

Medway Council
Meeting of Medway Council
Thursday, 21 January 2016
7.00pm to 11.04pm

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, Franklin, Freshwater, Gilry, Godwin, Griffin, Griffiths, Gulvin, Hall, Hicks, Jarrett, Johnson, Joy, Khan, Mackness, Maple, McDonald, Murray, O'Brien, Opara, Osborne, Pendergast, Potter, Price, Royle, Saroy, Shaw, Stamp, Tejan, Tolhurst, Tranter, Turpin, Wicks, Wildey and Williams

In Attendance: Neil Davies, Chief Executive
Dr Alison Barnett, Director of Public Health
Wayne Hemingway, Democratic Services Officer
Richard Hicks, Director of Regeneration, Community and Culture
Perry Holmes, Assistant Director, Legal and Corporate Services/Monitoring Officer
Julie Keith, Head of Democratic Services
Barbara Peacock, Director of Children and Adults Services
Phil Watts, Chief Finance Officer

666 Record of meeting

The records of the two meetings held on 15 October 2015 were agreed and signed by The Worshipful The Mayor of Medway as correct records.

667 Apologies for absence

Apologies for absence were received from Councillors Filmer, Howard and Purdy.

Council, 21 January 2016

668 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

Councillor Griffiths declared a disclosable pecuniary interest in agenda item 13 (Public Health Grant Cuts 2015/2016 – Health Visiting service) because he is a Non-Executive Director of Medway Community Healthcare (the service provider). He left the meeting during consideration of this item.

Other interests

The Worshipful The Mayor of Medway referred to agenda item 14 (Independent Remuneration Panel – Report on Members' Allowances), and asked for it to be placed on record that receipt by Members of their Council allowances was not a disclosable pecuniary interest and Members were, therefore, able to debate and vote on this item of business. For the avoidance of doubt, the Councillor Conduct Committee had granted a dispensation for all Councillors to this effect.

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

Councillor Price declared an interest in agenda item 13 (Public Health Grant Cuts 2015/2016 – Men's Sheds contract) because he is Chair of the Sunlight Development Trust (the service provider).

669 Mayor's announcements

The Worshipful The Mayor of Medway, on behalf of the Council, placed on record his sadness at the recent death of Stephen Kearney who had been a Member of the Council representing Gillingham South ward from 2001 until 2011, serving as Deputy Mayor in 2005/06. He noted that many Members attended Mr Kearney's funeral on 8 January 2016 and that he would be sadly missed. He stated that a letter of condolence would be sent to Mrs Kearney.

Councillors Bowler and Brake both paid tribute to Mr Kearney.

The Mayor congratulated, on behalf of the Council, Councillor Howard who had recently given birth to a baby girl.

The Mayor reported that Alison Barnett, Director of Public Health, would be leaving Medway in mid-February to take up a new job as Deputy Centre Director for Public Health England South East. He stated that Alison had served Medway well since 2008 and he extended Members' thanks and appreciation to her with best wishes for the future.

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

Deputy Mayor's Quiz – 4 March 2016

Mayor's Dinner Dance at the Corn Exchange – 2 April 2016.

Council, 21 January 2016

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.

670 Leader's announcements

There were none.

671 Petitions

Public petitions

There were none.

Member petitions

Councillor Jarrett gave notice that he would be submitting a petition regarding road safety issues in Capstone Road.

Councillor Mrs Diane Chambers submitted a petition containing 582 signatures regarding road safety issues in Capstone Road.

Note: This was in reference to the same petition.

672 Public questions

A) Samantha de Vere of Walderslade asked the Portfolio Holder for Resources, Councillor Gulvin, the following question:

“There are a high number of young wheelchair users in Medway. When it comes to disabled toilets there is only a hand rail, this is unsuitable for children who are incontinent and have pads. They need somewhere to be laid down to be changed.

I, personally, have had to lay a blanket on the floor and change my daughter on a dirty floor right below a toilet a number of times - this is degrading and makes you feel like a bad parent placing your child on a cold floor to be changed. Something so simple such as a trolley bed would make such the world of difference to so many parents / carers / children of Medway.

I understand that not every toilet in the Medway towns can be changed but just one, for example, in Chatham town centre, would be a massive achievement

Council, 21 January 2016

and make life so much easier for a lot of Medway residents. I personally sometimes dread the thought of going shopping as I know there is nowhere appropriate to change my daughter.

Can the Cabinet Member please let me know what the Council will do about this?"

Councillor Gulvin stated that the Council did have a small number of fully accessible toilets with changing benches suitable for both adults and young wheelchair users. The three facilities were located at Medway Park, Gillingham; the Community Hub in Rochester and Splashes Leisure Pool in Rainham. The Council was also exploring the possibility of providing a facility at Strood Leisure Centre. He stated these facilities were not particularly well promoted and the Council did need to make sure that this information was made publically available on its website and in other areas where the Council could advertise these facilities.

Councillor Gulvin also stated that in terms of Chatham, officers were shortly going to meet with the new owners of The Pentagon and had asked for this to be considered at that meeting. Therefore, he would wait to see what could be done there.

He stated that he would talk to Medway Norse to see if some reasonable facilities could be provided at Riverside and Capstone country parks.

He stated that it was very important that all young people, whatever their state of health, were able to get out in the fresh air and were able to enjoy the facilities and that he would certainly be doing his best to make sure that those facilities could be provided.

B) James Chespy of Gillingham asked the Portfolio Holder for Children's Services, Councillor O'Brien, the following question:

"Assuming the Portfolio Holder disassociates himself from the views of his predecessor that it is all the fault of the teachers, what does the Council intend to do to address poor attainment levels in primary schools?"

Councillor O'Brien stated that the Council was committed to working with schools and the Regional Schools Commissioner (RSC) to improve standards in primary schools.

This year the Council had run extensive training courses in Phonics, and for Year 2 and Year 6 teachers. The Council had paid for many maintained schools and academies to take part and had ensured that most schools were attending. The Council had contracted with the national charity Beanstalk to work with Medway's primary schools on reading with individual children.

He stated that there was a need to bring best practice from London into the primary schools in Medway and the Council had engaged 10 national leaders in education from outstanding London schools to provide help.

Council, 21 January 2016

He stated that there was also a challenge for the schools to improve and that the Council continued to do that with maintained schools through its own specialist staff. However, many of Medway's academies were performing poorly and the Council had met the RSC on several occasions to express concern so he could challenge academies – and he was pleased to report that the RSC had taken action as a result.

He stated that there were some excellent teachers in Medway but there were also teachers who did not have high enough expectations of children to help them reach their potential. He stated that whilst it was not possible to force that change in attitude, it could be showed what could be achieved in other schools, both in Medway and outside, where excellent teaching had led to high performance.

He also stated that it was necessary to get the whole community behind this to raise their aspirations for the children and for themselves. He stated that he was very proud to see so many young people leaving school now with high aspirations and this needed to be encouraged throughout the whole of the authority, by getting the community involved and backing Medway to get Medway learning.

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

“The Council's Wildlife, Countryside and Open Spaces Strategy 2008-2016 states that their vision includes the protection and improvement of Medway's countryside and its diversity of wildlife, and that this vision is to be placed 'at the very heart of the current and future plans' of the Council. Indeed, in response to a public question at October's Council Meeting, Councillor Doe confirmed that this vision remained 'very much central in the Council's thinking'. It is also noted that half of the authority's area can be classified as 'rural'.

If the local countryside and wildlife is of such importance to Medway Council, and in noting that there is no proper reference to 'wildlife' or the 'countryside' in the Council Plan 2015-16, can Councillor Jarrett explain why, according to the Council's website, no Member of his Cabinet has specific responsibility within their portfolio for the countryside, wildlife or similar matters?”

Councillor Jarrett confirmed that wildlife and countryside were covered under the Greenspaces element of Councillor Doe's portfolio – this is why Councillor Doe answered Mr Dyke's question on the Wildlife, Countryside and Open Spaces Strategy at the Council meeting in October.

He stated that he had set out fairly broad headings under each of the portfolio responsibilities for reasons of brevity as it could be seen that Councillor Doe's responsibilities were quite extensive. However, he stated that Mr Dyke had made a good and relevant point and that he would look at this again when Portfolio Holder responsibilities were reviewed.

673 Leader's report

Discussion:

Members received the Leader's Report and raised the following issues during the debate:

- Budget proposals 2016/2017
- Rochester Airport Enterprise Zone status
- Cultural offer/tourism
- Rochester Riverside proposals
- Chatham Waterfront proposals
- Children's services
- Medway Secure Training Centre – BBC Panorama programme
- Future Integrated Youth Support Services Delivery
- Affordable housing
- The wreck of SS Richard Montgomery
- Ofsted inspection of Children's Social Care services
- GCSE results
- Director of Public Health
- Early Years and Sure Start Children's Centres
- Local Enterprise Partnership funding
- University Technical College
- Opening of new Rochester railway station.

674 Report on overview and scrutiny activity

Discussion:

Members received a report on overview and scrutiny activity and raised the following issues during the debate:

- Risk management
- Gambling Act 2005 – Review of Council Statement of Gambling Policy
- Update on responsible gambling
- Scrutiny of budget proposals 2016/2017
- Forthcoming topics for in depth scrutiny reviews and update on Housing Task Group
- Medway Safeguarding Children Board Annual Report 2014/2015
- Added and Co-opted Members on the Children and Young People Overview and Scrutiny Committee
- Ofsted inspection of Children's Social Care services
- Annual Public Health Report
- Early Years and Sure Start Children's Centres
- Future Integrated Youth Support Services Delivery
- Report on the progress of the Improvement Plan for Medway NHS Foundation Trust (Medway Maritime Hospital)

Council, 21 January 2016

- Kent and Medway Joint Health Overview and Scrutiny Committee – special vascular services review and hyper acute and acute stroke services review
- Community Safety Plan
- Petitions
- Air Quality Action Plan
- Former Tesco store: Chatham
- Housing Strategy Annual Review
- Medway Secure Training Centre
- Local Plan.

675 Members' questions

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

“The failed EU negotiations on Britain's border controls will make the housing crisis worse in Medway. The majority of local councils, including Medway Council have a very serious and unfair housing crisis brought about by governments welcoming and literally squashing 8 million net extra EU citizens and other families into Britain's, including Medway's, small communities. Surely if the government wishes to welcome such large numbers of additional families to live in our communities then it is reasonable to expect the government to have provided money to Councils to build a minimum of 2 million additional new affordable homes.

Both Labour and Conservative governments have received over £20 billion additional tax in the last 15 years from EU and non EU citizens/families but have not funded Councils to build one additional house or flat for renting, specifically to accommodate these additional families seeking a new life in Britain and Medway. The information provided by the Office of National Statistics and used in the new Local Plan do not take account of current net migration to the UK currently running at one third of a million. It is expected that net migration will continue to England at 300,000 per year and would mean an additional 130,000 households a year.

Will Medway Council therefore substantially update the new Local Plan projecting 30,000 new homes and 7,000 affordable new homes over the next 20 years in the light of the collapse of the affordable housing market in London and net immigration figures running at a third of a million per year (350 new homes needed per day)?”

Councillor Doe stated that the issues and options report recently prepared as part of the Medway Local Plan was supported by a Strategic Housing and Economic Needs Assessment that was carried out by consultants on behalf of both Medway and Gravesham Councils. This document set out the required objectively assessed needs for Medway and was undertaken following the required procedures and calculations set out by Government.

Council, 21 January 2016

He stated that this included the consideration of statistics relating to birth and death rates and migration and immigration. The figures for Medway's requirements were therefore the most up to date available reflecting all information on population growth and movement.

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

"In the light of the serious recent allegations towards G4S regarding their conduct at Medway Secure Training Centre, could the Portfolio Holder please provide Council with an update on the situation as it stands?"

Councillor O'Brien stated that the Youth Justice Board commissioned the Secure Training Centre provision nationally across England. The Youth Justice Board (YJB) awarded the contract to run the Medway Secure Training Centre (STC) to G4S. G4S were responsible for employing the staff and running the day to day management of the Medway STC. The YJB were responsible for oversight of the contractual arrangements. Ofsted were the lead inspectorate for STCs and inspected STC provision in England in partnership with Her Majesty's Prison Inspectorate (HMPI) and the Care Quality Commission (CQC).

Kent Police were currently investigating the allegations made in the BBC Panorama programme relating to physical and verbal abuse and completing that first stage was the most important thing for now. After their investigations were complete, the Medway Safeguarding Children's Board would consider whether to conduct a review of the case/situation. The criteria for holding a Serious Case Review (SCR) were set out in Working Together 2015. The final decision on whether to conduct a SCR would rest with the Local Safeguarding Children's Board (LSCB) Chairman.

If the explicit criteria for holding a SCR were not met the Safeguarding Board could still decide to commission a SCR or choose to commission an alternative form of case review. The Safeguarding Board had a duty to consult with the national panel of independent experts on Serious Case Reviews that was established in 2013 in reaching this decision. Any review would thoroughly, independently and openly investigate the issues.

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

"There are currently 18,360 children under the age of 4 in Medway. How can the Portfolio Holder guarantee that these children and their families can continue to benefit from the support that all 19 Sure Start Centres provide in spite of a planned 35% budget cut?"

Councillor O'Brien stated that the Council was proposing that no children's centres should close, and that all 19 children's centres should continue to provide services for local families. Children's centre buildings would continue to be leased from the schools in which they were located, and would continue to provide a programme of activities and support to the local community.

Council, 21 January 2016

The review included how Medway's 19 Sure Start children's centres should be managed and staffed. At present the management of most children's centres was by the headteachers and governing bodies of schools, and the proposal was for these to be brought together so that overheads and back-office costs could be reduced.

The universal entitlements to nursery education and childcare – for all children aged three and four years, and for some children aged two years – would remain as a statutory function and would continue to be provided for all families in Medway. Nurseries, pre-schools, schools and childminders in Medway would continue to be funded to provide free nursery education and childcare.

The Council had to reduce its spending next year and in future years but would have to find ways to do so whilst minimising impact on children and their families. The proposals aimed to keep the most important services and support for children and their families in the local community, whilst making necessary savings.

D) Councillor Shaw asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following question:

“Christmas, I'm sure we can all agree is a time where most homes have an unusually high level of refuse.

Sadly, this Christmas residents of Medway have been seriously let down by the Portfolio Holder and Veolia. They've been left frustrated and angry by the lack of collection, which was a serious health risk, and by the poor communication of the change of plan, particularly those without access to the internet.

At a time where we, in this chamber, often discuss the public apathy toward politics, the public concern and outrage about this issue has been unprecedented and, in light of this, I call upon the Portfolio Holder to apologise to the people of Medway who have been so badly let down. Local bin men worked tirelessly to resolve the situation and it is now time for him to take responsibility.

But I want to ask Councillor Filmer directly if there has been any penalty for Veolia for this dereliction of duty and, what action will he be taking to ensure that this does not happen again?”

Councillor Chitty, on behalf of Councillor Filmer, provided a response to this question. She stated that she was aware that officers had provided a detailed response to Councillor Stamp on this matter including an apology and she added her own apology, on behalf of Councillor Filmer, for the inconvenience caused by the delays to local residents.

The plan was agreed between officers and Veolia as the simplest way to overcome the operational challenges presented by the way the Bank Holidays fell this Christmas. As with previous years, Christmas Day (Friday 25 December), Boxing Day Bank Holiday (Monday 28 December) and New Year's

Council, 21 January 2016

Day (Friday 1 January) were not days that collection crews were contracted to work, nor were the various disposal facilities obliged to accept Medway's waste.

Setting out to collect 6 days' worth of rubbish in 4 days was ambitious, admittedly, but possible. A combination of factors meant that the week quickly became much more of a struggle than anticipated, in summary this included:

- An increase of 300 tonnes more waste and recycling than for the same period in 2014.
- Veolia's operational difficulties.
- Although scheduled for collection on the Thursday, some areas of Gillingham already had vast amounts of waste already out on the Wednesday. The high winds were causing this to blow into the road and so crews took some of it early to reduce the hazard. This knocked them back and compounded on the already delayed schedule.

Most other councils changed their collection days over a 2 to 3 week period; some did not return to their normal schedules until Monday 18 January. She stated that whilst the plan did not go smoothly, Veolia did complete the Christmas clear up for all three services in just one week. Apart from a few minor clear ups first thing, collections returned to normal schedules on Monday 4 January.

She stated that she disagreed there was a dereliction of duty on behalf of the contractor. Things did not go to plan and there was some inconvenience caused but Veolia's staff worked hard to recover the situation and completed the challenge in just 4 days.

The calendar for Christmas 2016 would not present the same difficulties. There would be 4 straight days to collect 5 days' of waste and all disposal points would be open and the planning for this had already started.

She stated that in terms of communicating the schedule to residents, this year additional measures had been put in place to the usual Medway Matters and website notifications.

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

"At the previous Full Council meeting on the 15th October the following motion was agreed on a cross party basis and passed by Full Council:

"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

Council, 21 January 2016

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.”*

On December 16th you stated on BBC Radio Kent that “Medway is not able to house refugees”. What correspondence had Medway Council received by the 16th December which led you to making this statement as it seems to be contradictory to the information received by your party colleague and Leader of Ashford Borough Council Gerry Clarkson and if we had not received a substantive response by 16th December it is not clear on what basis you were making such a sweeping statement at odds with what this Council agreed?”

Councillor Jarrett stated that there was a very good reason why the quote in the final paragraph ‘Medway is not able to house refugees’ had no punctuation mark. This was because it was only part of what he had said. Councillor Jarrett informed Members that what he had said was entirely consistent with the two parts of the motion moved by this Council in October 2015 as follows:

“Medway is not able to house refugees until central government can guarantee the long term funding for local authorities to cover the additional cost this will inevitably bring. We cannot let vital services for local people suffer and therefore an assurance for long term funding is needed”.

Councillor Jarrett stated that this was the Administration’s position and that this was a very reasonable position.

He stated that the Government, in an exchange of correspondence with Medway, initially guaranteed funding to all Councils for one year and no funding for any period beyond that. The Government was then talking about a five year funding envelope and they wrote to all local authorities, including Medway

Council, 21 January 2016

(because Medway had asked them the specific question) and the Government said there would be full funding for the next year and a taper thereafter.

Councillor Jarrett stated that this was not good enough and that he had requested the Chief Finance Officer to write to the Rt. Hon. Richard Harrington MP on 20 January 2016 in response to the MP's letter dated 16 December 2015 regarding the support available to the local authorities to accept Syrian refugees under the Government's dispersal scheme.

Councillor Jarrett stated that this scheme did not provide the reassurance required by Members that it would not represent an additional burden on the Council's already overstretched resources.

He stated that the provisional settlement announced on 17 December 2015 represented a worse position for Medway Council than had been anticipated in the already pessimistic medium term financial planning assumptions. Even taking advantage of the 2% Council tax flexibility and identifying around £13 million of efficiencies for this year, the Administration was struggling to close the gap in order to budget for 2016-2017. He stated that the Council would be unwilling to take on the additional burden the dispersal scheme might represent unless there was a clear commitment from central government to cover the full cost of such a scheme over the medium term.

He stated that this clarified the Council's position and that position was entirely consistent with the decisions taken by Full Council.

F) Councillor Stamp asked the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty, the following question:

"Does the Portfolio Holder believe the Council provides adequate out of hours cover to protect residents from the impact of late night parties and regular noise nuisance, particularly given the fact that there is nobody on duty to investigate out of hours noise complaints on weekday evenings?"

Councillor Chitty stated that Medway Council had a statutory duty to take such steps as necessary and practical to investigate complaints of noise nuisance. There were ways that the Council could fulfil this duty without having staff on standby 24 hours a day. For instance, the Council would make use of noise recording equipment to gather evidence when an officer could not be present. Where there was evidence of a long-standing noise issue, officers would make site visits out of normal working hours at other times.

There was no doubt that the best service would be to have an officer available to attend at any time of the day or night. However, this was not practical or affordable.

Any increase in out of hours provision would be at the expense of other services and the Council therefore targeted the limited resources it had at its disposal to those days when, statistically, the Council received the most complaints, i.e. the weekends.

Council, 21 January 2016

She stated that this was where Members could help local residents if they were having difficulty in having their problems fully understood. She also stated that these provisions had been in place since 2003, therefore, any substantial difficulties would have been highlighted during that period of time.

G) Councillor Khan asked the Portfolio Holder for Adult Services, Councillor Brake, the following question:

“The recent CQC report on the Medway Foundation Trust shows that our local hospital has a long way to go to come out of special measures and it is clear that help from partners is needed to help them to do so.

Can the Portfolio Holder assure me that Medway Council is doing everything possible to ensure that the Council plays its part in making sure that patients discharged into community care are properly supported to help them recover?”

Councillor Brake stated that the CQC report on Medway Foundation Trust (MFT) was disappointing in that it clearly demonstrated that there were still major areas of improvement required to ensure that safe and high quality services in the hospital available to all the people in Medway who require them. However, it was encouraging to see the good performance in key areas such as maternity and children’s services, and he had been encouraged by the leadership demonstrated by Mrs Lesley Dwyer as she develops her new executive team.

He stated that Mrs Dwyer, as MFT Chief Executive, had acknowledged the significant contribution of all partners and especially Medway Council in tackling the challenges the hospital faces and he assured Members that the Adult Social Care Team continued to provide extensive support. The preparation of an effective winter plan ensured that the hospital remained in ‘green status’ all over the Christmas and New Year period, and that ensured good access to hospital beds through effective discharge arrangements. In the first weeks of January, when the hospital had come under more pressure, the ‘recovery’ period for the hospital to return to better flow of patients had been significantly shorter than previously seen.

The Council had maintained good and effective staffing in the Integrated Discharge Team; there had been good capacity both for residential and nursing home placements within Medway, and the vast majority of requests for home care packages have been met within 24 hours of request.

Councillor Brake assured Councillor Khan that everything possible was being done to support people to recover at home.

H) Councillor Murray asked the Leader of the Council, Councillor Jarrett, the following question:

“The Leader of the Council has confirmed the Council's intention to raise council tax in this year's budget by an additional 2% in order to help bridge the

Council, 21 January 2016

funding gap in adult social care provision. Can the Leader assure me that the extra taxation will help to improve adult social care services?"

Councillor Jarrett stated that whilst the Council would always like additional funding, he could provide Councillor Murray with the assurance she was looking for.

I) Councillor Bowler asked the Portfolio Holder for Resources, Councillor Gulvin, the following question:

"Local Governments throughout Britain are currently having their budgets cut and, here in Medway, we are in a position of having to find £42 million worth of savings.

With that as a backdrop could I please ask the Portfolio Holder to update Council as to how much it cost to refurbish and redesign the Gun Wharf car park including why he believes it more of a priority than many of the other services that the Council are currently cutting?"

Councillor Gulvin stated that the Council engaged Medway Norse, the Council's joint venture partner, to complete the works to reconfigure the Gun Wharf car park. The £20,065 cost would be funded from capital and so he was pleased to assure Councillor Bowler that this would not impact on the revenue budget which he made reference to in his question. Councillor Gulvin stated that both he and his Cabinet colleagues were confident that they would once again deliver a balanced revenue budget on 25 February but that he would leave the Leader to speak about that in good time.

He stated that, in fact, this particular project was not a priority for Cabinet. However, in the past year there had been an increase in the staff based at Gun Wharf such as Adult Social Care staff who moved to Gun Wharf in 2015. This followed firstly the decant of staff from the Compass Centre after the end of the Council's Lease there. It also followed staff leaving the Healthy Living Centres across the Borough where they had been based, so that the Council could avoid a £600,000 rental liability, after a change of policy by NHS Property Services. Those Adult Social Care staff were keen for there to be a reconsideration of car parking provision as part of the smarter working at Gun Wharf project.

A wide ranging review of all staff and Member car parking provision was conducted in the summer of 2015. Councillor Gulvin stated that the Leader and he were persuaded that to reflect the move to agile working and to give more flexibility to the increased numbers of staff based at Gun Wharf, therefore, a modest change to the car park was justified.

The detailed proposals for changes at Gun Wharf were then shared with the Unions and staff in July and received broad support. They were implemented just prior to Christmas.

Council, 21 January 2016

He stated that, overall, that £20,000 had been spent which had enabled the Council, by getting additional extra staff into Gun Wharf, to save many hundreds of thousands of pounds.

J) Councillor Osborne asked the Leader of the Council, Councillor Jarrett, the following question:

In your capacity as Senior Bridge Warden and as Leader of the Council, further to the Council purchase of Medway Tunnel in 2009, can you please provide a summary of expenditure undertaken by Medway Council on this asset, including any surveys, repairs and improvements?

Councillor Jarrett stated that due to the length of the reply he would provide Councillor Osborne with a detailed response in writing.

K) Councillor Cooper asked the Portfolio Holder for Children's Services, Councillor O'Brien, the following question:

"I am sure that Councillor O'Brien will join me and the rest of the Labour group in congratulating the University of Kent as we enter into the tenth year of them being based in Medway.

Could I ask the Portfolio Holder for an update on the progress of the Children's University Project which has been an important element of the relationship between Medway Council and the University of Kent?"

Councillor O'Brien stated that the Children's University had been promoted by the former Children's Trust and aimed to enable children and young people to engage in activities outside school which would raise their aspiration for higher education.

The resources for the Children's University ceased to be available 3 years ago and also the Children's Trust was disbanded.

He stated that there was still positive and closer partnership work and he, personally, worked very closely with the University to Kent to support children's learning outside school, for example, courses for gifted and talented mathematicians and cultural activities. The University of Kent was a much valued and valuable partner in Medway's education community.

676 Gambling Act 2005 - Review of Council Statement of Gambling Policy (Policy Framework)

Discussion:

This report provided details of proposals for a revised Council Statement of Gambling Policy, following consultation and consideration by the Licensing and Safety Committee, Business Support Overview and Scrutiny Committee and Cabinet as set out in the report.

Council, 21 January 2016

A Diversity Impact Assessment (DIA) had been undertaken on the proposed policy as set out in Appendix C to the report. The DIA indicated that there were no actions required, alternatives proposed or adverse effects to be addressed.

The Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty, supported by Councillor Mrs Diane Chambers, proposed the recommendation set out in the report.

Decision:

The Council approved the amended Statement of Gambling Policy, as set out in Appendix A to the report, in accordance with the policy framework rules.

677 Localising Support for Council Tax

Discussion:

This report provided details of proposals for the adoption of an amended Council Tax Reduction Scheme, following consultation and consideration by Cabinet on 15 December 2015. The Cabinet had recommended an amended Council Tax Reduction Scheme (CTRS) to Council for adoption reducing the maximum discount from 75% to 65% and enhancing the extended payments period from four to eight weeks.

A Diversity Impact Assessment had been undertaken on the proposed changes, as set out in Appendix 7 to the report with a detailed analysis set out in paragraph 3.3 of the report.

The Portfolio Holder for Business Management, Councillor Turpin, supported by the Leader of the Council, Councillor Jarrett, proposed the revised recommendation as tabled at the meeting.

“The Council is asked to approve a revised Council Tax Reduction Scheme as detailed at Appendix 5 to the report subject to paragraphs 96 (3) (a) (page 189 of the Supplementary Agenda) and 101 (3) (a) (page 192 of the Supplementary Agenda) being amended to reflect the Cabinet’s recommendation on 15 December 2015 to enhance extended payments from four weeks to eight weeks.”

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

“The Council is asked to approve a revised Council Tax Reduction Scheme as moved by Councillor Turpin and detailed at Appendix 5 to the report subject to the following revisions shown tracked below:

Amend paragraph 2 of Part 1 of Appendix 5 of item 12 of the Council Agenda (Page 51 of supplementary Agenda No.1 refers) so that it now reads:

Council, 21 January 2016

“2. This Local Council Tax Reduction Scheme is implemented by Medway Council and is intended to assist people in financial need, by the award of a reduction in their council tax liability. The Government has prescribed that the reduction given to pensioners will not be any less than they would have received under the previous Council Tax Benefit provisions. The Council has decided that this protection will be extended to working age applicants in receipt of a war pension.

The Council has prescribed that the local reduction scheme will result in all working age claimants being liable to pay a minimum of ~~35%~~ 20% of their annual council tax liability, alternative maximum council tax benefit (second adult rebate) will be withdrawn, and a deduction in respect of non dependants will be extended to include those on a mean tested benefit.”

And

Amend item 29A of Part 7 of Appendix 5 of item 12 of the Council Agenda (Pages 100-101 of supplementary Agenda No.1 refers) so that it now reads:

“**29A** (1) Subject to paragraphs (2) to (4), the amount of a person’s maximum council tax reduction in respect of a day is ~~20%~~ 80% per cent of the amount A/B where –

- (a) A is the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
- (b) B is the number of days in that financial year,

less any deductions in respect of non-dependants which fall to be made under paragraph 30A (non- dependant deductions – persons who are not pensioners).”

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

Decision:

The Council approved a revised Council Tax Reduction Scheme as detailed at Appendix 5 to the report subject to paragraphs 96 (3) (a) (page 189 of the Supplementary Agenda) and 101 (3) (a) (page 192 of the Supplementary Agenda) being amended to reflect the Cabinet’s recommendation on 15 December 2015 to enhance extended payments from four weeks to eight weeks.

678 Public Health Grant Cuts 2015/2016

Discussion:

This report provided details of the Government's 6.2% in year cut to the Public Health Grant for 2015/16 and how the in year cut to the Public Health Grant for 2015/16 (£1.04 million) for Medway Council would be managed.

It was noted that the impact of these cuts and associated risks were incorporated into the spreadsheet at Appendix A to the report and in the Diversity Impact Assessments (DIAs) at Appendix B to the report.

The Portfolio Holder for Adult Services, Councillor Brake, supported by the Portfolio Holder for Housing and Community Services, Councillor Doe, proposed the recommendations set out in the report.

In accordance with Rule 12.4 of the Council Rules, a recorded vote on the proposal was taken.

For – Councillors Avey, Bhutia, Brake, Carr, Mrs Diane Chambers, Rodney Chambers OBE, Chishti, Chitty, Clarke, Doe, Etheridge, Fearn, Franklin, Griffin, Gulvin, Hall, Hicks, Iles, Jarrett, The Worshipful The Mayor of Medway, Councillor Kemp, Mackness, O'Brien, Opara, Potter, Royle, Saroy, Tejan, Tolhurst, Tranter, Turpin, Wicks, Wildey and Williams (33)

Against – Councillors Bowler, Cooper, Craven, Freshwater, Gilry, Godwin, Johnson, Khan, Maple, McDonald, Murray, Osborne, Pendergast, Shaw and Stamp (15)

Decision:

- a) The Council agreed the proposed measures to redress the budget shortfall in Public Health as set out in paragraph 3.1 of the report and Appendix A to the report subject to consultation with staff.
- b) The Council authorised the Director of Public Health to consider the consultation responses received in respect of the proposals and to determine final redundancy proposals.

679 Independent Remuneration Panel - Report on Members' Allowances Scheme

Discussion:

This report provided details of the report (Appendix 1 to the report) and recommendations of the Independent Remuneration Panel (IRP), which met on 5 occasions between August - November 2015, of which 3 sessions were dedicated to interviews with Councillors and Council officers.

Council, 21 January 2016

The Portfolio Holder for Corporate Services, Councillor Mackness reported that Members would be aware of the considerable diligence taken by the IRP in coming to their findings. He placed on record the Council's appreciation of the work that the IRP had done.

The Portfolio Holder for Corporate Services, Councillor Mackness, supported by the Portfolio Holder for Resources, Councillor Gulvin, made the following proposal:

"The Council agrees at this stage to take no further action and to retain the current scheme of allowances.

The allowances will be index linked to staff pay awards.

It is important we also index link the dependant carers allowance to the average Medway Childminder rate."

Decision:

- a) The Council agreed at this stage to take no further action and to retain the current scheme of allowances.
- b) The Council agreed that the allowances will be index linked to staff pay awards.
- c) The Council agreed to index link the dependant carers allowance to the average Medway childminder rate.

680 Changes to the Senior Management Structure

Discussion:

This report provided details of the outcome of the consultation process on changes to the senior management structure following Cabinet approval to consult on the proposals on 27 October 2015 and the subsequent report to Cabinet on 12 January 2016, which set out a summary of consultation responses. It was noted that proposals had been aimed at delivering a slimmer senior management structure which would be considered more effective and fit for purpose, reflecting the priorities and shape of the organisation today but, more importantly, the demands of the future.

The report detailed the recommendations from Cabinet together with a number of required changes to the Constitution.

A Diversity Impact Assessment had been undertaken on the proposals, as set out in Appendix 6 to the report and based on the evidence available it was recommended to proceed with the proposed changes to the senior management structure.

Council, 21 January 2016

The Leader of the Council, Councillor Jarrett, supported by the Portfolio Holder for Housing and Community Services, Councillor Doe, proposed the recommendations set out in the report.

Decision:

- a) The Council agreed to delete the following posts:
 - Deputy Director Regeneration Community and Culture
 - Assistant Director Customer Contact, Democracy and Governance
 - Assistant Director Communications, Performance and Partnerships
 - Assistant Director Organisational Services
 - Assistant Director Housing and Regeneration
 - Head of Greenspaces, Heritage and Libraries
 - Head of Regeneration and Economic Development
 - Head of LGF Projects.
- b) The Council agreed, in order to capture the importance of environmental services for residents and to reflect the priorities of the Administration, that the new directorate be named Regeneration, Culture, Environment and Transformation.
- c) The Council agree that the following new posts should be created in the Regeneration, Culture, Environment and Transformation directorate
 - Assistant Director Transformation
 - Assistant Director Physical and Cultural Regeneration
 - Head of Transformation
 - Head of Regeneration Delivery.
- d) The Council agreed to change the job title of Assistant Director Legal and Corporate services to Chief Legal Officer.
- e) The Council agreed to transfer responsibility for Elections and Members' Services and Democratic Services to the Chief Legal Officer.
- f) The Council noted the proposals laid out in 4.3.1 of the report regarding the transfer of Grounds Maintenance to Norse and taking account of the budget set on 25 February 2016.
- g) The Council agreed to continue to integrate public health services across the Council noting that the Director of Public Health (DPH) is a joint appointment with Public Health England and there will be a vacancy from March 2016, the Chief Executive will make recommendations to Members in due course on options for filling this post.
- h) The Council agreed that the organisational change will be undertaken, creating the new Regeneration, Culture, Environment and Transformation directorate (Appendix 4 to the report) and revised Chief

Council, 21 January 2016

Executive and Business Support Department (Appendix 5 to the report) on 1 April 2016.

- i) The Council agreed to designate the Head of Democratic Services as the Council's statutory Scrutiny Officer with immediate effect and amend paragraph 11.1(b) in Article 11 of the Constitution accordingly.
- j) The Council agreed to approve other changes to Article 11 of the Constitution as set out in Appendix 7 to the report with effect from 1 April 2016.
- k) The Council agreed changes to the Employee Scheme of Delegation as set out in Appendix 8 to the report, noting that the Leader of the Council will agree any changes to delegations relating to executive functions, with effect from 1 April 2016.
- l) The Council agreed, with effect from 1 April 2016, that scrutiny of all the areas of responsibility of the new Assistant Director Transformation, Chief Legal Officer and Chief Finance Officer should be within the terms of reference of the Business Support Overview and Scrutiny Committee and that scrutiny of the responsibilities of the Director of Public Health should remain as set out in the current terms of reference of the Council's Overview and Scrutiny Committees.
- m) The Council agreed, with effect from 1 April 2016, that the current Regeneration, Community and Culture Overview and Scrutiny Committee be renamed the Regeneration, Culture and Environment Overview and Scrutiny Committee and that the Constitution be amended accordingly.
- n) The Council agreed, with effect from 1 April 2016, that responsibility for scrutiny of Bereavement and Registration Services should transfer from the Business Support Overview and Scrutiny Committee to the Regeneration, Culture and Environment Overview and Scrutiny Committee.
- o) The Council noted that a revised senior management structure chart will replace the current chart at Chapter 7 of the Constitution.
- p) The Council authorised the Chief Legal Officer to substitute the correct Directorate titles and job titles throughout the Constitution to reflect the new Senior Management Structure insofar as this makes no changes to established practice or procedures.

681 Acquisition and Disposal of Land and Property

Discussion:

This report advised the Council that the acquisition and disposal of property were executive functions and as such must be dealt with by the Leader and

Council, 21 January 2016

Cabinet, subject to budget and policy framework rules. The effect of this would mean that any general land or property acquisitions exceeding £1 million in value would be a matter for the Cabinet in future. As such, the Council's Constitution needed to be revised to reflect this as set out in Appendix A to the report.

Following Cabinet on 12 January 2016, the Leader had confirmed and extended the authority delegated to the Assistant Director, Legal and Corporate Services at the Council meeting on 15 October 2015, which would enable the disposal (in addition to acquisition, management and letting) of suitable non-operational investment properties funded by a £2million sum added to the Capital Programme.

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

Councillor Maple proposed the following amendment:

"Delete paragraph 7.2 of item 16 of the Council agenda and replace it with:

That the Council notes the proposal in paragraph 6.5 of the report and in order to maintain a similar level of transparency that the Constitution is amended as proposed with the addition of the requirement for a report from the Cabinet to be given for information to the Council of land and property transactions over £500,000 agreed by the Cabinet.

And

Add the following to paragraph 5.1 of Appendix A to item 16 of the Council Agenda:

- Cabinet land and property transactions over £500,000 to be reported to the next Council meeting for information."

Under Council Rule 11.4.2 and with the consent of the Council, Councillor Mackness and the seconder of the proposal agreed to alter the proposal to include the proposed amendment.

Decision:

- a) The Council noted advice that, in law, the acquisition and disposal of land and property are executive functions and as such must be dealt with by the Leader and Cabinet unless contrary to the policy framework or contrary to or not wholly in accordance with the budget approved by Full Council.
- b) The Council noted the proposal in paragraph 6.5 of the report and in order to maintain a similar level of transparency agreed that the Constitution is amended as proposed (in paragraph 7.2 and Appendix A

Council, 21 January 2016

to the report) with the addition of the requirement for a report from the Cabinet to be given for information to the Council of land and property transactions over £500,000 agreed by the Cabinet.

- c) The Council agreed to add the following to paragraph 5.1 of Appendix A to the report:

“Cabinet land and property transactions over £500,000 to be reported to the next Council meeting for information.”

682 Added and Co-opted Members on the Children and Young People Overview and Scrutiny Committee

Discussion:

This report provided details of the current issues relating to the seats on the Children and Young People Overview and Scrutiny Committee for voting and non-voting co-opted members and sought agreement to some changes to current arrangements recommended to the Council by the Overview and Scrutiny Committee at its meeting on 8 December 2015.

The Chairman of the Children and Young People Overview and Scrutiny Committee, Councillor Royle, supported by Councillor Wicks, proposed the recommendations set out in the report.

Decision:

- a) The Council agreed the following revised arrangements for the appointment of a headteacher and teacher to the Children and Young People Overview and Scrutiny Committee, to take effect from Annual Council on 18 May 2016:
- i) Continue with places on the Committee for one headteacher and one teacher but, where possible, depending on expressions of interest received, require one to be employed in a primary school and one in a secondary school.
 - ii) Where possible, depending on expressions of interest received, one Headteacher/teacher place is designated for a person working in a local authority- maintained primary school in Medway and the other to a person working in a non-maintained school, for example, an academy.
 - iii) That the selection criteria, attached at Appendix C to the report, be used to assess the expressions of interest received for selection to the two positions.
 - iv) Expressions of interest to the two positions be invited via the School Information Bulletin and that the Director of Children and Adults Services consider each against the selection criteria (Appendix C).

Council, 21 January 2016

The Director should then, in consultation with the Chairman, Vice Chairman and Opposition Spokespersons of the Children and Young People Overview and Scrutiny Committee, forward recommendations for appointment to the Children and Young People Overview and Scrutiny Committee for onward referral to Council for approval.

- v) Appointments be made for a two year term and the types of schools represented by the headteacher and teacher be rotated and re-appointed to after each two year term.

- b) The Council agreed that the Medway Youth Parliament (MYP) representative positions on the Committee are designated to specific roles on the MYP, as follows:
 - The existing Chair of the Medway Youth Parliament
 - An existing member of the Medway Youth Parliament Cabinet
 - Substitute – An existing member of the Medway Youth Parliament Cabinet.

683 Contract Letting - Exceptional Circumstances

Discussion:

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

The Portfolio Holder for Resources, Councillor Gulvin, reported that the figure in paragraph 4.1 of the report should read £200m.

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

Decision:

The Council noted the contents of the report.

684 Schedule of Meetings 2016/2017

Discussion:

This report provided details of a provisional programme of meetings for the 2016/2017 municipal year for recommendation to the Council's annual meeting on 18 May 2016.

The Worshipful The Mayor of Medway, Councillor Kemp, supported by Councillor Shaw, proposed the recommendation set out in the report.

Council, 21 January 2016

Decision:

The Council agreed a provisional programme of Council and Committee meetings for 2016/2017 as set out in Appendix A to the report for recommendation to the annual meeting of the Council on 18 May 2016.

685 Shared Service - Internal Fraud and Counter Fraud - Use of Urgency Powers

Discussion:

This report details provided details of decisions taken by the Cabinet and the Chief Executive under the urgency provisions contained within the Constitution, in relation to the Shared Service – Internal Fraud and Counter Fraud.

The Portfolio Holder for Corporate Services, Councillor Mackness, supported by the Portfolio Holder for Resources, Councillor Gulvin, proposed the recommendation set out in the report.

Decision:

The Council noted the report.

686 Motions

A) 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 originally submitted to Full Council on 15 October 2015 where it was proposed by Councillor Bowler and supported by Councillor Khan. It was taken forward without discussion for debate at this meeting of the Council in accordance with Paragraph 16.2 (Amendment to Council Rules) of Part 1, Chapter 4 of the Constitution.

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

Council, 21 January 2016

B) Councillor Maple, supported by Councillor Murray, submitted the following motion:

Council notes the positive contribution that our trade union colleagues make to the best possible delivery of public services in Medway. Through partnership rather than conflict, trade unions represent their members, assist in the development of a safe and decent working environment, and add to the overall ethos of Medway as an attractive place to work.

Council is alarmed at the way in which the Trade Union Bill seeks to tear up the collaboration between employers and trade union members, and the potential impact this will have on Medway Council, and many other workplaces across Medway. The attacks on the right to strike, on the freedom of speech, and by making it more difficult for trade union members to pay their subscriptions are not just an attack on the trade union movement, but an attack on our fundamental rights in a democratic society.

Council therefore resolves the following:

- To continue to offer a “check-off” service - the ability of trade union members to have their subscriptions deducted at point of payment -to all members of staff at Medway Council, in spite of Government attempts to stop it. If this is not possible, to come up with a local plan to enable alternative methods of payment.
- To support the continuation of Trade Union Facility Time, in recognition of its contribution to reduced litigation and a healthier and safer working environment, and in promoting a positive working environment.
- To clearly reaffirm Medway Council’s commitment to being a friendly environment for trade unions, to welcome their development, and to work in partnership with trade unions, not in conflict.

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

Mayor

Date:

Julie Keith, Head of Democratic Services

Telephone: 01634 332760

Email: democratic.services@medway.gov.uk