

Medway Council

MEETING OF MEDWAY COUNCIL

14 January 2010

7:00 pm to 10:20 pm

RECORD OF THE MEETING

- PRESENT:** The Mayor (Councillor Royle);
The Deputy Mayor (Councillor Kemp);
Councillors Andrews, Avey, Baker, Janice Bamber, Kenneth Bamber, Bhutia, Bowler, Brake, Bright, Burt, Carr, Mrs Diane Chambers, Rodney Chambers, Chishti, Mrs Chitty, Clarke, Crack, Doe, Mrs Etheridge, Filmer, Mrs Gilry, Godwin, Tony Goulden, Val Goulden, Sylvia Griffin, Griffiths, Gulvin, Harriott, Mrs Haydock, Hewett, Hicks, Hubbard, Jarrett, Juby, Sheila Kearney, Stephen Kearney, Maisey, Maple, Mason, Murray, O'Brien, Reckless, Ruparel, Mrs Shaw, Smith, Stamp, Sutton, Wicks, Wildey.
- In Attendance:** Rose Collinson (Director of Children and Adults)
Robin Cooper (Director of Regeneration, Community and Culture)
Neil Davies (Chief Executive)
Reverend Chris Ferris (Mayor's Chaplain)
Rosie Gunstone (Overview and Scrutiny Co-ordinator)
Mick Hayward (Chief Finance Officer)
Richard Hicks (Assistant Director, Customer First, Leisure, Culture, Democracy and Governance)
Julie Keith (Head of Democratic Services)
Deborah Upton (Assistant Director, Housing and Corporate Services)
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515 RECORD OF THE MEETING

The record of the meeting held on 12 November 2009 was signed by the Mayor as correct.

516 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Esterson, Hunter and Mackinlay.

517 DECLARATIONS OF INTEREST

Councillor Tony Goulden declared a personal interest in any item referring to Luton Junior School as he is Chairman of Governors at that school.

Councillor Godwin declared a personal interest in 204/009 (Gateway 3 supported people contract award for a mental health floating support service) of the Cabinet minutes on the basis of his wife's employment.

Councillor Griffiths declared a personal interest in any reference to NHS Medway as he was a Non-executive Director of the Trust.

Councillor O'Brien declared a personal interest in any reference to the NHS by virtue of members of his family working within the NHS.

Councillor Maple declared a personal interest in item 11A (Thames Estuary Airport – Feasibility Review) by virtue of having signed the online petition opposing such an airport.

Councillor Burt declared a personal and prejudicial interest in any reference to Delce Junior School as his wife is deputy headteacher there and stated that if the school was discussed he would leave the room.

518 MAYOR'S ANNOUNCEMENTS

The Mayor welcomed everyone to the first Council meeting in 2010 and wished everyone a happy New Year. He also asked, in view of the weather, if Councillors who drove could offer lifts to those who did not drive at the end of the meeting.

He then stated that a former longstanding member of the Council, Mrs Angela Prodger, had undergone a thyroid operation on Monday but was now back at home and doing well.

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The Mayor then referred to the tragic death of Captain Daniel Read who had been killed in an explosion in Afghanistan on Monday. Captain Read was 31 and a former pupil of Rainham Mark Grammar School. He had been serving with the armed forces as one of the elite bomb disposal experts when he died. He said that he would be writing to the headteacher asking him to pass on his condolences to the family.

Councillor Stamp, as a friend of Captain Read, paid his own personal tribute to him and referred to his huge courage and determination in serving his country and sent his condolences to his wife and family.

The Mayor announced that ex-Councillor Rod Clark died on 10 December. Rod was a former member of Gillingham Council representing North Ward from 1979 to 1983 and was at one time Deputy Leader of the Labour Group.

Councillor Harriott paid a personal tribute to Rod and referred to his background as an engineer at Chatham Dockyard and his employment as a draughtsman before taking up lecturing. He stated that he would be sadly missed.

The Mayor invited Members to support forthcoming events in aid of his charities

- Deputy Mayor's quiz night at Chatham Grammar School for Boys on 20 January
- Dick Whittington on 28 January
- The Mayor's Annual Ball at the Corn Exchange on 13 March.

Members were reminded to speak loudly and clearly into their microphones and to provide a written copy of amendments to any proposals to the Head of Democratic Services.

519 LEADER'S ANNOUNCEMENTS

There were none.

520 PETITIONS

The following petitions were received and referred to the appropriate Director:

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- Councillor Diane Chambers presented a petition containing additional signatures against the development of Capstone Valley.
- Councillor Maple, on behalf of Councillor Esterson, from 215 petitioners requesting a change to the end of evening timing of the parking charges at Riverside long stay car park from 10pm to 7pm.

521 LEADER'S REPORT

Members debated the Leader's report, which consisted of the following issues:

- The first National Armed Forces Day held in 2009
- 25th anniversary of the closure of the Royal Naval Dockyard and the birth of the Historic Dockyard Trust
- The completion of Medway Park in 2010 establishing it as a regional centre of sporting excellence, hosting the modern Pentathlon World Cup in April
- The Council was also well placed to benefit from the Olympic and Paralympic Games and the Barbados and Papua New Guinea teams had already signed a statement of intent to train at Medway Park
- Medway's regeneration programme and improved cultural offer
- Both the Dickensian Christmas and the Aladdin Pantomime at the Central Theatre had been extremely well attended. Tickets for Status Quo and the Castle Proms had gone on sale, and 3,400 tickets had already been sold for the Status Quo concert
- Comprehensive Area Assessment - Medway Council had been judged to be performing well with the Council scoring three out of four stars. Medway had been awarded a Green Flag for work to reduce re-offending, which had been an excellent example of partnership working with the Police and Probation Service
- Three green flags had been awarded to the Council for its greenspaces

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- The Cabinet had agreed a report on the proposed Thames Estuary Airport criticising a feasibility study commissioned by the Mayor of London. Arrangements had been made for a cross-party delegation from Medway Council to meet with the Deputy Mayor of London, Kit Malthouse, to discuss the issue in early March
- Preparation for a bid for city status as part of the national celebrations for the Queen's Diamond Jubilee in 2012. 2012 would also be the bicentenary of the birth of Charles Dickens and the 200th anniversary of the arrival of the Royal Engineers in Chatham
- Challenges for the Council in view of the recession, particularly with the present £8m shortfall in the draft budget for the forthcoming year.

522 OVERVIEW AND SCRUTINY ACTIVITY

Members received and debated a report on overview and scrutiny activities.

The following issues were discussed during the debate:

- The planning of central Strood
- A correction to page 78 paragraph 3.1.7 to reflect the fact that the Chairman of Governors of Luton Junior School spoke in support of the amalgamation of the Junior and Infant Schools (and not against the proposal as printed).

523 MEMBERS' QUESTIONS

- (A) Councillor Juby asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following question:

This Council looks like it has no policy for gritting pavements, particularly in high streets, during bad weather involving ice and snow. During the recent extreme weather conditions most footways were all but impassable due to impacted snow and ice. Will the Council be revising its policy on this?

The Portfolio Holder for Front Line Services, Councillor Filmer, responded by paying tribute to all the staff for their hard work in minimising the disruption in Medway caused by the worst weather conditions faced in decades. Councillor Filmer expressed special

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thanks to the gritting teams, the Director of Regeneration, Community and Culture, the Highways Manager and the Highways team who worked very long hours and attended many meetings during this period and kept Members informed of progress.

He stated that Medway Council had a clear policy for dealing with such weather conditions, which was outlined in the Winter Service Policy and Plan similar to that adopted by other Councils. This prioritised the actions to be taken by the Council's contractors, which started with keeping the main roads, and bus routes clear and passable followed by other precautionary salting routes. The route to the hospital was also regarded as a priority.

Councillor Filmer stated the priority for the clearance of pavements started with those areas with the highest footfall such as shopping centres and routes to the train stations.

Medway Council was responsible for 600 miles of road and over 1000 miles of pavement he emphasised it was not possible to grit all roads but the Council has been working hard to make sure all main roads were passable. The Council would consider any lessons, which could be learnt from the recent bad weather, to make improvements to the Service Plan that were thought necessary.

Councillor Juby then asked Councillor Filmer why the footpath at Gillingham Station and Rochester Station had not been gritted until very late. He asked whether the policy would be reviewed in the light of this.

Councillor Filmer stated that the Council would look into this and that in the first phase of snow it had been difficult to get teams out quickly. Councillor Filmer drew attention to other Councils controlled by the Liberal Democrats such as Bristol, and particularly Derby, Hull and York's pavements were not gritted. He said that Medway's policy was in line with many other Councils.

On a point of personal explanation, Councillor Juby stated that his question related to what was happening in Medway rather than what was happening in other authorities.

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- (B) Councillor Crack asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following question:

If people who trip/slip on Medway's untreated surfaces during severe weather decide to sue for their injuries, who pays compensation to them?

Is it the Council Tax payer? Or is this covered by the Council's public indemnity insurance policy?

The Portfolio Holder for Front Line Services, Councillor Filmer stated that the Council has a legal duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice.

This means that the Council must act reasonably, but it did not place a duty for the whole Highway network to be treated. Whilst the Council had every sympathy with anyone who had slipped and been injured, they were unlikely to be successful in any claim for compensation as the Council followed a Winter Maintenance Plan that set out how roads were prioritised for treatment and took all reasonable steps to ensure that the public were as safe as possible.

The triggers for treatment to commence were based on third party weather forecasts specifically for highways purposes. The Council's contractors, Volker Highways, had significant resources, which had maintained the Medway road network in the longest spell of freezing weather since 1981. The approach that Medway took was similar to many other authorities.

Councillor Crack then asked the portfolio holder if, to reduce the risk of accidental slippage by pedestrians, he would ensure that areas of busy public usage ie high streets, local shopping precincts and Council car parks, where he had fallen over twice, were given priority for gritting and salt treatment, whenever snow and freezing conditions were forecast.

Councillor Filmer stated that the Council had its Winter Plan and that after the snow had finished the Council would look at ways to improve the plan and would take on board suggestions.

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- (C) Councillor Sheila Kearney asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following question:

Could Councillor Filmer please tell the Council why street cleaners and traffic wardens are not deployed in salting and gritting pavements?

If this had been done during the recent bad weather this would have reduced the number of slips and falls and would not have led to the number of extra admissions, which Medway Hospital had to cope with.

The Portfolio Holder for Front Line Services, Councillor Filmer, stated that he was pleased to explain that long standing arrangements had been in place with the Council's cleansing contractor, Veolia Environmental Services, to use their staff in the spreading of salt on areas with high footfall. These arrangements were initiated as soon as the pavements became covered in snow and were unable to be swept.

During the recent cold spell staff from Quadron, the grounds maintenance contractor had also cleared public areas of ice and snow. This meant that precincts and town centre areas, selected car parks and the approaches to Gillingham and Chatham Railway stations were treated. The park rangers were also on hand with their 4x4s to assist those adults receiving social care and he thanked staff for their work during the difficult weather conditions.

The use of Civil Enforcement Officers from Parking Services was being actively looked at for the future.

Councillor Sheila Kearney asked if the next time it snowed the administration would not only want the neighbourhood police officers to salt unsafe pavements but to supply their own salt as well? She stated that she had witnessed this before Christmas outside Gillingham Railway Station. She stated that she would be proposing those officers involved for a Pride in Medway award.

Councillor Filmer stated that last February when Medway last had snow all local authorities had been contacted by the Department of Transport and it was stated that there needed to be a regional salt cell for distribution of salt. This had not happened. Medway had 3,500 tonnes of salt stored under cover at Cliffe so the Council had 30 days of salt in stock. Many other authorities had far less than that but it was quite clear before Christmas that when the Council applied to the Salt Union to

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have the stocks replenished it was not coming forward. Before the Council could look at increasing salting it needed to have a reasonable amount of salt.

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

How does the Council prioritise making pavements and walkways safe in wintery conditions, especially in relation to the many steep hills in the towns?

The Portfolio Holder for Front Line Services, Councillor Filmer, stated that as he had already mentioned, Medway operated a Winter Service Policy and Plan which prioritised the actions taken by the Council's contractors during icy and snowy weather. The Council's first priority started with keeping the main roads and bus routes clear and passable followed by other precautionary salting routes. He felt that the Council had done better than many others in the South East. The priority for clearance of pavements in those areas with the highest footfall, shopping centres and routes to the station. Clearly it was not possible to grit over 1000 miles of pavement.

Finally he added that the Minister for the South East, Jonathan Shaw MP, stated on BBC News last week that it would cost each Council between £50 and £60 on each household's Council Tax bill to grit all the pavements and he did not feel that would be a good use of money.

Councillor Maple said he understood that in March at Overview and Scrutiny there would be a Member's item relating to lessons learned from the recent adverse weather conditions and asked if the calls from Customer First could be checked to find out where the specific problems were and also that comments on a Facebook group with 1400 members should be analysed and reported to the Committee?

Councillor Filmer agreed with the suggestion and stated that he was aware of the Facebook group. He said that there needed to be planning in the spring/summer to make sure that the 300 salt bins were topped up and still in place.

524 REPORTS ON MATTERS FOR FULL COUNCIL

(A) Thames Estuary Review - Feasibility Study

Discussion:

Members received a report setting out details of a feasibility review into the proposal by the Mayor of London to construct a Thames Estuary Airport.

The Leader, Councillor Rodney Chambers, supported by Councillor Jarrett, proposed the recommendations as set out in the report.

Decision:

That the Council reaffirms its opposition to the plans to construct a new Thames Estuary Airport and that Douglas Oakervee (the author of the report) be contacted to:

- advise that any justification for the location of a new airport in the south east could only be considered once detailed London and the south east connectivity and accessibility studies had been undertaken;
- seek to clarify the route of the road and rail links, as detailed in the report;
- draw to his attention the risks associated with the close proximity of the existing LNG import facility near Thamesport and the proposed London Array wind farm; and
- seek early meaningful proposals for environmental mitigation in line with the requirements of the EU Birds Directive and the EU Habitats Directive.

(B) Review of polling districts and polling places

Discussion:

Members received a report setting out details of changes required to polling districts in the light of the new Parliamentary Constituency Boundaries and updating them on allocation of polling stations by the Returning Officer.

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Members were informed of corrections to the report which were as follows:

- Page 114 MGS5 Byron School – the proposal is for the polling district to be merged with GGS4 not GGS3.
- References in the report to Temple School should be altered to Strood Academy.

The Leader, Councillor Rodney Chambers, supported by Councillor Jarrett, proposed the following decision taking into account the corrections outlined above and concerns raised about the lack of Member input into the polling places chosen and the naming of the Professional Development Centre in Strood as a polling place on the grounds that local people would not recognise it:

Decision:

It was agreed that:

- (a) Authority is delegated to the Assistant Director, Customer First, Leisure, Culture, Democracy and Governance, to consider the outcome of consultation on the proposals by 31 January 2010 and to determine whether to implement all or any of the changes to Polling Districts and Polling Places as set out in Appendix 1, including designating each Polling District as the Polling Place in respect of Parliamentary elections only for the forthcoming general election;
- (b) The Assistant Director, Customer First, Leisure, Culture, Democracy and Governance should meet with Councillors to discuss concerns raised by Members in relation to the designation of Parliamentary Polling Districts and Polling Places and the Polling Places and Districts for local government elections.
- (c) The designation of polling stations recommended by the Returning Officer as set out in Appendix 2 be noted with the two corrections outlined above.

(C) Temple Waterfront

Discussion:

This report advised the Council of progress regarding the regeneration of Temple Waterfront and sought the necessary approvals to facilitate the scheme.

Councillor Jarrett, supported by the Leader, Councillor Rodney Chambers, proposed the recommendations set out in the report.

Decision:

It was agreed to declare surplus to the Council's requirements the development land (as shown cross-hatched on the plan attached as Appendix B to the report) and to delegate authority to the Assistant Director, Housing and Corporate Services, in consultation with the Portfolio Holder for Finance to:

- advertise the loss of existing open space in accordance with s123 (2A) of the Local Government Act 1972, to consider any objections and to determine whether or not to dispose of the land
- if a decision is taken to dispose of the land, dispose of it at the best consideration reasonable obtainable
- enter into any necessary agreements with the landowners to facilitate the development
- enter into any necessary development agreements (including the grant of necessary access or other consents) to facilitate the development.

(D) Gambling Act 2005: Review of Council Statement of Gambling Policy

Discussion:

Members received a report seeking approval to a revised Gambling Policy.

Councillor Janice Bamber, supported by Councillor Jarrett, proposed the recommendations set out in the report.

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Decision:

The Gambling Policy attached as Appendix A to the report was approved.

(E) Constitutional matter

Discussion:

This report informs Members of a proposal which asks the Council to agree that Councillor Roy Hunter should not cease to be a Member of the Council if, as a consequence of ill health, he is unable to attend any meeting of the authority for a period of six consecutive months.

Decision:

It was agreed that Councillor Hunter should not have to vacate his seat on the Council, if by reason of ill health, he is unable to attend a meeting of the Council (as defined in section 85 of the Local Government Act 1972) before the expiry of a six month period since he last attended a meeting on 23 September 2009.

(F) Membership of the Standards Committee

Discussion:

The report requested the Council to agree to extend the membership of the Standards Committee to include four Medway Council Members in order that each of the four political groups represented on the Council have one Member on it.

The Leader, Councillor Rodney Chambers, supported by Councillor Jarrett, proposed the recommendation contained in the report including the appointment of Councillor Burt to the Committee.

Decision:

It was agreed:

- (a) to extend the Membership of the Standards Committee to include four members of Medway Council in order that each of the four political groups have a Member on the Standards Committee following the creation of a new Independent Group.
- (b) to appoint Councillor Burt as the Member of the Independent Group to serve on the Standards Committee.

(G) Council Tax Base 2010/2011

Discussion:

Members received a report setting out the calculation of the Council's Council Tax base for 2010/2011.

Councillor Jarrett, supported by the Leader, Councillor Rodney Chambers, proposed the recommendation contained in the report.

Decision:

The Council Tax base for 2010/2011 was agreed as set out below:

| Area | Tax base | (Previous year) |
|-----------------------------------|------------------|------------------------|
| Allhallows | 610.64 | (592.60) |
| Cliffe and Cliffe Woods | 1,892.53 | (1,875.10) |
| Cooling | 85.39 | (81.42) |
| Cuxton | 1,031.68 | (1,027.87) |
| Frindsbury Extra | 2,358.66 | (2,299.81) |
| Halling | 1,042.43 | (1,043.06) |
| High Halstow | 745.00 | (733.76) |
| Hoo St Werburgh | 2,948.04 | (2,767.81) |
| St James, Isle of Grain | 486.34 | (484.15) |
| St Mary Hoo | 98.39 | (101.20) |
| Stoke | 362.42 | (357.88) |
| Council Area (excluding parishes) | 75,532.73 | (74,733.74) |
| TOTAL COUNCIL AREA | 87,194.25 | (86,098.40) |

(H) Schedule of meetings 2010/2011

Discussion:

The report asked the Council to consider a provisional programme of meetings for the 2010/2011 municipal year for recommendation to the Council's annual meeting.

Decision:

- (a) That the programme of Council and Committee meetings for 2010/2011 be approved for recommendation to the annual meeting of the Council on 19 May 2010;
- (b) The proposal for the Annual Council meeting in 2010 to take place on Wednesday 19 May instead of Wednesday 5 May was

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approved.

(I) Special urgency decisions

Discussion:

The report set out details of a decision taken by the Cabinet under the special urgency provisions contained within the Constitution.

The Leader, Councillor Rodney Chambers, supported by Councillor Jarrett, moved the recommendation set out in the report.

Decision:

The Council noted the report.

525 MOTIONS

(A) Discussion:

Councillor Stephen Kearney, supported by Councillor Sutton, submitted the following:

"This Council notes that Kent County Council in 2007 introduced a scheme providing bus travel, free at the point of use to Kent 11-16 students attending school in the County (this was phased in). This scheme has proved very successful and Kent is considering extending the scheme to include 17 and 18 year olds.

At the moment students aged 11 to 16 receive unlimited free bus travel, anytime and anywhere in the area for a period of 12 months, for a one-off payment of £50 which helps to cover administration costs and some of the payments to the bus companies.

Applicants must meet the following key criteria in order to apply for the scheme:

- In academic year 7-11 at a valid school in the authority.
- Living within the administrative boundary of the authority.

The net cost of the scheme is £11 million. The estimated cost for including 17 and 18 year olds is a further £5 million. These costs reimburse the bus companies for the fares they have lost and their additional costs in moving extra people.

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This Council believes

1. that there are too many car journeys on the roads of Medway which leaves our roads congested and creates serious pollution.
2. that the current situation leaves children from poorer socio-economic groups at a disadvantage with respect to using leisure facilities.
3. that as children get older, part of the growing up process is learning independence including that of mobility.

This Council asks Cabinet to investigate the feasibility of a similar scheme in Medway. Kent is approximately six times more populous than Medway and therefore the maximum this should cost could be £2 million (and £1 million for 17 and 18 year olds).

This would not affect current rights of those entitled to free transport to school."

Councillor Maple, supported by Councillor Griffiths, proposed that the motion be replaced with:

"This Council supports the introduction of a fully free bus travel scheme for young people up to the age of 18, who are resident in Medway and in full time education. This Council asks officers to cost it in time for the Council's forthcoming budget meeting. The investigation is to include the current underspend on the half price scheme"

Under rule 10.4.1 of the Council rules Councillor Stephen Kearney stated he wished to alter his motion as proposed by Councillor Maple. A vote was taken on whether the Council gave consent to the agreement by the proposer of the motion to the alteration of his motion in line with the amendment.

Upon being put to the vote the Council withheld its consent. Discussion continued on the amendment.

In accordance with rule 11.4 of the Council's constitution at the request of six Members, a vote on the proposed amendment was recorded as follows:

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For: Councillors Bowler, Burt, Crack, Mrs Gilry, Godwin, Tony Goulden, Mrs Val Goulden, Griffiths, Harriott, Hubbard, Jubby, Sheila Kearney, Stephen Kearney, Maple, Murray, Ruparel, Mrs Shaw, Smith, Stamp and Sutton – Total 20

Against: Councillors Andrews, Avey, Baker, Janice Bamber, Ken Bamber, Bhutia, Brake, Bright, Carr, Mrs Diane Chambers, Rodney Chambers, Chishti, Mrs Chitty, Clarke, Doe, Mrs Etheridge, Filmer, Griffin, Gulvin, Mrs Haydock, Hewett, Hicks, Jarrett, Kemp, Maisey, Mason, O'Brien, Reckless, Royle, Wicks and Wildey – Total: 31

The amendment was therefore lost.

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

Mayor

Date

Rosie Gunstone

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