

**Medway Council**  
**Meeting of Medway Council**  
**Thursday, 15 October 2015**  
**7.30pm to 0.03am**

**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, Chishti, Chitty, Clarke, Cooper, Craven, Doe, Etheridge, Fearn, Filmer, Franklin, Freshwater, Gilry, Godwin, Griffin, Griffiths, Gulvin, Hicks, Howard, Jarrett, Johnson, Joy, Khan, Mackness, Maple, McDonald, Murray, O'Brien, Opara, Osborne, Pendergast, Potter, Price, Purdy, Royle, Saroy, Shaw, Stamp, Tejan, Tolhurst, Tranter, Turpin, Wicks and Williams

**In Attendance:** Richard Hicks, Director of Regeneration, Community and Culture  
Dr Alison Barnett, Director of Public Health  
Julie Francis-Beard, Democratic Services Support Officer  
Wayne Hemingway, Democratic Services Officer  
Perry Holmes, Assistant Director, Legal and Corporate Services/Monitoring Officer  
Julie Keith, Head of Democratic Services  
Phil Watts, Chief Finance Officer

**418 Record of meeting**

The record of the meeting held on 12 August 2015 was agreed and signed by The Worshipful The Mayor of Medway as a correct record.

**419 Apologies for absence**

An apology for absence was received from Councillor Wildey.

**420 Declarations of disclosable pecuniary interests and other interests**

Disclosable pecuniary interests

Councillor Griffiths declared a disclosable pecuniary interest in agenda item 9 (Report on Overview and Scrutiny Activity – Move of MedOCC from Quayside

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to MCH House and Lorry Parking in Gillingham Business Park) because he is a Non-Executive Director of Medway Community Healthcare.

### Other interests

Councillor Cooper declared an interest in any reference to Medway Maritime Hospital because she has immediate family members who work there.

Councillor Gulvin declared an interest in agenda item 11 (Youth Offending Team Strategic Plan 2014-2016 Refresh) because his brother works for the Youth Offending Team and is the author of the report.

### **421 Mayor's announcements**

The Worshipful The Mayor of Medway informed Members of some forthcoming events in aid of the Charities he had chosen to support this year:

- Indian night at The Shozna - 17 November
- Dickensian Country Experience Tour - 19 December
- Night at the Opera at the Corn Exchange - 14 January.

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

The Worshipful The Mayor of Medway 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 Worshipful The Mayor of Medway 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.

### **422 Leader's announcements**

There were none.

### **423 Petitions**

#### Public petitions

John Castle submitted an e-petition containing 28 signatures asking that the Council block the proposed changes to public questions. Mr Castle asked that the Council take this e-petition into account when discussing the relevant report on the agenda (Proposed Changes to Council Rules on Questions at Council Meetings) later in the evening.

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### Member petitions

Councillor Khan submitted a petition from Church Street, Chatham, business owners containing 114 signatures asking that the Council provide parking facilities after 6pm in Church Street, Chatham.

Councillor Purdy submitted a petition containing 81 signatures requesting a 20mph speed limit within the Darland area of Watling Ward.

### **424 Public questions**

**A) Terry Bloomfield of Strood submitted the following question to the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships, Councillor Rodney Chambers OBE:**

“What is the Pentagon Tower (Mountbatten House) used for if it is empty, could it not be converted to housing rather than keep building new homes? Are rates being paid on it if it is empty?”

Councillor Rodney Chambers OBE stated that as the land freeholder for Mountbatten House and Planning Authority, the Council would want to encourage the reuse of Mountbatten House. However the matter was complex.

Medway Council let the Pentagon Centre including Mountbatten House under a head lease to the National Asset Management Agency (NAMA) was let under a head lease which still had a remaining term of 85 years. Mountbatten House was currently sub let outside of the main shopping centre. The sub-lease was held by Mapeley Gamma Acquisitions Company Ltd, which was in liquidation. As the tenant was in liquidation, the property was exempt from the payment of business rates.

Converting Mountbatten House to residential or other alternative uses would be encouraged by the Council. However considerable capital investment would be required and relevant permissions secured to achieve this. The Council had always been prepared to work with the owners (NAMA) of Mountbatten House and the Pentagon Centre to bring Mountbatten House back into use.

There was no supplementary question.

**B) Neil Dean of Chatham submitted the following question to the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty:**

“Does the Portfolio Holder think it is acceptable that an issue of antisocial behaviour which I have raised, for which a 14 day enforcement notice was issued in February, has still not been resolved to date?”

Councillor Chitty stated that the Planning Service received many complaints concerning breaches of planning control. When investigated, some of these were shown not to be breaches of planning control and the files were closed. With others, once it was drawn to the attention of those responsible, the breach

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was resolved quickly either through the use or development ceasing or the submission of a planning application to regularise the situation.

However, there were a number of cases where those responsible did not stop the use or submit an application and in those cases the Council had to move towards more formal action through the planning enforcement process. Guidance on this was set out and the Council, unlike the perpetrator, had to act reasonably. This would include writing letters, undertaking site visits, gathering evidence, and may include serving legal notices requiring further information and ultimately the serving of an enforcement notice. Even then the perpetrator would have the right of appeal.

Councillor Chitty stated that all of this took time and meant that sometimes the breach would not be resolved quickly to the understandable concern of those residents who reported the breach, but this was the legal process that the Council was required to work within. Hopefully, despite the delays, the issue would eventually be resolved, even if there was an appeal, although the final decision was not down to the Council.

There was no supplementary question.

**C) Stephen Dyke of Strood asked the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following question:**

"In 2008 Medway Council published its "Wildlife, Countryside and Open Spaces Strategy 2008-2016" in which Councillor Doe, as Portfolio Holder for Community Services, stated the following as the Council's vision:

*"By 2016 Medway will be characterised by and celebrated for its attractive, distinctive estuarine, downland, woodland and farmed countryside, its rich diversity of wildlife and its high quality open space network. These will be protected to meet the needs of local communities, to improve levels of customer satisfaction and usage, and improved for present and future generations to enjoy and use."*

This "strong vision" was to be placed "at the very heart of the current and future plans" of the Council, although I have noticed that many of the more ambitious headline outcomes in the strategy document seem to have been dropped in recent years. Also the Council's website currently makes little reference to environmental or wildlife issues at all.

As the published Strategy only covers the period up to the end of next year, can Councillor Doe advise how close he thinks the Council is to making the quoted vision a reality, if that vision has indeed been placed at the heart of the Council's plans, including in developing its new Local Plan, and if the Council will be producing a follow-up Wildlife, Countryside and Open Space Strategy, with public consultation, to cover the next few years?"

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Councillor Doe stated that since the adoption of the Strategy the Council had delivered a number of significant projects and programmes: for example, the Council had now extended the Green Flag accreditation which was a nationally agreed environmental standard and this had been successfully secured for seven sites – The Vines, Riverside Country Park, Capstone Farm Park, Hillyfields, Broomhill Park, Gillingham Park and Great Lines Heritage Park. The Council had also invested just under £3.5million since 2009-2010 resulting in improvements to over 64 of Medway's Play Areas and this commitment to improving the play offer continued this year with a further Council capital investment of £100,000.

The Council had established 5 outdoor gyms and had created new allotment provision at Hempstead. The Council had looked at volunteering opportunities and as a result of this, the number of volunteer hours had nearly doubled. The Council had also provided funding to support access management and ecological work at Grain Coastal Country Park.

Councillor Doe stated that there was a lot that had been done at ground level. However, in response to Mr Dyke's question Councillor Doe stated that it was necessary to constantly work at achieving the Strategy and that it constantly commanded a high priority in the Council's general work. He expected this to continue in the context of the new Local Plan which was currently being drafted and discussed.

### Supplementary question

"You have said it is a very high priority concern. But in that original document you said it was going to be central to the current and future plans of the Council. Can you just confirm that it is central and will continue to be central?"

Councillor Doe stated that generally speaking, this was something that was a high priority and was central to what the Council was doing. He stated that the Council looked at the environmental impacts of what it did and that all of Medway's countryside and wildlife areas received proper attention.

Councillor Doe stated that the Council had received a number of compliments from outside bodies and that whilst this was no reason to take a view of complacency, it did illustrate that this was very much central in the Council's thinking and was something which the Council maintained despite the fact that the Council was under constant pressure to build more housing and to develop the area generally with things such as airports and so on, which involved a high consideration of the environmental impact.

### **D) Fergus Tamsett of Chatham asked the Portfolio Holder for Corporate Services, Councillor Mackness, the following question:**

"Why does Councillor Mackness feel it is appropriate to reduce the transparency of the Council to the people of Medway by the proposed changes to the system for asking questions at a Council meeting?"

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Councillor Mackness stated that his reasons for proposing changes to the rules on Public Questions at Council meetings at Council meetings were clearly set out in paragraph 2.2 of item 14 on this agenda. The suggestion that the proposed changes would reduce transparency was clearly not the case. He said in actual fact it was quite the reverse. This was a process of building on democracy, not as others may have suggested, an attempt to destroy democracy.

By limiting people and organisations to one question each and removing the facility for supplementary questions the Council would be able to provide more information to a wider range of people at Council meetings.

He stated that supplementary questions were more often than not unrelated to the main question asked and often the provision for a supplementary question was used to make a statement rather than ask a question. He also stated that more fundamentally it was not always possible or reasonable for Cabinet Members to give a thorough answer to supplementary questions off the cuff. It would be much better for people to send any follow-up questions and enquiries to Cabinet Members after the meeting and receive a considered and full response. The new arrangements would enhance transparency and accountability and at the same time improve the experience of those who come along to ask questions at Council meetings.

### Supplementary question

“Why not hold a separate question and answer session if time is the issue?”

Councillor Mackness stated that there was a process for Full Council and that a process for public questions was set out in the model council rules issued by the Labour Government under the Local Government Act 2000. Medway Council was exceeding the provisions in the model rules.

He stated that 0.02% of the population in Medway had submitted questions to the Council in the last 12 months. He stated that hopefully the new process would enable and encourage more people from Medway’s diverse communities to ask questions and get answers at Council meetings.

**E) John Collins of Rochester asked the Leader of the Council, Councillor Jarrett, the following question:**

“Does Medway Council agree to hold a fair and balanced Community Governance Review consultation on the question of creating a Town Council for Rochester?”

Councillor Jarrett stated that the Council would do so.

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### Supplementary question

“Thank you for confirming that you will hold a Community Governance review, could you please set out your early thoughts on how that review might take place and what format it might be and so on?”

Councillor Jarrett stated that the procedure for dealing with Community Governance Reviews was clearly set out in legislation and that would be the approach the Council would follow.

**F) Catherine Stephenson of Rochester asked the Leader of the Council, Councillor Jarrett, the following question:**

“Will Medway Council give due consideration to expanding the Community Governance Review to include other unparished parts of Medway such as Strood, Chatham, Gillingham and Rainham?”

Councillor Jarrett stated that this issue was a matter for communities across Medway to bring forward a request for a community governance review as set out in the legislation and that the Council would consider these matters if and when it happens.

There was no supplementary question.

**G) John Castle of Chatham asked the Portfolio Holder for Corporate Services, Councillor Mackness, the following question:**

“Relating to the proposed changes to Public Questions. How will the Council determine the organisation on whose behalf a question is being submitted, many people represent multiple organisations, but might still be submitting a question as a resident of Medway?”

Councillor Mackness stated that the current rules on public questions allowed for two questions per individual or organisation. By limiting this to one question per individual or organisation the Council would be able to provide more information to a wider range of people and groups.

Councillor Mackness stated that the Council already dealt with questions from organisations and individuals with no problem determining the organisation on whose behalf the question was being asked and he did not envisage any difficulty or change going forward.

It would be for an individual who submitted a public question to a Council meeting to state whether or not this was on behalf of an organisation and this was in line with current and established practice.

### Supplementary question

“In the event of an unreasonable decision being reached, how would a dispute be resolved and could this decision be open to challenge?”

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Councillor Mackness stated that in a democratic process the Council took democratic decisions based on the electorate who had elected individuals. Therefore, dealing with the question on that basis, Councillor Mackness stated that he was not sure what answer he could give.

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

“If 30 minutes is not long enough for public questions, is Medway too big for one administration? Does the Council agree that Town Councils would provide better access to democracy for residents?”

Councillor Mackness stated that by allowing 30 minutes for public questions at Council meetings, the Council was operating in line with rules issued by the Labour Government under the Local Government Act 2000 and that the Council had been operating over and above the model rules which recommended one question per organisation or per person.

He stated that this Medway Conservative administration stood out as a beacon of best practice. Kent County Council, with a population of 1.4 million had no provision at all for public questions at Council meetings and Bexley and Bromley, two of the closest Unitary Authorities each allowed only 15 minutes for public questions at Council meetings.

He informed Mr Chaplin that he had managed to get three questions on to this agenda, two questions here and one later on. He stated that he had raised this with the Chief Executive as it was important the Council was scrupulously fair going forward and that officers were clear in their understanding the interpretation of Council rules.

He stated that the objective in bringing forward proposed changes to the rules on public questions was to provide those people who come along to Council meetings with a better experience and that the changes would enlarge the scope for a wider range of people and organisations to ask questions.

Councillor Mackness referred to Town and Parish Councils, and stated that Mr Chaplin may have misunderstood the legislation on local government structures. They were the most local tier of government in England. However, they could not replace Counties, Unitaries or District Councils. Therefore he stated that he failed to see how Town Councils and Parish Council could provide better access to democracy for any residents.

He stated that this was certainly a view shared by many residents in the community he represented and the community group meetings that he attended. They saw Town Councils as an unnecessary cost and that it must be remembered that Medway Council must always be responsible for all the functions and services it currently delivered and was thereby accountable to the electorate. Town Councils would have a relatively narrow range of responsibilities.



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Therefore, he stated that in answer to the two questions from Mr Chaplin, the answer to the first was “no” and the second was “no”.

### Supplementary question

“Firstly I only have two questions not three, but my supplementary question is as follows. Does this not show a cowardly administration afraid to face the public and running scared from direct public questioning from the residents of Medway. Do not Medway’s residents deserve better?”

Councillor Mackness stated that the Administration did not run scared from questions. This was a process to improve the experience to ensure more questions were answered.

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

“Are the Council going to start cutting down the mistletoe infesting the trees in City Way, Rochester, and Beechings Way, Rainham, and selling it over the Christmas period?”

Councillor Doe stated that it would not be economic to cut the mistletoe. The demand for mistletoe which was probably great in the middle ages and Victorian age was now not nearly as great as it was. It was generally accepted that all parts of the plant, the leaves, the berries and so on, were poisonous and if there were animals and children it would not be particularly wanted in the house and that centrally heated houses made it grow that much more quickly.

He stated that it was not economic to do so.

### Supplementary question

“Does this then mean that the Council are going to be wasting loads and loads of money cutting down and replacing all these trees that are going to be killed off by mistletoe?”

Councillor Doe stated that the short answer was “no”. It very seldom killed trees and there had been no incidents of that. It lived symbiotically with trees for many years. It was just a question of luck and that it might just attack the diastoles of the branches but otherwise no.

**J) Vanessa Roach of Rochester asked the Leader of the Council, Councillor Jarrett, the following question:**

“If the Council goes ahead with proposals to stop the public questioning the council through supplementary questions what increase in requests under the

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Freedom of Information Act does the Leader of the Council expect as a result and at what cost in financial terms?”

Councillor Jarrett stated that he was not expecting any increase in Freedom of Information (FOI) requests as a consequence of the removal of a facility for supplementary questions at Council meetings. FOI requests had to relate to information currently held by the Council and having looked at the 41 supplementary questions asked at the last four Council meetings only 6 of those would fall into this category. For the other 35, people had used the facility for supplementary questions to:

- make statements rather than ask a question or
- to raise an issue completely unrelated to the substantive question or
- to ask for a view from the relevant Cabinet Member or Committee Chairman.

He also stated that on some occasions people had declined to ask a supplementary question at all.

Councillor Jarrett stated that all Cabinet Members and Committee Chairmen dealt with enquiries outside of Council meetings and people should not feel the need to resort to FOI legislation in order to get an answer from the Council. If anyone did want more factual information relating to a question they had asked at a Council meeting it was likely to be more productive to do this through a further enquiry directed to the relevant Member so that a full and accurate response could be given. It was not always possible for that to happen through the supplementary question process as Cabinet Members may not always have the facts to hand.

He stated that he thought the revised rules would provide people with a better experience and an enhanced level of accountability on two levels. Firstly, the Council would be able to accommodate a larger number of questions from a wider range of groups and individuals at Council meetings and secondly information provided as a follow up to a Council question would be full and accurate rather than off the cuff.

### Supplementary question

“If this is to be the case, can you assure Medway residents that all questions regardless of the method of communication will be dealt with promptly? And can you give some idea of a reasonable timescale to expect an acknowledgement if not resolution of such questions to continue to avoid the need for Freedom of Information requests?”

Councillor Jarrett stated that he agreed in the first instance that an acknowledgement should be sent as soon as possible and that this should not be delayed beyond a few days. Depending on the complexity of the issue the substantive answer could take a variable period of time. In all cases this administration attempted in good faith to answer questions raised as quickly as possible.

**K) Tony Jeacock of Rainham asked the Leader of the Council, Councillor Jarrett, the following question:**

“Assuming the ‘would-be-leader’ of Medway Council gets his democracy-destroying proposal to end supplementary questions through, will the actual Leader endeavour to maintain some semblance of local democracy by allowing the public to ask questions at cabinet and/or sub-committee meetings instead, as in some other Councils, such as Oldham? If not, why not?”

Councillor Jarrett stated that this issue would be debated later in the meeting under the motion submitted by Councillor Maple (Agenda item 15E).

He stated that he saw no reason to extend the provision for public questions to other meetings. Medway had a good record of engaging with residents and stakeholders affected by prospective decisions long before matters came before the Cabinet and other decision-making committees so that the outcome of consultation was in front of Members when important decisions were being made.

There were a range of ongoing forums, including service user groups and Scrutiny Task Groups to ensure the Council was in continual dialogue with the community and there were other provisions within the Constitution to enable the voice of residents to be heard in a meaningful way. Medway had been identified by Government as an expert practitioner for the way it dealt with petitions from residents, there were Members’ items and public speaking on request at the Overview and Scrutiny Committees, and a facility for call-in of Cabinet decisions.

He stated that, he and other Members of the Cabinet were held to account at every Council meeting, by regular appearances at the Overview and Scrutiny Committees and they would all endeavour to deal with enquiries relating to their areas of responsibility in a timely and transparent way.

He referred to Mr Jeacock having cited Oldham as a model of best practice but despite there being a facility for public questions at meetings there had been no public questions for the Oldham Cabinet for the whole of 2015 so Medway should not be taking any lessons from that particular Authority.

Supplementary question

“Thank you Councillor for that comprehensive answer. Do you acknowledge that members of the public who take the trouble to attend Council meetings to put questions on matters of genuine concern to them or the groups that they represent are as important to the community and its welfare as are the Councillors who are elected by those Communities. Do you not agree that they should be treated with respect by providing them with a democratic platform on a regular basis to by which to effectively hold the Council to account?”

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Councillor Jarrett stated that he did agree with that, and that was why these changes were being made.

**L) Stephen Dyke of Strood asked the Leader of the Council, Councillor Jarrett, the following question:**

“The United Nations recently established ‘Climate Action’ as one of its Global Goals for the next fifteen years, including targets of strengthening resilience to climate-related hazards and integrating climate change measures into governmental policies, strategies and planning.

Therefore can Councillor Jarrett advise what measures his Council is taking, and planning, in order to protect the residents, environment and wildlife of the Medway Towns and its surrounding areas from the harmful effects of climate change?”

Councillor Jarrett stated that Medway Council continued to have dialogue with those bodies who had responsibilities for climate action amongst other things. The Council took its environmental credentials very seriously and would continue to do so. Climate change had the potential to affect everyone and that was something to be taken very seriously.

Supplementary question

“What measures are the Council taking and planning, I don’t think that has been answered.”

Councillor Jarrett stated that the question needed a detailed answer. It had been dealt with in many Council publications not least the Council Plan and with cross referencing to budget setting where monies were allocated for various issues. He undertook to write to the questioner with a comprehensive answer.

**M) John Collins of Rochester asked the Leader of the Council, Councillor Jarrett, the following question:**

“Does Medway Council agree to abide by and respect the results of the Community Governance Review, particularly if it confirms there is support within the community for creating a Town Council for Rochester?”

Councillor Jarrett stated that the decision on this matter would rest finally with the Council. He expected the Council to take account of all the representations made in the Community Governance Review and reach a decision taking those matters and also the wider interests of the greater Medway area and its status as a Unitary Authority into account.

There was no supplementary question.

**N) Paul Chaplin of Rainham asked the Leader of the Council, Councillor Jarrett, the following question:**

“How much does Medway receive in grants from the EU?”

Councillor Jarrett stated that last year, the 2014/15 financial year, Medway Council received £1.15m in grants from the EU.

All previous EU funded projects had been completed and final payments would be received during the current year. There were no current EU funded projects in progress and no further bids had been made.

Supplementary question

“Could you tell us where and how that money might be spent?”

Councillor Jarrett stated that this emphasised the points made earlier and made by Councillor Mackness. He stated that he did not have this information to hand nor could he be expected to. He stated that he would have this information sent to the questioner.

**O) Vivienne Parker of Chatham asked the Portfolio Holder for Business Management, Councillor Turpin, the following question:**

“What is the Council going to do to help the shop keepers on Twydall Green who are complaining that their rents and business rates are putting them out of business?”

Councillor Turpin stated that in the last few years, the Council’s asset management team had only heard from one tenant who was seeking to reduce the rent. This was from the tenant of a struggling business and both the level of rent and business rates were queried by the tenant about 2 years ago. The tenant subsequently surrendered his lease earlier this year and the shop was now under offer to be let to a new tenant.

Whilst this was regrettable, this was not an unusual state of affairs in the retail industry where the mix of shops would change according to times. Times move on and businesses would become more or less profitable.

However, where tenants were facing hardship, they should contact the Council’s rent collection team and business rates section as soon as possible, so that the Council could consider providing assistance depending on the merits of the case.

As background to this there were 33 units around Twydall, 19 were owned by the Council and out of all the business rates there were three reliefs of business rate which could be claimed.

This included small business rate relief which was claimed by 14 units, retail relief which was claimed by 10 units and charity relief which was claimed by 2

units. Overall the relief amounted to more than £48,000 out of a total of £148,000. So the total bill on business rates was £99,957 without those three reliefs it would be £148,267.

There was no supplementary question.

#### **425 Leader's Report**

##### **Discussion:**

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

- Medway in context
- Regeneration
- Partnerships
- Education
- New Rochester railway station and Rochester Riverside
- Medway UTC
- Key Stage 2 results
- Jobs Fair
- International Credit Union Day
- Local Democracy Week
- Key Stage 4 results
- Get Medway Learning Campaign
- Review of Business Rates
- Local Plan timetable
- Public Health campaigns
- Kent Family History Society.

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

##### **Discussion:**

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

- Six month review of Welfare Reform Task Group
- Medway Adult Learning Ofsted Report
- Youth Offending Team Strategic Plan 2014-2016 Refresh
- Annual Report from Children's Social Care Service
- Integrated Family Support Service
- Kent and Medway Suicide Prevention Strategy 2015-2016
- Supporting People at Home – Intermediate Care and Reablement Strategy
- CQC report – Medway NHS Foundation Trust
- Acute Mental Health Inpatient Bed Review update and Update on CQC inspection
- Personality Disorder Service

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- Interim report on unvalidated Key Stage 2 performance
- Snow Warden project year 2 review
- Petitions (Arriva bus services)
- Exclusions in Medway schools
- Localised support for Council Tax
- Changes to Sterling House GP Surgery, Chatham
- Gambling Act 2005 – Review of Council Statement of Gambling Policy (Fixed Odds Betting Terminals).

### 427 Members' questions

#### A) Councillor Joy asked the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following question:

“Following a conversation I had with a resident with regards to litter around football pitches after matches are played and knowing that the Council has a policy requiring football teams using pitches to clear up any rubbish generated by them and their visitors, stating that failure to do this will result in a fine.

As I have had this concern raised from a Strood South resident and have seen for myself on a number of occasions the amount of litter left, please can you let me know firstly, the amount of times this fine has been implemented over the last two financial years and secondly, how much time and/or money has been spent clearing up the litter from around football pitches over the last two financial years.”

Councillor Doe stated that Councillor Joy was quite right in that it was the responsibility of the football teams to clear up their rubbish and that he would encourage all football teams to take their responsibilities seriously although most of them did so.

Any rubbish left behind was cleared by either the on-duty attendant or by the cleaning crews within the grounds maintenance contract.

If there were issues, the contractor regularly reported those significant issues to the Ranger Service Team who would then take the matter up with the league secretaries, who could and did then put pressure on football teams in question who may not subsequently play under censure from the league. Therefore, he thought there was quite a strong control on this.

He stated that whilst he had the value of the overall grounds maintenance contract it was very difficult to isolate the precise amount that was attributable to this. He also stated that although the Council did not go in for fining people and taking a heavy hand on this issue, he did think the Council was reasonably effective. He asked that if there were any particular areas it was felt were not being dealt with as effectively as it could be, he would be happy to respond to ensure something was done.

There was no supplementary question.

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

“Can the Portfolio Holder confirm the numbers of permanent and temporary exclusions in Medway Primary and Secondary Schools from 2009-2014 and when he found out about these statistics?”

Councillor O'Brien stated that the Council would recall that this subject was considered at the Children and Young People Overview and Scrutiny Committee on 22 September 2015 by the person who had taken the time to ask this duplicate question. The minutes of this meeting were in the public domain but he stated that he was happy to provide a copy of the information at the meeting as follows:

**Number of exclusions from Medway schools since 2009**

	2009/10	2010/11	2011/12	2012/13	2013/14
<b>Fixed period</b>					
All schools	2,480	2,850	2,340	2,420	2,590
Primary	528	551	589	583	805
Secondary	1,922	2,276	1,714	1,783	1,762
<b>Permanent</b>					
All schools	<4	20	20	40	70
Primary	0	<4	<4	6	9
Secondary	<4	21	22	34	59

He explained that schools would inform the Local Authority about fixed term exclusions three times a year, in arrears. Therefore, data always applied to the year before. Whilst officers were generally alert to schools where there may be particular concerns, they were reliant on the school to ensure they were informed. Where there are any particular issues in a school, he was alerted to concerns about individual schools or generally about behaviour in schools and he stated that on his regular visits to schools this was something that he discussed with the head teachers.

The information about the rise in fixed period exclusions in 2013/15 in Medway primary schools was made public by the Department of Education in their statistical return in July/ August 2015. All published performance data would be given and analysed in a full report to Overview and Scrutiny in March every year when he would be held to account. This would include the data which the school had to return to the Department of Education on both permanent and fixed term exclusions which they submitted three times a year at census times.



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### Supplementary question

“On 8 September he said to the Medway Messenger that this was an issue he had only become aware of in the last few months and yet the statistics show that this has been deteriorating for five years. Can he confirm actually when he found out when the statistics we are looking at now he became aware of?”

Councillor O'Brien stated that he could not be held responsible for what was actually printed in the press, and that he had just answered this question in his previous response.

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

“Can the Portfolio Holder confirm how many qualified Social Workers were working on permanent and temporary (agency) basis at the Council on 1st April 2011, 2012, 2013, 2014 and 2015?”

Councillor O'Brien stated that once again this was really a duplicate question because this had been asked at Overview and Scrutiny. He stated that he was happy to provide the figures on screen and for them to be handed around.

The numbers of permanent staff and agency staff are outlined in the table below:

#### **CHILDREN**

		<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Management	Perm	15.2	14.6	7.00	13.00	10.00
	Agency			1.00	15.80	17
		<u>15.20</u>	<u>14.60</u>	<u>8.00</u>	<u>28.80</u>	<u>27.00</u>

Social Workers	Perm	87.09	104.22	92.42	87.39	86.84
	Agency			21.28	56.59	48.41
		<u>87.09</u>	<u>104.22</u>	<u>113.70</u>	<u>143.98</u>	<u>135.25</u>

#### **ADULTS**

		<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Management	Perm	15	17	18.24	14.97	15.00
	Agency					
		<u>15.00</u>	<u>17.00</u>	<u>18.24</u>	<u>14.97</u>	<u>15.00</u>

Social Workers	Perm	68.61	93.22	101.48	80.07	93.57
	Agency					18
		<u>68.61</u>	<u>93.22</u>	<u>101.48</u>	<u>80.07</u>	<u>111.57</u>

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### Supplementary question

“At the recent Audit Committee over the summer it was confirmed that £1million has been transferred from reserves into this department. With the huge numbers of temporary staff noted through Freedom of Information requests, does he have a concern that this ongoing revenue pressure will continue in future years?”

Councillor O’Brien stated that the issue of agency workers was something which Councillor Osborne would know about if he attended or read the minutes of Overview and Scrutiny Committee and the reports which were made available to colleagues on that Committee from the Improvement Board. He stated that he was extremely mindful of agency workers but he was also extremely grateful to the Leader and his Cabinet colleagues and indeed all the Councillors on this side for the investment they had continued to put into Children’s Social Care over the last few years.

**D) Councillor Craven asked the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following question:**

“Gillingham Gymnastics Club, which until very recently was in Luton and Wayfield ward, has been forced at very short notice to move premises. This is a popular club who are now at risk due to this unplanned move to Princes Park.

Could you advise what support the Council can and has made available to assist this sports club in continuing to exist.”

Councillor Doe stated that the Council had been liaising with Gillingham Gymnastics Club (GGC) since the early days of this issue arising and that he had contacted Bob Dimond and the Sport Development Team immediately and he had asked them to liaise with GGC. He stated that the Council had offered the use of facilities at Medway Park and generally kept in touch during the search for property, so they have acted as one would expect to act to make sure that as far as possible this club continues. He stated that GGC played a very valuable part in Medway’s overall sports provision.

He stated that GGC had now moved into premises at Hopewell Drive. However, he was aware that they have had problems with the premises and he understood that they may approach the Council with a request for assistance and that would be a matter for the Council to consider along with any other claims on resources but that he would try to support it.

Note: Whilst there was no supplementary question, it was noted that Councillor Craven would contact Councillor Doe outside of the meeting on this matter.

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

"I wrote on the 4th September regarding the refugee crisis, seeking Medway Council's position and looking to offer cross party support for a positive stance.

We have seen Medway residents come together to form action groups like "Medway Masses doing their bit for the refugees in Calais" on Facebook and also creation of the Medway City of Sanctuary - the launch of which was attended by members of the two main political groups on Medway Council.

At the time of submitting this question (4.59pm on 6th October) there has not been a public statement from the Council regarding their position on the refugee crisis - could you please update on the position of Medway Council regarding the refugee crisis."

Councillor Jarrett stated that he had corresponded with Councillor Maple by email on this subject and that he thought that they were essentially both coming from the same place though Councillor Maple's original question was much more along the lines of what was going to be done and committed to immediately.

He stated that until he understood the Government's position on this, the Council would not be committing to anything.

He referred Members to an extract from motion 15b and in particular the first and third paragraph and that this was where he was coming from at this particular time. Because of the uncertainty about funding, Members would recall the first response from Government which was that there would be one year's funding with no clarity about whether sustainable, recurring funding would follow.

He referred to the statement he had issued to the press, which was very brief and succinct along the lines of "keeping our powder dry" and that the statement noted it was for the Government to determine immigration policy and to adequately fund Councils who may be affected by national policy. He stated that he still believed that this was a very reasonable position to take at that particular time. The more public and more detailed statement was in fact the knowledge that this motion was being brought forward.

He stated that he thought that this position was well made. He stated that those Councils around the Country, including some in Kent, who had committed without any certainty of funding to take "x" number of refugees, no matter how worthy those calls on assistance were, did that without the certainty of funding and were behaving in a way that this Administration would not behave in.

He stated that when he had first looked at this issue and tried to take some of the emotion out of it and looked at the Council's own demand on resources here in Medway and looking at housing numbers where the Council had over 6,000 on the waiting list of who were in highest need, where there were large

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numbers of Looked After Children, where there were large numbers of children in care, where there were have large numbers of unaccompanied asylum seekers, which was a different matter to the Syrian refugee crisis, all of those numbers were creating enormous pressures on Medway and the wider Kent area and all of those had to be taken into account.

He stated that he was pleased to say that there had been some considerable lobbying from the local government family not least the Local Government Association and the Government was now starting to take a more measured approach. He stated that Councillor Turpin would deal with the issue quite adequately later on in the meeting, that the Council was sympathetic, and would do what it could, but that the Council must, as a first and overriding principle, look after the people that already live here in Medway. If the Government wanted the Council to support their international initiative which was quite reasonable for them to expect, then they must help with the financing of it on a recurring basis.

### Supplementary question

Councillor Maple stated that he was grateful to the Leader of the Council for the detailed response to his question and that he would be looking to second the motion which Councillor Turpin would be proposing tonight.

Councillor Maple referred to other Councils which had been given a very specific number, and he further referred to the motion tonight which would seek clarification from central Government about funding and when that clarification had been received, would the Cabinet and Council reconsider potentially, if appropriate, placing a specific number requiring potential assistance in place when the specific information about funding was received.

He stated that he accepted at this stage it was not a position to take without knowing the funding, but the motion tonight would make the position clear and he and the Labour Group would be supporting it, but it would be helpful to receive the clarification when that further information comes in from central Government.

Councillor Jarrett stated that he could not give any commitment about numbers. He stated that he could give an absolute assurance that the things that were set out in the motion represented the position of the Administration, this position was held very firmly, very seriously and with two of Medway's three MPs here tonight they would understand the situation and that they may know more information than he did. Certainly once there was an assurance about recurring funding then the Council could start to make some serious plans to provide assistance.

**428 Youth Offending Team Strategic Plan 2014 - 2016 Refresh**

**Discussion:**

This report outlined the Medway Youth Justice Plan Refresh 2014-2016, which had been reviewed and had taken into account achievements and modifications. The report had also been considered by the Children and Young People Overview and Scrutiny Committee on 22 September 2015 and Cabinet on 29 September 2015. A Diversity Impact Assessment was included at Appendix B to the report.

The Portfolio Holder for Children's Services, Councillor O'Brien, supported by the Portfolio Holder for Corporate Services, Councillor Mackness, proposed the recommendation set out in the report.

**Decision:**

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

**429 Treasury Management Strategy Mid-Year Review Report 2015/2016**

**Discussion:**

This report provided details of the mid year review of the Treasury Management Strategy 2015/16 which had also been considered by the Audit Committee on 24 September 2015 and the Cabinet on 29 September 2015. The report also proposed a change to the strategy to include property funds in the list of approved investments.

The Leader of the Council, Councillor Jarrett, supported by the Portfolio Holder for Resources, Councillor Gulvin, proposed the recommendations set out in the report.

**Decision:**

- a) The Council noted the mid-year review of the Treasury Management Strategy 2015/16, as set out the report.
- b) The Council agreed that the Treasury Management Strategy be revised to add property funds to the list of non-specified investments, subject to a £5m counter-party limit for such investments and any investments being made in consultation with the Portfolio Holder for Resources and The Leader.

**430 Additions to the Capital Programme**

**Discussion:**

This report provided details of proposed schemes which would provide for additional investment in the existing operational property portfolio, via the

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building repairs and maintenance fund, in the existing non operational portfolio and in new non operational property with a view to generating increases in annual rental income and longer term capital growth.

The Leader of the Council, Councillor Jarrett, supported by the Portfolio Holder for Resources, Councillor Gulvin, proposed the recommendations set out in the report.

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

“Delete item (ii) in paragraph 10.2 of item 13 on the Council agenda so that it now reads:

### **10. Recommendations**

10.1 That Council approves the following additions to the capital programme:

10.1.1 £1.0 million addition to the building repairs and maintenance fund, to be funded from capital receipts.

10.1.2 £2.0 million addition to the capital programme to allow for investment in property.

10.2 Council is furthermore requested to delegate authority to the Assistant Director Legal and Corporate Services, in consultation with the Leader, Portfolio Holder for Resources and Chief Finance Officer:

To agree a strategy and robust set of criteria for future investment in property, which complements the Council’s current investment priorities of security, liquidity and then yield.”

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

### **Decision:**

- a) The Council approved the following additions to the capital programme:
  - i) £1.0 million addition to the building repairs and maintenance fund, to be funded from capital receipts.
  - ii) £2.0 million addition to the capital programme to allow for investment in property.
  
- b) The Council agreed to delegate authority to the Assistant Director Legal and Corporate Services, in consultation with the Leader, Portfolio Holder for Resources and Chief Finance Officer:
  - (i) To agree a strategy and robust set of criteria for future investment in property, which complements the Council’s current investment priorities of security, liquidity and then yield.
  - (ii) To acquire, manage and let suitable investment properties.

#### 431 Proposed Changes to Council Rules on Questions at Council Meetings

##### Discussion:

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

A Diversity Impact Assessment on the proposals was tabled at the meeting (Appendix B to the report).

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

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

“Delete everything after “The Council is recommended...” in paragraph 9.1 of item 14 on the Council agenda and substitute:

“to add the following sentence to Council Rules 8.6 and 9.1:

“The time allowed for answers to each question at Council meetings shall not exceed 3 minutes”.

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

In accordance with rule 12.4 of the Council Rules a recorded vote on the substantive motion was taken.

For – Councillors Avey, Bhutia, Brake, Carr, Mrs Diane Chambers, Rodney Chambers OBE, Chishti, Chitty, Clarke, Doe, Etheridge, Fearn, Filmer, Franklin, Griffin, Gulvin, Hicks, Howard, Iles, Jarrett, The Worshipful The Mayor of Medway, Councillor Kemp, Mackness, O’Brien, Opara, Potter, Purdy, Royle, Saroy, Tejan, Tolhurst, Tranter, Turpin, Wicks and Williams (34)

Against – Councillors Bowler, Brown-Reckless, Cooper, Freshwater, Godwin, Johnson, Joy, Khan, Maple, McDonald, Murray, Osborne, Pendergast, Price, Shaw and Stamp (16)

##### Decision:

The Council approved 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;
- 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.

### 432 Motions

- A) The Leader of the Council, Councillor Jarrett, supported by the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, submitted the following motion which was agreed:**

#### **Decision:**

Rochester Castle is often the first thing that visitors to Medway will see; this proud castle is an enduring monument to Medway’s historical royal connections. Queen Elizabeth the First once pronounced the famous historic dockyards as her royal dockyards. Her Majesty’s Royal Engineers are still based locally in Gillingham and recently commemorated their 200<sup>th</sup> year of being based in Medway.

Upon becoming the longest reigning monarch, Queen Victoria requested no public celebrations. This is a tradition that Her Majesty Queen Elizabeth II has requested be continued. After a lifetime of service, we will however humbly offer tribute to both Her Majesty the Queen and to her great great grandmother.

We remember that the great monarch Queen Victoria was the Monarch to all of Britain and indeed the Empress of India, but the people of Kent could take exceptional pride that the daughter of Prince Edward, Duke of Kent and Strathearn, sat on the Throne.

Queen Victoria was an exemplar both to Britain but also abroad. Likewise Her Majesty the Queen has seen in her lifetime the commonwealth grown from just seven nations to fifty three. However, in all of this time, Her Majesty has never left Medway wanting. A visitor to the Grain Oil Refinery in 1955, Her Majesty demonstrated her commitment to the industrial lifeblood of Medway as well as the cultural significance that we are known for. More recently in 2002, she inaugurated the Universities of Medway showing once more her unstinting commitment to both the old and the new.



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Accordingly this council instructs the Chief Executive to write to Her Majesty, offering our sincere gratitude for all that she has done and to offer tribute to both Her Majesty and her great great grandmother Queen Victoria.

**B) The Portfolio Holder for Business Management, Councillor Turpin, supported by Councillor Maple, submitted the following motion which was agreed:**

**Decision:**

Medway Council is sympathetic to the plight of refugees fleeing war torn Syria. Many members have received letters from constituents regarding the refugee crisis and are touched by their generosity.

We are aware that the Prime Minister, together with the Department of International Development and the Department for Communities and Local Government is looking to settle 20,000 refugees throughout Britain over the next five years.

Medway is willing to play its part in providing a safe refuge to those in desperate need. This Council prides itself on the high level of services that it offers to all residents. It is understood that the Department of International Development will be paying local government for the increased costs.

For reasons purely practical, our offer of refuge has to be conditional on financial support from central government. Notwithstanding regulations regarding DfID expenditure and aware that the funding cannot always be used for domestic expenditure, this Council is of the view that we cannot jeopardise the vital services currently being delivered to all of our residents. Therefore, if the funding cannot come from DfID, then the Treasury must arrange the alternative.

The Council therefore instructs the Chief Executive to write to the Rt. Hon. Justine Greening MP asking the Government to:

- consider the full implications of having refugees homed in Medway, including the costs of housing, education and healthcare as well as any other costs.
- ensure full financial consideration is made for subsequent years, as much as the first.

**C) Councillor Stamp, supported by Councillor McDonald, submitted the following motion:**

Council notes that the Government has launched a consultation on whether to devolve the power to set the hours of Sunday trading.

Council further notes that whilst Council would generally welcome the devolution of new powers that these are powers that local government has not asked for.

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In addition, Council notes that the government's own economic evidence states that longer Sunday opening will not generate more consumer spending and will lead to fewer retail jobs, so this is not a tool for economic regeneration and that longer Sunday opening is unpopular with the public – the latest survey showed 77% support the current opening arrangements and will have negative consequences for communities including shop-workers, who are already pressured to work longer hours than they wish on Sundays, convenience stores which are often a 'lifeline' to communities will lose trade and the government's evidence shows that some stores will close and Sundays will become more like any other day, making it harder to hold community events.

Council resolves to write to the Secretary of State for Business, Innovation and Skills and the Secretary of State for Communities and Local Government advising that this Council believes that the Sunday Trading Act has worked well for 20 years and ensures that Sunday remains a special day whilst allowing shops to trade.

Council further resolves to write to all local MPs outlining the Council's position.

### **Decision:**

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

### **D) Councillor Bowler, supported by Councillor Khan, submitted the following motion:**

The Council resolves

- i) to add a paragraph to Council Rule 17 as follows:

"Members of the public and applicants (or their representatives) may speak on planning applications at meetings of the Council's Planning Committee in accordance with procedures formally approved by that Committee" and

- ii) to instruct the Planning Committee to agree the detailed arrangements and procedures for the public and applicants (or their representatives) to address the Committee to take effect within three months of this Council meeting.

**Note:** This motion was taken forward without discussion for debate at the next ordinary meeting of the Council in accordance with Paragraph 16.2 (Amendment to Council Rules) of Part 1, Chapter 4 of the Constitution.

### **E) Councillor Maple, supported by Councillor Murray, submitted the following motion:**

The Council resolves to add the following paragraph to paragraph 2 in the Leader and Cabinet Rules in Part 4 of the Constitution:

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### 2.5 Questions at Cabinet meetings

30 minutes will be set aside at every Cabinet meeting for members of the public and Members of the Council to ask questions of Members of the Cabinet. The procedures for questions by the public and Members of the Council at Council meetings, as set out in Council Rules 8 and 9, will apply to questions at Cabinet meetings.

In accordance with rule 12.4 of the Council Rules a recorded vote on the motion was taken.

For – Councillors Bowler, Brown-Reckless, Cooper, Freshwater, Godwin, Johnson, Khan, Maple, McDonald, Murray, Osborne, Pendergast, Price, Shaw and Stamp (15)

Against – Councillors Avey, Bhutia, Brake, Carr, Mrs Diane Chambers, Rodney Chambers OBE, Chishti, Chitty, Clarke, Doe, Etheridge, Fearn, Filmer, Franklin, Griffin, Gulvin, Hicks, Howard, Iles, Jarrett, The Worshipful The Mayor of Medway, Councillor Kemp, Mackness, O'Brien, Opara, Potter, Purdy, Royle, Saroy, Tejan, Tolhurst, Tranter, Turpin, Wicks and Williams (34)

Abstain – Councillor Joy (1)

#### **Decision:**

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

**Mayor**

**Date:**

**Julie Keith, Head of Democratic Services**

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