillors Colman, Filmer, Griffiths and Mackness.

184 Declarations of disclosable pecuniary interests and other interests

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The Mayor informed Members that they could rely on the dispensation granted by the Councillor Conduct Committee enabling Members to speak and vote on item 12 of the agenda (Members' Allowances – Report of the Independent Remuneration Panel).

Disclosable pecuniary interests

There were none.

Other interests

Councillor Bowler declared an interest in agenda item 8 (Leader's Report) in relation to any reference to Kings School because he worked there.

Councillor Cooper declared an interest in agenda item 16A (Motion) because some of her immediate family members worked at Medway Maritime Hospital.

Councillor Igwe declared an interest in agenda items 9 (Report on Overview and Scrutiny Activity) in relation to the acute mental health inpatient beds review update and 16A (Motion) in relation to Medway Maritime Hospital because he worked as a mental health nurse.

Councillor Mackinlay declared an interest in any reference to the South East Local Enterprise Partnership (LEP) because his firm undertook the non statutory audit for the South East LEP.

185 Mayor's announcements

The Mayor informed the meeting of the death of Michael Lewis in May. Mr Lewis was a long serving member of Gillingham Borough Council and served as Leader of the Council between 1968 and 1974 and again from 1976 to 1991. He was also Deputy Mayor of Gillingham Borough Council in 1963 and 1964 and Deputy Lieutenant of Kent in his later life. He placed on record, on behalf of the Council, condolences to Michael's family and the acknowledgement of his long and distinguished public service.

Councillors Doe and Harriott both paid tribute to Michael Lewis.

The Mayor informed the meeting that Joy Russell had died two weeks ago. Joy was a former Member of Gillingham Borough Council elected to serve as a ward Member for Brompton in 1992 and Rainham Mark in 1996. He placed on record, on behalf of the Council, condolences to Joy's family.

The Mayor informed the meeting that Sue McLeod, Principal at Mid Kent College, had passed away. Sue was well loved and respected in her role and an effective and enthusiastic champion for education. He stated that she would be deeply missed by friends and colleagues. He placed on record, on behalf of the Council, condolences to Sue's family.

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Councillors Chitty, O'Brien, Wicks, Chishti and Murray all paid tribute to Sue. Councillor Murray thanked Members for their kind words and spoke of the enormous courage that Sue had displayed following her diagnosis.

The Mayor gave details of forthcoming events in aid of the Mayor of Medway's Charity, which this year was supporting Kent and Sussex Air Ambulance, Headway, Oliver Fisher Special Care Baby Trust, Medway Young Carers and the Streetcops Trust. There was a Theatre Night coming up on 17 September, a Golf Day on 3 October and an Opera Night on 23 October. In addition, an Indian Night is planned for 18 November. He stated that full details were available from his office.

The Mayor also informed Members that a sponsorship form was circulating in the chamber for Geoff Waters who would be taking part in a sponsored one mile open water swim to raise funds for the Kent Autistic Trust.

186 Leader's announcements

There were none.

187 Petitions

Councillor Igwe submitted a petition containing 74 names asking the Council to adopt all the roads in Medway Gate.

Councillor Hewett submitted a petition containing 82 signatures regarding noise nuisance from Rainham Girls School to neighbouring properties.

188 Public questions

The Leader of the Labour Group, Councillor Maple, sought clarification from the Chief Executive as to whether any public questions had been rejected for this meeting.

The Chief Executive stated that two public questions had been rejected in line with the provisions of the Constitution. One question was substantially the same as a previous question asked within the last six months and the other question was about a matter for which the Council had no responsibility (party political material).

The Monitoring Officer confirmed that the criteria set out in section 8.4 of the Council Rules (Part 1 of Chapter 4 of the Constitution) permitted the Chief Executive to reject public questions.

A. James Peck of Chatham asked the Portfolio Holder for Children's Services (Lead Member), Councillor O'Brien, the following question:

With the new Paramount Park due to be built, and a large estimated number of the Chinese community due to visit the park, would the Portfolio Holder for Children's Services be willing to put mandarin in the foreign languages

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curriculum to give young people the advantage when applying for jobs at the park and any jobs in other sectors?

Councillor O'Brien responded by stating that he would like to see schools offer Mandarin in addition to other foreign languages. Mandarin was an important language globally and it would help young people meet the challenges of the future, in the light of the importance of China in the world economy, as well as the local opportunities that hopefully would be presenting themselves over the next few years.

Schools themselves decided the curriculum which they offered, not the Local Authority. This had been the case for many years. Schools which were not academies had to follow the national curriculum, which included a modern foreign language. This meant that Academies did not have to follow the national curriculum and meant that the Local Authority could only seek to ensure that schools and young people had access to information about the job opportunities.

He referred to a recent event he attended at the Delce Academy where year six pupils were singing songs fluently in French.

He stated that the Council would be doing everything it could to promote Mandarin to schools and indeed through Medway's adult and community learning provision with the co-operation of his colleague, Councillor Doe.

Also, by working with all of the Council's partners in Medway, the Council would seek to highlight the skills required to access jobs, including language skills, and encourage schools to take account of these wherever possible in planning their curriculum.

Mr Peck asked for the Portfolio Holder to explain how he would implement Mandarin into the curriculum for those schools which were not Academies.

Councillor O'Brien stated that following this question he would ensure that schools were presented with the question and answer that he had given and he was sure that his colleague, Councillor Tolhurst (Portfolio Holder for Educational Improvement), would also play her part when she met with schools in the future. He stated that it was a question of encouraging local schools to offer every facility for young people in Medway to be able to speak other languages and take maximum advantage of the phenomenal opportunities that would present themselves in the years to come.

B. Don Cameron of Chatham asked the Portfolio Holder for Housing and Community Services, Councillor Doe, the following question:

What is the Council doing to establish and monitor standards (including consideration of Selective Licensing) for private landlords to ensure their properties are maintained to acceptable standards and, when dealing with tenants and other interested persons (such as neighbours), care and integrity are demonstrated?

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Councillor Doe responded by stating there were a number of ways in which the Council worked with private landlords to ensure that properties were maintained and managed effectively.

He acknowledged that most landlords operated professionally, maintained their properties and managed them effectively. To help landlords develop and maintain that ability, the Council worked with the National Landlords Association and individual landlords through the Landlords Forum to provide training and raise awareness of issues. The Council also operated a Landlords Accreditation scheme where they received formal training on their roles and responsibilities and there were 322 landlords and agents in Medway who were accredited. The accreditation programme was particularly useful for those that only had smallholdings and therefore, were not fully acquainted with all the ramifications of being a landlord.

Councillor Doe also stated that the Council operated a Statutory Houses in Multiple Occupation (HMO) Licensing Scheme. Under that scheme there were 102 HMOs which required a license and all of them had been licensed, following their inspection to meet the required minimal legal standards.

All HMOs that were not licensable had been subjected to a Risk Assessment in line with Government guidance. Of these all 550 properties assessed as high and medium risk had been inspected. Inspections of those assessed as low risk were assessed and inspected in response to complaints.

Mr Cameron asked that given insufficient work had been done to deal with problem Private Sector Landlords in Medway, did the Portfolio Holder believe it was time for selective licensing and a landlord register?

Councillor Doe stated that he did not accept that insufficient work had been undertaken on this and that actions being undertaken were in line with what happened elsewhere. He referred to a quote from the recent review of property conditions in the private rented sector, as a consequence of which the Government found:

“A major drawback of licensing is that it impacts on all landlords and places additional burdens on reputable landlords who are already fully compliant with their obligations. This creates additional unnecessary costs for reputable landlords, which tend to be passed on to tenants. The majority of landlords provide a good service and the Government does not want to impose unnecessary additional costs on them or tenants who may see their rents rise as landlord costs rise.”

He stated that it was possible such a scheme could dissuade a lot of small landlords from actually operating properties owing to increased costs and so on.

Therefore, the approach had been to work across agencies to target those landlords who failed to meet minimum standards and who managed properties

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poorly. By concentrating on those landlords, the Council was able to target its resources to the best effect.

This approach had been endorsed by the Government in that the Council had received additional funding from the Department for Communities and Local Government to target rogue landlords and the Council was currently working with a range of agencies and seeing further prosecutions coming forward.

C. Alan Higgins of Gillingham asked the Portfolio Holder for Finance and Deputy Leader, Councillor Jarrett, the following question:

Councillor Jarrett has allegedly described hardworking Council Tax payers as 'Turkeys' to a Medway Messenger Journalist. In June 2014, it was reported that Council sub-contractor Civica had taken debits from people without consent. Will he indicate the total number of residents impacted by the blunder by Council sub-contractor Civica and will he apologise to those that have been fleeced twice and indicate what recompense will be given to those impacted?

Councillor Jarrett responded by stating that this issue had been widely reported in the local press. Card payments made by customers to the Council on 11 June were mistakenly run a second time a few days after the first payment had been taken. This process was not run by Medway Council but by its contractor Civica. In all, some 410 customers were affected with a total value of around £35,000.

Council officers had worked hard with the contactors to rectify this situation and Civica ran reversal tape overnight on the 17 June. All customers would have seen the money returned to their accounts within days.

He stated that the Council was acutely aware that this may have caused problems with customers' banks and that bank charges may have been incurred.

He stated that he took an immediate personal interest in this matter and had instructed Finance staff to refund any customer who had suffered bank charges and who could evidence charges related to this matter. To date two customers had requested this and had been refunded their bank charges in full.

He stated that he did regret that the contractors had made this mistake and they had been made very aware of the standard of service expected for local residents in the future and hopefully such a mistake would never happen again.

Mr Higgins asked Councillor Jarrett whether he could assure him that this situation would not occur again because the people that were mainly affected by these particular problems tended to be people who were struggling with their budgets as well.

Councillor Jarrett stated that he had given this assurance as much as he was able to. He stated that he was aware of the financial problems this may have caused and he was well aware of the angst it may have caused for some

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people. He stated that the Council had had very robust conversations with the contractor and certainly, if there was a reoccurrence, those conversations would be directed more at the integrity of the contract which they currently held.

D. Raja Miah of Gillingham asked the Leader of the Council, Councillor Rodney Chambers OBE, the following question:

Former Conservative Councillor Vaughan Hewett said that "I cannot accept the whip from someone who, in my opinion, is inappropriate for the work required this coming year." Does he consider his whip to be inappropriate for the work?

Councillor Rodney Chambers OBE responded by stating that Councillor Carr had been democratically elected as Conservative Group Whip by his colleagues and that he had total confidence in his ability to carry out his duties.

Mr Miah asked how effectively the Council could work with communities across Medway given what an important member of the Conservative Group had said in the past regarding the traveller community.

Councillor Rodney Chambers OBE stated that Councillor Carr had proved by the work that he did in his ward that he could work effectively in the community.

E. Sue Groves MBE of Chatham asked the Leader of the Council, Councillor Rodney Chambers OBE, the following question:

Medway Council has recently become the first Council to publicly welcome residents who report Council meetings as they happen using social media.

Would the Leader agree to increase both the accessibility and transparency of their meetings significantly through the use of live audio or video streaming? This would open up democracy to many who do not have the benefit of suitable public accessible transport or who are unable to get to meetings in person, whilst also showing that Medway Council are willing to take the lead in showing what true democratic inclusivity looks like as an example to other Authorities.

Councillor Rodney Chambers OBE responded by stating that the Government had in the last few days legislated to require all local authorities to permit the public to film, photograph or audio record any Council, Cabinet, Committee or Sub Committee meeting held in public. The Council would be required to provide people with reasonable facilities for doing this. The legislation also would permit people attending a meeting to use any communication methods, to publish, post or otherwise share the results of their reporting activities during or after the meeting. The regulations had been approved by Parliament, however, the implementation date had yet to be confirmed.

The Council would need to consider its response to the new legislation and one option would be to introduce webcasting of Council meetings.

However, there was no budget provision in this financial year to meet the costs of introducing webcasting or live video/audio streaming of meetings. If the

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Council did wish to pursue this, the Council would need to consider costed options as part of the preparations for setting the budget for 2015/16.

He stated that, in the short term, he was arranging for the audio recording of Full Council meetings to be uploaded to the Council's website after each Council meeting as this was something which could be provided at no cost.

Sue Groves MBE stated that on the subject of inclusivity there had been four examples so far during this Council meeting which excluded groups of people. She stated that that she was struggling to hear what Councillors were saying through the microphone because even though she had two hearing aids, the hearing loop was not switched on.

She stated that projecting the questions in writing effectively excluded anyone with a visual impairment that could not read them from following what was going on in the meeting. She also stated that projecting the questions with either white text on black background or black text on white background excluded people with dyslexia.

She asked whether the Council would consider engaging with the Network Rail Built Environment Accessibility Panel which was a national Panel looking at accessible options and alternatives and inclusive design and meetings, venues etc and infrastructure projects. She stated that of the 12 members 2 came from Medway. The Panel looked at best practice including the accessibility into meetings being included in the design and set-up to save costs in the long run rather than building accessibility as a "bolt on" onto meetings.

Councillor Rodney Chambers OBE stated the Council would be prepared to work with other bodies to cover the areas that had been mentioned.

F. Sean Varnham of Rochester asked the Portfolio Holder for Housing and Community Services, Councillor Doe, the following question:

At the last Sweeps festival members of the Labour party were handing out leaflets to members of the public and causing an obstruction in Rochester High Street. Can the Portfolio Holder clarify the Council's position on political parties distributing propaganda at Council organised festivals?

Councillor Doe responded by stating that this was of course not something the Council wished to see at any of its excellent festivals, and it was certainly not approved or sanctioned by the Council's officers.

Council policy was that festivals were for the enjoyment of the general public and it was quite inappropriate to have party political matter distributed at them and the Council was very disappointed that this happened.

He stated that he was mindful of the fact that officers had to preserve their impartiality in such matters and therefore he hoped that all Party groups represented on the Council would learn a lesson from this and not use these

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kind of occasions for the distribution of leaflets because he considered it was quite inappropriate.

Councillor Murray offered a point of personal explanation on this issue. She stated that it was correct that the Labour Party had a stall at the last Sweeps festival and that she was pleased to be there speaking to people and handing out leaflets and she stated that she did not consider that it contradicted the spirit of the festival.

She stated that the question itself contained an error because the Labour Party had not caused an obstruction. They had spoken to Council staff who informed them about the Council's preference, however, the Labour Party had explained politely that they understood the Council's preference but that there was no law from preventing the Labour Party running a stall and no one had told the Labour Party that they had been causing an obstruction and indeed they had been very careful not to.

She stated that she welcomed the question because it meant that people had noticed the stall and there had been a democratic debate on the streets of Medway.

There was no supplementary question.

G. Rita Mew of Rochester asked the Portfolio Holder for Finance and Deputy Leader, Councillor Jarrett, the following question:

The new 25 year airport lease signed between Medway Council and Rochester Airport Limited appears to contain no additional safeguards for local residents with respect to the volume of noisy, intrusive helicopter, gyrocopter and microlight flying.

Tell us what if any, protective measures for residents were discussed and included in the new 25 year lease to safeguard local residents, environment and enjoyment of life?

Councillor Jarrett responded by stating that the previous lease of the airport contained no restrictions on the use of the airport.

Under the terms of the new 25 year lease of the airport, the airport operator was not permitted to allow more than 100 civilian air traffic movements per annum outside the hours of 07.30 in the morning and the earlier of 21.00 or 30 minutes after sunset. The emergency/military services were permitted to use the airport for air traffic movements outside of these hours.

The use of the airport pre-dated the requirement to obtain planning permission and as a result there were no planning restrictions on the use of the site.

The proposed improvements at the site would require planning permission and the Council would impose conditions within any planning permission restricting noise levels at the airport and capping the maximum amount of movements.

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He stated that he shared Mrs Mew's concerns about the intrusive use of microlights and similar aircraft and he invited her to make those recommendations at the appropriate time when the planning application had been submitted.

Mrs Mew stated that she had lived in her bungalow in Wilson Avenue for over 50 years and had always enjoyed summer afternoons in the garden including the sound of the small planes passing overhead. However, in the past year there had been such a vast increase in the flights of the microlights and gyrocopters that she had to go indoors to hold a decent conversation. She asked Councillor Jarrett whether he would put a cap on the number of flights and if so what would the cap be?

Councillor Jarrett stated that this matter had to be dealt with through the planning process. He sympathised with Mrs Mew because he was aware of how infuriating this could be because he was involved in an organisation that owned lands at Stoke Saltings on the north side of the Medway estuary and he was personally well acquainted with constant overflying by these sort of aircraft. He informed Mrs Mew that she was welcome to make such representations to the Planning Committee and that some Members may do so themselves.

H. Bernard Howell 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."

Expressed as a percentage of the ratepayers' £4 million contribution to the airport operator, what matching private sector funding is forthcoming or agreed towards the overall cost of the airport infrastructure improvements?

Councillor Jarrett responded by stating that the Council's contribution towards the cost of the improvements at the airport was capped at £4M.

The exact level of the private sector contribution towards the cost of the improvements had yet not been agreed, as planning consent had not yet been obtained for the improvements so the specification for the improvements could not be fully prepared. Once planning consent had been obtained and the specification drawn up, the airport operators would go out to tender for the works. The cost of the works would then be known and the cost of the works over £4M would have to be funded by the private sector.

Once the improvements had been made, the turnover rent payable under the lease would increase from 5% of gross turnover to 10%. This meant that even without any increase in gross turnover, the rent was likely to double to around £60,000pa.

Mr Howell asked Councillor Jarrett to repeat the detail in his answer, with reference to the percentages he had quoted.

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Councillor Jarrett stated that once the improvements had been made the turnover rent payable under the lease would increase from 5% of Gross Turnover to 10% to gross turnover.

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

At the last Council Meeting you belittled the Strood Library campaigners petition by discarding signatories not living in Strood. Yet you did not discard people supporting the airport plans not living in Medway. If you had, the support for the airport masterplan plan would have been minute in comparison to the hundreds and hundreds of legitimate residents opposing it.

Why do you ridicule the Strood petitioners, yet support a minority of out of area people for the airport plan over hundreds of local residents?

Councillor Chitty responded by stating that as a planning policy document, consultation on the draft Rochester Airport Masterplan was required to involve a wide range of stakeholders. In addition to seeking the views of local people who lived in the vicinity of the airport, the Council contacted statutory organisations, neighbouring councils, businesses and wider stakeholders. This was in line with the common approach taken to consultation on planning policy documents, and the requirements set by Government.

The issues raised by local people who opposed the proposals for the Rochester Airport Masterplan were acknowledged and considered by the Council before making a decision on the document. The consideration of the issues raised in the consultation was set out in the Cabinet report of 26 November 2013 and the Council meeting of 23 January 2014.

The consultation on the Rochester Airport Masterplan followed the protocols and legislation set for planning policy documents. The petition on Strood Library was not a planning policy matter.

Councillor Chitty stated that as a resident of Strood for nearly 40 years, she stated that she was somewhat quizzical that people from France, Spain, Brighton, Chigwell, Swanley and Stepney amongst others would want to deprive residents in Strood, to what was available to residents in Rochester, Chatham and Gillingham.

Mr Fowler stated that Medway Council had reported there was huge public support for the improvement of Rochester Airport. He asked where was the evidence to support this claim as results of the Council's survey and others showed that a vast majority of the responses, most of whom were local residents, were against the Masterplan.

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Councillor Chitty stated that the Masterplan went through all the statutory requirements and the results were fully documented and were publicly available.

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

The Aeronautical Information Publication (AIP) Jan 2014 for Rochester Airport states: Section 7 (b) Circuit training is prohibited on Runway 02 on Fri, Sat, Sun, Public Holidays and at other times that the aerodrome authority consider appropriate.

You and the ward Councillor were at the Rochester Airport Consultative Committee (RACC) meeting dated 7 October 2011 where it was agreed to withdraw the restriction. You and the ward councillor are party to the withdrawal of the restriction and have legitimised Rochester Airport Limited in exposing residents to the ear piercing and intrusive noise of trainee helicopter, gyrocopter, microlight and aircraft pilots flying circuits at weekends when people are enjoying the tranquillity of their gardens.

As in this case, self imposed restrictions do not work as they can be arbitrarily dropped for whatever reason.

Will you and Medway Council support a legally binding permanent reinstatement of the ban on circuit flying at weekends and bank holidays to protect residents enjoyment of life and property values?

Councillor Jarrett responded by stating that both he and Councillor Clarke were present at the RACC meeting on 7 October 2011 where the lifting of the voluntary restriction on circuit training was discussed. This was subsequently reported to the Rochester Airport Consultative Committee on 14 December 2012 where it was reported that this trial had been successful and that there had been no complaints.

He stated that he had been advised that Rochester Airport Limited chose not to change the information in the Aeronautical Information Publication to ensure that no visiting aircraft would utilise Rochester Airport in this way and as such only home based aircraft were aware of the lifting of the voluntary restriction.

A local resident, in Mr Baldock's absence, asked a supplementary question. He stated that the purpose of Airport Consultative Committees were to enable aerodrome operators and communities in the facility of the aerodrome to exchange information and ideas to allow the concerns of the interested parties to be raised and taken into account by the airport operators.

He stated that with a genuine desire on all sides to resolve any issues that emerge, how did the current operational process of meetings happen when no unbiased members of the community were allowed to attend RACC meetings and the current Chairman and Secretary of this Committee were closely

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identified with sectional interests which contravenes Department of Trade guidelines.

Councillor Jarrett stated that whilst he did sit on the RACC, he did not have the detailed knowledge on the issues raised in the supplementary question and he advised the questioner to direct those detailed questions to the Chairman of the RACC.

K. Tony Jeacock of Rainham asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following question:

Can the Portfolio Holder please advise me as to the accuracy of a report that a number of street parking permits are being issued to Medway Maritime employees, enabling them to park in residential streets near to the hospital?

If this is the case, what is the maximum number that can be issued in this way?

Councillor Jarrett, on behalf of Councillor Filmer, responded by stating that Parking Services did not issue any permits to Medway Maritime employees, enabling them to park in the residential streets near to the hospital, nor is it intended to do so in the future.

Mr Jeacock asked whether the Portfolio Holder would approach Medway Maritime Hospital to agree to devise a suitable park and ride scheme for hospital employees and to investigate a suitable site for this parking as this would cut congestion, improve air quality and allow local residents the street parking which they pay for. It would also help outpatients to park more easily at the hospital on time for their appointments and potentially without adversely affecting their blood pressure.

Councillor Jarrett stated that Mr Jeacock was on the same wavelength as the Portfolio Holder and that this had already been done.

L. Paul Chaplin of Rainham asked the Portfolio Holder for Finance and Deputy Leader, Councillor Jarrett, the following question:

Can the Portfolio Holder please tell me, is there any likelihood that either now or at any time in the future, Medway Council will sell off any land it owns that could provide access to the proposed Gibraltar Farm housing development, thus potentially enabling it to proceed?

Councillor Jarrett responded by stating that the Council owned land between Gibraltar Farm and the public highway in North Dane Way. An agent representing the owner of the farm enquired in April, earlier this year, whether the Council would be prepared to sell this land or grant rights over it.

Councillor Jarrett confirmed that the Council responded by stating that it was not prepared to do this. As Portfolio Holder he had been consulted on this matter and gave clear instructions that the Council was not prepared to sell this

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land or grant rights over it. This was then communicated clearly to the agent acting on behalf of the owners of the land.

Mr Chaplin stated that with the constant pressure to provide more homes in and around the Medway towns, why was more emphasis not given to bringing the many long term empty housing back into local housing stock making it fit for purpose and thus easing the pressures on housing needs and improving the environment?

Councillor Jarrett stated that he thought that Mr Chaplin was entirely right and this was something that the responsible Portfolio Holders had a great interest in and were working on. He stated that recently Councillor Doe was able to bring forward some previously unavailable sites for social housing so some steps are being taken in that direction.

He stated that the Council would continue to work hard on this issue but that the current demand for housing far out stripped supply. He referred to the construction of a new Local Plan which would address the housing requirements for the next few years. These would hopefully exclude any development on Gibraltar Farm.

M. Rachel Garrick of Rochester asked the Leader of the Council, Councillor Rodney Chambers OBE, the following question:

Councillor Turpin rebelled against the Tory whip at the Full Council meeting earlier this year over his concern surrounding the £4.4m spend on Rochester Airfield.

Does the Leader see a conflict of interest in accepting the Rochester Airport Limited (RAL) submission that the development will cost £4.4m to develop, when the independent TPS estimates suggest the cost could run to £13.5m?

Councillor Rodney Chambers OBE stated that whilst TPS was the Council's consultant engaged to provide advice in relation to the reconfiguration of Rochester Airport and the likely costs, the work undertaken by TPS was for a far more extensive scheme.

RAL's estimated costs of £4.4M were based on far more modest improvements, which reflected the size and weight of aircraft which would use the airport.

Councillor Chambers stated that the Council's contribution towards the works was capped at £4M, so any expenditure over this would have to be met by the private sector.

He stated that as a result he could not see that accepting RAL's bid for the lease of the airport resulted in any conflicts of interest.

Mrs Garrick stated that given the Council's inability to present accurate budget figures to the 2013 budget and its inability to ensure that its contractors did not

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double charge residents on Council Tax, would Councillor Chambers agree that there was a risk that this project may not reach completion due to inaccurate budget forecasts and that actually the Council would be better placed investing in more basic, less ambitious projects such as basic infrastructure of the Medway roads, which were the second worst in the South East?

Councillor Rodney Chambers OBE stated that he believed Mrs Garrick had been misinformed as to the last statement, however, as far as the bid was concerned and whether the project was finished or not, only time would tell, but at this point in time the Council was confident that the costings that had been brought forward would be sufficient and would complete the project.

N. Ben Pranczke of Gillingham asked the Portfolio Holder for Strategic Development and Economic Growth, Councillor Chitty, the following question:

According to Councillor Alan Jarrett 'The spectre of our green spaces being under threat has never been more acute' and that 'Developers circle. There is talk of another 500 houses at Hoo, 500 at Lordswood, hundreds more in Rainham and elsewhere.'

How much has the botched Planning process cost hardworking taxpayers?

Councillor Chitty responded by stating that the Council had been seeking to adopt a new Local Plan for some years now. It had been frustrated by a very cumbersome and bureaucratic process which was required by Central Government and left very little flexibility to respond to local issues. Over the last four years plus there had been a cost of £1m.

She stated that the Government created legislation that Local Authorities had to comply with it. At no time had there been any suggestion that work undertaken by this Authority or by its officers had been anything other than professional and correct.

Mr Pranczke asked whether Councillor Chitty agreed that despite how much tax payers' money had been wasted on the planning process, there was a need for more affordable housing, and did Councillor Chitty agree that housing developers must meet a minimum target for affordable housing on each development or did she think developers should be allowed to take advantage?

Councillor Chitty stated that housing was needed in Medway and that housing had to be relative to the number and the people that required it. She stated that the Council had a very good record where social housing was concerned. There was also a very high demand for private rented accommodation and that this had been increasing to the point where most roads in Medway did have private rented accommodation within them.

O. Jonathan Primett of Chatham asked the Leader of the Council, Councillor Rodney Chambers OBE, the following question:

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Does the Leader agree with Councillor Irvine that restrictions to licensing takeaways near schools are 'nannying fussbucketry' and what is the official administration policy on takeaway restrictions near Primary and Secondary Schools in Medway?

Councillor Rodney Chambers OBE, responded by stating that his colleague, Councillor Irvine was entitled to his opinion as the Conservative Group did not whip Members' minds or thoughts and they had freedom of speech.

The Administration's official position was contained in the Cabinet decision which was before the Council tonight at Minute 119/2014 which was to approve the adoption of the Hot Food Takeaways in Medway Guidance note as reported in this evening's agenda under the Cabinet decision of 15 July on page 71. He stated that he would send the details of that guidance note to Mr Primett.

Mr Primett stated that he welcomed the plans as outlined by Councillor Chambers which were part of a wider range of solutions. He asked whether the Leader agreed that this was a very serious health concern that required reasoned and grown up debate rather than comments from an individual who had to apologise for claiming they would like to ban equal rights fascists?

Councillor Rodney Chambers OBE stated that this was an opinion, not a question.

189 Leader's report

Discussion:

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

- Sporting Legacy including Kings Rochester Sports Centre
- Summer Events including Castle Concerts/Under Siege and Armed Forces Day
- Rochester Riverside
- Local Enterprise Partnership
- Developer Contributions Guide (affordable homes target) – The Leader informed the meeting that with regard to the Cabinet decision 120/2014 on page 72 he proposed to take a further report to Cabinet on 5 August on the new affordable homes target in the draft Developer Contribution Guide. The target as amended by Cabinet would represent a change to the draft guide such that he believed, and officer advice supported his view, that the Cabinet ought to weigh up in more detail the wider implications.
- Gateway 3 Contract Award: Local and Yellow Bus Contracts Retendering
- Planning Policy Update
- Medway Obesity Summit
- Medway TryAngle Awards (Medway Youth Parliament)
- Primary schools admissions

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- Roads network
- Rochester Airport.

190 Report on overview and scrutiny activity

Discussion:

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

- Hot Food Takeaways in Medway: A Guidance Note
- Update on Medway Norse
- Procurement Strategy Review
- Welfare Reform Task Group
- Update on discussions with the Gambling Commission
- Safeguarding Peer Review
- Sure Start Children's Centres and Early Childhood Outcomes 2013/2014
- Support for Care Leavers Task Group
- Annual Scrutiny of the Community Safety Partnership
- Flood and Water Management Act 2010 – Roles and Responsibilities and the Local Flood Risk Management Strategy
- Rochester Riverside Masterplan
- Decluttering Strood High Street – Update
- Acute Mental Health Inpatient Beds Review Update
- Support for Carers
- Update on Mid Staffordshire NHS Foundation Trust Public Inquiry – Implications for Medway Council
- Developer Contributions Guide – Councillor Cooper gave notice that she intended to submit a motion to Full Council on 16 October 2014 requesting that the Medway Queen be included in the Developer's Contribution Guide as a heritage site.

191 Members' questions

(A) Councillor Turpin asked the Portfolio Holder for Children's Services (Lead Member), Councillor O'Brien, the following:

Many summer born children, particularly boys, are at present not mature enough to make a strong and confident start at school when they are little over 4 years old. Through falling behind they may then suffer lasting consequences to their entire education. The coalition government have taken the brave and equitable step of allowing parents to defer entry for one year for children born from April to August with, as a crucial difference from present policy, the right to then enter reception year rather than year 1.

Can Councillor O'Brien confirm that Medway Council will implement this policy change in its schools as soon as possible and give a timetable for this implementation?

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Councillor O'Brien responded by stating Medway Council's school admission policies already allowed deferred entry to school and for parents to ask for their child to be admitted outside of their normal year group. The Council's policies were compliant with the requirements of the School Admissions Code and the recently published guidance.

Medway provided for the admission of all children in the September following their fourth birthday. However, a child was not required to start school until they had reached compulsory school age following their fifth birthday. For summer born children this was almost a full school year after the point at which they could first be admitted.

In addition parents had the right to ask for their child to be admitted outside of their normal year group. For summer born children, this allowed parents to defer entry for one year and to request entry to the reception year.

Councillor O'Brien stated that the government guidance was very clear in that decisions about entry outside of the normal year group must be decided on a case-by-case basis by the Admission Authority.

Medway Council was the Admission Authority for community and voluntary controlled schools, and the Council's admissions policies allowed for any requests to be considered on a case-by-case basis by professional specialists, taking into account the needs of the child, which of course were paramount.

Councillor Turpin stated that this had not been his experience when he went through this process a few years ago. He asked whether this was publicised at all to prospective parents that this was a possibility and whether this was encouraged. He provided details of his own experience where he had been informed that his own child would have to start in year one, having missed out on reception year a few years ago, so he hoped that there was a more enlightened policy and that it would be publicised and that parents would be made aware of this.

Councillor O'Brien thanked Councillor Turpin for his comments and stated that he was sorry for what Councillor Turpin had experienced. Councillor O'Brien stated that he hoped that this would be picked up by the press and that it was something that could be raised with the editor of Medway Matters for publication in a future issue. He hoped that Councillor Turpin had been reassured by the answer and that all cases were treated compassionately and in the interest of the child.

(B) Councillor Igwe asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following:

The residents of Medway Gate have continued to pay Council Tax plus a maintenance fee to a private company for the provision of essential services such as street cleaning since the first occupants moved in (2007/2008).

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Given that the area has reached 99% completion and is fully occupied seven years later, is it not about time Medway Council adopts the roads and alleviates the financial burden placed on residents of this double Council Tax payment?

Councillor Jarrett, on behalf of Councillor Filmer, responded by stating that Council Tax paid for a range of services within the Authority's area, not just a particular estate or a particular service and was payable upon occupation of a property.

Many of the current developments used a Management Company to deal with the communal areas, both internally – for example, stairwells, lighting and so on – and externally, such as open spaces, private parking areas and indeed the road network. If this was the case, it was a matter between the residents and the developer.

Highway adoption related to the future maintenance responsibilities of highways. The construction of new estate roads was covered by a Section 38 Agreement of the Highways Act 1980 which, in the case of Medway Gate had four phases. None of the roads had yet been adopted but even when this would happen there would still be some roads which would remain private.

The only item the Council was responsible for at present was the energy cost for the adoptable street lighting. However the developer was expected to keep the whole estate in a good state of repair which would include sweeping.

He stated that the Management Company fees may or may not continue after the roads are adopted, as again that was a matter for the developer and residents to agree. There was no requirement for a developer to offer up assets such as the highway for adoption and they were quite in their right to keep the roads private.

Councillor Igwe asked for guidance in terms of a timeline as to when this adoption process would happen because it appeared that there was no plan in place.

Councillor Jarrett stated that he understood that this was a matter for the developer and not the Council. He suggested that the residents would need to take this matter up with the developer to see what their plans were and if the developer wished to approach the Council to discuss adoption.

(C) Councillor Maple asked the Portfolio Holder for Housing and Community Services, Councillor Doe, the following:

Between January 1st and the end of March this year, the Government reports that 27,310 applications were made to Councils to help with homelessness.

What does it say about Medway Council that it was the only Kent Council that refused to respond to a BBC survey on homelessness?

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Councillor Doe responded by stating that he wanted to correct the question because Ashford Council had failed to respond and both Gravesham and Maidstone Councils had not responded to the questions relating to those that were still in bed and breakfast after six weeks.

He explained that it was important to understand the context in which this Freedom of Information request was made. He stated that had the BBC asked how many people were in bed and breakfast at a particular time, this could have been answered. For information, there were 148 households in temporary accommodation in Medway at the end of 2013/2014 which, for example, compared with Maidstone (212) and Shepway (245). Therefore, he stated that whilst he regretted anybody having to be in temporary accommodation, he did not believe that Medway was doing that badly.

He stated that in relation to the question how many families had been in bed and breakfast for more than six weeks, he provided information on Canterbury (75), Dover (66), Shepway (60) and Swale (80) Councils, whereas Medway had none. As such, he stated that Medway Council was getting on and doing the job and not spending a lot of time dealing with FOI questions which were badly phrased.

In relation to this request for information, he stated that about four years' worth of statistics on different aspects of homelessness had been requested and this would have meant that the Council would have had to interrogate its computer systems and paper records. As such, he believed that the fault lay in the way in which the questions in the request were asked.

Councillor Maple stated that it was not a surprise that the Conservative Cabinet were putting the blame anywhere else but themselves. He stated that in the Leader's report, the Leader spoke about increased transparency, therefore, how did Councillor Doe feel about having a department which was refusing to respond, specifically not failing to answer, but refusing to respond whilst at the same time the Leader wanted greater transparency?

Councillor Doe stated that he could answer this question quite simply by saying that the Council would respond to information which had use, but staff should not be allowed to be diverted into what he referred to as pointless statistical matters which had very little value.

He stated that he stood by the Council's performance as a matter of public record and that Medway Council, and nobody else, was responsible to the people who were on the waiting list seeking housing and in his view, Medway Council discharged this responsibility better than most Councils in Kent.

(D) Councillor Irvine asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following:

With Labour controlled Bury Council planning on introducing bin collections on a three weekly cycle compared to Medway's popular weekly refuse and recycling collection, can the Portfolio Holder assure us that in Medway a

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Conservative controlled Council would not seek to slash services to the same level as that of Labour-run Bury?

Councillor Jarrett, on behalf of Councillor Filmer, responded by stating that he was sure that residents would enjoy having refuse standing around for three weeks in temperatures of 30C. He stated that there were no plans to change recycling or the collection of other materials in Medway at all. The last change was to improve the collection rates and that was why Medway had such a high satisfaction rate amongst residents. This was because Medway now collected all recycling and all residual waste every week, which was something to be proud of.

Councillor Jarrett stated that the expansion of the service was because of a successful bid to Government for £14m which had enabled the Council to enhance and improve the service and that this had been very well received. He believed that this had largely been brought about because of the Government's ability to astutely handle the economy. This was in stark contrast to the Labour years of Government when there had been a proliferation of alternate weekly collections across the country. He stated that Labour, at that time, continued with the punitive land fill tax escalator which was still in place today and that he looked forward to the day when the economy had recovered sufficiently from the Labour mismanagement for that escalator to cease.

He stated that the other issue to consider in general was Labour's approach to environmental services and that the last time Labour formed the administration in Medway there was one key area of service delivery, street cleaning, which at that time, Councillor Griffiths' response to budget difficulties of his own making, was to cut £400,000 from the street cleaning budget.

He stated that, fortunately, the incoming Conservative administration managed to recover the situation, as with the collection of waste and recycling satisfaction in Medway on street cleaning, was also running at a high level.

(E) Councillor Osborne asked the Leader of the Council, Councillor Rodney Chambers OBE, the following:

Medway celebrated its first registered equal marriage in the last couple of weeks. Will the Leader welcome the first of many such marriages for LGBT Medway residents?

Councillor Rodney Chambers OBE, responded by stating that he welcomed the extra revenue that the Council was likely to receive through the introduction of Equal Marriage Act.

Councillor Osborne stated that given many LGBT staff members were employed by the Council and many were residents, would the Leader welcome the first of many such marriages for LGBT Medway residents?

Councillor Rodney Chambers, OBE, repeated that he welcomed the extra revenue, because by receiving that extra revenue, the Council was able to still

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provide free swimming for the under 16s and the over 65s, the weekly refuse collection, continuing to help, provide and support the vulnerable, keeping libraries open amongst many other services. This was why that revenue was very welcome.

(F) Councillor Osborne asked the Portfolio Holder for Finance and Deputy Leader, Councillor Jarrett the following:

Can the Portfolio Holder confirm whether the Council Auditors were fully aware of the alternative £13.5m costing for the Rochester Airport proposal by the private-consortium TPS, as revealed in Freedom of Information requests?

He stated that TPS was not a private consortium which put a proposal forward for Rochester Airport. TPS was the Council's consultant appointed by the Council to provide advice in relation to the reconfiguration of Rochester airport and the likely costs involved. TPS estimated in its final report that the costs of the works to improve the airport would be in the region of £11.8 - £11.9M.

Currently, the Council's Auditors had not been asked to review the work undertaken by TPS.

TPS was a consultancy that was more experienced in advising on works at major commercial airports like Heathrow. As a result, their estimated costings for the work which included paving the runway and building new facilities including hangars were high, not least as the aircraft which used Rochester were much smaller and lighter than those that used major commercial airports. The hangars at major commercial airports had to be much larger and taller than they would at Rochester Airport and the loadings for hangar floors, runways and aprons were much lower at Rochester as the aircraft using them were much lighter than those at for instance Heathrow.

RA Ltd considered that the works could be done for £4.4M based on other projects which it had been involved in and experience from other small airports.

Councillor Osborne asked whether Councillor Jarrett was aware that the RAL estimate was based on Sheffield City Airport from the mid 1990s which was now closed and could he confirm why the TPS estimates were hidden and had to be challenged and chased in Freedom of Information requests through the Information Commissioners Office. Why had these figures not been revealed to the public or the auditors?

He stated that if Councillor Osborne wanted definitive advice on how Rochester Airport Ltd arrived at its figure he would need to ask them. He stated that RAL would have to live with the figures they had brought forward, and that they were confident and that they would submit the planning application based on those figures.

192 Additions to the Capital Programme

Discussion:

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This report provided details of proposals to add two schemes to the Capital Programme, namely the relocation of Riverside One and Strood Sports Centre, following consideration and recommendation by Cabinet on 15 July 2014.

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

Decisions:

- (a) The Council agreed the addition of £800,000 to the capital programme to fund the adaptation and fit-out of new premises, associated relocation costs and the demolition of the Riverside One building.
- (b) The Council agreed the additional works to Strood Sports Centre redevelopment to be added to the capital programme, with funding of £1.4m to be funded by Prudential Borrowing.

193 Members' Allowances - Report of the Independent Remuneration Panel

Discussion:

This report provided details of the report and recommendations of the Independent Remuneration Panel regarding a review of special responsibility allowance for the Chairman of the Health and Wellbeing Board and the consideration of whether to introduce a special responsibility allowance for the Vice-Chairman of the Health and Wellbeing Board.

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

Decisions:

- (a) The Council agreed that the role of Chairman of the Health and Wellbeing Board continues to be awarded a Special Responsibility Allowance (SRA) and that it should be at 40% of the benchmark, currently £7326.68.
- (b) The Council agreed that payment of this SRA is index-linked to officer pay awards for the same period, as are the other SRAs in the Members' Allowances Scheme.

194 Audit Committee - Annual Review of Terms of Reference

Discussion:

This report provided details of a proposed change to the Audit Committee's terms of reference, with regard to adding a reference to monitor the

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effectiveness of internal audit. The Audit Committee considered this report on 17 July 2014 and recommended to Full Council to agree the revised terms of reference as set out in the report.

The Chairman of the Audit Committee, Councillor Mackinlay, supported by the Leader of the Council, Councillor Rodney Chambers OBE, proposed the recommendation as set out in the report.

Decision:

The Council agreed the revised terms of reference for the Audit Committee, as set out in Appendix A to the report.

195 Scrutiny Task Groups - Substitute Members

Discussion:

This report provided details of a proposal originally moved at Full Council on 24 April 2014 regarding the introduction of substitute Members on Scrutiny Task Groups.

Councillor Shaw, supported by Councillor Murray, moved the proposal set out in paragraph 5.1 of the report:

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

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.”

In accordance with rule 11.4 of the Council Rules at the request of six Members, a recorded vote on the proposal was requested:

For: Councillors Bowler, Cooper, Craven, Gilry, Christine Godwin, Paul Godwin, Paul Godwin, Harriott, Hubbard, Igwe, Juby, Kearney, Maple, Murray, Osborne, Price, Shaw, Smith and Stamp (19)

Against: Councillors Avey, Baker, Brake, Bright, Carr, Mrs Diane Chambers, Rodney Chambers, Chishti, Chitty, Clarke, Doe, Etheridge, Griffin, Adrian Gulvin, Pat Gulvin, Hicks, Iles, Irvine, Jarrett, The Worshipful The Mayor of Medway, Councillor Kemp, Mackinlay, the Deputy Mayor, Councillor Maisey, Mason, O'Brien, Purdy, Rodberg, Royle, Tolhurst, Turpin, Watson, Wicks and Wildey (31).

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

196 Special Urgency Decisions

Discussion:

This report provided details of the recent use of urgency powers by Cabinet and the Chief Executive/Directors.

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

Councillor Maple, supported by Councillor Paul Godwin, proposed the following amendment:

“Add new recommendation 7.2

Council instructs officers to produce a report to the Employment Matters Committee detailing Medway Council settlements of employment tribunals for the past ten years to examine any trends and potential improvement in practices.”

It was confirmed that this would relate to both any cases which were settled before the tribunal was heard as well as the outcome of tribunals.

Under Council Rule 11.4.2 and with the consent of the Council, Councillor Rodney Chambers OBE and the seconder of the substantive motion agreed to alter the substantive motion to include the proposed amendment.

Decisions:

- (a) The Council noted the report.
- (b) The Council instructed officers to produce a report to the Employment Matters Committee detailing Medway Council settlements of employment tribunals for the past ten years to examine any trends and potential improvement in practices.

197 Motions

(A) Councillor Murray, supported by the Leader of the Council, Councillor Rodney Chambers OBE, submitted the following:

Medway Council notes the stated position regarding paying no public servant more than the Prime Minister. This council also notes the more than 300% pay increase for the role of Chairman of Medway Foundation Trust (MFT).

This Council asks the Chief Executive to write to Jeremy Hunt to ask the following questions:

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- Did monitor consult with him?
- Did he approve increased costs?
- Has he ensured that payment of the chair of MFT's salary depends on the achievement of performance criteria/measures?
- What is his assessment of MFT's financial position?
- Does he think taxpayers of Medway are getting good value for their £200,000?

The Leader of the Council, Councillor Rodney Chambers OBE, indicated his willingness to support the motion subject to amendment to the first sentence to clarify whose "stated position" regarding paying no public servant more than the Prime Minister related to. Councillor Murray confirmed that this was the current Prime Minister's stated position and she agreed to amend the motion accordingly.

Therefore, under Council Rule 11.4.1 and with the consent of the Council, Councillor Murray and the seconder of the substantive motion agreed to alter the substantive motion to provide clarification to the first sentence.

Decision:

Medway Council notes the Prime Minister's stated position regarding paying no public servant more than the Prime Minister. This Council also notes the more than 300% pay increase for the role of Chairman of Medway Foundation Trust (MFT).

This Council asks the Chief Executive to write to Jeremy Hunt to ask the following questions:

- Did monitor consult with him?
- Did he approve increased costs?
- Has he ensured that payment of the chair of MFT's salary depends on the achievement of performance criteria/measures?
- What is his assessment of MFT's financial position?
- Does he think taxpayers of Medway are getting good value for their £200,000?

(B) Audio Recording of the Meeting

Mayor

Date:

Council, 24 July 2014

Julie Keith, Head of Democratic Services

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