

**Medway Council**  
**Meeting of Medway Council**  
**Wednesday, 12 August 2015**  
**7.00pm to 10.16pm**

**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 Iles)  
Councillors Avey, Bhutia, Bowler, Brake, Brown-Reckless, Carr, Mrs Diane Chambers, Rodney Chambers, OBE, Chitty, Cooper, Craven, Doe, Fearn, Filmer, Franklin, Freshwater, Gilry, Godwin, Griffiths, Gulvin, Hall, Hicks, Howard, Jarrett, Johnson, Joy, Khan, Mackness, Maple, McDonald, Murray, O'Brien, Opara, Osborne, Pendergast, Potter, Price, Purdy, Saroy, Shaw, Stamp, Tejan, Tolhurst, Tranter, Turpin, Wildey and Williams

**In Attendance:** Neil Davies, Chief Executive  
Dr Alison Barnett, Director of Public Health  
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  
Tricia Palmer, Assistant Director, Organisational Services  
Barbara Peacock, Director of Children and Adults Services  
Phil Watts, Chief Finance Officer  
Ellen Wright, Democratic Services Officer

**213 Record of meeting**

The record of the meetings held on 23 April 2015 and 27 May 2015 were agreed and signed by the Mayor as correct records.

**214 Apologies for absence**

Apologies for absence were received from Councillors Chishti, Clarke, Etheridge, Griffin, Royle and Wicks.

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### 215 Declarations of disclosable pecuniary interests and other interests

#### Disclosable pecuniary interests

Councillor Griffiths declared a disclosable pecuniary interest in agenda item 15 relating to the Balfour Centre, Pattens Lane (also referred to in the record of Cabinet decisions dated 4 August 2015 which had been circulated in the Supplementary agenda) and agenda item 16(B) Motion from Councillor Murray. Both declarations related to the fact that he is a Non-Executive Director of Medway Community Healthcare and he left the meeting for the consideration and determination of both items.

#### Other interests

Councillor Johnson declared an interest in agenda item 13 (Update to the Council's Contract Procedure Rules) on the basis that a close relative works for an organisation that provides contracted services and he left the meeting for the consideration and determination of this item.

Councillor Cooper declared an interest in agenda item 10A, relating to a question from Councillor Osborne to Councillor O'Brien about Hempstead Junior School on the basis that her grandchildren attend the school. She confirmed that she had not spoken to anyone about the item.

### 216 Mayor's announcements

The Mayor referred to the passing of former Councillor Ken Stevens on 26 July 2015. He advised that Ken had been a Gillingham and Medway Councillor for Rainham Ward and had served on Medway Council between 1997 – 2000. He asked that the Council's sadness at this news be placed on record and reminded Members that the funeral was to take place on 13 August.

Councillor Griffiths paid tribute to former Councillor Stevens who had served a period of 10 years in local government; two terms on Gillingham Borough Council as Deputy Group Leader and then as a Medway Councillor between 1997 – 2000.

The Mayor drew attention to the retirement of Roger Malden, one of the Civic and Ceremonial Assistants later in the month after 13 years supporting successive Mayors and Deputy Mayors. On behalf of the Council, he expressed his best wishes to Roger for his future.

The Mayor drew attention to the following forthcoming charity events:

- Fine Dining at McLeods Restaurant on 17 September
- A Civic Day Out on 25 September
- A Chinese meal at Confucious on 6 October
- The traditional Golf Day on 9 October

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He advised that more information and tickets were available from his office.

The Mayor reminded members to speak clearly into their microphones to ensure that people in the public gallery could hear and he reminded members that an audio recording of the Council meeting would be made available on the Council's website.

The Mayor reminded members that a written copy of amendments to any proposals must be provided to the Head of Democratic Services and that copies should be brought up to top table first.

### **217 Leader's announcements**

The Leader of the Council, Councillor Jarrett, presented a gift to Councillor Rodney Chambers OBE and paid tribute to his services and achievements over his 15 year period as Leader of the Council.

Councillor Rodney Chambers OBE responded by thanking the Leader of the Council, Councillor Jarrett for his kind words and gift and formally placed on record his gratitude to the Council's staff.

### **218 Petitions**

#### Public petitions

Neil Wood submitted notice of an e-petition asking that the Council support Medway World Peace Festival.

#### Member petitions

Councillor Osborne submitted a petition containing 93 signatures asking that the Council ensure that Medway's communities are kept safe in the face of unprecedented cuts to both Police and Council budgets.

Councillor Maple submitted a petition containing 20 signatures asking the Council to resurface the pavement in Mills Terrace.

The Portfolio Holder for Children's Services, Councillor O'Brien submitted a petition containing 59 signatures objecting to the recent changes to the bus service 116 as this no longer services the London Road, Rainham with a direct route into Medway Maritime Hospital.

The Portfolio Holder for Adult Services, Councillor Brake submitted two petitions, one from residents living on Walderslade Road and surrounding areas including Sussex Drive containing 251 signatures and one from residents living in and around Sindle Shaw House, King George Road containing 355 signatures objecting to the reduction in frequency of bus service 181 and changes to the 176 and the newly introduced 177 which has left areas of Walderslade without an accessible service and, in addition the removal of the Bluewater service.

219 Public questions

- A) Claire Friend of Chatham was absent. The Leader of the Council, Councillor Jarrett, responded to her question. The question and response is set out as follows:**

“Given Medway is a densely populated area which will only set to increase pressure on services will the Council help Kelly Tolhurst's manifesto and long term support of Medway Maritime by considering Rochester Airfield as a new site either full or partial for the Medway Maritime Hospital?”

The Leader of the Council, Councillor Jarrett, stated that whilst the Council sympathised with the financial plight of Medway Maritime Hospital and appreciated the services it delivers, which in the main is an absolutely excellent service, it is the place of National Government to fund the National Health Service. This was not a role local government should be taking or needs to take not least because of the financial pressures local authorities are currently under.

- B) Norman Carter of Walderslade was absent. The Leader of the Council, Councillor Jarrett, responded to his question. The question and response is set out as follows:**

“The Medway Towns has a unique and longstanding relationship with the Gurkha Regiments and their families that span many years. No-one on Medway Council could have not been moved by the plight of the Gurkha families and relatives in Nepal, following the devastation caused by the recent earthquakes.

Will Medway Council make a donation to support the relief, and cement the bond between the people of Medway and our Gurkha family?”

The Leader of the Council, Councillor Jarrett stated that this matter obviously touched many people, not least friends and colleagues of Councillor Bhutia who was a former Gurkha. He confirmed that those Members who campaigned with Councillor Bhutia in the recent Chatham and Aylesford election knew how much this affected him. The Leader agreed to discuss with colleagues whether the Council could do something appropriate.

- C) Paul Dennis of Rainham asked the Portfolio Holder for Corporate Services, Councillor Mackness, the following question:**

“Can you explain what happened to my vote and to that of several of the constituents of Rainham North who voted for me in the Medway Council elections on 7th May 2015?”

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The Portfolio Holder for Corporate Services, Councillor Mackness stated that his answer would be in the context of a particularly complex election which took place in May with 3 polls over 3 constituencies. In the local election alone over 280,000 votes were cast with over 125,000 ballot papers.

He stated that it was for the Returning Officer, to deal with questions which have been raised about the elections. The Returning Officer was responsible for the organisation and conduct of the Elections, and this was totally separate from Council business.

Councillor Mackness advised that he understood that Mr Dennis had already been in communication with the Returning Officer about this matter and had received a response confirming that the records were double-checked on the night of the election, and the paperwork confirmed a zero return.

He stated that strict rules governed elections and once results had been declared, without the direction of a court, there was nothing further that the Returning Officer could do to investigate this matter and this had been notified to Mr Dennis in correspondence.

**D) Vanessa Roach of Strood asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following question:**

“Cycling, though increasingly popular, is currently prohibited in the Medway Tunnel. I am aware it would require an act of parliament and some restructuring to enable this.

However, in view of benefits cycling brings to the health and well-being of our community as well as the environment and transport infrastructure and considering the effects of the latest welfare cuts, could Medway Council re-consider the feasibility of opening the Medway Tunnel to cyclists? If not, why not?”

The Portfolio Holder for Front Line Services, Councillor Filmer confirmed that the Council was very supportive of cycling and had recently introduced the Big Ride and had a programme of cycling improvements which would soon be brought forward. However, in terms of the tunnel this was not straightforward as firstly there were areas in the tunnel that whilst appearing to be footways were actually service ducts and emergency exit routes and therefore not suitable for a cycle path.

The only other option would be an on-carriageway nearside cycle lane, used alongside heavy goods and other vehicles. The outside lane would be used for cars and motorcycles only as it would need to be narrowed to allow for the cycle lane. This would have unacceptable implications on highway capacity, due to the large number of vehicles using the route.

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More important are the safety issues. The speed of vehicles, both large and small travelling through the tunnel would cause problems for cyclists when they were overtaken.

**E) John Castle of Chatham asked the Portfolio Holder for Business Management, Councillor Turpin, the following:**

“Given the following:

- Working age benefits will be frozen for years meaning 12,000 Medway residents and their families will lose an average of £260 per year
- 4,200 working people whose families will have to make up an average £280 shortfall per year in tax credits.
- 2,200 residents in the ESA work related activity group, considered only temporarily too ill to work, will lose a further £30 per week as their allowance is brought down to the level of JSA.
- Reduction of the benefit cap
- Limiting child tax credits to 2 children
- Additional means testing of tax credits

It will be the local council that will have to pick up the pieces when people have nowhere left to turn. Has Medway Council estimated the additional costs these welfare changes will impose on the Council?”

In response, the Portfolio Holder for Business Management, Councillor Turpin stated that this Government had made it clear that its aim was to change Britain from a low wage, high tax economy to a higher wage, lower tax and lower welfare economy. It would be an economy where work pays and a lifetime on welfare was not a lifestyle choice.

He referred to George Osborne’s latest budget which aimed to secure an extra 1 million jobs in this Parliament and to reduce debt to GDP ratio down to 68.5% in 5 years. The national minimum wage would be increased from £6.50 to £7.20 per hour next April and would reach at least £9 per hour by 2020. At the same time, the personal allowance which was £6,475 in 2010 would reach £11,000 per year earlier than planned next year saving £905 per person per year in tax. Tax credits were expected to fall from £30billion per year in 2010, which is almost a third of the cost of the NHS, to under £25billion as the Conservative Government took steps to get the welfare bill under control. Big companies like Tesco would no longer be as subsidised by the taxpayer for the low wages they pay their workers which amounted to £360 million pounds for Tesco alone last year.

He stated that with so many changes going on contemporaneously it was impossible to make an accurate prediction about how each person or each family would be affected, but it was a good time to be in work because you will take more of your pay home and your wage would be higher if you are on a minimum wage. He advised that the Conservative

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Party was the party for the working man and woman and reiterated that the country's welfare system was very precious but must be directed and targeted to those who need the most help through no fault of their own.

Councillor Turpin stated that disability benefits would not be taxed or means tested and the triple lock on pensions would remain. Additional means testing of tax credits would ascertain who was most in need of assistance and social housing would be offered at market rates for those earning more than £30,000 outside London or more than £40,000 in London. Whilst most working age benefits were frozen for four years, this would not apply to maternity pay and disability benefits and rents for social housing would reduce by 1% per year. In the meantime, inflation would mitigate the freeze as long as it stayed near to zero.

He confirmed that the Council was aware of the areas of risk with some of the changes. However, the Council did not hold all the requisite information necessary to judge how individuals and families would be affected as many people were on passported benefits and, as such, the Council was instructed to make payments of housing benefit reduction without knowing the full details of household income and expenditure. The Council was also unable to quantify how many current claimants would find jobs or increased hours and increasing their take home pay. However, the Government had announced a national £800million discretionary housing benefit fund over the next five years to assist those in need.

### Supplementary question

'The changes have the potential to have impact on homelessness, physical health and mental health. Does the Council agree with me that the changes hit hardest those who are already struggling to make ends meet?'

The Portfolio Holder for Business Management, Councillor Turpin said that as stated previously, the Government had a raft of measures including an extra £8billion going into the National Health Service. He therefore considered this would help to improve the Health Service for physical and mental health.

### **F) Tony Jeacock of Rainham asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following question:**

'Having submitted a question in July 2013 regarding the feasibility of installing electrically-operated advance warning gantries forbidding drivers from driving through Chatham's open-air bus station, for which they would subsequently be very heavily fined, I was advised that such a feasibility study would indeed be carried out.

I have heard nothing further, so observing that no such installations have been made and noting that thousands more pounds have been taken by

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way of driving penalties imposed on unsuspecting out of town drivers, I assume no such feasibility study was actually executed, but if it was, can the portfolio-holder please advise me as to what the result was and why the Council continues to rob unsuspecting visitors to the Towns who are unfamiliar with Chatham's road layout? And if the feasibility study was not actually executed, why wasn't it?

In response, the Portfolio Holder for Front Line Services, Councillor Filmer, advised that this suggestion was assessed by officers and in doing so, they had to be mindful of the Traffic Signs Regulations and General Directions Guidance on Signage. Unfortunately, the suggested addition to the signage did not conform with these stipulations. He added that if the Council was to put signage in place outside of Government guidance, there was a risk to the Council's ability to enforce traffic violations.

On that basis, it was not appropriate for the Council to put in place any additional signage as suggested to warn motorists of the restrictions in place at the Waterfront Way bus station. He added that there had been a number of appeals relating to the issuing of PCNs on bus lane infringements, and the Adjudicators had upheld the tickets on the basis that the signs in place were both legal and adequate.

### Supplementary Question

"Does the Portfolio Holder think that it is right and fair that the Council should have gone to the expense of installing an imposing cinematic screen advertising the attributes and attractions of the town which can only be viewed by people on foot or whilst waiting in a wind and rain swept bus station rather than having stretched to the lesser expense of encouraging visitors to our towns by warning them more clearly of the need to avoid driving through the bus station. Surely the towns revenues will be greater by way of repeat visits by shoppers who have enjoyed a good experience rather than dissuading their return by stinging them with motoring penalties which could and should otherwise have been avoided. Does the Portfolio holder agree with me? If not why not?"

The Portfolio Holder for Front Line Services, Councillor Filmer stated that as the supplementary question did not relate to anything in the first question he would decline to answer.

**G) Vivienne Parker of Chatham asked the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:**

"Given that our two country parks contain large numbers of fruit trees, what is being done to ensure the fruit is harvested and sold to support the work of the Green Spaces team?"



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The Portfolio Holder for Housing and Community Services, Councillor Doe stated that whilst the Council had a variety of fruit producing trees at both of its award winning Country Parks, they were not managed as a commercial crop.

The fruit trees were not managed for fruit production but for biodiversity and amenity value. He also drew attention to the fact that the costs to manage these commercially as an orchard would not result in an economic return due to the age and number of trees.

### Supplementary Question:

“Capstone Farm has a large cherry orchard and the trees are absolutely full of fruit. Given that cherries are presently selling for £9 a kilo in our local supermarkets how can the Council say that it is not worth selling the fruit?”

In response, the Portfolio Holder for Housing and Community Services, Councillor Doe, stated that most of the cherry trees were quite old and therefore the fruit was not of the best and would not produce a marketable product. He advised that the Council was not in this type of business. Concerning the apples at Riverside, these were very young trees. He stated that if there was an opportunity to make it worthwhile then he would support this venture but not if this meant employing additional staff to harvest trees. He referred to the rangers and stated that they were already extremely stretched in running the parks themselves, dealing with voluntary labour, making sure the voluntary labour was properly targeted and dealing with site security. He was not prepared to ask the rangers to take on this additional work.

### **H) Paul Chaplin of Rainham asked the Portfolio Holder for Adult Services, Councillor Brake, the following question:**

The Government has announced cuts of £200 million to the public health budget for local authorities. How much has Medway's budget been cut, and what services will be stopped or reduced to meet this deficit?

The Portfolio Holder for Adult Services, Councillor Brake stated that on 4 June, the Chancellor of the Exchequer announced an in year cut to the public health grant to local authorities totalling £200m nationally.

On 31 July, the Department of Health launched a consultation with local authorities on how the cuts should be implemented. The main question relates as to how each Local Authorities' contribution to the saving will be made. The consultation proposes a range of options with the Department of Health favouring the option to apply a rate of 6.2% to all local authorities.

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The consultation runs until 28 August and if the flat rate of 6.2% is subsequently announced this would mean a cut of £1,042,000 for Medway.

Councillor Brake stated that the Public Health Grant is used to provide and commission a range of public health services which improve and protect the health of local people. He said the Council was currently reviewing how best to implement this in year cut to the grant whilst minimising the impact on health.

Supplementary Question:

“The Government want to cut the £2.8 billion earmarked for public health for local authorities by around 7%.

Can the Portfolio Holder tell us how he intends to protect essential preventative services such as smoking cessation, alcoholism, obesity, sexual and mental health to ensure the people of Medway do not see these services suffer needlessly and as a further assurance can he confirm that there will be no increase in Council tax to compensate for these short-sighted cuts?”

The Portfolio Holder for Adult Services, Councillor Brake, declined to provide an answer on the basis that he considered that he had answered the supplementary question with the last part of his response to the initial question.

He added that the Public Health Grant was used to provide and commission a range of public health services many of which the public questioner had outlined which improved and protected the health of local people. The Council was currently reviewing how best to implement this in year cut to the grant whilst minimising the impact on health.

He stated that it was too early at this stage to give an indication as to where any revision in service is likely to be.

**I) Nicholas Alderson-Rice of Chatham will ask the Leader of the Council, Councillor Jarrett, the following question:**

“As Leader of the Council and Ward representative for Lordswood and Capstone, which of the five Medway towns do you think the people of Lordswood most closely associate with?”

The Leader of the Council, Councillor Jarrett, thanked Mr Alderson-Rice for his question, and stated that whilst he had a Chatham postcode, he considered Lordswood to be part of Medway.

Supplementary Question:

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“Are you aware of the boundary commission proposals to put Lordswood in Gillingham and Rainham?”

The Leader of the Council, Councillor Jarrett, responded by confirming that he was aware of that. He stated that this made no difference as far as he was concerned, Constituency boundaries are one thing whilst the integrity of Medway was another. He confirmed that Lordswood was part of Medway.

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

“What public consultation was carried out regarding the ongoing programme of raised kerbs and specifically regarding the raised kerb on Burma Way which has left the bus stop even less accessible?”

The Portfolio Holder for Front Line Services, Councillor Filmer thanked Mrs Groves for her question and advised that the bus stop works at the bus stop in Burma Way, opposite Tobruk Way, were undertaken in February 2013 when a raised kerb was installed to aid level access to buses. A small amount of resurfacing was undertaken and a bus stop clearway marked on the road surface.

Ward Councillors were consulted in 2012 concerning this improvement.

He stated that officers view the improvements as beneficial to people with disabilities, but the Council would carry out a review if issues are raised by bus users.

Supplementary Question:

“As a wheelchair user myself, there are several bus stops throughout the Medway which have had raised kerbs installed. Burma Way is an example of this where there is no physical way onto the pavement to be able to use the raised kerb. Can the Portfolio Holder assure me that actions will be taken to address these issues and cognisance will be given to ensuring that where a raised kerb is installed it is actually useable?”

The Portfolio Holder for Front Line Services, Councillor Filmer, advised that he was happy to investigate this, and he thanked the public questioner for raising this issue.

**K) Paul Dennis of Rainham asked the Portfolio Holder for Corporate Services, Councillor Mackness, the following question:**

“After the acknowledged errors in electoral procedures that led to an ineligible candidate being allowed to stand in Rainham North on 7th May 2015, and the unaccountable loss of several dozen votes for me as the

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TUSC Candidate, can you tell me when the review promised to us by Neil Davies will be available for public scrutiny?"

The Portfolio Holder for Corporate Services, Councillor Mackness, thanked Mr Dennis for his question and stated that as mentioned in his first response to Mr Dennis's first question, these were issues for the Returning Officer, not the Council. He confirmed that the Returning Officer did advise the Electoral Commission of this issue and their view was this would have had minimal impact on voting and certainly not have changed any result.

Councillor Mackness stated that there will be a Post-Election Review, which is customary, and is an ongoing process, with a number of stakeholders involved in the Elections being engaged to gather their feedback and views and it will involve a number of Members from across the floor. The Returning Officer will reflect on the feedback, and make any necessary changes at that stage to existing processes to ensure further improvement and the successful delivery of future Elections.

**L) Tony Jeacock of Rainham will ask the Chairman of the Planning Committee, Councillor Mrs Diane Chambers, the following question:**

"Has the Council's Planning Committee yet decided on the colour scheme for the Corporation Street-facing side of the new Rochester station?"

The Chairman of the Planning Committee, Councillor Mrs Diane Chambers confirmed that this was reported to Planning Committee on 1 April 2015. The Committee approved the use of translucent coating onto the concrete walls.

Supplementary Question:

"Would the Council consider incorporating the colours, if it is not too late, of the illustrious Corps of the Royal Engineers perhaps together with the ubiquitous badge in recognition of those sappers who have either given their lives or suffered life changing wounds. As the Corps has the Freedom of Rochester and much of Rochester Cathedral is dedicated to the Corps, this would present a more widely visible symbol of the high regard the local community has for the Corps. The Corps of Royal Engineers was responsible for the building and running of military railways during two world wars and indeed had a substantial railway training depot at Longmore in Hampshire and of course Medway is considered to be the home of the Corps.

There are many ex sappers, ex Royal Engineer's living within Medway who would appreciate such a gesture, there is of course no such thing as an ex sapper. Once a sapper, always a sapper?"

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The Chairman of the Planning Committee, Councillor Mrs Diane Chambers advised that as the railway station belongs to the railway it would be up to them to bring forward such an application. The Planning Committee would then consider such an application on its merits.

### **220 Leader's report**

#### **Discussion:**

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

- The comprehensive induction programme following the Local Elections.
- The budget and the effect of the increase in the minimum wage
- Local finances and the additional income bought in by NORSE
- Medway's cultural offer
- Development in Medway including, Chatham Waterfront, Rochester Riverside, Strood Waterfront, Temple Marsh, Railway Stations and Rochester Airport.

### **221 Report on Overview and Scrutiny Activity**

#### **Discussion:**

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

- Update on Medway Norse
- Procurement Strategy
- Topics for in-depth scrutiny reviews
- Re-Commissioning of short breaks provision for children with disabilities
- Ofsted inspection of the Local Authority's arrangements for school improvement
- Update on progress in relation to the Children's Safeguarding Improvement Notice
- Scrutiny of the Kent and Medway NHS and Social Care Partnership Trust (KMPT)

### **222 Members' questions**

#### **A) Councillor Osborne asked the Portfolio Holder for Children's Services, Councillor O'Brien, the following:**

"Can the Portfolio Holder define the local authority 'strong local governor presence' at Hempstead Junior School and what advice he can give to parents on support & actions from Medway Council since the resignation of a large number of the governing body?"

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The Portfolio Holder for Children's Services, Councillor O'Brien responded by confirming that the governing body of Hempstead Junior School was full and had no vacancies at present. It was chaired by a Local Authority Governor who had considerable experience of governorship and successful experience as a chair of a governing body outside Medway since 2010. Individuals with governance and professional leadership experience had been co-opted onto the Governing Body to augment those governors who chose to continue their governorship at the school. One of these new governors also serves as a governor of a school judged by OFSTED to be outstanding.

Consequently, he believed the local authority has secured strong governing body arrangements at Hempstead Junior School

Supplementary Question:

"Councillor O'Brien will be aware that this has raised a number of parental concerns. Simply from an audit perspective given the fact that a significant number of Governors had resigned, is the Council reviewing and ensuring that appropriate financial scrutiny has occurred at the period when the Governing body was at a significant reduction to due the resignations?"

The Portfolio Holder for Children's Services, Councillor O'Brien, stated that he had answered most of what Councillor Osborne had asked. He added that Governors retire from and join Governing bodies all the time. He suggested that Councillor Osborne and also other Members seriously consider themselves becoming Governors of schools and to encourage local people, parents in particular to do the same.

**B) Councillor Osborne asked the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships, Councillor Rodney Chambers OBE, the following question:**

"With the Pentagon Centre empty, Tesco leaving and shop owners raising concerns about business tax levels on Chatham High Street does the Council feel that its endeavours to attract business to our high street has been a success given the millions of pounds of public money invested into the Bus Station and road network?"

The Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships, Councillor Rodney Chambers OBE, stated that this had been moderately successful.

Supplementary Question:

"I do not think that is an appropriate answer, given the scale of the issues that are seen in Chatham High Street, we see the Tesco closure, we see empty premises in the Pentagon Centre and the Pentagon

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Centre itself is a question mark itself. Can he give confidence to the people of Medway that the strategic ambition for Chatham Town Centre as it is, and will be part of the Centre City bid for next year?"

In response, the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships Councillor Rodney Chambers OBE reported that the Pentagon Centre is currently experiencing very stable footfall figures, which was contrary to the national trend. 4 new businesses opened in the Pentagon in the last six months. In addition, 2 businesses were fitting out Pentagon retail units and expected to open this month. There were also positive ongoing negotiations with potential retailers on a further 2 units, including the former W.H. Smith shop. Coffee Republic had been so successful, that they were considering expanding their operation to other parts of Medway. This was clearly a very positive picture in a difficult national climate for shopping centres, high streets and retail in general.

He added that Tesco had confirmed that the sub-let of their unit was under offer and they were relatively positive that this will complete. Officers will continue to monitor progress, stay in touch with Tesco and keep Members updated on developments.

Overall the Council's significant investment in the town centre and continued commitment was attracting business to the high street as exemplified with the Pentagon. Existing and proposed development in and around the town centre including the Theatre Quarter, Empire Reach, Admiral's Place and the proposed Chatham Waterfront was raising the quality of housing in the town centre and adding to the vibrancy and economic viability of the area.

**C) Councillor Fearn asked the Portfolio Holder for Children's Services, Councillor O'Brien, the following:**

"Plans to proceed with the expansion and merger of Cuxton Infant and Junior Schools were approved by the Cabinet on 14 April 2015. The likelihood is that there will be a significant increase in traffic movements in Bush Road and pressure on parking availability during school drop off and collection times.

What consideration was given to these potential problems and what assistance can be given to the residents of Bush Road and the parents taking their children to school?"

The Portfolio Holder for Children's Services, Councillor O'Brien advised that the increase in the pupils at the Academy will be comparatively small (10 per year) and gradual over a 7-year period, therefore, so will any increase in traffic. The proposed works would not make any changes to the front of the Academy on the road as it currently stands with their gates behind the library for the Infants, and behind the Parish Council playground and playing field for the juniors.

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He stated that he would encourage the Academy, within their Travel Management Plan, to include initiatives highlighting the benefits of parents walking their children to school, walking buses and, if cars are necessary, car share. He expected the Academy to be firm with parents in the course of implementing their travel plan, as indeed other schools in Medway do.

**D) Councillor Khan asked the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty, the following:**

“Given recent development schemes across Gillingham and Medway does the Council have any plans for improvement of Gillingham High Street, which is in desperate need of regeneration?”

The Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty stated that she had responded to this on 23 April and therefore did not wish to repeat herself. Therefore, she said that she had on this occasion looked for different terms of indications.

She stated that the first thing to look at was the vacancy rate in Gillingham which at 7.7% was below the national average of 10%.

She advised that there has been quite considerable investment over the period and she outlined a few of these. She referred in particular to Gillingham Railway Station which she considered very important as it gave a much more positive entrance to and exit from Gillingham and this really did make a difference. She also referred to Barclay Homes, Victory Pier and Peel Holdings. Over the past year, the Strand Leisure Park had undergone extensive renovations and this was indeed relevant because what surrounds a town was vibrancy and what brought people into a town was the vibrancy that surrounded it. This has been increasing around Gillingham for a number of years and that had had a knock on effect.

She stated that the Council was supportive of the Market within Gillingham and obviously new shops were welcomed. She referred to Stanny's Smokehouse which had recently opened.

She advised that a Section 106 Agreement had been agreed to connect the accessibility into Gillingham from the Chatham Waters development. Gillingham Pier was a very important investment and Medway Park, a place of absolute excellence. These were all facilities which encouraged people to come into Gillingham High Street and to spend money and enjoy their experience. She also referred to the Universities and advised that the number of students has increased considerably over the period of time so there was a lot which was happening in Gillingham.

One of the important aspects obviously, was the more people who go to Gillingham, the more businesses will invest in their offer.



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Supplementary Question:

“I think from Councillor Chitty’s response I am not sure that she has actually been to Gillingham High Street, given £135,000 was recently spent on the creation of a Japanese garden on Will Adams roundabout. £30,376 of this was earmarked initially for town centre improvements, I just wondered if the Portfolio Holder could let me know if she thinks that this is the best use of the money when the High Street in Gillingham is in desperate need of regeneration?”

In response the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty confirmed that she went into Gillingham very frequently. She added that she also talked to the people in Gillingham and got a fair measure of how they actually see the differences that have occurred over the years. She referred to a Section 106 Agreement which included the allocation of £94,000 to improve walking and cycling and stated that every town centre depended completely on the people that visit around it. She referred to an article in today’s paper which mentioned how popular Medway Park was, because a young man and his family were using the facilities there and broke a world record, and he came from Chislehurst. She added that people were coming into Medway, into Gillingham, and other town centres and the Council would continue to work on improvements.

**E) Councillor Maple asked the Leader of the Council, Councillor Jarrett, the following:**

“Could the Leader update Council on what interventions Members of the Cabinet have made as regards Operation Stack and its impact on Medway residents?”

The Leader of the Council, Councillor Jarrett advised that the Council had been represented in discussions with the Department of Communities and Local Government at an officer level and initially, concerns were low for Medway’s road network as Operation Stack was concentrated to the East of Kent with little likelihood of expanding up towards the Northern strategic road network. However, given the recent increase in severity from the M20 closures, some added congestion had been noted on Medway’s road network as vehicles tried to bypass the usual routes down to the East. As a result, the Council had put in place constraints on the works to the network that were allowed, to ensure there were no unnecessary blockages to traffic flow that was already under pressure.

Following the Government’s COBRA meeting, changes were mooted to the management of freight heading for Dover. The options discussed were to put in place temporary lorry parks, one of which was potentially

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at Ebbsfleet International Station. This posed a significant risk to Medway's road network, and this was made clear at various meetings as being unacceptable. As a result, this option was currently off the table whilst the option of Manston was being progressed.

With respect to the central portion of the question which is what intervention Members of the Cabinet had had, he stated that in company with Councillor Tolhurst MP and Councillor Chishti MP this matter had been discussed at a meeting of Kent MP's in the House of Commons along with the Leader of Kent County Council, Paul Carter where a number of options were discussed and Medway was in a position to have its say. Subsequent to that, he had attended a meeting of Kent Leaders where again Medway had an input and expressed its views on Operation Stack and subsequent to that there was a further meeting of Kent Leaders where the Deputy Leader, Councillor Doe was able to represent the Council. He too took part in a similar discussion about Operation Stack.

It is a very complex problem, exacerbated by what has been going on at the entrance to the Tunnel in France and the Leader of the Council stated that there was not an easy answer to it. As an Administration and, he hoped cross party, Medway would continue to watch what was happening and express concerns as and when they arise.

Supplementary Question:

"I am grateful for that detailed answer which is helpful particularly around the issue of Ebbsfleet which would have an absolute and direct impact on Medway residents. This needs to be recognised and if that is brought back to the table then all interventions will be helpful. Concerns have been specifically raised by the Federation of Small Businesses around the impact of small and medium businesses both here across Kent and elsewhere in the country. Has there been any support offered to Medway Small Businesses and if so what has the support been?"

The Leader of the Council, Councillor Jarrett responded by stating that he was not aware of any small businesses being impacted and he added that one of the success stories in Medway of this administration was that there were over 13,000 Small Businesses in Medway. He stated that Small Businesses were the bedrock of the economy and added that he was not aware of any that had come directly to the Council and said that they were suffering hardship as a result of Operation Stack. He advised that he was aware from the news and newspapers that many small and medium sized enterprises have expressed great concern about the suggestion to close the tunnel overnight, and some of those concerns are obviously well founded particularly when dealing with perishable goods but we would have to see whether or not that happens. He stated that if any Small Business approached the Council with particular tales of hardship, the Council would see what it could do to help, not in terms of

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simply a bail out but taking on board their concerns and seeing what this Authority could do to help.

He added that the other thing the Council needed to be very aware of, and he knew that Councillor Tolhurst had already mentioned this in other places, and that was any impact that the third crossing, the Lower Thames Crossing may have on Medway's road network and businesses. The Leader concluded by saying there is a lot going on, there is a lot to be concerned about and this Council will do its best to protect Medway's interests.

**F) Councillor Maple asked the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships, Councillor Rodney Chambers OBE, the following:**

“The Government are clear that devolution, particularly but not exclusively to combined authorities, will be a key priority for the next five years.

Could the Portfolio Holder state what he believes the potential benefits of devolution to local government are for the residents of Medway?”

The Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships, Councillor Rodney Chambers OBE responded by advising that the Governments stated intentions regarding devolution were to provide localities with the means to bring budgets and powers of decision making away from the centre and closer to the point of use. This had the potential to improve outcomes by giving local people greater influence over how services are delivered and enabling locally designed systems to work more efficiently and effectively.

The current devolution proposals agreed by the Government to date included a range of powers over regional economic development, housing, learning skills, planning, transport, and regeneration. In specific localities such as Manchester this has been extended to include policing and healthcare.

The granting of these additional powers was however conditional on areas following the Greater Manchester Combined Authority Model of adopting an Elected Mayor. The Chancellor has emphasised that the Elected Mayor Model will not be imposed, but if authorities do not wish to pursue this Model, they will not benefit from the scale of freedoms and powers that have been agreed with Greater Manchester. It does not say what powers will not come if we do not have an Elected Mayor. Given that the process of devolving such powers are in the very early stages of implementation, it is not yet possible to assess the tangible benefits of such an approach for Medway.

Although we are prepared to work in partnership with others, this would be on the following conditions as laid out by the Leader in his report this

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evening: first, that the identity and sovereignty of Medway shall not suffer and shall be preserved; and second, that we shall not implement an Elected Mayor.

The Portfolio Holder stated that to date we have been heavily involved in the South East Local Economic Partnership (SELEP), whose strategic themes already encompass some of those set out in the devolution proposals. Medway has had considerable success in attracting approximately £30million in two rounds of Growth Deal funding to date from the SELEP and would continue to engage in such partnership activity for the benefit of local residents and businesses. He concluded by saying he believed the way forward was for Medway to continue in partnerships and not as a combined authority.

### Supplementary Question

“The Council works best, as seen with the threat of the estuary airport where there was combined cross party working. Reference was made to the combined cross party working in relation to with the creation of the Council. Would Councillor Chambers give strong consideration to the creation of a devolution Cabinet Advisory Group?”

In response, the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships, Councillor Rodney Chambers OBE, stated that the creation of Advisory Groups would be a matter for the Leader of the Council. He added that the partnerships that the Council had been involved with had been cross party but that partnerships would not now be across the political spectrum because after the May elections, all the local authorities in Kent were under Conservative control with the exception of Maidstone. Therefore, the North Kent Partnership is now made up of all Conservative Councillors and this is where the future lies. The Kent and Medway Economic Partnership was slightly different because it is made up of Senior Members and Leaders of some local authorities in Kent. Medway is there because it is regarded as a first tier authority and attends on equal terms with Kent. In addition, there is the SELEP Partnership. Therefore, Councillor Chambers stated that he wasn't sure a Cabinet Advisory Group was needed because it was not solely devolution in Medway.

Note: At the expiry of 20 minutes, the Mayor announced that the remaining questions (questions G – H) as set out on the Council agenda would receive a written response.

### **223 Modification to Prescribed Standing Orders Relating to the Dismissal of Statutory Officers**

#### **Discussion:**

This report advised the Council of changes required to statutory Standing Orders contained in the Employment Rules in the Constitution to accord with

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the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. The changes related to the procedure for disciplinary action against, and dismissal of the Council's Head of Paid Service (Chief Executive), Monitoring Officer (Assistant Director, Legal and Corporate Services) and Chief Finance Officer.

The Portfolio Holder for Corporate Services, Councillor Mackness, supported by Councillor Saroy proposed the recommendations set out in the report.

### **Decisions:**

- a) The Council approved the revised Employment Rules, as set out in Appendix 1 to the report, to replace the current version in the Constitution, which includes the modifications highlighted in bold in paragraphs 4.9 , 4.10 and 4.15 which are required to comply with the Local Authorities (Standing Orders) England (Amendment) Regulations 2015;
- b) The Council designated the Chief Executive as the Proper Officer for the purposes of the executive notification procedure outlined in paragraphs 4.4, 4.6 and 4.12 of Appendix 1.
- c) The Council agreed to receive a report at a future meeting on arrangements to meet the requirement to establish an Advisory Panel, as a Committee of the Council, to advise the Council before any decision is taken to dismiss the Chief Executive, Monitoring Officer or Chief Finance Officer.

## **224 Proposed Changes to Council Rules on Questions at Council Meetings**

### **Discussion:**

This report had been produced at the request of the Portfolio Holder for Corporate Services and presented recommendations for changes to Council rules 8 and 9 in the Constitution which related to questions from the public and Members at Council meetings.

The Portfolio Holder for Corporate Services, Councillor Mackness, supported by Councillor Tejan proposed the recommendations set out in the report as follows:

The Council is recommended by the Cabinet Member for Corporate Services to approve revisions to Council Rule 8 (Questions by the Public) and Council Rule 9 (Questions by Members) as set out in Appendix A to the report which give effect to the following changes:

- a) Closer alignment of the rules for questions at Council meetings from the public and Members (but with the retention of 30 minutes for public questions and 20 minutes for questions from Members);

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- b) removal of a facility for second and supplementary questions'
- c) limiting any person, organisation or Member to no more than one question at each Council meeting;
- d) discontinuation of the practice of allowing substitutes to ask questions if a questioner cannot be present with a written answer to be supplied after the meeting instead;
- e) introduction of a rule which limits the time allowed for answers provided to questions at Council minutes to three minutes; and
- f) amendment of Council rule 8.3 so that the final sentence reads "Any questions that have not received a response within the times limits will receive a written reply after the meeting", as a response to the suggestion of the Independent Person under the Councillor Conduct regime.

In accordance with Council Rule 16.2, the Mayor stated that this proposal would now be taken forward without discussion to the next ordinary meeting of the Council as it involved making changes to the Council Rules in Medway Council's Constitution.

### **225 Updates to the Council's Contract Procedure Rules (CPRs)**

#### **Discussion:**

The Council received a report setting out changes to the Council's Contract Procedure Rules to accord with amendments to the procurement Directives by the European Union in February 2014 which had subsequently been enshrined in UK law on 26 February 2015 in the form of the Public Contracts Regulations 2015.

The Portfolio Holder for Resources, Councillor Gulvin supported by Councillor Wildey proposed the recommendations set out in the report

#### **Decision:**

The Council approved the updated Contract Procedure Rules, as set out in Appendix 1 of the report.

### **226 Addition to the Capital Programme**

#### **Discussion:**

This report sought approval to an addition to the Capital Programme for the construction of the Rochester Riverside Multi Storey Car Park.

The Leader of the Council, Councillor Jarrett supported by Councillor Tolhurst proposed the recommendation set out in the report.

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### Decision:

The Council approved the addition of £982,000 to the Capital Programme for the construction of the Rochester Riverside Multi Storey Car Park.

### 227 The Balfour Centre, Pattens Lane

#### Discussion:

This report requested that the Council declare surplus the Balfour Site, Pattens Lane Rochester and delegate authority to the Assistant Director Legal and Corporate Services in consultation with the Leader of the Council to dispose of the property.

The Portfolio Holder for Resources, Councillor Gulvin supported by the Portfolio Holder for Adult Services, Councillor Brake proposed the recommendations in the report.

#### Decision:

The Council:

- a) Declares the Balfour site surplus to requirements.
- b) Delegates authority to the Assistant Director of Legal and Corporate Services in consultation with the Leader of the Council to:
  - Dispose of the property upon the best terms reasonably obtainable.
  - Utilise, if necessary, the Council's disposal powers under circular 06/03 Local Government Act 1972 General Disposal Consent (England) 2003, provided the transaction satisfies the consent order's conditions and does not breach state aid rules.

### 228 Motions

#### A) Councillor Maple supported by Councillor Price submitted the following:

The Council notes the Electoral Commission's findings in its report into the transition to Individual Electoral Registration (IER) and, in particular, the finding that 1.9 million of the current entries on the electoral register are only being retained under the transitional arrangements from the previous household registration system, which represents 4% of all register entries. The Electoral Commission has previously estimated that the number of people not correctly registered at their current address is around 7.5million across the UK.

The Government moved the order on the 16 July 2015 that will end the transitional arrangements and fully implement IER 12 months early. The Electoral Commission has warned that there is "a risk that a considerable

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number of eligible voters could be removed from the registers before the significant set of polls scheduled for May 2016 if the transition to IER is brought forward.”

Council believes that the Government’s proposals for the introduction of Individual Electoral Registration (IER) remain poorly thought out and implemented, running the risk that voters could be disenfranchised as part of this process.

That the end of the transitional arrangements before IER is fully implemented should have remained until December 2016 as stated in law and should not have been brought forward to December 2015.

Council resolves to take every possible step to ensure that as many local residents as possible are registered to vote.

To write to the Government to express our concerns and to ask for additional resources that ensure that local residents are not disenfranchised from the democratic process.

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

### **B) Councillor Murray supported by Councillor Khan submitted the following:**

The Council notes the government’s consultation into cuts of £200m from public health budgets within this financial year.

Medway’s Health Profile for 2015 published by Public Health England shows that the health challenges in Medway are significantly worse than the national average for 13 out of 32 health indicators, including children in poverty, under 18 conceptions, smoking related deaths, homelessness and cancer mortality rates.

The Council believes that cuts to public health funding would risk the vital delivery of preventative care for its residents and undermines the NHS Forward View, which received cross-party support, in its assertion that the sustainability of the NHS will now depend on a radical upgrade in prevention and public health.

The Council therefore calls upon the Chief Executive to write to the Rt. Hon. Jeremy Hunt MP asking that the Government to:

- reconsider this decision whilst highlighting the valuable contribution that local public health measures, such as the reducing obesity strategy, have made on tackling health inequalities and improving the health of the local population in Medway.
- include consideration of the implications of all council decisions on public health as the NHS Forward View implies.



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In accordance with Rule 12.4 of the Council Rules, at the request of six Members, a recorded vote on the motion was requested:

For: Councillors Bowler, Brown-Reckless, Cooper, Craven, Freshwater, Gilry, Godwin, Johnson, Joy, Khan, McDonald, Murray, Osborne, Pendergast, Price, Shaw and Stamp (17)

Against: Avey, Bhutia, Brake, Carr, Mrs Diane Chambers, Rodney Chambers OBE, Chitty, Doe, Fearn, Filmer, Franklin, Gulvin, Hall, Hicks, Howard, Iles, Jarrett, Kemp, Mackness, O'Brien, Opara, Potter, Purdy, Saroy, Tejan, Tolhurst, Tranter, Turpin, Wildey and Williams (30)

Abstain (0)

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

**Mayor**

**Date:**

**Julie Keith, Head of Democratic Services**

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