

**Medway Council**  
**Meeting of Medway Council**  
**Thursday, 19 July 2018**  
**7.00pm to 11.17pm**

**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 Steve Iles)  
The Deputy Mayor (Councillor Tejan)  
Councillors Aldous, Avey, Bhutia, Bowler, Brake, Carr, Cooper, Doe, Fearn, Filmer, Franklin, Freshwater, Gilry, Griffin, Gulvin, Hicks, Howard, Mrs Josie Iles, Jarrett, Johnson, Joy, Kemp, Khan, Mackness, Maple, McDonald, Murray, Opara, Osborne, Paterson, Potter, Price, Purdy, Royle, Shaw, Stamp, Tranter, Wicks, Wildey and Williams
- In Attendance:** Neil Davies, Chief Executive  
Wayne Hemingway, Principal Democratic Services Officer  
Richard Hicks, Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive  
Perry Holmes, Chief Legal Officer/Monitoring Officer  
Julie Keith, Head of Democratic Services  
Ian Sutherland, Director of Children and Adults Services  
Phil Watts, Chief Finance Officer  
James Williams, Director of Public Health

**183 Apologies for absence**

Apologies for absence were received from Councillors Mrs Diane Chambers, Rodney Chambers OBE, Chishti, Chitty, Clarke, Craven, Etheridge, Godwin, Griffiths, Hall, Pendergast, Saroy and Turpin.

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

Disclosable pecuniary interests

Councillor Osborne declared a Disclosable Pecuniary Interest in agenda item 9 (Report on Overview and Scrutiny Activity) with particular reference to paragraph 2.1.4 (Medway School Place Planning Strategy 2018-2022) because he is employed by the Leigh Academies Trust, which is developing the proposed new free school in Rainham.

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### Other significant interests (OSIs)

There were none.

### Other interests

Councillor Cooper declared an interest in any reference to Rivermead School because she is a School Governor there.

Councillor Filmer declared an interest in agenda item 10A (Member's question) because he is a Council appointed Trustee on the Rochester Bridge Trust.

Councillor Gilry declared an interest in agenda item 10A (Member's question) because she is married to a Trustee on the Rochester Bridge Trust.

## **185 Records of meetings**

The records of the meetings held on 26 April 2018 and 16 May 2018 were agreed and signed by The Worshipful The Mayor of Medway as a correct record.

## **186 Mayor's announcements**

With the support of all Members of the Council, The Worshipful The Mayor of Medway placed on record Members' condolences to the families of Sheila Clark who had sadly passed away in May and David Brighthouse who had sadly passed away in June. Sheila had served on Gillingham Borough Council between 1984 to 1997 and Medway Council between 1997 to 2000, whilst David had served on the Council between 2000-2003. Both former Members would be sadly missed.

The Mayor congratulated Councillor Maple and his partner Mary on the birth of their baby son, Edward Kier, the previous week.

The Mayor informed Members that he had been proud to take the salute at the parade held on Sunday 1 July when many of Medway's residents lined the streets to welcome the Princess of Wales's Royal Regiment following the Council's decision earlier this year to award the freedom of the borough to the regiment in recognition of their long association with Medway.

The Mayor also informed Members that a delegation had recently been welcomed from the Japanese city of Yokosuka with whom Medway was twinned. An informal reception had been held for the delegation including a discussion in which ways in Medway and Yokosuka could work more closely together in the future.

The Mayor informed Members of the following events:

Tuesday 18 September – Charity Theatre Night at the Rainham Oasthouse Theatre featuring a comedy called Bothered and Bewildered.

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Wednesday 10 October – the M&Co Fashion Show will take place on at M&Co at Hempstead Valley.

He stated that further information was available from the Mayor's Office.

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.

### 187 Leader's announcements

There were none.

### 188 Petitions

#### Public

Steve Mallet submitted a petition containing 338 signatures which protested against the removal of secure motorcycle parking from the Commercial Road (Strood) vehicle park and requested the immediate re-establishment of this facility.

Samantha De Vere submitted a petition containing approximately 4,250 signatures which requested the Council to build the secondary education building for Abbey Court School on the Cliffe Road Strood site.

#### Members

Councillor Gilry submitted a petition containing 105 signatures which requested that the CCTV Camera outside the post office / ATM be repaired in the Twydall Shopping Centre.

Councillor Gilry submitted a petition containing 205 signatures which requested a safe crossing in Eastcourt Lane, Twydall, for children and parents to and from schools.

### 189 Public questions

#### A) **Robbie Lammas of Lordswood submitted the following question to the Leader of the Council, Councillor Jarrett:**

"In 2017, Labour's manifesto detailed a commitment to a 'land value tax', more commonly known as a Garden Tax. I am concerned over the implications that such a tax could have for residents throughout Medway, especially those in smaller houses which have larger gardens than typical modern dwellings.

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Can the Leader of the Council provide explanation of what this tax would mean for Medway residents, and confirm the Cabinet's stance on the issue?"

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

**B) Stephen Mallett of Lower Higham asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following:**

"Can the Portfolio Holder please explain why the motorcycle secure parking facility has been removed from Strood Commercial Road Vehicle Park, which went ahead without any public consultation?"

Councillor Filmer thanked Mr Mallett for his question and the petition he had submitted earlier in the meeting.

Councillor Filmer stated that the Commercial Road car park had been remodelled and improved as part of the £9m Strood Local Growth Fund project, with the works being completed during May 2018.

The intention of these improvements was to provide a more attractive and flexible space that could cater for future events and enable the continued operation of the regular market. It was considered key that spaces could operate whilst also having the option of keeping some car parking provision during these periods of additional activity.

To meet these requirements, as well as improve the lighting and overall security through the installation of an additional CCTV camera, the car park layout had been re-designed.

An element of this re-design had resulted in the motorcycle parking being re-located from the front corner of the car park in its original layout, to the alternative location within the car park.

Project Centre, the Consultants engaged by the Council to develop and design the improvements, had held a number of engagement events and activities during 2016 and 2017 leading to the arrangement as constructed on the site.

He concluded by stating that he was aware that Mr Mallett had also been in contact with officers directly, and that he would now get involved, personally, in those discussions.

**C) Laura Bath of Rochester asked the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness, the following:**

"In a letter to Tracey Crouch MP, a senior Council officer stated that the Council never intended for the secondary site at Abbey Court to be built.

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Please can the Portfolio Holder explain to me why Medway Council commissioned a company to design the secondary site if there was never any intention of it being constructed?"

Councillor Mackness thanked Ms Bath for her question. He stated that the Chief Executive had received a letter from the MP on 14 May 2018 and the Director of Children and Adults Services had responded on his behalf. The response confirmed the decision to build the primary school at a new site in Rede Court Road, Strood which opened in April 2017, with investment from a number of sources including Medway Council of a sum of around £13m. The response also confirmed that no decision had been taken on future development and investment in facilities to meet the needs of children and young people with complex special educational needs and disabilities.

Councillor Mackness stated that, in order to make best use of public money at the time of looking at the primary needs, an outline design had been commissioned which covered both primary and secondary on a single site. The primary school development project had been approved specifically for that phase only.

**D) Kathy De Vere of Chatham asked the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness, the following:**

"Could the Portfolio Holder confirm how much money was spent on the construction of the primary provision at Abbey Court in context of the entire budget for Abbey Court phases 1 and 2?"

Councillor Mackness thanked Ms De Vere for her question. He stated that the project to construct the new Abbey Court Primary School at Rede Court Road, Strood, was in the region of £13m. The project had been completed on time and on budget. There was no budget allocation made at that time for any secondary provision as there was capacity in the school system and this remained so up to September 2020.

He stated that, in addition to Abbey Court, there were currently a number of projects being undertaken which would contribute to improving and expanding the inclusive nature of Medway's schools exemplified through a number of projects aimed at either extending or creating additional facilities. For example, there were eight new secondary school places for children with profound hearing loss at Thomas Aveling and increasing the number of secondary school places available for pupils who have Autistic Spectrum Disorder at the Hundred of Hoo Academy.

He also stated that a substantial piece of work was already underway to inform pupil provision and requirements from September 2020 onwards, covering all children in Medway. This analysis would also be used to lobby government to highlight any lack of funding, which clearly there was for the future, to ensure that Medway would be able to seek any required additional funds moving forward.

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**E) Leigh Baseley of Rainham asked the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness, the following:**

“Many parents of current Year 5 Abbey Court School children are concerned that there are not currently enough spaces for all of the children to move on to secondary education at Abbey Court School.

Could the Portfolio Holder share his plans for any children who do not obtain a secondary place at Abbey Court School in 2019?”

Councillor Mackness thanked Ms Baseley for her question. He stated that the latest figures were clearly indicating there were no capacity issues up to September 2020 across Abbey Court sites. The Council would continue to work collaboratively, and hopefully with cooperation of the school, to ensure pupils transitioning from primary to secondary could be accommodated within the Abbey Court settings.

He also stated that a substantial piece of work was currently being undertaken to determine capacity requirements, and as a result, options, from 2020. He concluded by stating that he had raised the issue of insufficient funding with all of Medway's local MPs who were also supporting Medway Council in lobbying government for additional funding for all schools from 2020 onwards.

**F) Kate Harvey of Chatham submitted the following question to the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness:**

“How many children are still currently on statements in Medway (as opposed to EHCPs)?”

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

**G) Paul Hoskins of Gillingham asked the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness, the following:**

“Is Medway Council willing to sign a letter calling on the government to help fund Abbey Court School phase 2 secondary build?”

Councillor Mackness thanked Mr Hoskins for his question. He stated that he had previously raised the issue of insufficient funding with Tracey Crouch MP for all schools and the expansion of all schools post 2020 and had sent a letter to her back in May. He stated that the Council had the support of the local MPs who were challenging the government and highlighting the issues around insufficient funding and specifically on the issue of SEND places across Medway and not just Abbey Court, if that should exist in the future.

He stated that he had also asked officers to look at all funding options moving forward so that the administration could explore all of the options to meet the growing need of places. Once officers had completed the analysis of future demand, he stated that the administration would look at all funding sources,

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including seeking that from the Education and Skills Funding Agency. This data would strengthen the case and allow the Council to put a needs based analysis to Government.

**H) Cherie Hoskins of Gillingham asked the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness, the following:**

“A recent Freedom of Information Act revealed that there are 13 pupils in Year 5 at Abbey Court Primary, but there are currently only 8 spaces available at the secondary school for the 2019/2020 academic year.

Can the Portfolio Holder share his plans for the five children that will not be able to progress to Abbey Court's secondary unit?”

Councillor Mackness thanked Ms Hoskins for her question. He stated that it was incorrect to state that there was insufficient capacity across the Abbey Court sites. Latest figures indicated there were absolutely no capacity issues up to September 2020. He stated that the Council would continue to work collaboratively with the school, hopefully with their cooperation, to ensure pupils transitioning from primary to secondary could be accommodated across the Abbey Court site as there was capacity.

He concluded by stating that, post 2020, the Council was carrying out a considerable piece of work to look at capacity and demand thereafter.

**I) Fatima Mitchell of Wainscott asked the Portfolio Holder for Business Management, Councillor Turpin, the following:**

“As a taxpayer, I appreciate nothing more than a Council which concerns itself with providing good value for money, alongside delivering high quality services. However, another essential part of the Council's work is the protection of taxpayer money being defrauded.

Can the Portfolio Holder outline what steps are being taken to ensure fraud is detected, tackled and prevented?”

The Portfolio Holder for Educational Attainment and Improvement, Councillor Potter answered this question on behalf of Councillor Turpin.

Councillor Potter thanked Ms Mitchell for her question. He stated that the investigation of Housing Benefit Fraud had been transferred to the Department for Work and Pensions (DWP) as part of the Government roll out of a new Single Fraud Investigation Service. The implications for Medway that had resulted from these changes were the potential transfer of experienced staff and a confirmed loss of £155,000 in grant funding.

However, the Council was committed to retaining a fraud resource service and entered into a shared service for both Audit and Counter Fraud with Gravesham Borough Council. The merger meant that two Kent authorities

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retained experienced investigators, achieved savings and created resilience by sharing the resource.

He stated that the Audit and Counter Fraud Service was the lead for all prevention, detection and investigation activity within the Council in relation to fraud. In addition to investigating allegations of fraud received from the public and Council staff, the team:

- conducted 'fraud proofing' reviews in areas where the Council may be exposed to fraud risk to ensure that there are strong preventative measures;
- provided fraud awareness training to staff and Members;
- undertook data matching both internally and with external partners, as well as other forms of pro-active activity, all aimed at identifying instances of potential fraud.

Since the launch of the shared service in March 2016, the team had been responsible for the identification of false Council Tax discounts and exemptions within Medway totalling more than £100,000 and had prevented the sale of a Council property that had been obtained fraudulently and was about to be purchased under the right to buy scheme. Their work had also led to successful convictions in relation to Council Tax fraud involving the supply of false student certificates.

He concluded by stating that the service was committed to safeguarding public money and had agreed to be part of joint working initiatives with the DWP to look at opportunities to deal with people who may be committing benefit fraud and other offences that link to Council services, undertaking one investigation and prosecution.

**J) Alan Wood of Rainham asked the Leader of the Council, Councillor Jarrett, the following:**

"Item 11 on the agenda of the last Cabinet meeting recommended the sale of the Conservancy Board building in Rochester High Street to provide further funding for repairs to the Corn Exchange and other priority schemes as funding is unlikely to be found elsewhere.

Whilst selling an historical building in Rochester High Street, can the Leader of the Council explain to the residents of Medway why the Council continues to rent the nearby premises at 95 High Street, Rochester from the Huguenot Museum including details of the annual rental the Council continues to pay this private company (which the Deputy Leader and Portfolio Holder for Housing and Community Services is an active director of) and the Council's long term plans given that this doesn't sound a very good deal for the tax payer especially as there are already suitable Council owned buildings nearby?"

Councillor Jarrett thanked Mr Wood for his question. He stated that the Council had taken a lease from the French Hospital of the ground floor of 95 High



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Street and the coach dropping off area to the rear, in December 2010. This followed the sale of the building for a substantial capital sum.

The current rent being paid was £62,000 per annum. The lease was for a term of 20 years and was due to expire in 2030, but the Council could end the lease in December 2020 or December 2025.

He stated that Councillor Doe was a Trustee of the Huguenot Museum, which was a separate organisation to the French Hospital. He also stated that he had understood that Councillor Doe had registered that trusteeship appropriately.

He stated that the Council's property portfolio was kept under regular review by his Cabinet colleague, Councillor Gulvin, as referenced by items 14 and 16 on this meeting's agenda and other work that he had been doing.

He stated that the original reasons for renting the building that housed the Visitor Information Centre (VIC) included its central and prominent position on the High Street. He believed these benefits had been further enhanced when Network Rail moved its new £26 million station to give easier access to the heart of historic Rochester. The rear entrance to the VIC now sat opposite the Train Station. That allowed visitors who came by Rail to immediately access the centre as they joined the millions of people who visited Medway each year.

That prominence and accessibility of the VIC was supported by footfall numbers of 18,500 a month which made it one of the busiest visitor centres in Kent. Customers could find out about Medway's substantial festival, sporting and cultural offer or visit the dedicated art gallery space in the heart of historic Rochester.

He stated that the VIC was a nationally accredited centre allowing use of the internationally recognised 'tourist information' branding. It had won national and international coach industry awards for its first class facilities and welcome for visitors.

Therefore, he thought that the VIC was a good deal for local tax payers because the building was very visible from both aspects, was accessible and well used and the fact that it supported visitor numbers of 4.6 million people per year, to Medway. Medway benefited from the local economy by £313 million every year and that supported more than 6,000 jobs.

He concluded by stating that the Council would continue to review the tenure of all properties and would if an opportunity arose, strike a better deal for the future.

**K) James Chespy of Gillingham asked the Leader of the Council, Councillor Jarrett, the following:**

"Concerning the issue of the Mayoralty. Ever since the ruling Conservative Group has been in charge of this authority the issue of the Mayoralty and who is to be the first citizen of Medway for the municipal year has always been

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decided from within the ruling group. This has a degree of unfairness about it since there are other political parties represented on the authority.

I would ask the ruling Conservative Group in a spirit of generosity to consider inviting the opposition to form a cross party mayoral selection committee where the issue of the mayoralty can be decided based upon a points based system, length of service to the authority and the people of Medway.”

Councillor Jarrett thanked Mr Chespy for his question. He stated that on the issue of the mayoralty he did not agree with Mr Chespy’s statement that there was a degree of unfairness as to how the Mayor was appointed at Medway.

He stated that the law was crystal clear on this point. The Local Government Act 1972 required the Mayor to be elected by the Council in May at the Annual Council meeting. All 55 Councillors voted and the candidate with most votes would be elected as Mayor for the year. Therefore, the Council’s arrangements for election of a Mayor each year were entirely consistent with the legislative provisions.

He concluded by stating that with regard to fairness, 67% of the seats on the Council were held by Conservative Councillors, and it was likely, therefore, that a Conservative Mayor would be elected and that this was how democracy worked.

**L) Sean Carter of Gillingham submitted the following question to the Portfolio Holder for Adults' Services, Councillor Brake:**

“Why does Medway Council not provide proper welfare services?”

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

**M) Aimee Fitzpatrick of Gillingham submitted the following question to the Portfolio Holder for Front Line Services, Councillor Filmer:**

“Councillor Filmer, what progress have you made with the additional permit you agreed to, for informal carers, and when will this be implemented?”

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

**N) Paul Chaplin of Rainham asked the Portfolio Holder for Business Management, Councillor Turpin, the following:**

“It has been drawn to my attention that Medway Council uses Disability Living Allowance/Personal Independence Payment (DLA/PIP) as income for Council Tax reduction calculations. Medway state that:

Disabled: The scheme is designed to help those in need whilst encouraging people into employment. However, some households may contain only those

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unable to work (disabled, carers etc) who therefore do not have the option of increasing their income to meet the additional Council Tax payments required under the amended Council Tax Reduction Scheme (CTRS).

Can the Portfolio Holder therefore please tell me what legislation/common law applies to allow Medway Council to include DLA/PIP as "income" for CTR and what reasonable adjustments are being provided to the CTR scheme to allow for carers and the disabled to meet the additional Council Tax costs, if the carer or the disabled are not eligible for Housing Benefit and cannot go to work?"

The Portfolio Holder for Adults' Services, Councillor Brake, answered this question on behalf of Councillor Turpin.

Councillor Brake thanked Mr Chaplin for his question. He stated that the Council did not include disability living allowance, personal independence payments or armed forces independence payments as income for the Council Tax Reduction Scheme (CTRS). This was evidenced in the latest version of the CTRS as agreed by Full Council on 25 January 2018. He stated that schedule 8 of the scheme stated the sums that were disregarded in the calculation of earnings for persons who were not pensioners. Paragraph 11 of the schedule listed disability living allowance, personal independence payments and armed forces independence payments.

He stated that the Council did ask the claimant to declare these payments so that the Council could assess any additional financial need. For example schedule 3, paragraph 9 of the scheme showed the conditions for receiving a disability premium. This potentially allowed the claimant a higher entitlement to CTRS and the condition of this was the receipt of certain benefits including the aforementioned.

The current CTRS stated that people who were not pensioners must pay a minimum of 35% of their Council Tax Liability unless they were in receipt of a war pension. However, one of the procedural matters included within the Council Tax Reduction Scheme was the procedure for allowing for a reduction under Section 13A(1)(c) of the Local Government Finance Act 1992. This section allowed the billing authority (Medway Council) to reduce the amount someone was liable to pay as it thought fit. The Council had a discretionary scheme which set out how the Council would treat applications under this area of legislation. Decisions made under 13A(1)(C) were appealable to the Valuation Tribunal under section 16 of Local Government Finance Act 1992.

**O) John Castle of Chatham asked the Portfolio Holder for Business Management, Councillor Turpin, the following:**

"The administration of Medway Council appears to be determined to reduce democratic accountability during this term of office, by taking a couple of actions that stifle attempts to ask meaningful questions or to make public opinion known in an easily accessible petition.

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The justification for disallowing supplementary questions (agreed at Full Council in October 2015) is highly questionable, these allowed the questioner to either respond to what has been said or ask for clarification of the reasoning behind the answer. This action makes the Council appear cowardly and scared of meaningful debate with the electorate.

The action taken on e-petitions (agreed at Full Council in April 2018) is equally bizarre. You have a generic Council provided service which makes it extremely difficult for any campaign group with their own systems to configure a response, as well as putting even more barriers between yourself and the public who elected you.

Could the Portfolio Holder justify the amount of taxpayers money used to implement these two actions, neither of which would be considered beneficial by the bulk of the electorate?"

The Portfolio Holder for Children's Services (Lead Member), Councillor Mackness, answered this question on behalf of Councillor Turpin.

Councillor Mackness thanked Mr Castle for his question. He stated that the very short answer was that there had been no expenditure arising from decisions taken by the Council on e-petitions or questions at Council meetings.

He stated that the discontinuation of supplementary questions had been agreed by the Council back in October 2015 and that this was now almost three years ago. There had been a very full debate on the proposals at that meeting and in summary the changes had allowed more questions to be asked and more topics to be addressed at each meeting to better reflect the wide range of issues from Medway's residents. He stated that he was always pleased to see local residents attend and ask questions at Council meetings as this demonstrated a healthy and vibrant local democracy in Medway.

He stated that in response to Mr Castle's comments on e-petitions, there had been no changes to the Council's Petition Scheme. The Council had considered a detailed report at the April meeting and agreed that, in accordance with the Scheme, e-petitions would be accepted if the Council was able to see a name, postal address, a valid postcode and email address for the lead petitioner as well as each signatory. It was a matter for external organisations hosting e-petitions to enable that to happen.

He concluded by stating that in the meantime the Council's own e-petition facility was working well and did provide access to the information the Council asked for. So far in 2018, a total of 13 e-petitions had been set up on the Council's own e-petition platform, attracting over 4,500 signatures. Again this demonstrated that Medway Council was actively and effectively facilitating electronic petitioning.

**P) Steve Dyke of Strood asked the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:**

“Encouraging to see that the Council’s vision for 2035, set out in the draft Local Plan, includes the towns and villages of Medway being connected by “green infrastructure supporting nature and healthy communities”. As part of the UK’s ‘natural capital’, trees will have an important role to play as part of such a green infrastructure. Their known benefits can include increasing resilience to climate change, filtering air pollution, absorbing carbon dioxide, providing habitats for wildlife and impacting positively on mental health and well-being.

The Council has certain responsibilities already concerning trees. Those set out on their website include replacing any ‘Council-owned’ tree that is removed.

However, data supplied by Medway Norse following a FOI request shows that since 2012, Medway Council has asked Medway Norse to fell 1878 trees and plant just 318. This suggests that 1560 trees that the Council has asked to be removed have not been replaced. As a result, many Medway residents may have lost the environmental and health benefits previously provided by those trees that have now been felled.

Can Councillor Doe advise what plans the current administration has to rectify this apparent substantial shortfall in tree planting, either as part of wider plans to create a ‘green infrastructure’ or as a separate project?”

Councillor Doe thanked Mr Dyke for his question. He stated that he shared Mr Dyke’s view regarding trees in the sense they made an enormous contribution to the quality of life for all the reasons he had given.

He stated that the Council had adopted its tree policy in 2008 to ensure the safety of Medway Council’s trees, to maintain and encourage biodiversity and improve the quality of the landscape and through those elements the Council was seeking to improve the quality of life of Medway’s residents and visitors now and in the future.

He stated that he had already raised the issue of the number of trees that had been removed from the streets and public spaces by Medway Norse and the establishment of replacement trees which had not kept pace. He stated that he had established a group to investigate this matter further and the group was looking at ways in which losses could be minimised in the future and how the number of replacement trees could be increased bearing in mind that the Council was under severe financial constraints.

He explained that the types of measures being looked at included the review criteria when Medway Norse were considering the removal or heavy pruning of trees, strengthening the tree policy which was adopted in 2008 to safeguard existing trees and secure replacement planting and the introduction of a mechanism for the signing off of works for significant trees, where there was a proposal to fell them or significantly reduce their size (to make it much more difficult to fell a tree).

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He stated that, in addition, it was also hoped to include policies in the new Local Plan which would safeguard important trees, to secure provision of green infrastructure and also to amend the Developers' Contribution Guide to secure contribution from developers for tree planting establishment in the public realm. He also stated that the Council was investigating what further grants may be available from other interested bodies. He concluded by stating that the Council was doing all it could in that it recognised the problem, it was being addressed and that he was hopeful that the situation would be improved.

**Q) Samantha De Vere of Chatham submitted the following question to the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness:**

"Your recent review into SEN education states that there is no shortage of places at Abbey Court Secondary School for academic year beginning September 2019. Since not all children have been transitioned from statements to EHCP, it is important to know if the data for this SEN review was collected from statements or EHCPs.

Could the Portfolio Holder confirm that all the figures in the SEN review were collected from EHCP data?"

**R) Tony Jeacock of Rainham submitted the following question to the Portfolio Holder for Adults' Services, Councillor Brake:**

"Medway's mantra is 'Better for Less' but this year Council Tax has been increased by 6%, specifically, we are told, because of the need to spend more on welfare.

I am given to wonder how can the Portfolio Holder possibly justify the recent pay freeze for some social services staff, the very people assessing the care needs of the elderly and vulnerable, at a time when their workloads have increased with larger client bases having more complex care needs.

The imported restructuring, without having the necessary additional training provided, has resulted in a deluge of experienced staff leaving, only to be replaced in a number of instances by locums who incur a much greater cost to the Council and Council taxpayers. How can this be better for less?"

**S) Vivienne Parker of Chatham submitted the following question to the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe:**

What is the Council doing to make the wet walking surfaces at Splashes less slippery particularly for the hydrotherapy patients?

**T) Anthony Hill of Strood submitted the following question to the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty:**

“Last month, I was speaking to a single mother of two children in social housing at Medway Gate. Amongst other issues raised, was that she has to top-up her electric key at either Cedar Road, or Darnley Road. For those not familiar with Strood this journey is approximately a mile. Roughly a 20-minute walk for someone in good health – let alone what this walk would take with a pram, in the rain, or in the snow.

Therefore, when Medway Council assess and evaluate a planning application, can the Portfolio Holder please provide full details of what factors are taken into account, including whether the types of issues set out above are included?”

**U) Bryan Fowler of Chatham submitted the following question to the Leader of the Council, Councillor Jarrett:**

“At a Planning Committee meeting on 6 June, Councillors Jarrett and Wildey personally represented to the Committee that an application in Medway be rejected. They spoke of the Planning Inspector being unelected and that it was a bad day for democracy when Planning Inspectors’ decisions changed things. The MP for Chatham and Aylesford stated in letter about the same matter “While planning is a matter for the Local Authority, I would again urge Medway Council to again reject the application”.

Following the advice from officers, Councillors voted to allow the planning application and nearly all mentioned they did so reluctantly.

As Leader of the Council what are you doing, including with local MPs, to ensure greater localism in determining planning applications and to reduce the influence of the Planning Inspectorate?”

**Note:** The Mayor stated that since the time allocation for public questions had been exhausted, written responses would be provided to questions Q-U.

## **190 Leader's Report**

### **Discussion:**

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

- SELEP funding
- Housing Infrastructure Bid
- Regeneration
- Strood flood defence works
- Chatham place making project
- Heritage
- Armed Forces Day
- Princess of Wales's Royal Regiment – Freedom of the Borough parade

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- HMS Medway
- Medway 20
- Affordable housing
- Treasury Management Strategy
- Brexit
- Rochester Airport Ltd / Rochester Airfield
- Digitalisation
- Adult Social Care.

### 191 Report on Overview and Scrutiny Activity

#### Discussion:

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

- Review of Statement of Gambling Policy
- School Place Planning Strategy 2018-2022
- Procurement Strategy
- Foetal Alcohol Spectrum Disorder
- Request for provision of stairwell in Nelson Terrace, Chatham
- Gillingham Football Club sponsorship by Medway Council
- Improving access to General Practice
- Task Group on Social Isolation
- Medway Norse
- SEN Review
- Supported Accommodation for Children in Care and Care Leavers
- NHS 70.

### 192 Members' questions

#### A) Councillor Osborne asked the Leader of the Council, Councillor Jarrett, the following:

“Whilst accepting his former status as Rochester Bridge Trust Warden, can the Leader confirm whether the Medway Tory lobbying efforts to the Tory government to take what has been labelled by the KM as a ‘Money pit’, i.e. the Medway Tunnel, onto their books has been a success and in support of his answer can he provide at this meeting an annualised capital and revenue spend in a tabular format to indicate total spend of taxpayers money spent on this facility, since it was purchased for the grand sum of £1, by the Medway Conservative administration?”

Councillor Jarrett thanked Councillor Osborne for his question. He stated that positive discussions were underway with the Department for Transport to look at options to fund the future maintenance of the Medway Tunnel. He stated that he had personally broached the subject around 10 days previously with the Secretary of State for Transport, Chris Grayling, and that he (Councillor Jarrett) had raised the matter the previous Friday with the three local Conservative



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MPs. He stated that the problem was that the government's position was that the tunnel was not on the strategic road network. However, Medway's view was that it should be funded as a tunnel and not as a section of tarmac road.

He stated that the cost to the taxpayer had been significant and he clarified matters relating to the £1 purchase price, as to whether this had been a matter of choice. He stated that the funding that the Council had received from the Rochester Bridge Trust was because of its status as the custodian of crossings of the Medway. However, it was never under any obligation to pay the annual running costs of the tunnel and to negotiate any sort of severance agreement from them at all was quite an achievement.

He stated that once that severance amount of money had run out, the cost of running the tunnel had fallen to Medway taxpayers. He stated that he hoped that the Labour Group was not suggesting that the tunnel should not be funded by Medway or that the tunnel should be closed or that some other arrangement should be made.

He stated that there were quite a few details in terms of the revenue expenditure and capital expenditure and that he would ask officers to circulate that information after the meeting. He concluded by stating that the allocation for the current year was set out in the February budget report.

**B) Councillor Joy asked the Portfolio Holder for Resources, Councillor Gulvin, the following:**

"I am sympathetic to the travelling community and the inevitable fact that these people need somewhere to go. However, given the amount of disruption that the presence of illegal traveller sites causes for our local communities, and the cost of necessary clear up that follows upon their departure, can the Portfolio Holder reassure myself, the residents of Strood South and others across Medway that the Council is taking positive action to prevent illegal intrusions onto Council owned-land?"

Councillor Gulvin thanked Councillor Joy for his question. He stated that like Councillor Joy, he had some sympathy for the travelling community and those who wished to have an alternative lifestyle. However, he stated that he had no sympathy for those who came to Medway and disrupted the parks, greenspaces and leisure facilities and then departed leaving a mess, which the residents of Medway had to pay for to be cleaned up. However, he stated that not all groups left a mess referring to a recent group who left a site in Strood clean and tidy, with all their rubbish neatly bagged up.

He stated that he could provide reassurance to Councillor Joy that the Council took robust action to deal with illegal encampments, as soon as they occurred and they had considerably reduced the amount of time that encampments remained on Council land, most were now moved on within 5 working days.

He stated that the Council was continuing to refine how encampments were dealt with, adopting a collaborative approach across Council services and with

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Kent Police. There was a memorandum of understanding that set out the roles of partners and the Council would continue to review best practice to further develop its approach.

He also stated that the Council was working in partnership with Medway Norse to assess the vulnerability of land within the Council's ownership. The Council was developing a programme to target and harden sites within the area, which has already started, with a pilot bund wall being constructed at Friston Park and covers are being placed over hasps to make it more difficult to cut padlocks.

He stated that whilst there had been some criticism of Medway Norse at this meeting in terms of dealing with the traveller incursions, there had been nothing but fantastic support from Medway Norse who had gone the extra mile including working out of hours to secure sites against further incursions and they had quickly responded once sites had been vacated to clean up sites and the appalling mess that was left behind.

He concluded by stating that the Council was giving consideration to the broader legal options that may be available to the Council for persistent illegal encampments. These options would need full exploration and consultation before their use, and that the Council would continue to explore all opportunities to minimise disruption to local residents.

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

"It is universally acknowledged that reading is not only a vital life skill, but an essential tool to develop the mind, encourage imagination and wonder, and be able to discover and communicate new ideas. It is for these reasons that I am personally thankful for services such as our mobile library; a service which operates across Medway and provides such a wonderful opportunity to all residents - I know many in my own ward are grateful for this particular service offered.

In an information age, where social media and Netflix now rule the roost in the world of entertainment, will the Portfolio Holder outline what steps are being taken to encourage residents young and old to continue to read widely and support ease of access to books/library services?"

Councillor Doe thanked Councillor Opara for her question. He stated that this was an important question as he thought it was a matter of national concern that the amount of people reading now was going down virtually everywhere except Medway. He stated that this has not been an accident because Medway was working very hard to make sure it was sustained.

He stated that Libraries and Community Hubs were serving every neighbourhood across Medway supported by two mobile libraries and he highlighted the children's Mobile Library which visited schools to get people interested in reading from an early age.

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He stated that the Council attracted young people into the libraries through activities such as Bounce and Rhyme, Toddler Shake and Boogie, Chatterbooks and the Council was also attracting teenage reading. This highlighted the efforts being made to make sure people were still interested in reading and realising the value of it.

He stated that one of the other ways in attracting people to libraries was through the attendance of authors. He stated that authors loved to come to Medway because they were really appreciated and he gave examples of authors who had visited Medway's libraries including Val McDermid, Peter Robinson, Martina Cole, Julian Stockwin, Gerald Seymour, Susan Lewis, Peter James and Simon Scarrow.

He also gave details of the summer reading challenge as an example of where the Council was making people realise what they could get out of books. This constant emphasis, together with things like league tables for reading in Medway's libraries for the number of people who took books out, demonstrated the need to reach out into the populations they served to get people reading. He concluded by stating that the Council enjoyed great success with its libraries but he was always keen to see more success in this area.

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

"Given the unfortunate mistruths that have recently been circulated regarding secondary school places for children with special educational needs at a particular school in Medway, will the Portfolio Holder please clarify what work he and his team are doing to ensure continued future provision and maximum inclusion across all of Medway's schools?"

Councillor Mackness thanked Councillor Wicks for his question. He stated that over the past five years a £45m programme of primary school expansions and new schools had provided over 3,000 additional places. Whilst the majority of these were in mainstream schools, a significant amount had been at special schools, with expenditure of around £17million.

This had ensured that sufficient primary school places were available to cater for expected demand for at least the next five years, but the Council would continue, as always, to robustly monitor this.

He stated that a programme of grammar school expansions was underway and would provide an additional 600 places. He stated that this should meet demand in the short to medium term, and officers were assessing the need for further grammar school places into the future.

He stated that the non-selective secondary school sector was expecting pressure on places as the larger cohorts of children transferred to secondary. Two new Free Schools had been approved by government, one for the east and one in the west of the borough, which would meet known demand and

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provide some flexibility in the short to medium term. This was an excellent opportunity to acquire significant investment of between £50-60m.

He stated that a review was underway looking at SEND provision across Medway. It would consider the demand on places across all Medway's Special Schools and units, it would also take account of emerging need and would highlight what action would be needed to ensure appropriate local places were available where possible.

The review would assess whether children were placed in the most appropriate provision for their needs, including determining if more children could be taught in mainstream setting rather than at a Special School. Following the completion of this review, decisions would be made on how best to deliver the necessary provision, taking account of future expected demand.

He referred to the substantial piece of work that was taking place to determine capacity post September 2020 and the options which for that would be brought forward in the Autumn.

He also stated that the Council would receive an additional £1.3m from the government's SEN Capital Programme over three years for projects to improve and extend facilities for children with Education Healthcare Plans. The first year's programme was well underway, and years 2 and 3 were currently being developed and would be consulted on later in the year.

He concluded by stating that it was clear that allocated funding from Central Government was insufficient to meet increasing demand and post 2020 the Council would continue to lobby central government to support further funding to SEN to meet increasing demand post 2020.

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

"Can the Portfolio Holder confirm the number of Medway children with Special Educational Needs who are educated out of area and at what total cost per year?"

Councillor Mackness thanked Councillor Johnson for his question. He stated that as of 17 July 2018 there were 227 Medway young people with EHCPs who were educated out-of-area, at a total cost of £8.5m per year. This comprised of education fees of £7m, social care fees of £1.3m and health fees of £0.155m.

He stated that of the placements set out above there was a total of 54 young people aged up to 25 who required specialist provision with providers who offered residential accommodation and that it was not possible to provide this within the borough with a cost of £4.7million. He stated that other factors for these young people being placed included the assessed needs of the young person up to the age of 25.

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He concluded by stating that Medway would continue to be more inclusive and he wanted to the figure of 173 currently educated out of area reduced and that the Council would continue to work to find ways to do that within its plans.

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

“Can the Portfolio Holder give the number of non-Medway children with Special Educational Needs who are currently educated at each Medway special school?”

Councillor Mackness thanked Councillor Cooper for her question. He stated that as of 11 June 2018 there were 51 other Local Authority children who occupied placements in Medway’s special schools and academies. He stated that the Council could not stop these places being commissioned from other Local Authorities as Local Authorities were not allowed to reserve these places.

**G) Councillor Griffiths submitted the following question to the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships, Councillor Rodney Chambers OBE:**

“With serious issues including potholes and fly tipping continuing to blight residents, can the Portfolio Holder explain why the Council still sees the spending of more than £4 million of tax payers’ money on an airfield operated by a private company as a priority?”

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

**H) Councillor Stamp asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following:**

“A dramatically increased number of residents are using social media outlets to report issues in the community - there have been disappointing mixed messages around the approach of the Council. Residents are using these outlets for both transparency and convenience. The Love Medway app offered both of those previously.

When will the Council either be reinstating the Love Medway app or producing an alternative app/reporting mechanism with the same features, recognising that the Council should continue to accept complaints by social media outlets until that has been launched/re-launched?”

Councillor Filmer thanked Councillor Stamp for his question. He stated that there was currently an ongoing debate within the digital industry about the use of apps like LoveMedway because these days the functionality of an app could be achieved with a mobile responsive website and e-form. The reason for this was that apps required an overhead to manage, as they were separate entities from the website, they required separate development and support. The previous incarnation of the Council’s website was not mobile responsive, which

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made it difficult to use a mobile device, but this had been addressed when the new medway.gov.uk website was launched earlier this year. Therefore, the Council was working to remove separate websites and apps to provide a single point of contact via the medway.gov.uk website.

He stated that whilst the LoveMedway app may have given a good user experience, the service requests from customers were forwarded into email queues, which then had to be triaged and re-keyed by a member of staff into the appropriate back office system, which was not an effective use of resources, whilst an online form would go straight into the system to be dealt with, meaning that there would be a swifter response to the issues raised.

He stated that the Transformation team were currently using new technology to develop a customer account, e-forms and a case management system allowing residents to report issues, which would then be managed as a single workflow and, where possible, these requests would directly integrate with existing back office systems. Residents would also receive proactive updates on their cases to keep them informed of progress to prevent telephone calls from residents chasing progress on their issue.

He also stated that work was also underway to provide direct integration into this system from social media platforms, which was expected to be implemented this year.

He stated that as an immediate measure the Council was encouraging customers to use the existing e-forms already available on the website. Improved forms using the new system would be available from August, which would be fully mobile responsive, and provide an improved alternative to the LoveMedway app. The Council would then implement the social media integration as soon as it was made available by the supplier. This would provide a much more efficient and effective method of taking comments via social media.

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

“Will the Portfolio Holder apologise for Medway Council's failure to ensure that the grassed greenspaces in cemeteries have not been maintained to the standard residents rightly expect?”

Councillor Doe stated that he was sorry that the standards of grass cutting fell short this year. As a result of the snow and wet ground conditions into early spring, full grass cutting deployment had been delayed to mid-April which was four weeks behind the expected start date of mid-March. The spring flush then meant that grass growth exceeded what was usually expected and it was a challenge to maintain cutting to the expected short height.

He stated that the exceptionally high length of grass had resulted in significant problems, in particular, grass being long and grounds wet resulted in the need

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to 'double cut', by hand which slowed down productivity and also left high levels of grass clippings.

He stated that a robust approach to Norse had been adopted in that where contractors did not perform properly they would be brought up to scratch and if they did not perform it was made very clear by both himself and the Leader that they would not get additional contracts. This was why Medway Norse had been working 10 hour days and bringing matters back into proper control. He stated that these problems would arise with all grass cutting contractors from time to time. However, if it was made clear, as the client, that these problems were expected to be resolved then the contractor would work really hard to resolve them. He concluded by stating that he did not believe that Medway Norse were being too complacent and by working those sort of hours at no additional cost to the Council showed how seriously they took the warnings they had received.

**J) Councillor Paterson submitted the following question to the Leader of the Council, Councillor Jarrett:**

"The whole Council will be saddened to read reports of the death of Russell Lane on 17 February 2018 following the incident in Rochester High Street on 8 January 2018. Our condolences go to his friends and family.

Councillor Jarrett gave Councillor Maple a detailed reply in late January on the immediate response to the tragic incident – could the Leader give a supplementary response with specific focus on:

- Any updated position regarding investigations being undertaken by the Health & Safety Executive;
- When any investigation is likely to conclude and report;
- Any further engagement measures as a result of this incident with both homeless voluntary organisations and the business community around Rochester High Street and other High Streets across Medway to try and prevent any such further tragedy happening."

**K) Councillor Khan submitted the following question to the Leader of the Council, Councillor Jarrett:**

"In the business case for the Chatham Big Screen to the South East Local Enterprise Partnership it stated there would be a "a proactive programme of one off events including concerts, festival, films and sporting events."

Could the Leader confirm how many of the World Cup 2018 games have been shown on the Chatham Big Screen?"

**Note:** The Mayor stated that since the time allocation for Members' questions had been exhausted, Members would receive written responses to questions J and K.

**193 Gambling Act 2005 - Review of Statement of Gambling Policy (Policy Framework)**

**Discussion:**

This report provided details of the revised Statement of Gambling Policy following public consultation and set out the comments of the Licensing and Safety Committee, Business Support Overview and Scrutiny Committee and Cabinet.

Details of the consultation were set out in section 5 of the report and the comments of the Licensing and Safety Committee, Business Support Overview and Scrutiny Committee and Cabinet were set out in sections 8-10 of the report.

Councillor Carr, supported by Councillor Kemp, proposed the recommendations as set out in the report.

**Decision:**

- a) The Council noted the minor administrative change to Appendix C of the Statement of Gambling Policy 2019-22 as outlined in section 7 of this report.
- b) The Council noted the comments of the Licensing and Safety Committee, Business Support Overview and Scrutiny Committee and Cabinet as set out in sections 8, 9 and 10 of the report.
- c) The Council approved the Statement of Gambling Policy 2019-22, as set out in Appendix 4 to the report.

**194 Shared Licensing Service Between Gravesham Borough Council and Medway Council**

**Discussion:**

This report provided details of the proposal to delegate non-executive licensing functions to Gravesham Borough Council (GBC) which would allow GBC to assume responsibility for the discharge of Medway Council's Licensing functions following Cabinet's decision on 10 July 2018 to delegate executive functions to GBC (decision no. 89/2018).

The comments of the Licensing and Safety Committee, Business Support Overview and Scrutiny Committee and Cabinet were set out in sections 8-10 of the report.

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



**Decision:**

- a) The Council noted the comments and decisions of the Licensing and Safety Committee, Business Support Overview and Scrutiny Committee and the Cabinet, as appropriate, as set out in sections 8, 9 and 10 of the report.
- b) The Council agreed option one set out in paragraph 5.1 of the report whereby Medway Council shall delegate responsibility for the discharge of its Licensing Service non-executive functions to Gravesham Borough Council.
- c) The Council agreed that all non-executive licensing delegations currently with the Chief Legal Officer can also be exercised by Gravesham Borough Council's Assistant Director (Communities).

**195 New Routes to Growth - Housing Infrastructure Bid**

**Discussion:**

This report provided details of Medway's Housing Infrastructure Funding (HIF) Bid – New Routes to Growth, which would plan for much needed infrastructure to enable growth in and around the Hoo Peninsula and waterfront regeneration sites. The report stated that funding of up to £750,000 was sought to assist with the preparation of the business case to complete the final co-development stage of the bid.

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 agreed the addition of up to £750,000 to the revenue budget to enable the submission of the Housing Infrastructure Funding (HIF) Bid – New Routes to Growth, to be initially funded from reserves.

**196 Britton Farm - Update**

**Discussion:**

This report provided details of an update on the future use of the Britton Farm supermarket premises, Gillingham, following the departure of Budgens and sought approval for an addition to the Capital Programme to fund the re-modelling of the Britton Farm supermarket premises to allow it be let as new office accommodation for KMPT (Kent and Medway NHS and Social Care Partnership Trust).

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The Portfolio Holder for Resources, Councillor Gulvin, 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 approved the addition to the capital programme of £850,000 to fund the re-modelling of the Britton Farm supermarket premises to allow it be let as new office accommodation for KMPT.

## **197 Update to Contract Procedure Rules**

### **Discussion:**

This report provided details of some proposed changes to the Contract Procedure Rules (CPRs). The three main changes to the CPRs were set out in the report and these related to: the increase in the minimum expenditure level being made through the Category Management Team would rise from £5,000 to £25,000 (and anything below this figure would remain a responsibility of the service area); the inclusion of the statutory definition of a key decision in the CPRs and; a requirement to use internal resources first, such as Property and Capital Projects and the Category Management Teams, before approaching the open market would be made clear in the CPRs.

The comments of the Audit Committee and Cabinet were set out in sections 7 and 8 of the report.

The Portfolio Holder for Resources, Councillor Gulvin, supported by the Portfolio Holder for Children's Services (Lead Member), Councillor Mackness, proposed the recommendation set out in the report.

### **Decision:**

- a) The Council noted the comments of the Audit Committee and the Cabinet as set out in sections 7 and 8 of the report.
- b) The Council approved the updated Contract Procedure Rules, as set out in Appendix 1 to the report.

## **198 The Long Term Future of the Corn Exchange, Enhancement of the Guildhall Museum - Sale of the Former Conservancy Building, 17 High Street, Rochester**

### **Discussion:**

This report provided details of how the long term future of the Corn Exchange building and the Guildhall Museum would be enhanced following Cabinet's decision on 10 July 2018 in respect of the proposed sale of the Conservancy building (decision no. 96/2018 refers), as set out in paragraph 2.6 of the report.

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The report stated that it was possible that the disposal value of the premises would exceed £500,000, therefore, there was a requirement to submit a report to Council for information only, in accordance with the financial limits in the Constitution.

The Mayor advised the Council that the Cabinet decision on 10 July 2018 to dispose of the Conservancy Building had been called in to the Business Support Overview and Scrutiny Committee on 23 August 2018. The decision was therefore effectively on hold pending the outcome of the call-in procedure.

The Portfolio Holder for Resources, Councillor Gulvin, supported by the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, proposed the recommendation set out in the report with the addition of "and notes that the Cabinet decision is subject to the call in procedure."

### **Decision:**

The Council noted the report and noted that the Cabinet decision was subject to the call in procedure.

## **199 Motions**

### **A) Councillor Johnson, supported by Councillor Cooper, submitted the following:**

"This Council notes the concern expressed by the families of children at Abbey Court Special School over the predicted shortfall of places in the secondary provision from September 2019. The Portfolio Holder argues that there are enough places to accommodate current Year Five and subsequent cohorts of children while the school's Chair of Governors states that there are not enough places.

Cabinet decided to proceed with the rebuild of Abbey Court School on a single site on 26th November 2013 and the impact of increasing provision in the primary phase on the future number of secondary places was noted at that time and subsequently. Despite this, over the past five years, the Council has not shared any plan to accommodate the higher numbers in the primary cohort at Abbey Court in the secondary phase at Abbey Court. The administration continues to insist that there is adequate provision of places and that this will be confirmed in their current SEN review. However, the administration has not shared the details of this review, the information on which it is based or when it will report.

Given the urgency of this matter and the distress caused to parents and children, this Council calls on the administration to account for its position, providing to parents and to Council Members the basis for its case on the sufficiency of provision in the secondary phase at Abbey Court School, to complete the SEN review by the end of July and to share its conclusions publicly."

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

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

Against – Councillors Aldous, Avey, Bhutia, Brake, Carr, Doe, Fearn, Filmer, Franklin, Griffin, Gulvin, Howard, Mrs Josie Iles, Steve Iles, Jarrett, Joy, Kemp, Mackness, Opara, Potter, Purdy, Royle, Tejan, Tranter, Wicks, Wildey and Williams (27)

Note: Councillor Hicks was not present for the recorded vote.

### **Decision:**

The motion was lost.

### **B) Councillor Osborne, supported by Councillor Bowler, submitted the following:**

“This Council notes:

- Since the introduction of the Bulky Waste charge by this Council in April 2016, fly tipping has increased by 24.89% in Medway;
- That fly tipping is a growing environmental problem across Medway and efforts to combat it are overwhelmingly supported by the public;
- The increase in online reporting of fly-tipping and other street scene issues over the last 12 months, particularly in our inner urban areas.

This Council believes:

- We have a responsibility to acknowledge that fly-tipping has increased and investigate ways of combating the problem potential preventative measures;
- Charging for bulky waste has resulted in fewer bulky waste collections being booked by residents and an increase in fly-tipping;
- People reporting fly-tipping issues are not being used as a 'propaganda' tool to damage the Council;
- Residents should be supported and encouraged to report issues online, as it is a more efficient and cost-effective method of reporting issues to the Council.

Council therefore resolves to:

- Scrap the bulky waste collection charge across Medway;
- To continue the Council's record of undertaking proactive enforcement of fly tipping and highlighting successful prosecutions, while extending the public media campaign against serial offenders;

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- To continue to work in partnership with Kent Police and other local authorities to share intelligence and highlight criminal convictions for fly-tipping;
- To support and streamline the reporting of issues on Council social media platforms as part of the digitalisation Agenda and request the Cabinet to take this forward.”

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

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

Against – Councillors Aldous, Avey, Bhutia, Brake, Carr, Doe, Fearn, Filmer, Franklin, Griffin, Gulvin, Howard, Mrs Josie Iles, Steve Iles, Jarrett, Joy, Kemp, Mackness, Opara, Potter, Purdy, Royle, Tejan, Tranter, Wicks, Wildey and Williams (27)

Note: Councillor Hicks was not present for the recorded vote.

### **Decision:**

The motion was lost.

### **Mayor**

### **Date:**

### **Julie Keith, Head of Democratic Services**

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