

Medway Council
Meeting of Medway Council
Thursday, 22 January 2015
7.00pm to 11.55pm

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, OBE, Chishti, Chitty,
Clarke, Colman, Cooper, Craven, Doe, Etheridge, Filmer, Gilry,
Christine Godwin, Paul Godwin, Griffin, Griffiths, Adrian Gulvin,
Pat Gulvin, Harriott, Hewett, Hicks, Hubbard, Igwe, Iles, Irvine,
Jarrett, Juby, Mackness, Maple, Mason, Murray, O'Brien,
Osborne, Price, Purdy, Rodberg, Royle, Shaw, Smith, Stamp,
Tolhurst, Turpin, Wicks and Wildey

In Attendance: Neil Davies, Chief Executive
Dr Alison Barnett, Director of Public Health
Robin Cooper, Director of Regeneration, Community and
Culture
Mick Hayward, Chief Finance Officer
Wayne Hemingway, Democratic Services Officer
Richard Hicks, 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

679 Record of meeting

The record of the meeting held on 16 October 2014 was agreed and signed by the Mayor as correct.

680 Apologies for absence

Apologies for absence were received from Councillors Kearney, Mackinlay and Watson.

681 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

Councillor Filmer declared a disclosable pecuniary interest in any reference to Medway Norse and stated that he would leave the meeting should there be any discussion on Medway Norse.

Councillor Griffiths declared a disclosable pecuniary interest in agenda items 8 (Leader's Report – Gateway 1 Procurement Commencement: The Procurement of an Integrated Community Equipment Service (Phase 1) – Paediatric, Electrical and Bespoke Equipment and Technicians Service report), 9 (Overview and Scrutiny Activity) and 19 (Contract Letting – Exceptional Circumstances Leading to Exemptions to Contract Rules) because he was a Non-Executive Director, Medway Community Healthcare (MCH), Community Interest Company. He left the meeting during any specific reference to MCH during discussion of these issues.

Other interests

Councillor Cooper declared an interest in agenda item 8 (Leader's Report – Medway Queen report) because she was the Local Authority representative on the Medway Queen Preservation Society. She also declared an interest in any reference to Medway Maritime Hospital because three of her immediate family worked at the hospital.

Councillor Adrian Gulvin declared an interest in agenda item 11 (Youth Justice Plan – Policy Framework) because his brother worked for the Youth Offending Team and had written this report. He left the meeting during discussion on this item.

Councillor Pat Gulvin declared an interest in agenda item 11 (Youth Justice Plan – Policy Framework) because her brother-in-law worked for the Youth Offending Team and had written this report. She left the meeting during discussion on this item.

Councillor Price declared an interest in any reference to the Health and Lifestyle Trainers Service because he was the Chairman of the Sunlight Development Trust. He left the meeting during any specific discussion on this issue.

682 Mayor's announcements

The Mayor advised Members of some forthcoming events to raise money for the Charities he was supporting this year:

- Saturday 14 February 2015 - Valentines Voices Concert at St Margaret's Church, Rainham – tickets £10
- Tuesday 17 February 2015 - Chinese New Year Dinner at Confucious, Chatham – Sold out

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- Saturday 21 February 2015 - Quiz Night at Millennium Centre, Rainham – tickets £7
- Saturday 14 March 2015 - Big Band Dinner Dance at Corn Exchange, Rochester – tickets £37.50
- Tuesday 21 April 2015 – Chinese Night at Confucius, Chatham - tickets £20.

The Mayor informed Members that owing to the volume of business on the agenda Councillor Irvine had asked that his motion at item 21C on the agenda be deferred for consideration at the April Council meeting. This was agreed.

The Mayor advised Members and the public that there was now a password for wifi access in this building and this information had been provided to every Member and had been laid out on every seat in the public gallery and press area.

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

683 Leader's announcements

There were none.

In response to a query about the use of the Council's Twitter account to report on statements made by Cabinet Members at a recent Cabinet meeting, the Mayor advised that clarification would be sought and that consideration could be given for the Council's Twitter account to be used to report on future Council meetings.

684 Petitions

Public

There were none.

Members

Councillor Paul Godwin submitted a petition which contained 83 signatures requesting the Council to urgently improve the road surface of Southill Road and Holcombe Road, Chatham.

Councillor Griffiths asked for it to be placed on record that parents from Twydall Primary School, who opposed the takeover by the Thinking Schools Academy Trust (TSAT), had submitted a petition containing over 100 signatures to the Portfolio Holder for Children's Services (Lead Member) and that there was an e-petition on the same matter containing 111 signatures.

Councillor Hubbard submitted a petition which contained 12 signatures requesting that the Council consider adopting Florence Street, Strood.

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Councillor Jarrett gave notice that he would be submitting a petition on behalf of residents in Fowey Close, Lordswood requesting the replacement of barriers from an alleyway with kissing gates.

Councillor Juby submitted a petition which contained 13 signatures that objected to the creation of shared use parking bays along York Avenue, Gillingham.

Councillor Juby submitted a petition which contained 40 signatures together with associated correspondence regarding the matter of plain packaging for cigarettes.

Councillor Maple submitted a petition which contained 55 signatures requesting the introduction of measures to increase road safety provision for Castle Road and Gordon Road, Chatham.

Councillor Shaw submitted a petition which contained 20 signatures requesting that New Road, Chatham be resurfaced to reduce excessive “tyre on road noise”.

Councillor Stamp submitted a petition which contained 298 signatures requesting improvements to the access to the River Medway at the Strand, Gillingham.

685 Public questions

A) **Martin Potter of Rainham asked the Portfolio Holder for Children's Services (Lead Member), Councillor O'Brien, the following:**

“I understand that some 10 babies are born each day at Medway Maritime Hospital, can the Lead Member assure us that adequate provision is being made for both Primary and Secondary School places for these children in the future?”

Councillor O'Brien stated that adequate provision was being made. Medway's birth rate had increased in recent years, and this along with an increase in families moving into Medway meant that the demand for school places was expected to continue to rise over the coming years.

The Council's School Organisation Plan, which was reviewed annually, set out the Council's plans to meet this need.

In recent years, a successful programme of school expansions, and the establishment of a new school had ensured that there were sufficient places to meet demand. Between 2011 and 2016 the Council would have created over 2,300 additional primary school places in Medway.

So far these places had all been in the primary sector, but plans were being formulated to address the need for additional secondary places in the future.

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Mr Potter asked whether Councillor O'Brien could assure him that the improvement that had been seen in the last couple of years in both primary and secondary standards would continue alongside the expansion?

Councillor O'Brien thanked Mr Potter for drawing attention to the fantastic improvement in both Medway's Primary and Secondary education over the past years, certainly the Key Stage 2 results had improved year-on-year and he stated that he would be working very closely with Councillor Tolhurst to work with schools, academies, teaching professionals and more importantly the pupils to ensure that those positive progressions would continue.

B) Chris Ferguson of Rainham asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following:

"Medway Council has stated that they will not be turning the streetlights off, even though only c. 20% of the lights are LED energy efficient;

Would the Council consider using passive infrared (PIR) switch control from midnight to dawn on street and public car park lighting?

Is there a technical reason why this could not be introduced as it covers the safety of illuminations and cuts back on light pollution?"

Councillor Filmer stated that technology in street lighting was improving very quickly both in the control of lighting and the efficiency of conventional lamps and LEDs.

Medway Council had for a number of years been investing in energy saving lighting as products became available and all new lighting schemes were now designed with LED light fittings.

There were technical issues with the use of the passive infrared (PIR) switch control including:

- Paying for the random pattern of electricity used on an unmetered electrical supply.
- The lights would be switched on individually as a vehicle or pedestrian activated the sensor, which will not light the way ahead.
- The continuous switching on and off would have a detrimental effect on local residents.
- This would over complicate the control of the light, which may lead to higher maintenance costs.

He stated that there were now central management systems that could remotely vary the amount of light used depending on the typical profile of any particular road. The Council had commissioned a report, to be completed in March 2015, to evaluate the existing lighting stock and make recommendations for the potential savings available by the use of LED street light and lanterns and a central management system to be included. The report would focus on

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reducing energy consumption and improving the service delivered by the Council.

The Council was aware that other local authorities were investing in energy saving schemes including converting their stock to LED and switching lights off for all or part of the night. These schemes were expensive to implement and the Council needed to ensure that it was investing in the right product at the right time to ensure it would achieve the best solution and the best value for the residents and highway users in Medway. He stated that Medway Council did not have any plans for turning lights off at night.

Mr Ferguson asked whether the Council had, or planned to have a green policy on light pollution?

Councillor Filmer stated that this was one of the main objectives in the evaluation.

C) Joe Murray of Rochester asked the Portfolio Holder for Educational Improvement, Councillor Tolhurst, the following:

“Sadly Medway primary schools are once again bottom of the league. Parents and teachers feel let down by this Conservative administration by the lack of support it has shown to schools.

Why should we trust this administration in addressing poor performance given the lack of urgency they have shown to try to improve primary schools in Medway?”

Councillor Tolhurst stated that she believed that Mr Murray had confused the Her Majesty’s Chief Inspectorate (HMCI) Annual Report with the pupil performance league tables. The HMCI Annual Report ranked authorities by the proportion of pupils in good or outstanding schools and not how those pupils had performed.

She stated that this was not to say that it was not an important report and the Council took it very seriously. However, it should not be allowed to undermine the important work that the Education Team had been doing. Pupil performance had gone up 4% to the highest ever result of 75%, which was 5% higher than the bottom.

As far as the number of schools which were good or outstanding, it was important to remember that many of the schools had not been re-inspected, some for over five years, and therefore this was a snapshot of existing judgements.

She stated that the School Improvement Strategy had been approved on 13 January 2015 by Cabinet after extensive consultation with schools; head teachers, governors and partners.

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Since October 2014, four more schools had been inspected with three schools being graded as “good”. She referred to the other school and stated that she had already flagged it up as needing improvement and had put in an Interim Executive Board to oversee radical improvement. She referred to the relevant Ofsted report, where the lead inspector wrote: “The local authority has been instrumental in organising the change in governance, which has clearly benefited the school.”

She stated that the Administration’s work had been directly praised by Ofsted here, and some of the plans by Labour to reform the Council’s management structure directly contradicted Ofsted’s advised practice.

Mr Murray stated that he had recently left Medway where he had been teaching as a Deputy Head and having seen the performances year on year going down under this Administration, he asked what Councillor Tolhurst would say to someone like him who saw no incentive to be working in Medway as a teacher.

Councillor Tolhurst stated that Medway was a great place to live and work and she hoped that anyone would feel that Medway was a good place to come and live and work.

She stated that education was a priority for this Administration and this was clearly shown by her appointment over just one academic year ago and since then more support had been implemented. There had been robust challenge of Medway’s schools and also improvements had been seen around key stage 1 and 2 and secondary results. She stated that the Council wanted to achieve better results and Ofsted judgements and that was what this new School Improvement Strategy would achieve through the setting out of clear priorities for the accelerated progress and with clear targets.

D) James Chespy of Gillingham asked the Portfolio Holder for Educational Improvement, Councillor Tolhurst, the following:

“In light of the recent Ofsted report which showed that only 53% of pupils of primary school age were attending good or outstanding schools, what does the Council intend to do to raise the educational standards in the primary schools of which the other 47% of pupils attend, many of which require improvement or are in special measures?”

Councillor Tolhurst stated that she believed that this was a similar question to that of Mr Murray’s. She reiterated that the most important factor was the educational standard for each pupil. However, many of the children in schools which required improvement, may be getting good quality provision, but the schools just had not been re-inspected yet, as some had not been inspected for over 5 years. She stated that she was also confident that some primary schools would be judged as outstanding if inspected today. This was why it was imperative that each school was considered individually, assessing their strengths and weaknesses.

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She stated that the changing role of the Local Authority from a support provider to a broker of support put in a much stronger position to do just that. This was because the Council could draw from a much larger variety of support tailored to the individual school.

Pupil performance in primary schools had already improved by 4% this year and the Council expected to bring it to the national average or higher within 2 years.

The new School Improvement Strategy clearly set out the priorities for accelerated progress in primary schools:

- 1) Leadership, Management and Governance
- 2) Outstanding Teaching
- 3) Recruitment and Retention
- 4) Ofsted Readiness.

There was no supplementary question.

E) Paul Chaplin of Rainham asked the Portfolio Holder for Children's Services (Lead Member), Councillor O'Brien, the following:

“How much did the Government give to Medway to improve school kitchen facilities, and how was this distributed? How is it that some schools are struggling to cope and have not been able to access any of this money?”

Councillor O'Brien stated that Medway Council received £566,681 to support all maintained and voluntary controlled schools in meeting the capital requirements of the implementation of the Universal Infant Free School Meal programme.

£98,445 was allocated in addition for Medway voluntary aided schools and academies which were funded through a separate funding stream, the Academies Capital Maintenance Fund.

The voluntary aided sector opted to manage the allocation of funds and projects for their schools. Academies received funding directly and were therefore also able to manage their own preparations.

For the element under the responsibility of the local authority, a full review of the capacity of schools to implement the programme was carried out, this included scoping potential adaptation, equipment requirements, full feasibility studies and liaison with schools and their catering contractors. The funding was therefore distributed according to need based on this information.

He stated that there had been a strong partnership approach to this programme with schools, Medway Council, Public Health and catering contractors working closely together to ensure this programme and implementation of the School Food Plan was a success in Medway.

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Mr Chaplin asked whether the Portfolio Holder would provide him with a list of schools which had benefited from this money and the criteria by which they had been chosen.

Councillor O'Brien stated that whilst he had provided the general allocation of funds for the authority, he would investigate as to whether he could provide the individual figures and if this was possible he would provide it in writing.

F) Rachel Garrick of Rochester asked the Portfolio Holder for Community Safety and Customer Contact, Councillor Hicks, the following:

“During the recent by-election, the political group Britain First attempted to hold two rallies in Rochester High Street. At the time, requests were made to the police by residents to enforce the Public Order Act which was set in place to prevent the activities such as Ian Mosely's Black Shirts marching the streets of this good country.

In light of Britain First Leader Paul Golding's recent conviction under the Public Order Act in Essex, please can the Portfolio Holder for Community Safety explain why he did not work with the Kent Police to ensure that the Public Order Act was enforced to prevent fascists marching in political uniform up our high street but instead left it to community action by Medway residents to block the march, thereby risking public disorder, violence and riots on two occasions”.

Councillor Hicks stated that Kent Police had received notification of the two processions in accordance with the requirements of the Public Order Act 1986, and subsequently discussed them with Medway Council. The concern of the Council was to ensure that the risk of disorder was minimised through effective policing and received reassurance that a level of resources would be deployed that was commensurate with the risk.

The choice of which legislation was to be employed was a tactical police matter and did not form part of the discussions.

Both events were effectively controlled by the police, using the range of powers available to them.

There was no supplementary question.

G) Tony Jeacock of Rainham asked the Portfolio Holder for Educational Improvement, Councillor Tolhurst, the following:

“With the unenviable reputation of having, overall, the worst performing Primary schools in the whole of England, can the Portfolio Holder please advise me as to how they intend to reverse the situation and by when?”

Councillor Tolhurst stated that this question appeared to be similar to previous questions, therefore, she would answer this question quite directly. There were two key parts to the question: firstly, it was true that Medway had the lowest proportion of pupils in good or outstanding schools and as said earlier, this was

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partly down to schools waiting for re-inspection and some, if they were inspected today, she believed would be outstanding.

However, the Council was not complacent and one of the key parts of the School Improvement Strategy was Ofsted readiness as well as core categories such as outstanding teaching and recruitment and retention. She noted that the Council had no control over when schools could be inspected. Since October, four schools had been inspected.

The second part of school performance was the education that children were offered. As said before, the Council averaged at 75% with the lowest, nationally, being Luton local authority at 70%.

This year the Council had improved by 4%, keeping up with the national improvement. She stated that the Council intended to increase performance in Key Stage 2 up to national average within 2 years. Schools were on board with the School Improvement Strategy, given the Council had consulted with Headteachers and Chairs of Governors, and she stated that the School Improvement Team's hard work was already paying off.

She stated that, in summary, the Council anticipated school performance would be in line with the national average within 2 years and many schools would be rightfully recognised for where they were, which would improve the Council's standings nationally with Ofsted.

Mr Jeacock asked whether the Portfolio Holder would agree with him that this abysmal situation would be better addressed by insisting upon engaging properly qualified teachers in all classrooms without exception, who not only knew their subjects but also knew how to teach them effectively and would the Portfolio Holders for Children's Services (Lead Member) and Educational Improvement agree that their own positions should be merged into one and perhaps occupied by someone who was better equipped to succeed in matters of education and if not, why not?

Councillor Tolhurst stated that she was clear that she wanted anybody who taught in a school in Medway to be outstanding teachers and part of the School Improvement Strategy and part of the work the School Improvement Team did with schools was to source support that was provided to reach that ambition.

She stated that she wanted to see, as Portfolio Holder for Educational Improvement, people in schools who were achieving results and enabling the children to learn and have a good level of education.

H) Derek Munton of Rochester asked the Chairman of the Planning Committee, Councillor Mrs Diane Chambers, the following:

"Residents who are worried about plans to build a huge concrete runway at Rochester airport now have the chance to see the impact at a site meeting on 31 January.

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Is the Chairman of the Planning Committee prepared to ensure that at the site visit the area the new runway will cover is clearly marked out and that proper arrangements for residents to share their views with members of the planning committee are made by using an indoor venue at the site after the runway has been viewed?"

Councillor Mrs Diane Chambers stated that the Planning Committee on 7 January 2015 agreed to a site visit to Rochester Airport due to representations received regarding the noise from aircraft taking off and landing and the position of the new runway. In order for Members to fully observe these aspects of the airport it would be necessary for the site visit to take place from a viewing point within the airport and that it was the intention to seek to protect those attending from adverse weather conditions.

She stated that it should be noted that this was a site visit in relation to the live planning application which was being considered and would be reported back to committee on 4 February 2015 and that it was not a public meeting to discuss the Adopted Airport Master Plan.

With regard to the marking out of the runway the operator could put the landing lights on the existing runway but could not mark out a new runway if the public wished to see and hear planes take off and land. After the site visit it would be possible for Committee Members to view the area of the runway.

Mr Munton stated that he was sorry to hear that the runway was not to be marked out very clearly for the members of the public. However, he thanked the Councillor for enabling the site visit to happen. He stated that this would be a step in the right direction as regards to democracy in this issue.

Councillor Mrs Diane Chambers stated that with regards to the issue of the runway, it could not be marked out as there would be confusion between the existing runway and the new runway if members of the public wished to see planes take off and land.

I) Rachel Garrick, on behalf of Sue Groves MBE of Chatham asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following:

"In light of Medway Council earmarking £4.4 million pounds to hard pave Rochester Airport's runway, could the Portfolio Holder provide any credible reason as to why the shop mobility scooter service will now require users to book a scooter at least 24 hours in advance due to cost-cutting in the service?"

This policy, imposed without consultation, will only lead to further restrictions to service user spontaneity and could increase the likelihood of social isolation for many of those who find the service to be a valuable part of their day-to-day lives."

Councillor Filmer stated that the mobility scooter scheme was located at the Brook Multi-Storey car park in Chatham. The Council had 17 mainly power operated scooters that could be used by the public, residents and visitors, albeit

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that residents and visitors had to register to use the scheme; currently there were over 600 registered users with an average of 7 people using the scooters per day.

The scheme was operational between 10am - 4.40pm, Monday to Saturday. During October 2014 the Council had introduced a booking facility to ensure that there were staff on duty at the Brook Car park to administer the mobility scheme. Registered users could pick up and drop the scooter back between these times, but not during the lunch period, which was 1pm – 2pm.

He stated that there had not been a reduction of staffing at the Brook, however, the safety of staff in relation to lone working and also ensuring that the vehicles were appropriately prepared and fully charged was sufficiently important to bring about a booking scheme in the interest of providing an efficient and effective service to the users.

Since October, officers had received six complaints from users around the restrictions. The car park manager had spoken to all of those complaining and highlighted the above reasons and explained that this was a free service provided by Medway Council, whereas other shopping centres within the Kent area charged for a similar service.

It was not considered unreasonable that users reserve a scooter in advance so that the Council could ensure there were not staff waiting all day on the off chance that someone would need a scooter and also to ensure there were sufficient scooters in stock and fully charged, ready for use.

Rachel Garrick, on behalf of Sue Groves MBE stated that it really did remove spontaneity from an individual's life to not be able to use the service without booking. She asked whether it would be possible to revisit the decision to change the policy and to revert to the previous arrangements whilst a consultation was done with the users who were affected by the service?

Councillor Filmer stated that whilst he was always happy to revisit matters, it would depend on the staffing arrangements and whether the service could be as flexible as it used to be.

J) Harrinder Singh, on behalf of Ben Pranczke of Gillingham asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following:

“Could the Portfolio Holder please describe the decision making process which led to Medway Council agreeing to spend £135,000 on a memorial Japanese Garden on the middle of a roundabout?”

Councillor Filmer stated that the purpose of the scheme was to install a Japanese-style garden, to commemorate the life of Will Adams, who was born in Gillingham. The previous trees on the Will Adams roundabout were removed in early 2012 as they were dying.

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A Section 106 developer funds existed for a suitable commemorative landscaping scheme to reflect the connections with Japan. Existing lighting for the signs on the roundabout was in very poor condition and would be replaced. This work was due to be funded from an outstanding planning contribution from B&Q.

He stated that the project should be very low maintenance as there would be a resin across the bulk of the island. There would be slight doming to allow for drainage and the leaves should fall from the trees to the side. All this was designed to reduce traffic management which was currently required up to 10 times a year to cut the grass on the roundabout.

Local Ward Members were informed of the project prior to construction and were invited to comment. The scheme would be completed when weather conditions improve to allow resin to be laid at the correct temperature (over 5 degrees Celsius).

Following a meeting with the Director of Regeneration, Community and Culture, the Road Safety Team took on the Japanese project having completed a similar scheme at the Medway Gate roundabout at the A228 Cuxton Road junction with Roman Way.

The project was subsequently taken to the Officer Project Board on various occasions for approval for project inception, design and funding. The anticipated cost of the Japanese garden was £135,000.

Harrinder Singh, on behalf of Ben Pranczke, asked whether the Portfolio Holder could confirm whether any proportion of the funding was, in fact, road improvement funding either from the Department of Transport capital spending or, in fact, Section 106 funds from Tesco and B&Q that could be used for other road improvements?

Councillor Filmer stated that he could confirm what he had said earlier as to where the funding had come from had been to the best of his knowledge.

K) Robert Heathfield of Chatham asked the Portfolio Holder for Housing and Community Services, Councillor Doe, the following:

“When is Rede Common going to receive Nature Reserve Status?”

Councillor Doe stated that the Council had a longstanding commitment to securing Local Nature Reserve Designations through its adopted Wildlife, Countryside & Open Spaces Strategy and also Planning Policies.

As a result of the issues surrounding the Local Development Framework (Core Strategy) this designation had not been progressed so far as the Local Development Framework was a key component of the evidence base needed for this designation.

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He understood that the Council would be taking forward the Local Nature Reserve Designation for Rede Common and other sites using the existing Local Plan and the designation process would commence in the next financial year.

Mr Heathfield stated that whilst it was nice that this might be done in the next financial year, he had been told by Friends of Rede Common that this had been due for a long time. He asked whether Councillor Doe was aware that as it did not have a nature reserve site at the moment, Rede Common was vulnerable to housing development?

Councillor Doe stated that the site was not vulnerable to housing development unless the local authority so decided, and the local authority had already decided that it was not going to do that. He stated that whilst he could understand and support the idea of the site being a local nature reserve it had to be done at the right time or else the Council would not achieve the designation properly.

He advised Mr Heathfield not to worry as this site would not be built on. He stated that he had visited the site a number of times, it had wonderful views of the river and the Council would certainly not allow it to be built on.

L) Mrs Rita Mew of Rochester asked the Portfolio Holder for Educational Improvement, Councillor Tolhurst, the following:

“As the Portfolio Holder for Educational Improvement and someone publicly committed to the Rochester Airport Masterplan, have you not considered the distraction, noise, and potential increased danger for an increase in thousands of flights per year over nearby schools?

Why have you not demanded an "Educational Environment Impact" study for the four schools directly affected by the proposed concrete runway and concentration of flights at Rochester Airport?

Do you not care about our children's learning environment?”

Councillor Tolhurst stated that in response to Mrs Mew's question about the airport last year, she had outlined the requirement for a planning application.

The planning application for the Rochester Airport had been submitted with all the information that was required under planning legislation and this included a series of reports including a noise impact study.

The application would be fully and properly considered by the Planning Committee, and this would include the impact that it had on residents, schools and businesses in the area.

There was no supplementary question.

M) Bernard Howell of Rochester asked the Chairman of the Planning Committee, Councillor Mrs Diane Chambers, the following:

“The NPPF (National Planning Policy Framework) requires planning authorities to consider and mitigate accidents and dangers. Can you please tell us why there has been no:

- Societal risk study or report
- Third party risk analysis or report
- Community danger mitigation study or report

for a potential increase in thousands of flights near to or over crowded worship halls, care homes, school assemblies and hundreds of homes commensurate with the proposed reconfiguration and construction of a concrete runway at Rochester Airport?”

Councillor Mrs Diane Chambers stated that paragraph 172 of the NPPF which had been quoted in some of the objections was contained in the section of the document specifically in relation to local plans as opposed to guidance on individual planning applications.

Clearly public safety was ordinarily a material planning consideration and was why, for instance, with many planning applications the Council looked carefully at such things like increased traffic movement and sight lines at junctions.

In relation to the planning application for Rochester Airport, all matters of safety from over flying of aircraft were matters for the Civil Aviation Authority (CAA), therefore, they were not planning considerations. If the planning application was approved the applicants would still need to submit an application to the CAA for a revised operator's licence and the CAA would consider that application in relation to their legislation. The existence of planning permission would be of no relevance to them.

The CAA would consider the matter of aviation safety so there was no requirement or necessity for the applicants to submit with the planning application any risk or mitigation reports relating to aviation safety.

There was no supplementary question.

N) William McLennan of Rochester asked the Portfolio Holder for Strategic Development and Economic Growth, Councillor Chitty, the following:

“This Conservative Medway Council "Rochester Airport the future" leaflet distributed to 6,500 homes near to the airfield stated that their would be "less noise."

It has now been independently verified by specialist noise consultants there will be nearly double the noise for hundreds of homes near to the airfield.

The "less noise" statement was and is untrue.

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This Conservative Medway Council and councillors are implicated by association in lying to the public.

When is this Conservative Medway Council going to publish in the media and distribute an apology to those you have deceived?"

Councillor Chitty stated that in spite of the best efforts of officers and consultants they had not been able to find this information in the independently verified specialist noise consultants' report as referred to in the question. She stated that this was a particularly important matter and should be identified to the Planning Committee so they could make the proper reference.

Mr McLennan stated that Councillor Chitty was saying that she had no independently verified noise report for the Rochester Airport planning application, which actually was a demonstrable lie because it was available, therefore, so where it had been stated in the Council's publication that this would result in less noise than at the moment, the Council had lied to people - it was in the document. He asked why there had been no apology.

Councillor Chitty stated she was referring to the paragraph within Mr McLennan's question which stated that there would be nearly double the noise for hundreds of homes near the airfield. She stated that the Council had not been able to identify where this was specifically stated.

There were three consultants reports giving them very detailed information relating to noise, but it was the reference Mr McLennan had made in his question that it had been independently verified by specialist noise consultants that there would be nearly double the noise for hundreds of homes near the airfield, which was she was addressing. This needed to be clarified and provided to the Planning Committee when the application was considered.

O) Tony Jeacock of Rainham asked the Leader of the Council, Councillor Rodney Chambers OBE, the following:

"Does the Leader of Medway's Conservative Council agree with Councillor Tolhurst's claims, that Rochester and Strood have been badly and heavily impacted by immigration and very much to the detriment of local employment particularly, or does he believe that immigration has brought increased prosperity to the Medway Towns as a whole? Which is it, and why?"

Councillor Rodney Chambers OBE, stated that what he believed Councillor Tolhurst had said repeatedly during the by-election campaign was that immigration brought benefits, but uncontrolled immigration had had an impact on this area by increasing the demand on local services.

He further stated that Councillor Tolhurst had suggested that the Council could stop migrants, wherever they came from, accessing social housing until they had lived here for five years and had made a contribution. He stated that, after investigation, and in line with similar plans being proposed nationally, she was

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now supporting the introduction of a four year policy, and that this would be in line with similar proposals to those introduced by near neighbours, the Labour controlled Thurrock Council.

He stated that, however, it was naïve to assume that it was possible to weigh up all the benefits that immigration and indeed migration brought and then compare them to the costs to services to come up with a polarised answer.

Mr Jeacock stated that if he had understood the Leader correctly in that he agreed with Councillor Tolhurst, did this mean the Medway Tories would adopt a full on UKIP approach or a watered down UKIP approach with a view to diminishing or ending altogether immigration from the EU ultimately leading to withdrawal from the EU and the possible break up of the Conservative Party?

Councillor Rodney Chambers OBE stated that this was not really a question, it was a statement and as far as he was concerned, he would stick to the answer he had given to the original question.

686 Leader's report

Discussion:

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

- Budget and service provision
- Partnership with Medway Norse
- Christmas Festivals / Tourism
- Regeneration
- Education
- Housing Strategy 2015/2018
- Funding received by Kent County Council to deal with NHS pressures (delayed transfers of care attributable to adult social care)
- Rochester and Strood by-election
- Ambulance service
- Police service
- Lodge Hill
- Council Tax
- Transport issue
- Support for local businesses
- Danecourt Community Special School – Expansion Works
- Short Breaks provision
- Medway Maritime Hospital.

The Leader undertook for a written reply to be provided to Councillor Gilry regarding future Short Breaks provision.

The Chief Executive undertook for a written reply to be provided to Members regarding funding of £500,000 for Kent County Council to deal with NHS

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pressures (delayed transfers of care attributable to adult social care) with an explanation as to why an allocation had not been made for Medway.

687 Overview and scrutiny activity

Discussion:

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

- Medway Norse
- New Rent Setting Policy 2015
- Annual Review of Risk Management Strategy and Six Monthly Review of the Council's Corporate Business Risk Register
- Medium Term Financial Plan
- Draft Capital and Revenue Budgets 2015/16
- Housing Strategy 2015/18
- Homelessness
- Outcome of Consultation for the Proposed Prescribed Alterations at Rivermead Special School
- Youth Justice Plan (policy framework)
- CQC Inspection of the Sussex Partnership Foundation Trust
- CQC Inspection – Medway Maritime Hospital
- Item on NHS winter pressures to be submitted to the next meeting of the Health and Adult Social Care Overview and Scrutiny Committee
- Health and Lifestyle Trainers Service.

688 Members' questions

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

“Can the Portfolio Holder confirm, since the start of the Highways Maintenance Contract, how much has been paid to Volker Highways/Fitzpatrick for attendance on patching, specifically how many patching jobs have been undertaken since the start of the contract and what is the total value of payments for attendance on patching to date?”

Councillor Filmer stated that the current Term Maintenance Contract started on 28 July 2007. From this date, until 13 January 2015, 14,549 individual orders had been placed for minor works orders for carriageway repairs at a total value of £2.95m.

Councillor Irvine stated that he understood that the rate for attendance on patching was created because the contractor claimed that it was not economically viable to carry out patching works at the square metre rate which was in the tender documents. Given the figure detailed in the response of £2.95 million, did the Portfolio Holder consider it appropriate to hand over this money on an ex-gratia basis to a contractor which had agreed to undertake the

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patching work without such payment and such payment had not been advertised to competing contractors at the time of the tender?

Councillor Filmer stated that it was very difficult on some of the pricing work on highways because some work was carried out on a price per metre and the cost depended on the integrity of the road as to whether they had to put a base course in and an SMS base on top. Therefore, it was very difficult to define exactly how much it was going to cost per square metre. In addition, the sizes of the patches would vary and some of the orders that were placed could be for 5 small patches or 10 large patches. He stated that for a road in very bad condition, the Council would do an overlay.

He stated that with regards to the contract with Volker, he believed that the contractor seemed to work very fairly, and the Highways Manager worked very well with them and that this provided value for money for the Council.

B) Councillor Irvine asked the Portfolio Holder for Community Safety and Customer Contact, Councillor Hicks, the following:

“Can the Portfolio Holder please update Members on the progress which has been made in relation to Councillor Teresa Murray’s motion at the last full meeting with regards to private hire vehicles from outside Medway which are operating in Medway.”

Councillor Hicks referred to the motion and debate at the October Full Council which resolved:

“Medway Council notes concerns that private hire vehicles from outside Medway are operating in Medway.

Council believes that employment should not be discouraged, but recognises there may be safety concerns over out-of-area drivers operating in Medway.

Council resolves to work with the Medway Licensed Taxi Drivers Association in finding a sustainable and legal solution.”

He stated that a report was taken to the Licensing and Safety Committee in November outlining to Members the choices available to the Council as a Licensing Authority.

The recommendation approved by Members of the Committee was as follows:

“Officers to investigate all the options contained in the report (which are listed below) to ensure that all vehicles operating in the Medway area, including all out of area drivers operating in this area, conform to the requirements of the Medway Licensing Authority:

- (i) Officers to investigate mystery shopping*
- (ii) Medway to consult on the introduction of a policy and conditions on operator licenses*

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- (iii) *Officers to further investigate how councils across Kent are dealing with the this issue."*

He stated that the draft taxi operator policy would include proposals for cross border working between Councils, measures to deal with concerns about, for example, tinted windows and any other matters raised during the consultation with the trade.

Officers were actively working on the draft consultation document which would be circulated at the end of this month to Members of the Licensing & Safety Committee for approval and discussed with the Medway Licensed Taxi Drivers Association prior to a six week consultation by way of advertisement on the Council website and in the local press.

There was no supplementary question.

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

"We now seem to have a large number of contracts with the Medway Citizens Advice Bureau.

Could the Portfolio Holder please let us know how many contracts there are, what are the arrangements for monitoring them and how does the Council ensure that the local taxpayer gets value for money?"

Councillor Jarrett stated that the Council had two contracts with the Medway Citizens Advice Bureau (CAB), which may be large to Councillor Juby, but to give it some context the Council had 3,000 suppliers delivering a variety of services for Medway, just two of which were delivered by the CAB.

When the Council contracted with any supplier over a given amount it would go through a rigorous competitive tender process led by the Category Management team and the relevant service. This was to ensure that residents and others received a quality service from suppliers which was value for money.

He stated that he took a lead on this process through the Procurement Board. Last year the Council started contracts worth £100 million. He stated that he had mandated an annual savings level of 14% on all contracts which subsequently increased to 15%

The work of the Category Management team and the Procurement Board actually delivered 17% savings on the contracts that had been let which was obviously a significant sum. He believed that this demonstrated the robust approach that the Council took to contracting was working.

For smaller contracts, the Contract Procedure Rules in the Constitution required competitive quotes.

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Once a contract started the service who commissioned it was expected to monitor the progress of delivery of the contract through for example Key Performance Indicators and regular contact with the contractor.

He stated that if Councillor Juby had a specific concern about any contracts he would be happy to have a look at that.

Councillor Juby stated that given that CAB was a registered charity and should not have any political affiliations, did the Portfolio Holder think it was appropriate that CAB had produced a Citizens Manifesto which appeared to be being distributed by a named campaigner of a political party. In light of the number of contracts given to this organisation, which he had believed was more than two, were there any hidden links between the Cabinet and the other political party, like in Portsmouth.

Councillor Jarrett stated that he would certainly expect high standards of probity to exist in this Council with its Members and to also expect this from charities, particularly those receiving money from the Council.

He stated that he was not aware of this issue and he asked Councillor Juby to provide him with more details so he could look into it to make sure that the Council's money was being spent in a proper way and probity in public life was being honoured.

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

"Can the Leader of the Council clarify his Cabinet's stated position on the Lodge Hill development?"

Councillor Rodney Chambers OBE stated that he could clarify that his, the Council's and Cabinet's stated position on the Lodge Hill Development had not changed and this was a matter of public record.

Councillor Osborne stated that Councillor Chambers may want to clarify this with colleagues, because in the letter he had submitted to Brandon Lewis he had quoted *"as such there will be the need for development at Lodge Hill as well as other sites across Medway. Indeed some of the sites that were assessed during the application are now starting to come forward"*.

He asked Councillor Chambers whether he could clarify whether Capstone Valley or Medway Magna were amongst those that had submitted applications and were being considered by this Council?

Councillor Rodney Chambers OBE stated that Medway Magna and Capstone Valley had not submitted an application to the Council for a site to be considered.

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

“According to Freedom of Information requests the total sum of the equivalent donation of the Rochester Bridge Trust has now been spent by the Council on the Medway Tunnel.

Does he agree with one former boss of the Bridge Trust, Allison Wainman, that the Council may have no option but to put a toll on the tunnel or allow money allocated to many roads to subsidise this flawed acquisition?”

Councillor Rodney Chambers OBE stated that the statement regarding the “flawed acquisition” was rather misleading as prior to 2009 when Medway acquired the tunnel freehold, the Council were already responsible for the operation and maintenance of the tunnel regardless of the tunnel’s actual owner.

The change of ownership was a benefit as it put Medway Council in a much better position to obtain public finance from the Department for Transport (DfT), an example being the major refurbishment of the tunnel undertaken three years ago by the DfT which would have been impossible if the ownership had not changed. He stated that the Council was in continued dialogue with the DfT to secure its inclusion in the National Highways Network particularly for funding.

The Council had no plans to toll the Medway Tunnel. Without the Medway Tunnel, the development at Chatham Maritime would not have been able to proceed at the pace that it had, and it should not be overlooked that if this traffic which had not been using the tunnel, it would be having to find its way through Chatham and over Rochester Bridge into an already congested Strood.

Councillor Osborne referred to the latest correspondence in terms of letters sent to the Department for Transport requesting that the tunnel be moved into the ownership of the Government’s asset book, given this had been a major issue over the last 4/5 year period, yet it seemed that the Council still had ownership of the tunnel.

Councillor Rodney Chambers OBE stated that he suspected that the Council would always have ownership of the tunnel and the Council wanted the tunnel recognised as part of the national highway network and therefore once the Council received that recognition the Council would receive funding as it did so with other roads in Medway through its transport submission.

F) Councillor Bowler asked the Portfolio Holder for Community Safety and Customer Contact, Councillor Hicks, the following:

“Up to what age do you think Fire Fighters in Medway should remain in active service?”

Councillor Hicks stated that he believed Fire Fighters should be able to remain active up until the age of 60, which was the retirement age agreed in 2006 for members of the New Fire Fighters’ Pension Scheme 2006.

He stated that, as Chairman of the Community Safety Partnership, he supported their right to work to this age as long as they are able and fit to do so although it was not strictly within his jurisdiction.

Councillor Bowler stated that given the appalling way which Fire Fighters pensions were being dealt with, would the Portfolio Holder be happy for a 60 year old Fire Fighter to rescue himself or his family from a burning building?

Councillor Hicks stated that there was no upper age limit with Kent and Fire Rescue Service. He referred to the Kent Fire and Rescue Service Authority Agenda for December and stated that it did rather depend on a Fire Fighter’s fitness and ability to do the job rather than a statutory age limit which could vary from person to person.

Previously in 2005/06 there were a large number of Fire Fighters going sick or taking early leave or retirement due to ill health and that figure had declined considerably and this was no longer a serious factor. Each case was looked upon its merits and was dealt with by Kent Fire and Rescue Service with the individual concerned, who had to demonstrate that they had a level of fitness and ability to do the job rather than purely their age.

689 Youth Justice Plan (Policy Framework)

Discussion:

This report provided details of the Youth Justice Plan which had been developed following discussions and consultations with partner agencies via the Youth Offending Team (YOT) Management Board and the requirements by the Youth Justice Board to submit a costed plan in respect of the Effective Practice Grant to the Youth Offending Team. This report had been considered by the Children and Young People Overview and Scrutiny Committee on 9 December 2014 and Cabinet on 16 December 2014 in accordance with the Council’s Policy Framework rules.

A copy of the executive summary and full version of the Diversity Impact Assessment for the YOT was attached at Appendix B to the report.

The Portfolio Holder for Children’s Services (Lead Member), Councillor O’Brien, supported by the Portfolio Holder for Community Safety and Customer Contact, Councillor Hicks, proposed the recommendation set out in the report.

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Clarification was sought on page 23 of the Looked After Children Protocol in relation to the context of the term “foreign national” in relation to Looked After Children outside of England and Wales and the Portfolio Holder for Children’s Services (Lead Member) undertook for a written response to be provided to Councillor Cooper.

Decision:

The Council approved the Medway Youth Justice Plan as set out at Appendix A to the report.

690 Chatham Dockyard and its Defences Planning Policy Document

Discussion:

This report provided details of the Chatham Dockyard and its Defences Planning Policy Document which had been considered by the Cabinet on 16 December 2014, following initial consideration by the Regeneration, Community and Culture Overview and Scrutiny Committee on 12 December 2013.

A Diversity Impact Assessment screening report was attached at Appendix 3 to the report. The conclusion of this report was that a full Diversity Impact Assessment was not required.

Appendix 1 to the report was set out in Supplementary Agenda No.1

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

The Leader of the Council undertook for a glossary of abbreviations used in the report to be provided to Members.

Decision:

The Council agreed the adoption of the Chatham Dockyard and its Defences Planning Policy Document, as set out in Appendix 1 to the report.

691 Localising Support for Council Tax

Discussion:

This report provided details of the Local Council Tax Reduction Scheme for 2015/2016, as required under Schedule 1A to the Local Government Finance Act 1992, including amendments to the Scheme, as set out in Appendix 4 to the report.

The Cabinet considered this report on 16 December 2014 and its comments were set out in paragraph 5 of the report.

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Appendix 4 to the report was included in Supplementary Agenda No.1.

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

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

“Add new recommendation 8.2

Council instructs officers to carry out a new Diversity Impact Assessment (DIA) to determine the impact of the Local Council Tax Reduction Scheme”. It was clarified that the findings of the DIA should be presented alongside the scheme when it is next presented for approval in 2016.

Under Council Rule 11.4.2, the Portfolio Holder for Finance and Deputy Leader, Councillor Jarrett, with the consent of the Council and the seconder of the motion, agreed to add this amendment to the substantive motion.

Decision:

- a) The Council agreed to adopt the current Council Tax Reduction Scheme as set out in Appendix 4 to the report.
- b) The Council instructed officers to carry out a new Diversity Impact Assessment to determine the impact of the Local Council Tax Reduction Scheme.

692 Additions to the Capital Programme

Discussion:

This report provided details of a proposal to add five schemes to the Capital Programme, as recommended by the Cabinet on 13 January 2015.

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

Decision:

The Council approved the following additions to the Capital Programme:

- a) Tractor and Ancillary Equipment (Greenspaces) - £42,830
- b) Flood Defences (Strood Riverside) - £4,000,000
- c) Parking System Scheme - £40,000
- d) Contraception and Sexual Health Scheme - £100,000
- e) Land at Horsted Valley - £50,000.

693 Review of Polling Districts and Polling Places

Discussion:

This report provided details of proposed changes to the configuration and designation of polling districts and polling places in the light of issues arising since the elections for the European Parliament in May 2014 and the unscheduled by-elections in November 2014. The report also provided an update on the allocation of polling stations by the Returning Officer, including the requirement for two portable polling stations in Strood North and Strood South wards for the May 2015 elections.

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

It was requested that an error in pages 262 and 271 of the agenda regarding reference to Foresters Hall in connection with polling district GGS1 should be corrected to read The Great Hall, Priestfields, Redfern Avenue.

Decisions:

- a) The Council approved the scheme of Polling Districts and Polling Places as set out in Appendix 1, including the designation of a Polling District as the Polling Place in respect of Parliamentary elections and to designate the Parliamentary Polling Districts and Polling Places as the Polling Districts and Polling Places for Local Government elections.
- b) The Council noted that the Informal Working Party will consider polling arrangements in Strood North ward post-May 2015 and report back to Council on their recommendations as set out in paragraph 3.7 of the report.
- c) The Council noted that officers have been asked to continue to review the situation with regard to new developments in Gillingham North and Strood North wards and their impact on the number of electors allocated to polling district GGN3 and RSS4 in particular, as outlined in paragraphs 3.4 and 3.9 of the report.
- d) The Council approved the creation of a new polling district for electors in Strood South ward, as described in paragraph 3.11 of the report and noted that the 2015 register of electors will need to be re-published once these changes have been implemented.
- e) The Council authorised the Chief Executive to designate an adjoining Polling District as the Polling Place where no suitable polling station is available within the original Polling Place.

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- f) The Council noted the designation of polling stations recommended by the Returning Officer as set out in Appendix 2 to the report.

694 Review of Allocation of Committee Seats

Discussion:

This report provided details of a review into the overall allocation of seats on committees following the creation of a new political group, in accordance with Section 15 of the Local Government and Housing Act 1989 and Section 17 of the Local Government (Committees and Political Groups) Regulations 1990.

Councillor Carr, supported by Councillor Shaw, proposed the recommendations in the report.

Decisions:

- a) The Council agreed the allocation of seats to political groups as set out in Appendix A to the report, following notice of the creation of a new Political Group called the UKIP Group and a request for a review of the allocation of seats on Committees (noting that two seats, to which no Political Group is entitled will remain vacant; one seat on the Employment Matters Committee and one on the Appointments Committee for the Director of Children and Adults).
- b) The Council agreed that the Chief Executive should approve any consequential changes to committee memberships in line with the wishes expressed by political groups under his existing delegation.
- c) The Council agreed the continuation of an Ad Hoc Committee to consider the removal of Council appointed school governors as and when necessary, as set out in paragraph 2.10 of this report, and to waive political balance in respect of this Committee.

695 Constitutional Matters - Openness of Local Government Bodies Regulations 2014

Discussion:

This report provided details of proposed changes to the Constitution to reflect the requirements of the Openness of Local Government Bodies Regulations 2014. These regulations introduced a right for any person attending a public meeting of the Council, the Cabinet and other Committees and Sub Committees of the Council (together with some other public sector meetings) to take photographs, film and audio-record the proceedings, and report on the meeting.

The legislation also introduced a new requirement for local government officers to make a written record of certain non-executive decisions and for these to be

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made available for public inspection and published on the Council's website as soon as reasonably practicable after the decision was made.

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

Decisions:

- a) The Council approved the arrangements put in place to meet new legislative requirements to permit the public to take photographs, film and audio-record the proceedings at meetings and to report on meetings as set out in paragraph 2 of the report and Appendix A to the report together with consequential additions to the Constitution as set out in Appendix B to the report.
- b) The Council agreed to authorise the Monitoring Officer to put in place arrangements for the publication of non-executive decisions taken by officers in compliance with the requirements of the Openness of Local Government Bodies Regulations 2014 and to approve additions to the Constitution as set out in Appendix B to the report.

696 Schedule of Meetings 2015/2016

Discussion:

This report provided details of a provisional programme of meetings for the 2015/2016 municipal year for recommendation to the Council's Annual Meeting.

Councillor Carr, supported by Councillor Shaw, proposed the recommendations in the report.

Decision:

The Council agreed a provisional programme of Council and Committee meetings for 2015/2016, as set out in Appendix A to the report, for recommendation to the Annual Meeting of the Council on 27 May 2015.

697 Contract Letting - Exceptional Circumstances Leading to Exemptions to Contract Rules

Discussion:

This report provided details of contracts awarded in the last year in accordance with the provisions of the current Contract Procedure Rules, as set out in paragraph 1.8.2, Exemptions to Contract Procedure Rules, to deal with the letting of contracts in exceptional circumstances where it was considered to be in the best interests of the Council to do so, provided that the exemption does not breach any EU or UK Directive, Statute or Regulation.

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

Decision:

The Council noted the contents of the report.

698 Use of Urgency Powers

Discussion:

This report provided details of a decision made by the Chief Executive under the urgency provisions contained within the Constitution, in relation to the setting of rents for 13 new build Council dwellings.

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

The Leader undertook to ensure that the local Ward Members were invited to view the new properties, following concern that this had not yet happened.

Decision:

The Council noted the report.

699 Motions

A) Councillor Maple, supported by Councillor Osborne, submitted the following:

This Council notes the decision of the Airports Commission to rule out any form of Thames Estuary Airport. Council also notes that the only party in favour of an Estuary Airport at the 2010 election was UKIP.

This Council praises the hard work, dedication and commitment of council officers, residents and partner organisations in leading the fight against a Thames Estuary Airport.

This Council calls on the Mayor of London to apologise to the residents of Medway for his near constant pursuit of an Estuary Airport and the stress, worry and concern that has been caused locally. Furthermore, the Council requests that the Mayor reimburses the Council for the money used to successfully defeat his pie in the sky proposal and that the Chief Executive write to him requesting this.

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Decision:

This Council notes the decision of the Airports Commission to rule out any form of Thames Estuary Airport. Council also notes that the only party in favour of an Estuary Airport at the 2010 election was UKIP.

This Council praises the hard work, dedication and commitment of council officers, residents and partner organisations in leading the fight against a Thames Estuary Airport.

This Council calls on the Mayor of London to apologise to the residents of Medway for his near constant pursuit of an Estuary Airport and the stress, worry and concern that has been caused locally. Furthermore, the Council requests that the Mayor reimburses the Council for the money used to successfully defeat his pie in the sky proposal and that the Chief Executive write to him requesting this.

B) Councillor Irvine, supported by Councillor Hewett, submitted the following:

This Council notes the slump in the cost of crude oil which has led to sharp falls in the price of petrol and diesel.

Council notes that Arriva and other local transport providers have consistently cited increases in the cost of oil as a reason to increase fares, which many residents consider to be disproportionate in terms of travel costs elsewhere.

Council believes that it is vital that any benefits resulting from the fall in the price of oil should be passed on to local residents not just through lower prices at the petrol pump, but for residents who use public transport in Medway.

In order to promote greater use of public transport in and around Medway, this Council requests that Arriva and other local public transport providers pass on any savings made in their running costs as a result of lower oil prices to passengers in Medway by cutting fares immediately.

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

“Substitute the third and fourth paragraphs with the following:

This Council notes the recent reduction in fuel prices, and further notes the work that Council officers have undertaken which evidences that bus prices per mile in Medway are among the highest in the country.

To encourage greater use of public transport and to provide a fairer deal for local residents, this Council calls on Arriva and the other local transport providers to reduce prices to more affordable levels and to sustain them at this lower level beyond any temporary reduction in fuel prices whilst exploring ways to simplify fares for Medway residents”.

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

On being put to the vote, the substantive motion was carried.

Decision:

This Council notes the slump in the cost of crude oil which has led to sharp falls in the price of petrol and diesel.

Council notes that Arriva and other local transport providers have consistently cited increases in the cost of oil as a reason to increase fares, which many residents consider to be disproportionate in terms of travel costs elsewhere.

This Council notes the recent reduction in fuel prices, and further notes the work that Council officers have undertaken which evidences that bus prices per mile in Medway are among the highest in the country.

To encourage greater use of public transport and to provide a fairer deal for local residents, this Council calls on Arriva and the other local transport providers to reduce prices to more affordable levels and to sustain them at this lower level beyond any temporary reduction in fuel prices whilst exploring ways to simplify fares for Medway residents.

C) Councillor Irvine submitted the following:

This Council notes that, nationally and locally, voter turnout has been decreasing for years, with party membership similarly falling. Politicians, rightly or wrongly, are generally held in low esteem.

Members note the proposals posted in the House of Commons by Zac Goldsmith MP to introduce real recall into the political system to empower voters. Real recall would assure voters that, in the event of their elected representatives losing their confidence, they would have a mechanism which would allow them to effectively remove said elected individual.

While Zac Goldsmith's amendment was aimed primarily at allowing constituents to "sack" their MP, this Council believes that real recall should be extended to elected representatives at all levels including local government to enable them to "sack" their Councillor.

This Council believes that where Councillors fail to represent the wishes or the majority of residents whom they were elected to represent resulting in a loss of confidence, or where they are convicted of a criminal offence or they otherwise bring their office into disrepute, residents should be permitted to demand the removal of a Councillor by way of a local ward by-election subject to receipt at Full Council of a signed petition made up of no less than 30% of the eligible electorate in that ward.

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This Council calls on the Chief Executive to write to Eric Pickles, the Secretary of State for Local Government, expressing its support for and calling for the introduction of real recall of locally elected Councillors. This Council also calls on the Chief Executive and officers of this Council to review the Council's constitution and to consider whether and how real recall can be introduced unilaterally by Medway Council as a unitary authority in the event of an unfavourable response from the Secretary of State.

Note: It was agreed that consideration of this motion be deferred to the meeting of Full Council on 23 April 2015.

D) Councillor Price, supported by Councillor Gilry, submitted the following:

This Council is not satisfied with its position at the bottom of the league table of authorities in England for its performance at Key Stage 2. The Council notes the difficulty with recruiting a permanent Assistant Director for school improvement and SEN services.

The Council therefore undertakes to:

- a) Instruct the Chief Executive to separate children's from adult services. The present Children & Adults Directorate is too large.
- b) Urge the Leader to review and consider deleting the post of Portfolio Holder for Educational Improvement - the current Portfolio Holder for Educational Improvement has not improved Medway's KS2 results in any way.
- c) Instruct the Director of Children and Adults Services to take the necessary steps to improve support for schools before Ofsted visits such as assistance with more consistent pupil progress data across Medway schools, and lending officers time when there is an issue.
- d) Promote better communication between directors, officers and ward members on education matters.
- e) Extend the role of scrutiny in meetings with individual schools re their Ofsted plans. Scrutiny councillors are not presently being utilised sufficiently.
- f) Refer to scrutiny a review of Medway LEA's declining workforce employed in education and school improvement, safeguarding and special needs, in order to assess its continued viability.
- g) Extend invitations to opposition councillors to participate in Medway's School Effectiveness Strategic Board (SEB).
- h) Urge the Cabinet to issue a clear policy statement to improve the council's education offer to parents- not just the academy route, but good support from the authority to maintain LEA schools.

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The Portfolio Holder for Children's Services (Lead Member), Councillor O'Brien, supported by Councillor Adrian Gulvin, proposed the following amendment:

"Delete everything other than "This Council is" and replace with

committed to the improvement of education within Medway and believes that all children and young people should have the best start in life. This Council hereby gives its full support to the Medway School Improvement Strategy noting the following:

- a) This strategy was consulted on and supported by Headteachers, Chairs of Governors as well as other education partners.
- b) This strategy sets out clear expectations for an accelerated programme of improvement focusing on four key priorities; leadership, management and governance, outstanding teaching, recruitment and retention and finally Ofsted readiness.
- c) This Council has high expectations and aspirations for the young people and residents of Medway and will champion the "Get Medway Learning" strategy.

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

On being put to the vote, the substantive motion was carried.

Decision:

This Council is committed to the improvement of education within Medway and believes that all children and young people should have the best start in life. This Council hereby gives its full support to the Medway School Improvement Strategy noting the following:

- a) This strategy was consulted on and supported by Headteachers, Chairs of Governors as well as other education partners.
- b) This strategy sets out clear expectations for an accelerated programme of improvement focusing on four key priorities; leadership, management and governance, outstanding teaching, recruitment and retention and finally Ofsted readiness.
- C) This Council has high expectations and aspirations for the young people and residents of Medway and will champion the "Get Medway Learning" strategy.

E) Councillor Craven, supported by Councillor Osborne, submitted the following:

Council affirms that it no longer has confidence in the Portfolio Holder for Educational Improvement to support this Council's commitment to ensure that children achieve their full potential by championing high standards in primary schools;

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Council therefore resolves to call on;

- the Portfolio Holder for Educational Improvement to resign from office with immediate effect;
- the Leader of the Council to remove the Portfolio Holder for Educational Improvement from office, contingent upon the Portfolio Holder for Educational Improvement rejecting this council's call to resign with immediate effect, subject to written notice to be delivered immediately to the Chief Executive and to the Cabinet Member concerned.

During the debate, under Council Rule 11.6.2, the Leader of the Council, Councillor Rodney Chambers OBE, supported by the Deputy Leader and Portfolio Holder for Finance, Councillor Jarrett, proposed that the vote be taken. This was put to the vote and agreed.

The Mayor, following advice from the Chief Executive and the Monitoring Officer, permitted Councillor Osborne (the supporter of the motion) to speak to the motion at this point. Then, in accordance with Council Rule 11.6.2, the Mayor called on Councillor Craven to speak.

The Deputy Leader and Portfolio Holder for Finance, Councillor Jarrett, requested a written response from the Monitoring Officer as to this application of the Council Rules.

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

Mayor

Date:

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