

Medway Council
Meeting of Medway Council
Thursday, 13 October 2016
7.00pm to 10.08pm

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 Tranter)
The Deputy Mayor (Councillor Opara)
Councillors Avey, Bhutia, Bowler, Brake, Carr, Chishti, Chitty, Clarke, Cooper, Craven, Doe, Fearn, Filmer, Franklin, Freshwater, Gilry, Godwin, Gulvin, Hall, Hicks, Iles, Jarrett, Johnson, Joy, Kemp, Khan, Maple, Murray, Osborne, Potter, Price, Purdy, Royle, Saroy, Shaw, Stamp, Tejan, Tolhurst, Turpin, Wicks, Wildey and Williams
- In Attendance:** Neil Davies, Chief Executive
Wayne Hemingway, Democratic Services Officer
Richard Hicks, Director of Regeneration, Culture, Environment and Transformation
Perry Holmes, Chief Legal Officer/Monitoring Officer
Julie Keith, Head of Democratic Services
Ian Sutherland, Interim Director, Children and Adults Services
Phil Watts, Chief Finance Officer

358 Record of meeting

The record of the meeting held on 21 July 2016 was agreed by The Worshipful The Mayor of Medway as a correct record.

359 Apologies for absence

Apologies for absence were received from Councillors Mrs Diane Chambers, Rodney Chambers OBE, Etheridge, Griffin, Griffiths, Howard, Mackness, McDonald and Pendergast.

360 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Council, 13 October 2016

Other interests

There were none.

361 Mayor's announcements

The Worshipful The Mayor of Medway, on behalf of all Members, placed on record the Council's sincere condolences to the families of Councillor Mike O'Brien and Andy McGrath, the former Assistant Director of Front Line Services, both of whom had sadly passed away since the last Council meeting.

The Leader of the Council, Councillor Jarrett, the Leader of the Labour Group, Councillor Maple and the Leader of the UKIP Group paid tribute to Councillor Mike O'Brien and Andy McGrath.

Councillors Jarrett and Maple also paid tribute to Anne Moloney (Vice-Chairman of Snodland Town Council in the Chatham and Aylesford constituency) who had sadly passed away earlier in the week.

There followed a minute's silence.

The Mayor reminded Members that he was raising money for Christians Against Poverty during his term of office as Mayor and sought Members' support for the various events that would be taking place. He stated that tickets were still available for a Murder Mystery Night on 12 November, Show Stoppers, a musical evening on 21 January and a Charity Chinese Night at Confucius Restaurant on 24 January.

The Mayor reminded Members to avoid repeating points made earlier in each debate so that business could be dealt with efficiently and to enable contributions from across the floor before it would get too late into the evening.

The Mayor also asked Members to speak clearly into the microphones to ensure people in the public gallery could hear. As the acoustics in this building were challenging and there were additional issues with the audio-visual equipment, it would also be helpful if Members did not engage in unnecessary private conversations which could be distracting to others who were speaking or listening in the public gallery.

The Mayor stated that this meeting was being audio recorded and the recording would be made available on the Council's website. He also stated that questions would no longer be projected on the big screens in response to feedback but copies of the agenda, including questions, had been provided on every seat in the public gallery and some large font versions were also now available.

The Mayor announced Councillor Saroy's recent engagement and he congratulated her, on behalf of all Members.

Council, 13 October 2016

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

362 Leader's announcements

There were none.

363 Petitions

Public petitions

There were none.

Member petitions

Councillor Cooper submitted a petition containing 405 signatures which asked for the reinstatement of the 176/177 Arriva bus services to ASDA Gillingham Pier.

Councillor Godwin submitted a petition containing 89 signatures which asked the Council to implement a traffic calming scheme to reduce the speed of traffic in Magpie Hall Road, Chatham.

Councillor Osborne submitted a petition containing 392 signatures which opposed any development of Capstone Valley.

Councillor Wildey submitted a petition containing 38 signatures which asked for a road crossing on Sultan Road, Lordswood.

Councillor Williams submitted a petition containing 195 signatures on behalf of the Cliffe Woods Action Group which opposed planning application MC16/3669225 - Land of West of Town Road, Cliffe Woods.

Councillor Williams submitted a petition containing 152 signatures on behalf of the Cliffe Woods Action Group which opposed planning application MC16/374250 Retirement Homes Land South of View Road, Cliffe Woods.

364 Public questions

A) Fred Montague of Chatham asked the Leader of the Council, Councillor Jarrett, the following:

"I, with many of my neighbours, especially those with young families whose children attend the Balfour Schools (infants and juniors) are very concerned about the auto gyros flying over such a densely populated area.

One of the main concerns is the possibility that one of the auto gyros, or other rotary winged aircraft, develop a mechanical failure, even worse the pilot becoming unwell, whilst overflying any of this area and then subsequently

Council, 13 October 2016

crash. If this should happen whilst the children are in school there would be a greater number of lives affected.

What plans do the Council have to prevent this situation occurring?"

Councillor Jarrett stated that the airport operator, who was responsible for the management of aircraft which took off and landed at Rochester Airport, had an exemplary safety record. Their activities were licensed and regulated by the Civil Aviation Authority, which held statutory powers to control the activities of the airport and its operations.

Councillor Jarrett stated that whilst there should never be any complacency over safety, the appropriate controls and checks seemed to be in place for this activity.

B) Wendy Montague of Chatham asked the Leader of the Council, Councillor Jarrett, the following:

Note: Wendy Montague was present at the meeting. At her request and with the agreement of the Mayor, Fred Montague read her question on her behalf.

"This Council, in supporting the Rochester Airport plans to concentrate and intensify all flights to or from the airport over a residential area, are heightening the likelihood of a stricken aircraft, helicopter or Gyrocopter crashing onto a nearby home, school, motorway or high-speed rail link.

Why has this Council not commissioned an independent community safety risk assessment for the appropriateness of their dangerous airport plans for which the CAA avoids responsibility?"

Councillor Jarrett referred to his previous response (to public question A) in that the Airport's operations were licensed by the Civil Aviation Authority (CAA), the leading body in the UK that governed the operations of Airports, including safety compliance. The plans for Rochester Airport would be subject to the CAA's scrutiny, as they were the appropriate body to undertake this work.

C) Theresa Turner of Gillingham had submitted the following question to the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness:

"With regard to the Medway Test, how can it be fair to give the children different topics for creative writing?"

Children who sit the test on the Saturday have the opportunity to research what the topics are and study to prepare for it. To make it a fair test all the children should have the test on the same day with the same creative writing topic. If it means all children have the test in a test centre so be it. At least it would all be fair."

Council, 13 October 2016

As Theresa Turner was not present at the meeting, she would receive a written response to her question in accordance with Council Rule 8.6.

D) Kelly Hayman of Gillingham had submitted the following question to the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness:

“Due to the number of children that have been affected by the Medway Test and they've been underscored by your formula, but Medway state that the overall result is correct, there was a sudden surge of parents now wanting to send their child to Brompton Academy because it is the elite school in education after the grammar schools.

Therefore, my question is how will this affect children such as mine who didn't take the Medway Test, but took the fair banding test?

In my case, we already have a sibling there, however, I would like it clarified how this selection of pupils will now be done due to the sudden surge of panicking parents.”

As Kelly Hayman was not present at the meeting, she would receive a written response to her question in accordance with Council Rule 8.6.

E) Flick Foreman of Cuxton asked the Leader of the Council, Councillor Jarrett, the following:

“Women across the UK, including, like me, many here in Medway, born on or after the 6th April 1951 had significant pension changes imposed upon them by the Pension Acts in 1995 and 2011. But those women were given little or no personal notification of these changes. We were given as little as two years notice of a six year increase to their state pension age.

So many of us who have been affected are suffering financially and are being penalised because of our gender and our date of birth. We spent our lives expecting to be financially secure when we turned sixty only for that all to change. We have been campaigning for justice and equality and our fight will go on until we achieve that. We want the government to consider introducing transitional arrangements for women born on or after the 6th April 1951. As a Medway resident who is affected by these changes I ask the Leader of the Council if he will support our campaign, if he will support our fight for justice and what the Council will do to help us?”

Councillor Jarrett stated that this matter was related to the national state pension scheme and was a matter for Government. As such, it was not specifically relevant to the Local Government Pension Scheme adopted by the Local Authority.

He stated that, as Leader of the Council, he noted Ms Foreman's comments that this affected residents within Medway and that he was pleased to hear that Kelly Tolhurst MP had held a number of discussions with constituents on this

Council, 13 October 2016

matter. He stated that the Motion at agenda item 19B related to this matter and that this would be discussed later in the meeting.

F) James Chespy of Gillingham asked the Portfolio Holder for Resources, Councillor Gulvin, the following:

“Can the Portfolio Holder please tell me what the Council’s plans are to make improvements to the public toilets in Sapper Walk, Gillingham including reference to the following:

- Refurbishment in the current financial year
- Permanent staffing?”

Councillor Gulvin stated that the refurbishment of the Sappers Walk toilets in the current financial year had been discussed and it had been concluded, unfortunately, that due to budgetary constraints the refurbishment would have to be considered in the next financial year.

The Sappers Walk toilets had been highlighted to the Council’s partner agencies and the Police would be making daily visits to the toilets to discourage any anti-social behaviour or drug use. These discussions had also highlighted that future refurbishment works would also consider preventative measures around the use of drugs such as a blue light system to prevent intravenous injections.

Councillor Gulvin stated that, in the meantime, the Council would consider fitting a sharps receptacle that would protect other users of the toilets and also cleaning staff who were at risk from sharps that had been left lying around in those premises.

Councillor Gulvin advised, in terms of staffing, that the Council did not have budgetary provision for permanent staff, but the steps he had just outlined were aimed at addressing the anti-social behaviour currently taking place there.

G) Bill McLennan of Rochester asked the Leader of the Council, Councillor Jarrett, the following:

“Medway Council settled my Rochester Airport High Court judicial Review by conceding to claim 4. The claim evidenced a significant number of errors in the assessment of noise during the planning approval which included the unverified Planning Officer’s statement that the council’s noise consultant, MAS, had advised “the proposed development is unobjectionable in noise terms.”

In truth the MAS letter dated 4th February 2014 raises concerns on noise impact.

Please explain why Medway Council conceded to claim 4 in the High Court consent Order, as it contradicts and exposes Medway Council’s well publicised Rochester Airport Futures leaflet statement “which will result in less noise than at the moment,” as false and misleading.”

Council, 13 October 2016

Councillor Jarrett stated that claim four of the Judicial Review proceedings contended that the MAS consultation response had not been appropriately disclosed to the Planning Committee. The Council did concede that there was a procedural error in not providing the full MAS consultation response to the Planning Committee, but in the circumstances he did not agree there was any contradiction.

H) Jim Brewood of Chatham asked the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty, the following:

“This Local Planning Authority decided an Environmental Impact Assessment (EIA) is not required for the Rochester Airfield planning application.

At my request, The Secretary of State considered the decision and issued a direction to both Medway and Tonbridge and Malling Council on 26 May 2016 that an EIA is required for the contentious Rochester airfield reconfiguration.

Would you explain to us how the Medway Council planning department armed with the same information as the Secretary of State, failed to understand this development is EIA required, yet repeated their error of judgment not once but twice, when public safety, welfare and the environment are at stake.”

Councillor Chitty stated that the Council had obtained a screening opinion in relation to the requirement, or otherwise, for an Environmental Impact Assessment (EIA) on both occasions this issue had come to the Planning Committee. In considering the position, the Council took the current operational level at the Airport as its baseline, assessing any potential increase against that.

Councillor Chitty stated that the Secretary of State, as they were entitled to do, had taken a different view. The Secretary of State had, instead, considered that there was no baseline against which any increase could be judged, as the operation of the airport significantly pre-dated any environmental impacts, and that being the case, an EIA had not been carried out previously.

She stated that this was not an instance where information had been misunderstood, but rather one where the exercise of professional judgement had reached a different conclusion. Simply because a different conclusion had been reached did not mean that the contrary view was wrong, this was simply a matter of judgement.

I) Rita Mew of Rochester asked the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty, the following:

“The Medway Council publication "Rochester Airport Futures leaflet" issued 2012-13 distributed to 6,500 local homes asks a question, "Will this mean more aircraft noise from the airport?" for the proposed airport plans.

Council, 13 October 2016

Why would the reference years for aviation activity at Rochester Airport in the forthcoming Environmental Impact Assessment not be based on the years 2012 and 2013 respectively, to align and validate Medway Council's expectation setting to local residents of less noise for the future plans?"

Councillor Chitty stated that the Environmental Impact Assessment (EIA) to support the planning application for the proposed runway was currently being prepared by the planning and noise consultants acting on behalf of the airport. The Council's independent noise consultants had provided some comments on the methodology to be used in the noise assessment.

In addition, the Airport was using new noise consultants in the preparation of EIA and they had been provided with comments of the noise consultants previously appointed by the Airport development objectors, as well as the Secretary of State's decision to require an EIA. Once the EIA had been formally submitted to the Council, it would then be subject to public consultation as well as full assessment by the Council's independent consultants prior to any recommendation or decision being made by the Planning Committee.

J) Paul Chaplin of Rainham asked the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:

"The building of the first new Council housing in Medway for over 40 years is very welcome, but a drop in the ocean given the acute shortage of affordable housing to rent in the area.

Considering the financial difficulties that this Tory administration finds itself in following continuing cuts to local Government, how, and when, does the Council plan to fund the next Council housing build?"

Councillor Doe stated that the provision of new Council housing in Medway was indeed very welcome and he thanked Mr Chaplin for his kind comments on this.

Councillor Doe stated that the Council was committed to trying to increase the supply of affordable housing in what was a difficult environment. As well as directly funding the supply of housing, the Council was investigating alternative methods of funding and opportunities to access external funding. These alternative options included working with other housing providers on joint opportunities to develop existing sites, both within the Council's ownership and areas of land within Medway identified through the Local Plan, as well as exploring other delivery models.

He stated that the Council would be working to ensure the provision of affordable housing in Medway continued as a key priority, and the Council's Housing Strategy set out clearly how the Council would achieve this. For example, on an ongoing basis the Council worked with house builders on development sites to maximise the number of affordable homes within major developments.

Council, 13 October 2016

He stated that as a result of these initiatives, the Council would continue to seek to ensure a supply of new build affordable housing was provided within Medway.

K) Vivienne Parker, on behalf of Unison Medway Health Branch, asked the Portfolio Holder for Adult Services, Councillor Brake, the following:

“Why has the GUM (genitourinary medicine) Clinic been moved to Clover Street when there are only 3 parking spaces for staff and everyone else has to pay over £5 per day in the local car parks and many of the bus services have finished by the time the Clinic closes at 7.30pm on weekdays?”

Councillor Brake stated that Medway Council was the commissioner of the Integrated Sexual Health Service, with Kent Community Health Foundation Trust being the chosen provider. The integrated service had replaced the existing fragmented sexual health services across Medway. Consultation took place to help understand what the Integrated Sexual Health Service should be like; this consultation confirmed the need for accessible services in both time and location. A specially refurbished premise at 4 Clover Street was deemed to be an appropriate location and opening times were extended into the evening. Staff representatives were consulted on both the location and design of the clinical space.

He stated that 4 Clover Street had 5 car parking spaces available. However, the Council was not responsible for the terms and conditions of the service staff; the assignment and reimbursement of parking fees was an internal matter for Kent Community Health Foundation Trust.

L) Tony Jeacock of Rainham asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following:

“Since Medway Council’s introduction of the £25 fee for the collection of larger items of refuse, which many people can ill afford, the instances of local fly-tipping are on the increase, thus spoiling the local residential environment for others and potentially attracting vermin.

Not only does this deter discerning people from moving into the area, it can potentially serve to drive equally discerning people out in an endeavour to relocate to a more attractive area. In the meantime the regularly fly-tipped area goes further downhill, added to which it becomes a health hazard to the local community.

Given that many such items of refuse are too large to transport to the local refuse tip in the back of a car and given that the local refuse tips do not permit access for towed trailers or vans, will the Portfolio Holder consider either dropping the £25 fee altogether, or perhaps reducing it significantly, thereby helping people to help themselves in maintaining an environment to be proud of throughout the Medway Towns, and if not, why not?”

Council, 13 October 2016

Councillor Filmer stated that the standard fee for this service was £20, not £25 and this fee covered up to three items. This charge was comparable to or below typical fees charged across England and Wales.

He stated that he thought it would be helpful to explain the background to the introduction of this fee. It was part of a package of proposals in the budget setting process to help maintain the delivery of the Council's front line services. There was never an expectation that the introduction of this charge would reduce fly tipping, and the Council would be reporting on the effect the fee may have had on fly tipping once there was a year's worth of data to analyse.

He stated that the Council provided an extremely generous waste service offer: three household waste sites, weekly kerbside collections and a free-to-use garden waste collection service. This offer was the envy of many and was far in excess of what was available elsewhere.

He also stated that it was worth reminding fly tippers that their actions were against the law and if caught, the Council would prosecute.

M) Isaac Igwe of Strood asked the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness, the following:

"Over 1300 pupils and their families have been impacted by another Medway Test shambles, many of whom live in Strood. Given this utter fiasco does the Portfolio Holder accept responsibility and could he please inform me and my fellow residents what steps he will be taking to ensure that this does not happen again so that parents can have confidence in the process?"

The Portfolio Holder for Educational Attainment and Improvement, Councillor Potter, answered this question on behalf of the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness.

Councillor Potter stated that the Medway Test outcome decision and total score published for all pupils were accurate.

The extended writing score was incorrectly published for those assessed as non-selective (non-grammar).

He stated that he was sorry for the concern and confusion this may have caused parents at what was a very important time in their child's education.

He stated that the quality assurance processes for the Medway Test were being reviewed and would be adjusted accordingly. He stated that the Council had also extended the deadline for parents to submit a review request to 10am on Monday, 10 October.

365 Leader's report

Discussion:

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

- A sustainable Medway Council
- Changes to Local Government, including devolution proposals
- Skills for the future
- Proposals for Hook Meadow and White Road Community Centres
- Unaccompanied asylum seeking children
- Airport proposals
- Medway Test
- Proposed development at Lodge Hill
- Dickens World closure
- Mental Health workshop
- Medway Norse services
- Public toilets refurbishment across Medway.

366 Overview and scrutiny activity

Discussion:

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

- Government Consultation: 100% Business Rates Retention
- Special Educational Needs and Inclusion Strategy 2016/2020
- Short Breaks Provision for Children with Disabilities and the Local Offer
- Development of a Regional Adoption Agency
- Kent and Medway Sustainability and Transformation Plan
- NHS Medway Clinical Commissioning Group Five Year Strategy 2016/2021 and Operating Plan 2016/2017
- Mental Health provision
- Responsible Gambling
- Medway Black History Trust.

367 Members' questions

The Mayor stated that he would vary the order of questions to enable question 10E from Councillor Price to be taken after question 10B from Councillor Purdy, in the interests of variety of balance.

A) Councillor Bhutia asked the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness, the following:

“Considering the ambition, in setting up the Medway Commercial Group, with a view to using it to its fullest potential, are you exploring if there are other services where this kind of model may be effective?”

The Portfolio Holder for Adult Services, Councillor Brake, answered this question on behalf of the Portfolio Holder for Children’s Services (Lead Member), Councillor Mackness.

Councillor Brake stated that Medway Commercial Group (MCG) was a wholly-owned Local Authority Trading Company of Medway Council.

He stated that MCG was currently creating strategic partnerships with key private sector organisations, which would increase MCG’s presence nationally. MCG would welcome the opportunity to assist the Council in exploring the feasibility of further services being encompassed within the MCG model.

He stated that if there were services that would benefit from being placed in a commercial organisation, rather than being part of the Council’s direct delivery, then MCG would give consideration to that particular service area and feasibility work could be undertaken.

He concluded by stating that MCG operated in a very commercial way, and there were clear potential benefits for a wide range of services to be delivered through that operating model. MCG would be happy to open discussions with services on this.

B) Councillor Purdy asked the Portfolio Holder for Adult Services, Councillor Brake, the following:

“Taking into account the difficult and worsening financial circumstances that all local authorities are in, can you outline how Medway Council’s work surrounding obesity will continue to make impactful progress?”

Councillor Brake stated that tackling obesity was one of Medway Council’s key health and wellbeing priorities.

He stated that in his role as Adult Services and Health Portfolio Holder, and as Chairman of the Medway Health and Wellbeing Board, he had recently chaired the third annual healthy weight summit. This had been attended by 24 different local public, private, voluntary and academic organisations. The 85 delegates attending were a mixture of practitioners and leaders of these organisations who met each year to progress the local work to tackle overweight and obesity.

He stated that Medway Council played a significant role in encouraging these and other local organisations to play a part in tackling obesity, as only through wide partnership working would any significant effect be seen.

Council, 13 October 2016

Within currently available resources, the Council supported a range of services to support adults and children to lose weight, to eat healthily and to be more physically active. The Council's diverse sport and leisure offers and substantial green spaces provided further support for enabling people to live more active and healthy lives.

There was also some excellent environmental work taking place, including building on the hot food takeaway guidance brought in 2 years ago. The Council's Planning team was working very closely with the Public Health team to ensure that the new Local Plan supported the development of a less obesogenic environment.

He also stated that he had recently attended an event in Westminster regarding the weight and health of young people all the way through to adulthood, including over 100 representatives from across the country.

He stated that it was pleasing that Medway's contribution on this issue was well known throughout the Country and that he had spoken with a member of the House of Lords Select Committee on this issue together with a representative of the Mayor of London's Office who was also interested in Medway's work on obesity.

C) Councillor Price asked the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness the following:

"Following the recent debacle which saw over 1,300 pupils in Medway receive the wrong letters regarding their results from the Medway Test, something which will have caused great distress to many children and their families, would the Portfolio Holder like to apologise to those children and their families and inform Council what steps he will be taking to ensure that no such situation will arise in future?"

The Portfolio Holder for Educational Attainment and Improvement, Councillor Potter, answered this question on behalf of the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness.

Councillor Potter stated that he was sorry for any distress this may have caused families and referred to the similar question he answered during public questions (public question 7M refers).

He stated that that 98% of families who registered for the Medway Test online were advised by email of the situation within a working day on Monday 3 October and corrected letters were also issued to all affected families on the same day.

He stated that the quality assurance processes for the Medway Test were being reviewed and would be adjusted accordingly.

He concluded by stating that it should be noted that around 500 more students took the Medway test this year compared with last year and that he would like

Council, 13 October 2016

to thank all those involved in successfully conducting these tests in schools and test centres across Medway.

D) Councillor Franklin asked the Portfolio Holder for Resources, Councillor Gulvin, the following:

“On the 9th August, Cabinet delegated authority to the Chief Legal Officer in consultation with yourself, Councillor Chambers and Councillor Jarrett, to make an arrangement regarding the Pentagon Centre and Mountbatten House.

Councillor Jarrett’s and your own brief are resource based, whilst Councillor Chambers’ has a strategic regeneration focus. For the site, which is the priority, its significance for Chatham’s regeneration or its value as a resource?”

Councillor Gulvin stated that the Council was under a legal obligation to obtain the best consideration reasonably obtainable when it disposed of interests in property. In addition to this, it was important for obvious financial reasons that the Council made the most from its property interests. The Property team had a good record in maximising capital receipts from the sale of surplus buildings which had averaged £3.6 million per annum for the last 10 years and that they were to be commended for that.

He stated that regeneration was also a key priority for the Council and it was working with the owners of the Pentagon Centre head lease and the agents for the receivers of Mountbatten House sub lease with a view to completing a deal to extend the two leases. This would neatly balance the Council’s legal obligation to achieve best consideration, whilst encouraging regeneration of Mountbatten House.

He stated that the Council could not force the regeneration of Mountbatten House, but any regeneration was unlikely to happen if the head-lease and sub-lease were not extended, that is why he and his Cabinet colleagues had tasked officers to make this happen.

He concluded by stating that Medway was a City in all but name and Chatham was the urban core of that City. Regeneration in the central area of Medway would enhance and help to deliver much needed housing close to shops, restaurants and transport links to London and the rest of Kent which were the envy of the region.

E) Councillor Griffiths had submitted the following question to the Leader of the Council, Councillor Jarrett:

“Does the Leader of the Council think it is appropriate for a Member of his Cabinet to take paid employments to secure planning permissions from Medway Council, and then to vote in his capacity as a Cabinet Member to agree disposal of the sites directly relating to his paid employments?”

As Councillor Griffiths was not present at the meeting, he would receive a written response to his question in accordance with Council Rule 9.1.

Council, 13 October 2016

F) Councillor Osborne asked the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:

“Can the Portfolio Holder confirm there are currently no future plans or discussions in the Council to sell the Park adjacent to Crestway & Bankside and situated at the end of Rowan Lea?”

Councillor Doe stated that he could confirm that the Council had no plans to sell the land identified.

G) Councillor Bowler asked the Portfolio Holder for Front Line Services, Councillor Filmer the following:

“Following the Council’s decision to start charging to collect bulky waste could the Portfolio Holder please update Council as to what reduction in fly-tipping he has been successful in achieving?”

Councillor Filmer stated that he had answered a similar (public) question earlier in the evening (public question 7H refers). There was never any expectation that the introduction of this charge would reduce fly tipping.

He stated that he would be quite happy to provide a report to Members once the Council had a year’s worth of figures to analyse.

H) Councillor Maple asked the Portfolio Holder for Resources, Councillor Gulvin, the following:

“Like all Medway residents I was very concerned to read reports of the incident at Medway City Estate on 30th September which had left over a dozen people injured. It was reported by the Medway Messenger that people were “run down like bowling pins” by the Mini Cooper involved in the incident leaving several in a critical condition at the time of submitting this question. Clearly this is totally unacceptable and our thoughts are with all those who have been involved in this incident.

What steps will Medway Council be taking to ensure this sort of incident doesn’t happen here in the future?”

Councillor Gulvin stated that he would like to extend his thanks to the emergency services who dealt with the issue and also offered his condolences to those who were badly injured. He understood that most of them were now recovering well which was good news.

He stated that the Council, as one of the strategic partners in the Community Safety Partnership, worked closely with the Police who had primacy in dealing with offences on the road.

Since March 2016 through the Community Safety Partnership, Kent Fire and Rescue Service had been patrolling Medway City Estate on Friday and Saturday evenings as an opportunity to promote road safety messages. Since

Council, 13 October 2016

that time, the Community Policing Team had also been on site to disperse nuisance motorists with a section 34 of the Anti-Social Behaviour, Crime and Policing Act 2014, which gave officers powers to disperse people from the area.

He stated that he had visited the area last Friday evening and was able to see, first hand, the work being undertaken by the Police and Kent Fire and Rescue Service and he wished to thank them for the work they were doing.

Community Policing Team Officers were, in fact, present on the Medway City Estate and in the process of enforcing the dispersal order when the incident occurred on 30 September. Community Policing Team Officers would continue to conduct speed checks at the location and on neighbouring roads and liaise with the Special Constabulary and Roads Policing Sergeants to secure additional resources.

He stated that Medway City Estate was being discussed at the monthly Community Safety Partnership Operations Meeting, as well as being discussed at weekly conference calls with Kent Police, Kent Fire and Rescue Service and Community Wardens, where the Council had, and would continue to seek, partners' attendance at Medway City Estate.

Kent Police would continue to authorise a section 34 dispersal power and the Community Policing Team would provide additional high visibility policing at Medway City Estate for the next two weekends along with Kent Fire and Rescue Service. Through the daily conference calls with Kent Fire and Rescue Service, the Council would continue to request them carrying out high visibility patrolling when available.

He concluded by stating that a visit had been arranged for people that were gathering on the Medway City Estate to visit the new road safety centre adjacent to the Airport and he understood that a special evening was being arranged to give them the use of that facility. He encouraged all Members to visit the facility and to encourage young people to also visit the facility.

368 Additions to the Capital Programme

Discussion:

This report provided details of a number of schemes which required Council approval to be added to the Capital Programme including:

- Schemes to be funded from section 106 developer contributions
- The replacement of cremators at Medway Crematorium
- New School projects funded from the basic need grant.

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

Council, 13 October 2016

Decisions:

- a) The Council agreed to add the schemes set out in paragraph 2.2 of the report to the Capital Programme.
- b) The Council agreed to add the Medway Crematorium scheme, in the sum of £313,000, from reserves, to the Capital Programme.
- c) The Council agreed to add the Schools Projects set out in paragraph 2.7 of the report to the Capital Programme.

369 Treasury Management Strategy Mid Year Review Report 2016/2017

Discussion:

This report provided details of the mid-year review of the Treasury Management Strategy 2016/2017, following consideration by the Cabinet on 27 September 2016 and Audit Committee on 29 September 2016 and their comments were set out in paragraphs 9 and 10 of the report respectively.

The report provided had been prepared in compliance with CIPFA's Code of Practice on Treasury Management, and covered the following:

- An economic update for the first part of 2016/17
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy
- A review of the Council's investment portfolio for 2016/17
- A review of the Council's borrowing strategy for 2016/17
- A review of any debt rescheduling undertaken during 2016/17
- A review of compliance with Treasury and Prudential Limits for 2016/17.

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

Decisions:

- a) The Council noted the contents of this report.
- b) The Council noted that Cabinet will be bringing forward proposals to the budget meeting in February to review the Council's risk appetite in relation to investments.

370 Appointment of External Auditor

Discussion:

This report provided a summary of the changes to the arrangements for appointing External Auditors following the closure of the Audit Commission and the end of the transitional arrangements at the conclusion of the 2017-18

Council, 13 October 2016

audits. The report set out the three options for putting in place new arrangements in time to make a first appointment by 31 December 2017.

The Audit Committee considered this report on 29 September 2016 and its comments were set out in paragraph 5 of the report.

The Chairman of the Audit Committee, Councillor Kemp, supported by the Portfolio Holder for Resources, Councillor Gulvin, proposed the recommendation in the report.

Decision:

The Council agreed to Option 3 (Opt-in to a sector led body) in relation to the appointment of the External Auditor.

371 Councillor Conduct Complaints under the Localism Act 2011 - Appointment of Independent Person

Discussion:

This report provided details of progress made in recruiting an Independent Person in accordance with the provisions of the Localism Act 2011 which required the appointment of an Independent Person to investigate allegations that a Member was in breach of the Code of Conduct. The report noted that the appointment of an Independent Person must be approved by the majority of the Members of the authority.

The report provided details of the recruitment exercise which had recently taken place to appoint two Independent Persons, the second being considered necessary as they would be called upon to act in cases where the Independent Person had a conflict of interest in a particular matter.

The Chairman of the Councillor Conduct Committee, Councillor Hicks, supported by Councillor Bhutia, proposed the recommendations set out in the report.

Decisions:

- a) The Council agreed the appointment of Martin Pilkington as the Independent Person under section 28(7) of the Localism Act 2011 from the date of this meeting for a period of 4 years, to carry out the functions required by section 28(7) of the Localism Act 2011.
- b) The Council agreed the appointment of Daniel Lucas as the Independent Person under 28(7) of the Localism Act 2011 when Martin Pilkington has a conflict of interest which prevents him carrying out his role or if the role of the Independent Person is vacant for any other reason from the date of this meeting for a period of 4 years, to carry out the functions required by section 28(7) of the Localism Act 2011.

Council, 13 October 2016

Note: These recommendations were agreed unanimously by those Members present at the meeting representing a majority of the Members of the Council.

372 Whistleblowing Policy

Discussion:

This report provided details of proposed revisions to the council's Whistleblowing Policy, which reflected a change to the overarching legislation and further changes of an administrative nature to reflect current post titles, e-mail addresses and contact numbers.

The proposed revisions to the policy had been considered by the Employment Matters Committee on 7 September 2016 and the Audit Committee on 29 September 2016 and their comments were set out in paragraph 4 of the report.

The Chairman of the Employment Matters Committee, Councillor Wicks, supported by the Portfolio Holder for Resources, Councillor Gulvin, proposed the recommendation in the report.

Decision:

The Council agreed the revised Whistleblowing Policy, as set out in Appendix 1 to the report.

373 Temple Waterfront

Discussion:

This report provided details of a proposed land and property transaction over £500,000 in respect of the Cabinet's decision on 9 August 2016 relating to the regeneration of Temple Waterfront.

This report complied with the constitutional requirement that Cabinet decisions in respect of land and property transactions over £500,000 were to be reported to the next Council meeting for information.

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

Decision:

The Council noted the report.

374 The Pentagon Centre and Mountbatten House, Chatham

Discussion:

This report provided details of a land and property transaction over £500,000 in respect of the Cabinet's decision on 9 August 2016 relating to the Pentagon Centre and Mountbatten House, Chatham.

This report complied with the constitutional requirement that land and property transactions over £500,000 be reported to the next Council meeting for information.

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

Decision:

The Council noted the report.

375 Special Urgency Decisions

Discussion:

This report provided details of a decision taken by the Cabinet under the urgency provisions contained within the Constitution in relation to the inclusion of the Treasury Management Strategy Mid-Year Review Report 2016/2017 on the Cabinet agenda (27 September 2016) at less than 5 clear working days' notice.

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

Decision:

The Council noted the report.

376 Motions

A) Councillor Freshwater submitted the following:

“Just because Medway's residents are not shouting outside Gun Wharf with placards or protesting on the street, it does not mean that Medway does not have a serious housing crisis causing misery and heartache to many thousands of residents trying to live and plan their lives in Medway.

Medway Residents living in affordable and social housing contribute millions to our local economy and do the very important jobs which keep Medway running. Housebuilders have told the Council that the building of affordable homes needed for Medway residents is entirely the Council's responsibility and are

Council, 13 October 2016

continuing to employ very specialist financial viability advisors to protect their 20% profits and reduce their Section 106 affordable housing commitment to a trickle under planning agreements. The current government refuses to give funds to Medway Council to replace affordable housing being unfairly lost to London commuters. The government also refuses to fund Councils for additional affordable homes needed for 350,000 people from the EU and elsewhere, arriving each year who pay millions in additional income tax.

Medway Council must be bold and urgently find a solution to provide hope to the many thousands of people losing any hope of putting down secure roots in Medway and also satisfy business needs for growth and prosperity for the Medway economy where many essential local services and local businesses relying on paying mid-range or low salaries but cannot compete with London salaries.

For Members' information and example, the price of timber framed one bedroomed homes are £17,000 and two bedroomed £18,000 both include delivery to site but excluding land costs. The building regulations require any timber framed structures to have a minimum 60 year life expectancy and the NHBC 'Buildmark' and similar warranty schemes provide 10 years structural cover to accord with the requirements of the Council of Mortgage Lenders (subject, of course, to the builder being a registered member of whichever scheme is employed). So, in reality, 60 years would be an appropriate warranty period for the timber frame structural elements and, 10 years for everything else. The same as masonry built houses. In essence, timber frame and masonry construction are both classed as 'Permanent Construction' and have the same life expectancy. Insurance companies, mortgage providers, and building societies do not differentiate between timber frame and masonry.

It is worth noting that although timber frame construction is not (currently) widespread in England and Wales, 80% of all new housing in Scotland is of timber frame construction. And, with the ever increasing drive towards thermal efficiency and sustainability in housing, this is likely to become the case in England & Wales, probably sooner rather than later. In North America, Canada and the Scandinavian countries, where this figure rises to 90%, timber frame have been the construction method of choice for many hundreds of years.

The Council's position regarding the provision of affordable housing has dramatically deteriorated since the Housing Task Group report to the Council. I would therefore ask the Council to instruct the Chief Executive:

1. To obtain detailed information of timber framed homes as a credible and financial solution for the urgent need to provide affordable housing for desperate Medway people.
2. To urgently hold and further extend discussions with community groups under the Local Plan to promote and discuss the building of local communities of timber framed homes on brownfield sites.

Council, 13 October 2016

3. Following the Government decision on 3 October to substantially increase housing investment, to formulate a credible action plan to go forward to government and the Rt Hon Sajid Javid MP Secretary of State for Communities and Local Government requesting that Medway Council be given urgent funding or be allowed to borrow money against Medway assets to buy brownfield sites and complete appropriate infrastructure building costs. This will allow Medway residents and housing associations to go forward in partnership with the Council with their own investments for the building of thousands of timber framed homes.”

Note: Councillor Freshwater announced that he would withdraw this motion as Councillor Pendergast had not been able to attend this meeting.

B) Councillor Murray, supported by Councillor Cooper, submitted the following:

“The Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.

Hundreds of thousands of women, including many here in Medway, had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little or no personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950s are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment.

Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching sixty. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time.

The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

The Council notes that the MP for Rochester and Strood, Councillor Tolhurst, has shown her support of the campaign and is pleased to recognise that she is now a member of the All-Party Parliamentary group for WASPI.

The Council calls upon the Government to reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in

Council, 13 October 2016

hardship due to pension changes they were not told about until it was too late to make alternative arrangements.”

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

For – Councillors Bowler, Cooper, Craven, Freshwater, Gilry, Godwin, Johnson, Khan, Maple, Murray, Osborne, Price, Shaw and Stamp (14).

Against – Councillors Avey, Bhutia, Brake, Carr, Chishti, Chitty, Clarke, Doe, Fearn, Filmer, Franklin, Gulvin, Hall, Hicks, Iles, Jarrett, Joy, Kemp, Opara, Potter, Purdy, Royle, Saroy, Tejan, Tolhurst, Tranter, Turpin, Wicks, Wildey and Williams (30).

The motion was lost.

C) Councillor Maple, supported by Councillor Saroy, submitted the following:

“This Council notes:

1. The obligations it owes to the Armed Forces community within Medway as enshrined in the Armed Forces Covenant; that the Armed Forces community should not face disadvantage in the provision of services and that special consideration is appropriate in some cases, especially for those who have given the most.
2. The absence of definitive and comprehensive statistics on the size or demographics of the Armed Forces community within Medway. This includes serving Regular and Reserve personnel, veterans, and their families.
3. That the availability of such data would greatly assist the council, local partner agencies, the voluntary sector, and national Government in the planning and provision of services to address the unique needs of the Armed Forces community within Medway.

In light of the above, this Council moves to support and promote The Royal British Legion’s call to include a new topic in the 2021 census that concerns military service and membership of the Armed Forces community. We further call upon the UK Parliament, which will approve the final census questionnaire through legislation in 2019, to ensure that the 2021 census includes questions concerning our Armed Forces community.”

Decision:

This Council notes:

1. The obligations it owes to the Armed Forces community within Medway as enshrined in the Armed Forces Covenant; that the Armed Forces

Council, 13 October 2016

community should not face disadvantage in the provision of services and that special consideration is appropriate in some cases, especially for those who have given the most.

2. The absence of definitive and comprehensive statistics on the size or demographics of the Armed Forces community within Medway. This includes serving Regular and Reserve personnel, veterans, and their families.
3. That the availability of such data would greatly assist the council, local partner agencies, the voluntary sector, and national Government in the planning and provision of services to address the unique needs of the Armed Forces community within Medway.

In light of the above, this Council moves to support and promote The Royal British Legion's call to include a new topic in the 2021 census that concerns military service and membership of the Armed Forces community. We further call upon the UK Parliament, which will approve the final census questionnaire through legislation in 2019, to ensure that the 2021 census includes questions concerning our Armed Forces community.

Mayor

Date:

Julie Keith, Head of Democratic Services

Telephone: 01634 332760

Email: democratic.services@medway.gov.uk