

**Medway Council**  
**Meeting of Medway Council**  
**Thursday, 12 October 2017**  
**7.00pm to 9.44pm**

**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 Wildey)  
The Deputy Mayor (Councillor Opara)  
Councillors Aldous, Bhutia, Bowler, Mrs Diane Chambers, Rodney Chambers, OBE, Chishti, Chitty, Clarke, Cooper, Craven, Doe, Fearn, Filmer, Franklin, Freshwater, Gilry, Godwin, Etheridge, Griffiths, Gulvin, Hicks, Howard, Mrs Josie Iles, Steve Iles, Jarrett, Johnson, Joy, Kemp, Khan, Maple, McDonald, Murray, Osborne, Potter, Purdy, Royle, Shaw, Stamp, Tejan, Tolhurst, Tranter, Turpin, Wicks and Williams

**In Attendance:** Neil Davies, Chief Executive  
Ann Domeney, Deputy Director, Children and Adults Services  
Jan Guyler, Head of Legal Services/Deputy Monitoring Officer  
Wayne Hemingway, Democratic Services Officer  
Richard Hicks, Director of Regeneration, Culture, Environment and Transformation  
Perry Holmes, Chief Legal Officer/Monitoring Officer  
Carrie McKenzie, Assistant Director, Transformation  
Phil Watts, Chief Finance Officer  
James Williams, Director of Public Health

**364 Apologies for absence**

Apologies for absence were received from Councillors Avey, Brake, Carr, Griffin, Mackness, Pendergast, Price and Saroy.

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

Disclosable pecuniary interests

Councillor Griffiths declared a disclosable pecuniary interest in any reference to Medway Community Healthcare (MCH) because he is a Non-Executive Director of MCH. He stated that he would leave the meeting should there be any specific discussion on MCH.

Other interests

The Worshipful The Mayor declared interests on behalf of Richard Hicks and Carrie McKenzie whose posts were referred to in item 14 of the agenda (Assistant Director of Transformation - Change of Responsibilities and Designating Director of Regeneration, Culture, Environment and Transformation as Deputy Chief Executive) in relation to their roles and designations. They both withdrew from the meeting during discussion of this item.

**366 Record of meeting**

A Member considered there to be an inaccuracy in the response given by Councillor Filmer to Councillor Shaw's question (minute no. 173M, page 30 refers) and that this could be addressed as part of Councillor Filmer's response to Ben Pranczke's public question (agenda item 7D) in relation to the provision of toilet facilities as part of the original planning application. The Worshipful The Mayor of Medway advised that this matter did not relate to the accuracy of the record of the meeting.

A Member requested that the record of the meeting should include a reference to the Labour Group withdrawing from the meeting during consideration of the Motion (minute no. 177A, page 32 refers) and not taking part in the subsequent vote. The Monitoring Officer advised that the only occasions where the record of the meeting would include any reference to individual Members leaving a meeting would be where:

- a recorded vote (Council Rule 12.4) was taken and it was necessary to highlight that a Member, who had been listed as present, was absent for the recorded vote;
- a Member had declared an interest and had withdrawn from the meeting for a particular item.

The Monitoring Officer also advised, with regards to voting, that an individual Member may request that their vote on a proposal (Council Rule 12.6) be recorded in the record of the meeting.

On being put to the vote, the record of the meeting held on 20 July 2017 was agreed and signed by The Worshipful The Mayor of Medway as a correct record.

Councillors Bowler, Cooper, Craven, Gilry, Godwin, Griffiths, Johnson, Khan, Maple, McDonald, Murray, Osborne, Shaw and Stamp requested that their votes against this proposal should be recorded in the minutes as provided for in Council Rule 12.6, on the basis that the Labour Group were not present for the vote on the Motion, nor recorded in the record of the meeting as not being present (Minute no. 177A, page 32 refers).

**367 Mayor's announcements**

With support of all Members of the Council, The Worshipful The Mayor of Medway placed on record Members' condolences to Councillor Price whose partner, Eileen, had sadly passed away on 24 September. He stated that their thoughts and prayers were with Councillor Price and his family at this very sad time.

With support of all Members of the Council, the Mayor placed on record Members' condolences regarding the sad passing of Rita Swain on 29 July who was the Mayoress to Robert Swain when he was Mayor of Rochester in 1955. He stated that the Swain family was extremely well known in the Strood area and the Swain family had donated the silver "Swains lorry" that was currently in the Guildhall Museum and was displayed at High Sheriff's lunch each year.

The Mayor reminded Members of his Charity Indian Night at the Shozna which was due to be held on Monday 20 November. Tickets were £20 each and further information was available from the Mayor's PA.

The Mayor asked Members to speak clearly into the microphones to ensure people in the public gallery could hear and he reminded those present that the meeting was being audio recorded and the recording would be made available on the Council's website. In addition, he asked Members to provide written copies of any amendments to the top table first.

**368 Leader's announcements**

There were none.

**369 Petitions**

Public

There were none.

Members

Councillor Maple submitted a petition containing 68 signatures which requested that the decision to close Kingfisher Sure Start Centre be reversed.

Councillor Stamp submitted a petition containing 91 signatures which called on the Council to introduce a Controlled Parking Zone (permit parking) in Knight Avenue, Gillingham.

Councillor Stamp submitted a petition containing approximately 1,560 signatures which called on the Council to scrap the car parking charges at the Strand, Gillingham.

**370 Public questions**

**A) Matthew Broadley of Borstal submitted the following question to the Leader of the Council, Councillor Jarrett:**

“The proposal for a Rochester Town Council recommends a precept of 1.5% per annum.

If a Town Council is created what assurances can Councillor Jarrett give that residents will not face exceptional annual increases to this precept in future years to cover cuts to local government funding, such as has happened in Conservative-controlled Newquay (88%), Penzance (50.98%), Wilmslow (28%) and Colne (17%)?”

As Matthew Broadley was not present at the meeting, he would receive a written response to his question in accordance with Council Rule 8.6.

**B) Ryan Gallagher of Chatham asked the Leader of the Council, Councillor Jarrett, the following:**

“Can you tell me the cumulative rate of RPI inflation since 2013 and the cumulative pay offers (as a percentage) in that period for:

- Ex-Medway Council employees TUPE'd to Medway Norse;
- Existing Medway Council employees; and
- Those contracted on Medway Norse terms and conditions?”

Councillor Jarrett thanked Ryan Gallagher for his question. He stated that the cumulative rate of RPI inflation between April 2013 and April 2017 represented an increase of 8.936%.

He stated that Medway Council was not able to comment on ex-Medway Council employees TUPE'd to Medway Norse in relation to the cumulative pay offers as a percentage, or any other way since 2013 as Medway Norse may have changed terms and conditions of employment.

He stated that in relation to existing Medway Council employees, the following percentage increases were awarded from 01 April 2015 to 01 April 2017 for Cost of Living Award (COLA) and Performance Related Pay (PRP):

- 01 April 2015 up to 1.1%;
- 01 April 2016 Up to 1% and;
- 01 April 2017 Up to 1%.

This consisted of a mixture of a Cost of Living increase and PRP. He further stated that there were no pay awards on 01 April 2014 and 01 April 2013.

In relation to those contracted on Medway Norse terms and conditions of employment, Medway Norse staff were not linked to Performance Related Pay. Pay awards were negotiated locally with recognised unions which were payable in October and linked to the National Living Wage which was reviewed in April.

**C) James Chespy of Gillingham submitted the following question to the Portfolio Holder for Resources, Councillor Gulvin:**

“Whilst much work has been done to refurbish the toilets in Sappers Walk, when will Medway Norse be fitting in sharps bins for those with substance abuse issues?”

As James Chespy was not present at the meeting, he would receive a written response to his question in accordance with Council Rule 8.6.

**D) Ben Pranczke of Gillingham submitted the following question to the Portfolio Holder of Front Line Services, Councillor Filmer:**

“Following on from the response that he gave to Councillor Shaw’s question at Full Council on 20 July 2017, does Councillor Filmer have an update on the public toilet at the dynamic bus facility in Chatham, which at the time of writing is still not present despite it being part of the original planning application?”

As Ben Pranczke was not present at the meeting, he would receive a written response to his question in accordance with Council Rule 8.6.

**E) Harrinder Singh of Chatham asked the Leader of the Council, Councillor Jarrett, the following:**

“Does Councillor Jarrett agree that having hundreds of hard working council staff without use of computers for two days is a waste of taxpayers’ money, an embarrassment in light of Medway’s stated commitment to being a “digital council” and potentially dangerous where it impacts on delivery of services to vulnerable people?”

Councillor Jarrett thanked Harrinder Singh for his question. He stated that the recent issue relating to ICT systems availability had been caused by a hardware failure which the Council could not have foreseen and that the ICT systems had been unavailable for one day rather than two days.

Councillor Jarrett stated that this was the first time in Medway’s history that ICT systems had been down for more than a few hours, which was a very commendable record. Recent events at British Airways and the Ransomware attack on the NHS and businesses worldwide had demonstrated that technology could fail due to a variety of reasons, causing significant operational difficulties.

He stated that to maintain service levels, prevent significant loss of productivity and to ensure the safeguarding of customers, particularly those who were vulnerable, Council staff had invoked well-structured business continuity plans whilst the ICT teams worked throughout the day and night on 19/20 September to fix the problem. The majority of systems were operational by 8am on Thursday 21 September.

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He concluded by stating that Medway had a very ambitious digital programme which aimed to transform the way the Council worked and the services it delivered. In situations like those recently experienced, the Council was measured by its response to the disruption. Medway's staff had demonstrated considerable expertise, hard work and persistence in resolving a problem which was not of its making, and their dedication was greatly appreciated. He stated that he was very proud to have such dedicated officers who were clearly determined to rectify the situation as soon as practicably possible.

### **371 Leader's Report**

#### **Discussion:**

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

- Chatham Place Making Project
- Innovation Centre Strood
- Greenspaces in Medway
- GCSE and A-Levels results
- Key Stage 1 and Key Stage 2 results
- ICT issues
- Notification of Medway Test results
- Transformation of Early Help Services
- Armed Forces families
- Schools Admissions
- Cleanliness of swimming pools
- Local Plan
- Corrosive substances
- Gillingham Town Centre including former Budgens site, Gillingham High Street
- Medway Norse employees
- Community Hubs.

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

#### **Discussion:**

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

- Transformation of Early Help Services
- Declaration of Four Elms Air Quality Management Area
- Kent and Medway NHS and Social Care Partnership Trust (KMPT) Mental Health Update
- Update on Medway NHS Foundation Trust (MFT)
- Petitions
- Adult Social Care – Annual Complaints and Compliments Report – April 2016 to March 2017

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- Children's Services – Annual Complaints and Compliments Report – April 2016 to March 2017
- Task Group on Employment Opportunities for 18-25 Year Olds
- Kent and Medway Sustainability and Transformation Plan Update
- Transformation of Early Help Services
- Childhood Immunisation Service Update
- Medway Tunnel
- Highway Asset and Management Funding
- Tackling Racism in Medway
- Ofsted Inspection of Aut Even.

### 373 Members' questions

#### A) Councillor Steve Iles asked the Portfolio Holder for Business Management, Councillor Turpin, the following:

“Fly posting is the display of advertising boards and posters in unauthorised places and has undoubtedly become an issue across many parts of Medway today. Not only are signs being displayed in unsuitable locations, which may cause dangerous distraction to drivers and other road users, but frequently these posts are not removed within an acceptable time frame. I myself have had to take the time to remove signs advertising events long after the date that they have taken place.

I therefore ask the Portfolio Holder to assure myself and the rest of the Council that there are measures in place to ensure that not only approved signs are being displayed within Medway, but that there are sufficient means of enforcing the removal of these signs by the event organisers themselves.”

Councillor Turpin thanked Councillor Steve Iles for his question. He stated that two years ago the Council had obtained powers to enable them to issue Community Protection Notices, which made venues responsible for flyposting for events that took place on their premises, as opposed to finding the various acts and DJs who had flyposted.

He stated that Community Protection Notices were quite powerful and that when issued, they required the venue to remove the notice. If there was any reoffending, then the courts could impose a maximum fine of £20,000.

He stated that the Council had used these powers very successfully against several venues and that such venues had not reoffended. He gave an example of flyposting which he had reported to the Council which had resulted in the issue of a Community Protection Notice to a venue in Maidstone.

He also stated that most common posters seen today would be for circuses or fun fairs, and that whilst these had consent under planning regulations, there were certain conditions which must be complied with, including the consent of the Traffic Management Team.

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He concluded by recommending that any Members or members of the public should report instances of flyposting so that appropriate action could be taken.

**B) Councillor Freshwater asked the Leader of the Council, Councillor Jarrett, the following:**

“The residents of Hoo Village have asked me to thank the Leader of the Council and Kelly Tolhurst, MP for attending the public meeting in Hoo Village on the 30th August and for addressing residents questions relating to community concerns outlined below. As explained, Hoo Village residents cannot cope with any more overdevelopment without Medway Council first putting in place infrastructure funding necessary for essential local services. No real infrastructure investment has been put in place by Medway Council for over 1000 new homes already built in Hoo Village and consequently existing essential Council services have been overwhelmed by 3,000 additional residents being squashed into the existing community and over 2,000 additional cars forced onto local roads.

Local two-lane village roads are overwhelmed and dangerous and cannot cope with any extra traffic. Lorries, buses and cars are mostly having to travel dangerously on the wrong side of the two-lane village roads. Local shopping car parks are full and parking on village roads is dangerous because of inadequate traffic warden services. Villagers are worried about their health and ever-increasing air pollution levels of nitrogen dioxide from increasing numbers of car and HGVs and that the action plan to reduce pollution under the Four Elms Air Quality Management Area will not be achieved. Two local doctors lists are full, with residents having to queue at 7.45am to see a doctor or accept a three-week wait for an appointment. New residents are required to travel over 7 miles to see a doctor. All local primary and secondary schools are full for the foreseeable future, with children being forced to endure long bus or parents car journeys out of the area to schools. Local sewerage systems are overwhelmed. There are no adequate rural nursing homes or home nursing services. In addition, there are inadequate policing and youth services and inadequate public transport services.

New Hoo Village residents are dismayed when they are informed of these major deficiencies in local services and that information is not recorded on the local land search or the Council’s website. This information should not be secret, but a right for new residents to be properly informed of these important lack of health and lifestyle choices for themselves and their children.

Can the Leader of the Council confirm the Council is in the process of preparing a pamphlet advising new local residents either buying or renting property in Hoo Village and Peninsula of these deficiencies in the Council and community service with particular reference to schools, pollution, GP services etc. These deficiencies will be particularly acute for residents with lung diseases, or where new residents, or elderly residents who are non-car users or too poorly to drive will, therefore, have great difficulty accessing services.”



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Councillor Jarrett stated that Councillor Freshwater would be aware of the significant housing pressures facing Medway and the whole country as Councillor Freshwater had been a Member on the Housing Task Group which had set out certain recommendations to the Council, including that it should meet its objectively assessed needs for housing. As such, all of Medway had a part to play in meeting these needs and that Councillor Freshwater should be aware of large scale planning permissions granted in Rainham, Chatham, Gillingham and Strood. In addition, the Peninsula clearly also had a role to play, and recent permissions had been granted for Peninsula Way, Stoke Road and the former BAE sports ground.

Councillor Jarrett stated that it was vital that developments came forward with the necessary infrastructure to meet the needs of prospective residents without unacceptably impacting on those who already lived there. The most appropriate way for this to be done was through the Local Plan, and Councillor Freshwater would be well aware of the significant work that was being undertaken to bring that forward as quickly as possible, following of course, due process.

He stated that Councillor Freshwater was incorrect in his statements about the lack of investment and infrastructure for the Peninsula so far secured through developments. In relation to schools, the Council had provided additional primary school places at the Hundred of Hoo Academy. This would provide a total of 210 additional places as the year groups fill. Plans had also been prepared for a second form of entry at the school, in readiness to meet future demand. In addition, as at 2 October 2017, sufficient spare places were available across all secondary year groups at the Academy to meet expected demand.

He stated that in terms of the three recent planning permissions granted for development at Hoo, at Peninsula Way, BAE Club and Stoke Road, a total of £4.7m had been secured towards the necessary infrastructure to offset the pressures from the development. This included provision for education, open space, sports, health, highways, housing and community facilities.

In addition, previous permissions secured the expansion of the Bells Lane surgery, and he added that Councillor Freshwater had agreed that the issue concerning surgeries was not their physical capacity because the surgeries were large enough, but one of the Clinical Commissioning Group providing enough doctors to meet residents' needs.

He stated that the three recent planning permissions granted had also included conditions relating to air quality, which would ensure that the developments met the latest guidance, an area where this Council was one of the leading authorities in Kent.

He also referred to a substantial bid to Government for infrastructure funding which had been made in the past month.

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He concluded by stating that there were no plans for any pamphlet, and that Councillor Freshwater would be more than capable of producing his own pamphlet. He believed that this matter was indicative of Councillor Freshwater's hypocrisy because it appeared that he lived in one of the new houses of which he complained so much about and as such, that instead of being a local Member who could be part of the solution, he was actually part of the problem.

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

"Medway Council agreed unanimously in October 2014 to Labour's motion supporting the local taxi trade by preventing out of town drivers from picking up in popular town centre spots. Yet since that time little action has been taken and the problem has grown.

Now that TfL has led the way by banning Uber in London, is the Portfolio Holder prepared to insist on proper regulation of the Medway taxi trade?"

Councillor Chitty thanked Councillor McDonald for his question. She stated that this question related to the Mayor of London and Transport for London (TfL). She stated that TfL had not banned Uber at this moment in time but that it was subject to Uber actually responding to complaints that had been levelled at them and to go through the appeal process in accordance with the Licensing Act. She stated that she would expect some legal challenges along the way.

Councillor Chitty stated that she would like to add to the comments she had made previously on this matter. The Government had announced the creation of a new Taxi and Private Hire Working Group and hopefully that would take the matter forward along with the legislative framework which was also being discussed.

She stated that the Council would follow the legislation and where someone was found to be acting in an improper way, the Council would take action. She also stated that she valued the businesses in Medway, including the taxis and private hire industry.

She concluded by stating that the Council worked with other local authorities and there was an exchange of information and monitoring which was important in the light of some of the discrepancies that Councillor McDonald had highlighted.

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

"As lead Member responsible for upholding the Armed Forces Covenant does he accept that Medway Council's commitment to ensure not just equality of access but equality of outcome for service families is undermined by the closure of the Brompton Children's Centre?"

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Councillor Doe stated that equality of access and equality of outcome for service families would not be undermined by closure of Brompton Children's Centre.

He stated that the Council's Armed Forces Covenant was in place to ensure there was no discrimination towards Armed Forces families. Brompton Children's Centre was not provided exclusively for Armed Forces families and facilities would still be available from other nearby centres to ensure that equality of access and equality of outcomes was maintained. Furthermore, Armed Forces families had access to the Lampard Centre, a pre-nursery/pre-school funded by the MoD, with early-years education for service children being funded by the Council.

He also stated that the Early Years Team was discussing with partners, including Health, as to what services would be delivered across Medway and agreeing suitable places for these services to be delivered. This would be through Hubs, Wellbeing Centres and was likely to include delivery through "outreach" centres, including former Children's Centres.

He concluded by stating that continued Early Years services would be available from nearby Saxon Way Wellbeing Centre and All Saints Hub, both of which were within a mile of the main residential areas served by Brompton Children's Centre.

**E) Councillor Gilry asked the Portfolio Holder for Educational Attainment and Improvement, Councillor Potter, the following:**

"Does he agree that the loss of universal Sure Start provision in Medway will inevitably have a detrimental impact on school readiness and levels of educational attainment?"

Councillor Potter thanked Councillor Gilry for her question. He stated that all children in Medway aged 3 and 4 years were able to access the universal entitlement of 15 hours of free early education each week. Children from families on lower incomes were entitled to this from age two, and as a result of government policy from the start of the current academic year in September 2017, most working families in Medway were eligible for an extended 30 hours each week of childcare for their 3 and 4 year-olds. Therefore, the changes the Council was making towards a more targeted early help provision was in the context of the universal entitlement to free early education increasing for Medway families.

He concluded by stating that there were clear benefits to a whole family approach to early help and all children receiving additional early education and he encouraged all families to take up the extended childcare entitlement.

**F) Councillor Cooper asked the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness, the following:**

“What research has been completed, what investigations have been conducted, and what data has been collected, in order to determine the specific impact on service families of the closure of Brompton Children's Centre?”

Councillor Doe answered this question on Councillor Mackness' behalf. Councillor Doe stated that this response would overlap considerably with the answer he had already given to Councillor Johnson's question. As such, Early Years services would be available from Saxon Way Wellbeing Centre and All Saints Hub, following the Council's withdrawal of the provision of direct services from Brompton Children's Centre

A Diversity Impact Assessment (DIA) had been prepared specifically for Brompton Children's Centre for the Children and Young People Overview and Scrutiny Committee held on 31 August 2017 and was subsequently sent by email to all Members at the beginning of September. The DIA had taken into account research, investigations and data relating to a number of complex factors, including, accessibility and the catchment area, usage statistics, quality of accommodation and facilities, community support/other factors.

The Early Years Team was discussing with partners, including Health, what services they could deliver across Medway and identifying suitable venues for their services to be delivered. This would be through Hubs, Wellbeing Centres and may include delivery through “outreach” centres.

He stated that the DIA concluded that there would be little specific impact upon service families as Early Years services would still be provided from nearby locations including Saxon Way Wellbeing Centre and the Children and Family Hubs in Chatham, All Saints, both of which were within one mile of the main residential areas served by Brompton Children's Centre.

**G) Councillor Craven asked the Portfolio Holder for Resources, Councillor Gulvin, the following:**

“Given that Kent Police has recently announced plans for PCSOs to issue on the spot fines to drivers who flout parking restrictions outside schools, can the Portfolio Holder report how many on the spot fines have been issued by Medway Civil Enforcement officers so far this year for such offences and how quickly these powers will to be granted to Medway PCSOs?”

Councillor Gulvin thanked Councillor Craven for her question. He stated that the Administration took very seriously the safety of children and welcomed the opportunity to work with Kent Police to improve this further. Parking Services had been working very closely with the Police on this for the last three months, and the Council was now at a stage where legal paperwork had been produced and agreed by both parties which would devolve powers to allow the PCSOs to issue penalty charge notices outside of Medway schools.

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He stated that the PCSOs would work alongside the Council's Enforcement Officers issuing penalty charge notices to vehicles that were parked inappropriately during restricted times and the aim was to have this in place early in November.

He also provided details of the number of PCNs issued by Medway Council's enforcement officers as follows:

- 1 April 2017 to 30 September 2017 a total 195 PCNs were issued to vehicles parked outside of schools;
- In the last 12 Months a total of 611 PCNs were issued;
- In the last 24 months a total of 1,415 were issued.

He concluded by stating that the Council was previously able to issue many more PCNs on the double yellow lines that were located in close proximity to schools. However, the Government had changed the enforcement protocols for the use of the CCTV car and the Council was no longer able to issue PCNs parked on yellow lines using the CCTV car and now could only enforce "keep clear" lines by these means.

**H) Councillor Khan asked the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:**

"After the withdrawal of plans to build thousands of homes at Lodge Hill, how does the Portfolio Holder expect Medway Council to meet challenging central government targets on housebuilding without resorting to piecemeal development with inadequate associated infrastructure?"

Councillor Doe thanked Councillor Khan for her question. He stated that the withdrawal of Lodge Hill had not impacted on the immediate housing pressures currently being faced. Given the long term position, he did not think it was right to assume that Lodge Hill was now not going to be developed in any way because he understood that there was some discussion about a planning application coming forward in due course, but of course, it would take a lot longer.

He stated that, given the uncertainty the proposed Public Inquiry presented in relation to Lodge Hill, the Council had not included it within the five year housing land supply calculations, and it was being proposed to come forward later in the plan period, within the Local Plan currently being prepared.

He stated that officers were working hard on bringing forward the Local Plan as fast as due process would allow. This would allocate sites for development and the infrastructure necessary to support those sites. The Council had also submitted bids for considerable Government funding to help support potential Local Plan allocations.

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The Council did have to continue to allow some developments to come forward in advance of the Local Plan, to help meet the needs of the growing local population. Those sites that were supported by the Planning Committee would be those that were considered to be the most sustainable and would include S106 contributions to meet the infrastructure requirements relating to that development, as well as providing affordable housing.

He concluded by stating that whilst he did not personally welcome the decision for the delay in the possible development of Lodge Hill, he felt that the case for development was unanswerable.

**I) Councillor Bowler asked the Portfolio Holder for Frontline Services, Councillor Filmer, the following:**

“How much was spent on clearing and how many incidents were there of flytipping in 2015/2016 and how much was spent on clearing and how many incidents were there of flytipping in 2016/2017 following the reintroduction of charging for clearing bulky waste?”

Councillor Filmer thanked Councillor Bowler for his question. He stated that the Council cleared fly-tipping using the full time Emergency Response Team managed by Veolia and the dedicated fly-tipping team within Safer Communities.

He stated that the costs of clearing fly-tipping in 2015/16 were £301,081 rising by £1,690 to £302,771 in 2016/17.

He further stated that in 2015/2016 there were 3,559 fly-tipping incidents in Medway. The 2016/2017 figures were due to be released by DEFRA on 18 October. These figures were reviewed and validated by DEFRA before release and that he was quite happy to pass them on as soon as they were released.

**J) Councillor Osborne submitted the following question to the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe:**

“We've seen successful Pride events across Kent including Tory controlled Canterbury and recently Thanet and Tunbridge Wells Council, as well as a bid by Folkestone to host next year's UK Pride event. Medway is the largest conurbation in the South East outside of London; will the Portfolio Holder confirm that this Council will consider and openly support any organisation that will establish a Medway Pride event?”

**K) Councillor Murray submitted the following question to the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty:**

“Does she agree that the proposals on pensions, pay, job security and service provision by Royal Mail that have led to a ballot for industrial action need to be reconsidered, bearing in mind their potential impact on Medway both on service users and on our hard-working local Royal Mail employees?”

**L) Councillor Maple submitted the following question to the Portfolio Holder for Resources, Councillor Gulvin:**

“What lessons have been learnt by the council following its extensive loss of IT capacity in September particularly as regards:

1. Contingencies for critical frontline services, particularly where our most vulnerable residents could be at risk.
2. Future suitability of existing hardware with an increasing reliance on IT for council services.
3. Our IT security around potential attacks from malware etc.
4. Contractual ability to seek remedy, compensation etc, from hardware providers or manufacturers?”

**Note:** The Mayor stated that since the time allocation for Members’ questions had been exhausted, Members would receive written responses to questions J-L above.

**374 Direct Investment in Property - Addition to the Capital Programme**

**Discussion:**

This report provided details of a proposal to add a further £20 million to the capital programme to allow direct investment in commercial and other non-operational property to generate rental income and longer term capital growth. This followed the Council’s decision in October 2015 to add £2 million to the capital programme in order for investment to take place in non-operational property.

The report stated that a strategy of investing in property to generate annual rental income and longer term capital growth would have the potential to deliver greater returns than leaving surplus cash balances on deposit or taking the decision not to make such investment.

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

**Decision:**

- a) The Council approved a £20 million addition to the capital programme to allow for further investment in property so that the delegated authority set out in paragraph 2.4 of the report can be exercised.
- b) The Council agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader, Portfolio Holder for Resources and Chief Finance Officer to agree a strategy and a robust set of criteria for investing the £20M in property which compliments the Council’s current investment priorities of security, liquidity and yield.

**375 Planning Enforcement Policy 2017**

**Discussion:**

This report provided details of the updated Planning Enforcement Policy which provided up-to-date information as to the processes applied by the Planning Service and advice as to the enforcement options available with regards to taking formal action, to replace the previous Policy which had been agreed in 2007.

The updated Policy had been considered by both the Planning Committee and the Cabinet, as set out in paragraph 6 of the report.

A Diversity Impact Assessment had been undertaken on the Policy, details of which were set out in Appendix B to the report.

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

**Decision:**

The Council agreed the updated Planning Enforcement Policy 2017 as set out in Appendix A to the report.

**376 Treasury Management Strategy Mid-Year Review Report 2017/2018**

**Discussion:**

This report presented the mid-year review of the Treasury Management Strategy 2017/2018, which had been approved by Full Council alongside the Capital and Revenue Budgets on 23 February 2017. The report included an economic update for the first six months of 2017/2018 and reviewed the Treasury Management Strategy Statement and Annual Investment Strategy; the Council's investment portfolio and borrowing strategy for 2017/2018; a review of any debt rescheduling undertaken during 2017/2018 and, compliance with Treasury and Prudential Limits for 2017/2018.

The report had been considered by the Cabinet and Audit Committee, details of which were set out in paragraphs 9 and 10 respectively.

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 set out in the report.

**Decision:**

The Council noted the contents of this report.



**377 Assistant Director of Transformation - Change of Responsibilities and Designating Director of Regeneration, Culture, Environment and Transformation as Deputy Chief Executive**

**Discussion:**

This report provided details of a proposal to add additional responsibilities, principally human resources (HR) and organisational development, to the role and job description of the Assistant Director of Transformation (AD Transformation). The report also provided details of a proposal to designate the Director of Regeneration, Culture, Environment and Transformation as Deputy Chief Executive.

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.

**Decision:**

- a) The Council approved option 2 – transferring the HR and people responsibilities to the AD Transformation, as set out in paragraph 3.2 of the report. As such, this will also include a transfer of functions to the Chief Finance Officer as set out in paragraph 2.3 of the report, specifically payroll, and corporate performance and risk management.
- b) The Council agreed the proposal set out in paragraph 3.5 of the report, that the Director of Regeneration, Culture, Environment and Transformation (RCET), be also designated Deputy Chief Executive.
- c) The Council agreed the budget transfer between Business Support and RCET directorates to reflect the movement of HR, and corporate performance and risk management services.

**378 Review of the Council's Member Code of Conduct**

**Discussion:**

This report provided details of proposed changes to the Council's Member Code of Conduct following a review undertaken by the Monitoring Officer and consideration by the Councillor Conduct Committee on 13 September 2017.

The recommended changes to the Code and associated guidance was summarised in paragraph 3.3 of the report.

The Councillor Conduct Committee's comments and recommendations were set out in section 5 of the report. It was noted that the Committee had made decisions on some ancillary matters, as set out in paragraphs 5.7.1-5.7.4 of the report, subject to Council's agreement of recommendations 8.1.1-8.1.5.

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The Chairman of the Councillor Conduct Committee, Councillor Hicks, supported by the Portfolio Holder for Business Management, Councillor Turpin, proposed the recommendations set out in the report.

In response to a question from a Member, the Monitoring Officer advised that any co-opted members under the age of 18 (for example, representatives from the Medway Youth Council) would not be required to register any interests.

### **Decision:**

- a) The Council agreed the proposed revisions to the Council's Member Code of Conduct as set out in paragraphs 3.1 to 3.3 of the report and Appendix A to the report, to take effect from 1 January 2018.
- b) The Council agreed the consequential changes to Article 9 of the Constitution (which includes the terms of reference of the Councillor Conduct Committee) as set out in Appendix C to the report.
- c) The Council agreed the associated changes proposed to the Members' Planning Code of Good Practice and the Members' Licensing Code of Good Practice to align the provisions relating to other significant interests and speaking at meetings as set out in paragraph 3.5 of the report and Appendices F and G to the report.
- d) The Council agreed the revocation of the delegation of authority to Parish Councils to deal with complaints relating to the conduct of Parish Councillors, previously agreed by the Council, as these have to be dealt with by the relevant Principal Council under the Localism Act, as outlined in paragraph 3.4 of the report.
- e) The Council agreed to encourage Parish Councils to adopt the new Code of Conduct adopted by Medway Council.

### **379 Representation by Medway Parents and Carers Forum on the Children and Young People Overview and Scrutiny Committee**

#### **Discussion:**

This report set out a proposal for the appointment of a non-voting co-optee to represent the Medway Parents and Carers Forum (MPCF) on the Children and Young People Overview and Scrutiny Committee.

The Children and Young People Overview and Scrutiny Committee considered this matter on 1 August 2017 and its comments and recommendation was set out in section 3 of the report.

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

**Decision:**

- a) The Council agreed that the size of the Children and Young People Overview and Scrutiny Committee be increased to include one non-voting place for a representative of the Medway Parents and Carers Forum to be appointed for a one year term of office each year.
- b) The Council agreed that Keith Clear be appointed to the Committee as the representative of the Forum for the remainder of this Municipal year with Michelle Dewar and June Patey as named substitutes.

**380 Use of Urgency Provisions**

**Discussion:**

This report provided details of decisions taken by the Leader under the executive side (Cabinet) special urgency provisions contained within the Constitution. There was a requirement to report such instances to Council for information.

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 set out in the report.

**Decision:**

The Council noted the report.

**381 Motions**

**A) Councillor Jarrett, supported by Councillor Maple, submitted the following:**

“Our Armed Forces act in the highest traditions of our country in the conduct of their operations. Reservists and regular servicemen and women share the burden and risks and they do so in the most difficult circumstances. The Army Reserve is the largest of the Reserve Forces and provides support to the Regular Army at home and overseas, and throughout its history almost every major operation has seen reservists operate alongside their Regular counterparts.

Kent and the South East is particularly honoured to have the Princess of Wales Royal Regiment stationed in its area. “The Tigers”, as they are known affectionately have a history dating back to The Buffs in 1572, which was a line infantry regiment traditionally raised in Kent. This makes it one of the oldest regiments in the British Army and has provided distinguished service since then. After several re-organisations and mergers it was named after Diana, Princess of Wales. The “Tigers” nickname harks back to one of the predecessor regiments, the 67th South Hampshire’s, who were awarded the use of the image of a Royal Bengal Tiger on their colours in recognition of their

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21 years active service in India. They embody the virtues of courage, self-discipline and loyalty. They have a fierce pride in their connections to the south east.

Most of you will know that Company C of 3 Battalion PWRR, the Army Reserve Battalion, have been stationed at Fort Clarence in Rochester for a number of years and they continue the proud record of achievements, that include recent operational experience in Afghanistan and Iraq, in support of the Regular Army and Cyprus supporting the United Nations mission. Officers and soldiers of the Battalion take time away from their normal civilian employment, to train every week and one or two weekends each month as well participating annually in a two week training period.

On behalf of the people in Medway, this Council wishes to express admiration for the bravery, endurance and commitment of the servicemen and women of C Company and resolves that a Special Meeting of the Council is convened on 25 January 2018 to consider a proposal to grant the freedom of Medway to C Company of the Princess of Wales Royal Regiment.”

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

**B) Councillor McDonald, supported by Councillor Gulvin, submitted the following:**

“This Council notes the disturbing rise of violent crime across the country involving the use of corrosive substances and requests the Cabinet and relevant council officers to encourage retailers across Medway to participate in a voluntary Challenge 25 system for the sale of these potentially dangerous products.”

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

**Mayor**

**Date:**

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