

**Medway Council**  
**Meeting of Business Support Overview and Scrutiny**  
**Committee**

**Thursday, 5 July 2018**

**6.35pm to 9.53pm**

**Record of the meeting**

**Subject to approval as an accurate record at the next meeting of this committee**

**Present:** Councillors: Carr (Chairman), Etheridge, Joy (Vice-Chairman), Khan, Maple, Murray, Royle, Stamp, Tejan, Tranter and Wildey

**Substitutes:** Councillors:  
Purdy (Substitute for Mrs Josie Iles)

**In Attendance:** Mark Breathwick, Head of Strategic Housing  
Richard Hicks, Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive  
Perry Holmes, Chief Legal Officer/Monitoring Officer  
Andrew Mann, Managing Director, Medway Norse  
Carrie McKenzie, Assistant Director, Transformation  
Michael Turner, Democratic Services Officer  
Phil Watts, Chief Finance Officer

**163 Apologies for absence**

An apology for absence had been submitted from Councillor Freshwater.

**164 Record of meeting**

The record of the meeting held on 12 April 2018 and the record of the Joint Meeting of Committees held on 16 May 2018 were agreed and signed by the Chairman as correct.

**165 Urgent matters by reason of special circumstances**

There were none.

**166 Declarations of Disclosable Pecuniary Interests and Other Significant Interests**

Disclosable pecuniary interests

There were none.

## **Business Support Overview and Scrutiny Committee, 5 July 2018**

### Other significant interests (OSIs)

There were none.

### Other interests

There were none.

## **167 Member's item: Gillingham Football Club Sponsorship by Medway Council**

### **Discussion:**

Members considered a report which set out a response to issues raised by Councillor Maple concerning the sponsorship agreement between the Council and Gillingham Football Club.

Councillor Maple introduced his item by stating that he, along with all Members, wanted Gillingham FC to succeed but the agreement reached had raised some concerns. The decision to enter into the agreement had been taken quickly and, as the Leader of the Opposition, he had been unaware of it when approached by the media asking for a comment. He welcomed the Council's decision to then make public all of the responses to FOI requests about the agreement, together with the details of the sponsorship agreement itself. Going forward he proposed that the Council draw up a protocol on corporate sponsorship which, before being agreed, should be subject to scrutiny by the Committee.

The Director of Regeneration, Culture, Environment and Transformation and Deputy Chief Executive responded by saying he considered the Council had entered into a very positive arrangement with Gillingham FC. The club was important for Medway and the agreement helped further a number of the Council's strategic objectives as well as promoting Medway on a wider stage, secured investment in Council facilities at no cost to the authority, while also giving the club access to a wider range of facilities in a way which protected the Council's interests.

A Member asked why the deal was only for one year if there were so many positives and questioned whether the 2019 local elections were a consideration in the timing. The Director of Regeneration, Culture, Environment and Transformation and Deputy Chief Executive advised that at this stage it was a one year deal and officers would carefully monitor how it progressed. In relation to the timing query, he assured Members this was a genuine attempt to make Council facilities available to the club and community groups.

A Member commented that this was a positive and innovative development for Medway which had the potential to inspire young people to become active in sports and also noted there were other councils who had sponsored their local football team at a significant cost to the authority, which was not the case in Medway.

## **Business Support Overview and Scrutiny Committee, 5 July 2018**

A Member made the point that the agreement had been reached very quickly with no details being made public at first and no scrutiny of it had been possible. One concern was the extra demand that would be placed on the Council's marketing team and whether this would lead to missed opportunities. Some of the language used in the answers to some of the questions raised in the Member's item was loose and did not rule out extra costs being incurred by the Council. The answer to Question 14 about the Purdah period was unsatisfactory as it did not give a commitment that the Purdah advice would definitely address the aspects of the agreement concerning publicity.

The Director of Regeneration, Culture, Environment and Transformation and Deputy Chief Executive acknowledged the speed of the decision to enter into the agreement but he considered it had been correct to seize the opportunity. A key task of the marketing team was to promote Medway and the work arising from the agreement was part of that and would not be onerous. In terms of the reference to anticipated costs, he would be closely monitoring the agreement. He also advised that, as usual, very clear advice would be given about the Purdah period. The Council had acted transparently by publishing all of the responses to FOI requests about the agreement, together with full details of it on its website.

Referring to the answer to Question 4, a Member asked how it had been decided that there would be no additional costs. The Director of Regeneration, Culture, Environment and Transformation and Deputy Chief Executive advised that there were a number of safeguards in place whereby the club would further invest in the facilities. He was aware some community groups were concerned the condition of the pitches would deteriorate, but he gave a commitment they would be maintained as set out in the agreement.

Referring to the answer to Question 14, a Member stated that, whilst the response was satisfactory, the issue about racial victimisation had broader implications for future sponsorship deals. The Director of Regeneration, Culture, Environment and Transformation and Deputy Chief Executive commented that if Members supported the production of a protocol then this point could be incorporated.

The Director of Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in response to a question, stated that he could not at this point say how long it would take to write a sponsorship protocol. He advised that one had not been required over the last 20 years, albeit he could see some merit in the proposal as it would guide officers in the formulation of any future agreements. However, he added that committing officer time to developing this should be seen in the context of the Council's wider priorities.

Councillor Maple commented he was somewhat re-assured by the responses to his Member's item and what had been said this evening. He would like the dialogue with community football groups to continue. Noting that the pitches were not used much outside of weekends, he suggested that the Council should look to develop a marketing strategy for its sports facilities. He also

## **Business Support Overview and Scrutiny Committee, 5 July 2018**

queried who was managing the terms of the licence as the club's fixture list for 2018/19 did not refer to the stadium as "The Medway Priestfield Stadium". The Director of Regeneration, Culture, Environment and Transformation & Deputy Chief Executive commented that there were references to Medway Priestfield Stadium on the club's website but he would raise the issue about the fixtures list with the club.

It was then proposed that a briefing paper be produced giving a more detailed response to questions 7 and 8; a report be submitted to the first meeting in the next municipal year reviewing the sponsorship arrangements and that a report be submitted to the Committee detailing a draft corporate sponsorship protocol for scrutiny prior to any decision being made on whether to adopt such a protocol.

### **Decision:**

The Committee agreed to:

- a) request a briefing paper giving more detail in response to questions 7 and 8 in the Member's item;
- b) ask for a report be submitted to the first meeting in the next municipal year reviewing the sponsorship arrangements, and;
- c) ask for a report to be submitted to the November 2018 meeting of the Committee detailing a draft corporate sponsorship protocol.

## **168 Medway Norse Update**

### **Discussion:**

Members considered a report which outlined the partnership's achievements and performance up to the end of the 2017/2018 in its fourth year of trading.

The following issues were discussed:

- **Spring grass cutting** – the Partnership Director, Medway Norse acknowledged some deficiencies regarding the spring grass cutting season. Although the work had been done in accordance with the contract the grass had grown more quickly than usual. This had led to Medway Norse deciding to issue more publicity explaining the grass cutting cycles earlier in the season than usual. Following a query as to why this publicity could not be issued before 2019 so it could be more widely absorbed, the Partnership Director commented that he would look at that but his preference was for the information to be issued in a timely manner at the beginning of the new season. He added that grass cutting equipment was being replaced in advance of the 2019 season, which would increase productivity.

## Business Support Overview and Scrutiny Committee, 5 July 2018

A Member referred to inconsistencies in grass cutting on the steep banks at Delce Road and stated that staff had explained this was either for health and safety reasons or because they did not have the right equipment. The Partnership Director replied that all staff had received extensive health and safety training and he was not aware of any issues with the wrong equipment being used to cut grass on the banks.

A Member questioned the suitability of the grass cutting equipment as it appeared to be unable to work in wet weather. The Partnership Director confirmed the wrong equipment had been used in the wet season but the newly purchased equipment would be more productive.

- **Tree assessments and maintenance** – in response to a question about Medway Norse's involvement in Tree Preservation Orders, the Partnership Director advised that they commented on applications for Tree Preservation Orders. Their approach was to seek to prune and maintain rather than cut down trees. Money was also allocated in the contract each year for replanting trees. A Member referred to a large number of trees which had been cut down recently. The Partnership Director confirmed this had not been done by Medway Norse.
- **Waste services** – a Member referred to problems caused by overflowing dog waste in dual use bins. The Partnership Director commented that the transfer of the waste collection and cleansing contract to Medway Norse offered opportunities to generate efficiencies and clear up some of the previous confusion.
- **Growth of the Joint Venture** – a Member asked what the plans were for growth through external contracts and the balance between this and Council contracts. The Partnership Director stated that Medway Norse had been successful in securing school cleaning contracts and was looking for opportunities to win grounds maintenance contracts with other organisations. In response to a question whether Medway Norse employed proactive sales people to market the joint venture, the Partnership Director commented that the focus was on bidding for commercial contracts as this was more likely to generate repeat business. Managers however actively promoted the joint venture as part of their everyday role.

A Member asked if details could be provided in the next report of the proportion of Medway Norse business which was core Council service delivery, arguing most Members would expect this to now be a smaller proportion than it was. The main selling point of setting up the Joint Venture had been for it to win external contracts. It was queried whether there would be the same level of support now for the proposal to establish a joint venture given the Council only received half of the profits and alternative models now existed, for example a wholly owned council company such as Medway Commercial Group.

## Business Support Overview and Scrutiny Committee, 5 July 2018

The point was made that some Council services, such as community wardens, needed to remain with the Council.

- **Grounds Maintenance** – a Member referred to the review of hours and working days of the grounds maintenance staff and asked how staff could be retained if their overall hours were reduced. The Partnership Director advised that he was not planning to reduce the overall hours or salary of staff. Discussions were taking place with the Trade Unions about revised working hours to ensure staff were used at times when required.

A Member referred to critical comments made by Cabinet Members about this service and a suggestion that if the service did not improve the contract would be withdrawn. He queried why services continued to be passed to Medway Norse in the light of ongoing performance issues.

A Member urged that the grounds maintenance at cemeteries be prioritised.

- **Future challenges** – a Member asked if it was possible quantify the cost of the National Living Wage for the 2018-20 period as well as the Apprenticeship Levy. The Partnership Director advised that the majority of the workforce were paid at around the level of the National Living Wage. It would be a challenge to maintain differentials given the financial constraints facing Medway Norse.
- **Scrutiny of operational issues** – Members agreed to discuss at the next agenda planning meeting the issue of where operational issues relating to Medway Norse should be scrutinised.
- **Section 19 Permit risk of change** – in response to a query, the Partnership Director stated that should the S19 permit be withdrawn this would bring into question Medway Norse's ability to provide SEN transport in a cost effective way.

### Decision:

The Committee agreed to:

- a) note the report;
- b) note the commitment to make publicly available information about the 2019 grass cutting season as soon as operationally possible;
- c) ask that future reports include details of the schedule of works for shrub replacement, weeding and mulching, and;
- d) discuss at the next agenda planning meeting the issue of where operational issues relating to Medway Norse should be scrutinised.

**169 Shared Licensing Service between Gravesham Borough Council and Medway Council**

**Discussion:**

Members considered a report which dealt with a proposal to delegate the Council's Licensing functions to Gravesham Borough Council whereby Gravesham Borough Council would assume responsibility for the discharge of Medway Council's Licensing functions.

Members also considered an addendum report which provided the record of the Licensing and Safety Committee meeting held on 26 June 2018, when it considered this matter, together with the draft service level agreement which the Licensing and Safety Committee had requested.

There was broad, and in cases qualified, support for the proposal to establish a shared licensing service. The point was made that there may be scope for further shared services provided this did not dilute the Council's focus on Medway residents. Another Member commented that she was in favour of shared services for back office services but where the service was public facing it could be more problematic.

A Member expressed concern that the TUPE transfer of Medway staff may result in them being on different terms and conditions but working on the same activities. The Chief Legal Officer advised that Medway staff would transfer with the same terms and conditions.

As Gravesham BC staff would receive pay increases in line with NJC Council agreements the point was made that a Gravesham member of staff performing the same duties as a Medway colleague would, over time, end up being paid more. The Chief Legal Officer acknowledged this was a potential risk but one that would be managed.

A Member referred to taxis licensed outside Medway operating in the borough which were often in a poor condition, not accountable and may not be able to be traced. She commented that local taxi drivers considered more controls could be introduced to prevent this from happening. The Chief Legal Officer responded that this issue had been discussed with representatives of Medway taxi drivers. Legally, it was very difficult to regulate this as it was difficult to evidence that an out of area hackney carriage had not been booked by a Medway resident. However, he was confident the shared service would improve enforcement in this area. Reference was also made to Uber and instances of overcharging in Medway and officers were asked to examine a recent decision by Brighton and Hove Council to not renew Uber's Private Hire Operator Licence in the city.

Members asked if the enforcement figures for Gravesham Borough Council BC (p 12 of the Business Case) could be made available to Cabinet and Council.



## **Business Support Overview and Scrutiny Committee, 5 July 2018**

Reference was made to a recent incident involving disorder at a licensed premises in Chatham and Members congratulated the Licensing Manager for his work with the police and the licensee in coming up quickly with a more robust plan for future events.

### **Decision:**

The Committee agreed to:

- a) note the proposal that Medway Council delegates responsibility for the discharge of its Licensing Service functions to Gravesham Borough Council, and;
- b) ask that the enforcement figures for Gravesham Borough Council BC (p 12 of the Business Case) be made available.

## **170 Gambling Act 2005 - Review of Statement of Gambling Policy**

### **Discussion:**

Members considered a report regarding proposed amendments to the draft Statement of Gambling Policy, in conjunction with the consultation responses.

Reference was made to the two paragraphs relating to a Voluntary Partnership Agreement in Part B, section 15 of the draft policy. A Member queried whether this partnership was still meeting and, if not, suggested the wording either be removed or the partnership revived. The Chief Legal Officer commented that the self exclusion scheme which had come out of this partnership working had led to a national scheme and the partnership was no longer meeting, therefore this part of the policy could be removed.

A Member asked if a greater focus on public health could be incorporated in the policy by referencing, for example, the Joint Strategic Needs Assessment as well as including details of where assistance could be found, such as Gamblers' Anonymous.

Members welcomed the clear summary of the proposed changes which had been included and suggested this approach be used in the future across the Council.

### **Decision:**

The Committee agreed to:

- a) note the minor administrative change to Appendix C of the Policy as outlined in section 7 of the report;
- b) note the proposed amendments to the draft Policy in conjunction with the consultation responses;



## **Business Support Overview and Scrutiny Committee, 5 July 2018**

- c) refer the revised policy to the Cabinet for consideration and to Council for approval in accordance with the policy framework Rules with a request that a greater focus on public health be incorporated in the policy by referencing, for example, the Joint Strategic Needs Assessment as well as including details of where assistance could be found, such as Gamblers' Anonymous, and;
- d) recommend that a clear summary of proposed changes to a policy be included in future reports and this approach be adopted across the Council.

### **171 Gambling Act 2005 - Government Response to the Consultation on Proposals for Changes to Gaming Machines and Social Responsibility Measures**

#### **Discussion:**

Members considered a report which apprised Members of the Government's response to the consultation on proposals for changes to Gaming Machines and Social Responsibility Measures.

Members welcomed the announcement from the Government that the maximum stakes on Fixed Odds Betting Terminals (FOBTs) would be reduced from £100 to £2, although there was disappointment this would not happen until 2020. As similar concerns had been made by the Licensing and Safety Committee it was proposed that a joint letter on behalf of the two committees be sent to the Government asking why the reduction was not taking effect until 2020.

The Council had actively campaigned for this change and a Member asked that the Committee's thanks to all Members and officers involved in working to achieve this be placed on record.

#### **Decision:**

The Committee agreed to:

- a) note the report;
- b) place on record its thanks to all Members and officers involved in lobbying to persuade the Government to reduce the maximum stakes on Fixed Odds Betting Terminals from £100 to £2, and;
- c) send a joint letter on behalf of the Committee and the Licensing and Safety Committee to the Government asking for an explanation why the reduction in the maximum stakes on FOBTs from £100 to £2 was not taking effect until 2020.

**172 Council Plan Performance Monitoring Report Quarter 4 and End of Year 2017/18**

**Discussion:**

Members considered a report which set out a summary of performance at quarter 4 and end of year 2017/18 for the programmes and measures which fell with the Committee's remit.

Members discussed the following issues

- **New duties to prevent homelessness** – a Member asked for more information on the new duties on the Council to prevent homelessness under the Homelessness Reduction Act 2017.
- **Rough sleeping** – in response to a question about progress in developing a wrap around service for rough sleepers, the Head of Strategic Housing advised that the Council's bid for a £410,000 grant to provide such a service had been successful. This would provide an outreach service, expand Housing First, support people with mental health needs and provide extra resources to co-ordinate support for rough sleepers. In response to a comment that the performance of Turning Point needed to be closely monitored, the Head of Strategic Housing advised they had been seen as the most appropriate provider and there would be robust monitoring through the regular performance reports that the Government required. The Council's target from the Government was to halve rough sleeping this year.

Members welcomed this funding. A Member made the point that the number of rough sleepers was small in terms of overall homelessness with the "invisible" homeless being a particular concern and a complex area.

- **Temporary accommodation** – a Member welcomed the reduction in numbers of people in temporary accommodation. An undertaking was given to let Members know how many children were included in the figures.

How the Council had arrived at its waiting list figure of 5,480 was queried when Shelter had stated the figure was in the region of 20,000. The Head of Strategic Housing advised that the Council had proactively tackled homelessness through preventative work. By working with private landlords there had been more success in finding homes for people in the private sector. There had been a rolling review whereby people were asked if they still wished to remain on the register. Counter fraud work had also removed some entries and duplicate entries due to an IT quirk had also been removed. The Head of Strategic Housing confirmed this work had accounted for the 16,000 reduction. A Member asked how many of the 5,480 on the register were classed as Band X and an undertaking was given to provide that figure.

## **Business Support Overview and Scrutiny Committee, 5 July 2018**

- **Libraries and Transformation** – a Member asked what support was being given to smaller libraries to ensure they were ready for the transformation agenda. The Assistant Director – Transformation advised that all library staff were being trained in how to provide an assisted digital service.
- **Chatham centre public realm improvements** - a Member queried how site topography could have been a factor in the delay of the construction of the new steps at St Johns, adjacent to Wetherspoon's public house. Officers replied that it was understood to be due to problems which materialized under ground when the original stairs were removed. Reference was also made to the businesses in the area who had been adversely affected for some time as a result of the lengthy improvement works. In response to a question, the Chief Finance Officer stated he had not received any requests from local businesses for financial compensation.

### **Decision:**

The Committee agreed to:

- a) note the quarter 4 and end of year 2017/18 performance of the measures of success used to monitor progress against the Council's priorities, and;
- b) request a briefing note on the Homelessness Reduction Act, the number of children in temporary accommodation and the numbers of people on the housing register classified as Band X.

## **173 Transformation Programme Update**

### **Discussion:**

Members considered a report which provided an update on the Transformation programme, outlined the 2018/19 Transformation Projects, and provided the roadmap for the journey to a smart Medway.

In response to a query, the Assistant Director – Transformation confirmed that surface pros were being rolled out to social care workers. This was not a pilot and the roll out was at week 8 of a 10 week programme. The exact numbers of devices given to staff would be clarified with the Member direct.

A Member noted that the financial and operational objectives of the transformation programme would often be delivered by other teams and asked how confident officers were the programme was on track to achieve its objectives. The Assistant Director – Transformation commented she was confident the programme was on track. The project management team were carefully monitoring the programme and anything behind schedule was flagged with extra resources allocated to it if necessary.

## **Business Support Overview and Scrutiny Committee, 5 July 2018**

A Member queried when the next stage of the programme, beginning in March 2019, would be finalised and whether any of the allocated £6m capital budget was still available. The Assistant Director – Transformation advised that scoping had taken place to identify £7m of cumulative savings for the next phase of the programme. Almost all of the £6m capital funds had been allocated although there was the potential for additional capital funding provided savings could be identified.

A Member asked if it was possible to achieve Smart City status before 2035. The Assistant Director – Transformation was confident this would be achieved before 2035, with the Council starting small and building on this. The possibility of an interactive session with Members to contribute ideas to what a Smart City might look like was suggested.

A Member asked if an urgent solution could be found to allow the public to report issues to the Council via social media, whether the programme would result in a reduction in staff numbers and whether one outcome would be the ability for the public to report changes in personal details once which were then available across council services. The Assistant Director – Transformation confirmed there would be an overall reduction of about 22 posts but every effort would be made to try and redeploy affected staff. A one customer approach was planned so that the public would only need to tell the council once about, for example, a change of address.

### **Decision:**

The Committee agreed to note the report.

## **174 Procurement Strategy**

### **Discussion:**

Members considered a report which updated the Committee on progress made against the Procurement Strategy 2016-21 and suggested amended and additional objectives for Members' consideration.

### **Decision:**

The Committee agreed to note the progress made against the Procurement Strategy 2016-21 and the suggested changes.

## **175 Work programme**

### **Discussion:**

Members considered a report regarding the current work programme.

It was proposed that a report be submitted to the Committee on progress in becoming a 'single-use plastic-free' Council. It was also suggested that each

## **Business Support Overview and Scrutiny Committee, 5 July 2018**

O&S Committee receive an update on the transformation programme as it related to their terms of reference.

### **Decision:**

The Committee agreed to:

- a) note and identify items for inclusion in the work programme (Appendix 1);
- b) agree the proposed changes to the work programme set out in paragraph 3.3 of the report;
- c) note the work programmes of all overview and scrutiny committees (Appendix 2);
- d) cancel the August meeting of the Committee unless there are any call ins for the Committee to consider following the meeting of Cabinet on 10 July;
- e) request a report on progress in achieving the aim of becoming a 'single-use plastic-free' Council, and;
- f) recommend to each O&S Committee that they receive an update on the transformation programme as it relates to their terms of reference.

**Chairman**

**Date:**

**Michael Turner, Democratic Services Officer**

Telephone: 01634 332817

Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)