

Medway Council
MEETING OF MEDWAY COUNCIL
Thursday, 25 February 2010
7.00pm to 10.05pm

RECORD OF THE MEETING

PRESENT: The Mayor (Councillor Royle)
The Deputy Mayor (Councillor Kemp)
Councillors Andrews, Avey, Baker, Janice Bamber, Kenneth Bamber, Bhutia, Bowler, Brake, Brice, Bright, Burt, Carr, Mrs Diane Chambers, Rodney Chambers, Chishti, Chitty, Clarke, Crack, Doe, Esterson, Etheridge, Filmer, Godwin, Goulden, Val Goulden, Griffin, Griffiths, Haydock, Hewett, Hicks, Hubbard, Jarrett, Juby, Sheila Kearney, Stephen Kearney, Mackinlay, Maisey, Maple, Mason, Murray, O'Brien, Reckless, Ruparel, Shaw, Smith, Stamp, Sutton, Wicks and Wildey

In Attendance:	Rose Collinson	Director of Children and Adult Services
	Robin Cooper	Director of Regeneration, Community and Culture
	Neil Davies	Chief Executive
	Mick Hayward	Chief Finance Officer
	Richard Hicks	Assistant Director, Customer First, Leisure, Culture, Democracy and Governance
	Deborah Upton	Assistant Director, Housing and Corporate Services
	Wayne Hemingway	Cabinet Coordinator
	Julie Keith	Head of Democratic Services

624 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gilry, Gulvin, Harriott and Hunter.

625 DECLARATIONS OF INTEREST

Councillor Griffiths declared a personal interest in any discussion that may take place during the course of the meeting with reference to NHS Medway in that he is a non-executive director of the Trust and concerning Danecourt School, as his wife is an employee there.

Councillor O'Brien declared a personal interest in any reference to the NHS in that members of his family are employed the NHS.

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All Members of the Labour and Liberal Democrat Groups declared a personal interest in agenda item 6A (Capital and Revenue Budgets 2010/2011), in that it was proposed to amend the terms and conditions of the Labour and Liberal Democrat Groups' Political Assistants.

626 MAYOR'S ANNOUNCEMENTS

The Mayor reminded Members that tickets were still available for the Mayor's Ball on 13 March 2010.

The Mayor announced that the Mayor's Chauffeur at Ashford, Richard Vella, had died earlier in the day and, on behalf of all Members, sent the Council's condolences to his wife and family.

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

627 LEADER'S ANNOUNCEMENTS

There were none.

628 TO RECEIVE PETITIONS

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

Councillor O'Brien presented a petition containing 700 signatures calling on Medway Maritime Hospital and Medway NHS Foundation Trust to reopen the hydrotherapy pool at the hospital which was funded by public donation and that the Health and Adult Social Care Overview and Scrutiny Committee ensure there is a clear timescale for reaching a decision on the viability of reopening the pool.

Councillor Godwin presented a petition containing 111 signatures calling on the Council to upgrade the level of the gritting status at Sturla Road, Chatham, because of the closure of the hill and the problems facing the emergency services in bad weather.

Councillor Wildey presented a petition containing 454 signatures objecting to any proposals to build housing in the Capstone Valley.

629 REPORTS OF MATTERS FOR FULL COUNCIL

(A) Capital and revenue budgets 2010/2011

Discussion:

Members received a report which asked Council to approve the capital and revenue budgets, rent increases and Council tax for 2010/2011.

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Councillor Jarrett, Portfolio Holder for Finance, supported by the Leader, Councillor Rodney Chambers, proposed that the Council:

1. approve the capital budget proposals as set out in Appendix 1 to the report together with the capital additions set out below;
2. approve the general fund gross, income and net revenue estimates as summarised in table 5 of the report together with the revenue items set out below. The total budget sum to be £381.058 million;

Proposal	Revenue recurring	Revenue non-recurring	Capital	Balance transfer
From the underspent Civic Centre demolition budget				
Allotments			150,000	
Prudential borrowing				
Car parks invest to save			700,000	
From the £1 million Collection Fund Surplus				
Youth and Play	15,000			
Medway Festival of Sport		55,000		
Fuse match funding		50,000		
Cadet 150		25,000		
Youth Funding	100,000			
Upnor Castle	5,500	12,000		
Yellow Buses Extension	70,000			
Castle Concerts	25,000			
Will Adams Festival	30,000			
English Festival	42,500			
Community Hubs		118,000		
Disabled play facilities		66,000		
Capstone Green Flag		70,000		
Maidstone Road Sports Ground Toilet Conversion	7,000	12,000		
Grain Country Park		35,000		
Central Theatre Water Incursion		50,000		
Children's Lawyer/Independent Reviewing (IRO) Officer	96,000			
Companion Passes	66,000			
Medway Archives and Local Studies Centre (MALSC) initiatives	2,500	12,500		
Licensing	2,500	20,000		
Independent Safeguarding Authority (ISA) Funding	20,000			
Disabled Parking Bays	35,000			
Balance of Headroom	-60,000			

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Proposal	Revenue recurring	Revenue non-recurring	Capital	Balance transfer
	457,000	525,500	0	0
From the £3.2Million General Reserve				
Transfer to the Revenue Contingency				500,000
Approved capital funding (see paragraph 10.2 of the report)				332,000
Council Tax reduction to 2.455%	470,000			
Pothole repairs		100,000		
Youth Facilities			100,000	
Capital Funding in lieu of Capital receipts				1,700,000
	470,000	100,000	100,000	2,532,000

3. note the Kent Police Authority precept requirement;
4. note the Kent Fire and Rescue Service precept requirement;
5. note the parish council precept requirements of £316,815 as detailed at Appendix 4 of this report;
6. agree the schedule of precept instalment dates as set out in section 12 of the report;
7. approve the basic rate of council tax at band D for 2010/2011, before adding the police, fire and parish precepts, at £1,119.15;
8. as part of the budget proposals, to approve fees and charges, as recommended by Cabinet and set out in the booklet 'Medway Council - Fees and Charges April 2010' as set out in Appendix 7 to the report;
9. approve the following with regard to the Housing Revenue Account:
 - (i) The budget proposed as summarised at Appendix 5 to the report;
 - (ii) The proposed increase in rents averaging £0.99 for a 50 week collection;
 - (iii) That service charges for 2010/2011 reflect the costs incurred in providing that service, where possible, and that costs increase by no more than 5.0% over that charged in 2009/2010. The average increase will be 1.72%; and
 - (iv) That garage rent charges are held at 2009/2010 levels.
10. adopt the formal resolution for the budget requirement and schedule of council tax charges for 2010/2011 as set out in Appendix 6 to this report and to incorporate the amendments made above;

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11. to authorise the Chief Finance Officer to make the requisite adjustments to directorate budgets to incorporate the detailed analysis of the corporate savings identified in Table 4 in the report;
12. to consult on reducing the hours of the Political Assistants to the Labour and Liberal Democrat Groups to part time posts, with the Employment Matters Committee considering the outcome of that consultation.

Councillor Griffiths, seconded by Councillor Godwin, proposed the following amendment:

“This Council agrees from August 2010 to introduce a fully free bus pass scheme for 11 to 18 year olds engaged in full time education with bus pass to be usable at all times. The £750,000 cost of introducing this scheme to be funded from the anticipated surplus in the Council Tax Collection Fund.”

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

For:

Councillors Bowler, Burt, Crack, Esterson, Godwin, Tony Goulden, Mrs Val Goulden, Griffiths, Hubbard, Juby, Sheila Kearney, Stephen Kearney, Maple, Murray, Ruparel, Shaw, Smith, Stamp and Sutton – Total – 19

Against:

Councillors Andrews, Avey, Baker, Janice Bamber, Ken Bamber, Brake, Brice, Bright, Bhutia, Carr, Mrs Diane Chambers, Rodney Chambers, Chishti, Mrs Chitty, Clarke, Doe, Mrs Etheridge, Filmer, Griffin, Mrs Haydock, Hewett, Hicks, Jarrett, Kemp, Mackinlay, Maisey, Mason, O’Brien, Reckless, Royle, Wicks and Wildey – Total - 32

The amendment was therefore lost.

Councillor Juby, seconded by Councillor Ruparel, proposed the following amendment:

“This Council agrees to freeze Residents’ Parking permits at the current price of £25 for the next three years. It also agrees to freeze the price of business parking passes in Residential Parking Zones at £120 for the purpose of helping business during the current recession. This will be paid for by increased enforcement in existing permit areas.”

Councillor Jarrett, in accordance with rule 10.4.2 of the Council Rules, agreed to alter the substantive motion to include this amendment with the agreement of the meeting and the supporter, Councillor Rodney Chambers.

In accordance with rule 11.4 of the Council Rules at the request of six Members, a vote on the proposed substantive motion was recorded as follows:

For:

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Councillors Andrews, Avey, Baker, Janice Bamber, Ken Bamber, Brake, Brice, Bright, Bhutia, Carr, Mrs Diane Chambers, Rodney Chambers, Chishti, Mrs Chitty, Clarke, Doe, Mrs Etheridge, Filmer, Griffin, Mrs Haydock, Hewett, Hicks, Jarrett, Kemp, Mackinlay, Maisey, Mason, O'Brien, Reckless, Royle, Wicks and Wildey – Total - 32

Against:

Councillors Bowler, Esterson, Godwin, Griffiths, Hubbard, Maple, Murray and Mrs Shaw – Total – 8

Abstain:

Councillors Burt, Crack, Tony Goulden, Mrs Val Goulden, Juby, Sheila Kearney, Stephen Kearney, Ruparel, Smith, Stamp and Sutton – Total – 11

Decision:

- (a) The Council approved the capital budget proposals as set out in Appendix 1 to the report together with the capital additions set out below;
- (b) The Council approved the general fund gross, income and net revenue estimates as summarised in table 5 of the report together with the revenue items set out below. The total budget sum to be £381.058 million;

Proposal	Revenue recurring	Revenue non-recurring	Capital	Balance transfer
From the underspent Civic Centre demolition budget				
Allotments			150,000	
Prudential borrowing				
Car parks invest to save			700,000	
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Will Adams Festival	30,000			
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Community Hubs		118,000		
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Proposal	Revenue recurring	Revenue non-recurring	Capital	Balance transfer
Capstone Green Flag		70,000		
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Children's Lawyer/Independent Reviewing (IRO) Officer	96,000			
Companion Passes	66,000			
Medway Archives and Local Studies Centre (MALSC) initiatives	2,500	12,500		
Licensing	2,500	20,000		
Independent Safeguarding Authority (ISA) Funding	20,000			
Disabled Parking Bays	35,000			
Balance of Headroom	-60,000			
	457,000	525,500	0	0
From the £3.2Million General Reserve				
Transfer to the Revenue Contingency				500,000
Approved capital funding (see paragraph 10.2 of the report)				332,000
Council Tax reduction to 2.455%	470,000			
Pothole repairs		100,000		
Youth Facilities			100,000	
Capital Funding in lieu of Capital receipts				1,700,000
	470,000	100,000	100,000	2,532,000

- (c) The Council noted the Kent Police Authority precept requirement;
- (d) The Council noted the Kent Fire and Rescue Service precept requirement;
- (e) The Council noted the parish council precept requirements of £316,815 as detailed at Appendix 4 to this report;
- (f) The Council agreed the schedule of precept instalment dates as set out in section 12 of the report;
- (g) Approve the basic rate of council tax at band D for 2010/2011, before adding the police, fire and parish precepts, at £1,119.15;
- (h) The Council, as part of the budget proposals, approved the fees and charges, as recommended by Cabinet and set out in the booklet 'Medway Council - Fees and Charges April 2010' as set out in Appendix 7 to the report, as amended by the decision on companion bus passes above and on parking permits (see decision 13 below);

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- (i) The Council approved the following with regard to the Housing Revenue Account:
 - (i) The budget proposed as summarised at Appendix 5 to the report;
 - (ii) The proposed increase in rents averaging £0.99 for a 50 week collection;
 - (iii) That service charges for 2010/2011 reflect the costs incurred in providing that service, where possible, and that costs increase by no more than 5.0% over that charged in 2009/2010. The average increase will be 1.72%; and
 - (iv) That garage rent charges are held at 2009/2010 levels.
- (j) The Council adopted the formal resolution for the budget requirement and schedule of council tax charges for 2010/2011 as set out in Appendix 6 to this report and incorporated the amendments made above;
- (k) The Council authorised the Chief Finance Officer to make the requisite adjustments to directorate budgets to incorporate the detailed analysis of the corporate savings identified in Table 4 in the report;
- (l) The Council agreed to consult on reducing the hours of the Political Assistants to the Labour and Liberal Democrat Groups to part time posts, with the Employment Matters Committee considering the outcome of that consultation.
- (m) The Council agreed to freeze Residents' Parking permits at the current price of £25 for the next three years. It also agreed to freeze the price of business parking passes in Residential Parking Zones at £120 for the purpose of helping business during the current recession. This will be paid for by increased enforcement in existing permit areas.

(Note: the total budget sum is £379.947 million and not £381.058 million as stated in paragraph 18.2 of the recommendations circulated at the meeting and recorded above. This is a typing error which will be corrected when these minutes are presented to the Council for approval on 15th April 2010).

(B) Council Plan 2010/2013

Discussion:

This report presented the Council Plan 2010/2013, which had been developed alongside the 2010/2011 capital and revenue budget proposals in order to align the Council's business planning processes with the budget setting process.

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Councillor Janice Bamber, supported by Councillor Rehman Chishti, proposed the recommendations as set out in the report.

Decision:

- (a) The Council approved the Council Plan 2010/2013.
- (B) The Council agree to delegate authority to the Assistant Director of Communications, Performance and Partnerships, in consultation with the Portfolio Holder for Customer First and Corporate Services, to make changes to the Plan prior to publication (if necessary) to reflect the final Budget as agreed by Council.

(C) Treasury Management Strategy 2010/2011

Discussion:

This report sought approval of the Treasury Management, Investment Strategy and Minimum Revenue Provision Policy Statement after taking account of the Business Support Overview and Scrutiny Committee's and Cabinet's comments. The report also incorporated changes that arose from the new CIPA code and Communities and Local Government consultation in light of the Icelandic situation and financial crisis.

Councillor Jarrett, supported by Councillor Doe, proposed the recommendations as set out in the report.

Decision:

- (a) The Council noted the comments from the Business Support Overview and Scrutiny Committee and Cabinet.
- (B) The Council approved the Treasury Strategy and associated policies and strategy statements including the proposed variations to the Constitution set out in Appendix 4 to the report.

Mayor

Date:

Julie Keith, Head of Democratic Services

Telephone: 01634 332760

Email: democratic.services@medway.gov.uk

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Medway Council
MEETING OF MEDWAY COUNCIL
Thursday, 4 March 2010
7.00pm to 9.47pm

RECORD OF THE MEETING

PRESENT: The Mayor (Councillor Royle)
The Deputy Mayor (Councillor Kemp)
Councillors Andrews, Avey, Baker, Kenneth Bamber, Bhutia, Bowler, Brake, Brice, Bright, Burt, Carr, Mrs Diane Chambers, Rodney Chambers, Crack, Doe, Esterson, Etheridge, Filmer, Gilry, Godwin, Goulden, Val Goulden, Griffiths, Harriott, Haydock, Hicks, Hubbard, Jarrett, Juby, Mackinlay, Maisey, Maple, Mason, Murray, O'Brien, Ruparel, Shaw, Smith, Stamp, Sutton, Wicks and Wildey

In Attendance:	Rose Collinson	Director of Children and Adult Services
	Robin Cooper	Director of Regeneration, Community and Culture
	Neil Davies	Chief Executive
	Mick Hayward	Chief Finance Officer
	Richard Hicks	Assistant Director, Customer First, Leisure, Culture, Democracy and Governance
	Deborah Upton	Assistant Director, Housing and Corporate Services
	Reverend Chris Ferris	Mayor's Chaplin
	Peter Holland	Committee Coordinator
	Julie Keith	Head of Democratic Services

634 RECORD OF THE MEETING

The record of the meeting held on 14 January 2010 was signed by the Mayor as correct.

635 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Janice Bamber, Chishti, Chitty, Clarke, Mrs Griffin, Gulvin, Hewett, Hunter, Sheila Kearney, Stephen Kearney and Reckless.

636 DECLARATIONS OF INTEREST

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

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

Councillor Burt declared a personal and prejudicial interest with reference to the motion at Item 12 (A), as his wife is deputy headteacher of Delce Junior School. He left the room for the decision on the motion but stated that he intended to listen to the questions from the public and Members in relation to the school.

Councillor Godwin declared a personal interest in relation to Cabinet decision 30/2010 Supporting People Strategy on the basis of his wife's employment.

Councillor Jarrett declared a personal interest in item 11(C) A228 Stoke Crossing Compulsory Purchase Order as he is involved with an organisation with neighbouring land and retained his right to speak and vote.

637 MAYOR'S ANNOUNCEMENTS

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

638 LEADER'S ANNOUNCEMENTS

The Leader announced that Colette Glasson, Communications Manager was retiring and expressed his thanks for all her work especially in relation to the Council's opposition to the proposed airport at Cliffe and wished her well for the future.

The Mayor also expressed his thanks to Colette for all the help she had provided to him and the mayoralty in general.

639 PETITIONS

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

Councillor Murray presented a petition containing 110 signatures from residents against Delce Infants and Junior Schools being amalgamated.

Councillor Jarrett presented a petition containing 46 signatures from residents asking the Council to supply a grit box for the residents of Albury Close, Lordwood.

Councillor Diane Chambers presented a petition containing 38 additional signatures to an existing petition against the development of Capstone Valley.

The Leader, Councillor Rodney Chambers, presented a new petition containing approximately 4200 signatures from residents against the development of Capstone Valley.

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Councillor Maple presented a petition containing 476 signatures from residents from the White Road Estate and Chatham Grove asking for a better bus service.

Councillor Esterson presented a petition containing 246 signatures from residents asking for a better bus service from St Mary's Island to Chatham Schools.

Councillor Crack presented a petition containing 91 signatures from residents in Sturdee Avenue, Gillingham asking the Council to resurface Sturdee Avenue.

Councillor Smith presented a petition containing 22 signatures from residents in Third Avenue, Gillingham asking the Council to resurface parts of Third Avenue.

640 PUBLIC QUESTIONS

(A) Mr P Cumming-Benson of Rochester asked the Leader of the Council, Councillor Rodney Chambers, the following question:

“Would the Leader comment on the removal of four mature Chestnut trees in the Paddock including three at the edge of the Paddock opposite the Brook Theatre - does this address the concerns of the Planning Committee?”

The Leader, Councillor Rodney Chambers responded that the four trees mentioned were identified as part of the planning application considered by the Planning Committee at their meeting.

He stated that Members of the Planning Committee would have taken the removal of these trees into consideration in coming to their decision, which was to approve the application. He advised that there was a condition on the approval, that required the planting of two trees for every one removed.

Mr Cumming-Benson asked whether the removal of the trees in the Riverside Gardens was covered by a similar condition.

The Leader, Councillor Rodney Chambers, responded that the trees that were removed in the Riverside Gardens were subject to similar conditions, as applied to the other trees that were removed.

(B) Mrs T Coutts of Chatham asked the Leader of the Council, Councillor Rodney Chambers, the following question:

“Will the Leader demonstrate that he has considered the views of shoppers and traders in Chatham when proposing to remove the existing bus station from the Pentagon Centre to Globe lane (Riverside Gardens)?”

The Leader responded that there has been extensive consultation over a number of years on the proposed new bus station and master plans for Chatham town centre.

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He stated that the views of those who responded to the consultations had been considered throughout the project and that this had resulted in the location of the proposed bus station changing.

The objections received in relation to the latest planning application were considered as part of the deliberations of the Planning Committee before they decided to approve the application on 27 January 2010.

Mrs Coutts questioned whether the Leader was stating that the public and the traders were happy that the bus station was moving out of the bus station or had they actually expressed concerns.

The Leader replied that all views, those in support, and those expressing concern, had been taken into consideration before any decision was made.

(C) Ms S Fowler of Chatham asked the Leader of the Council, Councillor Rodney Chambers, the following question:

“Alliance Planning have stated in their statement to support the planning application for the Dynamic Bus Station, that River Ward has 179 hectares of space per 1000 people compared to National Playing Fields Association standard of 2.4 hectares per 1000 people. Will the Leader accept that this statement is inappropriate in the context of the Waterfront Gardens and that this standard applies only to outdoor sports and play facilities and specifically excludes ornamental gardens?”

The Leader, Councillor Rodney Chambers responded that Alliance Planning had used the National Playing Fields Association standards which have been adopted by Medway Council, in its Medway Wildlife, Countryside and Open Space Strategy in calculating the provision of urban parks and amenity open space within Medway. The standards were also encompassed in the adopted Local Plan. To ensure consistency between the adopted Medway Open Space Strategy and the Medway Local Plan, the NPFA standards were therefore used as part of the methodology for the Open Space Assessment prepared to accompany the planning application for the Dynamic Bus Facility at Chatham.

He stated that the Chatham riverside was considered to be open space for informal recreation and leisure use and had not been identified as “ornamental gardens”. It therefore fell within the NPFA standards and Medway’s Local Plan.

Ms Fowler did not ask a supplementary question.

(D) Mr A Pestell of Chatham asked the Leader of the Council, Councillor Rodney Chambers, the following question:

Mr A Pestell of Chatham was not present at the meeting and therefore his question was not put to the Leader of the Council, Councillor Rodney Chambers.

(E) Mr A Smoothy, Chair of Governors, Delce Infant School, asked the Portfolio Holder for Children's Services, Councillor Wicks, the following question:

"Do you feel democracy has failed after your decision to amalgamate goes against the reasoning of the majority of parents, all the governors, all staff and head teachers, head of education and all the overview and scrutiny committee?"

Do you feel democracy has failed after your decision to amalgamate goes against the reasoning of the majority of parents, all the governors, all staff and head teachers, head of education and all the overview and scrutiny committee?

The Portfolio Holder for Children's Services, Councillor Les Wicks, thanked Mr Smoothy for his question and advised that the proposed amalgamation had gone through all the proper democratic process and the results of the consultation have been considered by the Children and Adults Overview and Scrutiny Committee and the Cabinet. He stated that the reasons Cabinet had given in support of the proposed amalgamation included that it would reduce the number of transition points for those children following their education on the same site. The two schools had also been working closely for a number of years and already shared the same site and a large senior management team would create a more robust school. The statutory notice was currently out to consultation and would be considered by the Schools' Adjudicator in due course.

Mr Smoothy asked if Councillor Wicks could explain how a democratic process could involve so many people that had decided one way and yet the decision was made by a small group of people that went a different way.

Councillor Wicks replied that there was a representative government system in this country and that this was in operation here. It was in the end, the representatives of the locality, or in the case of parliament, the nation. It is for that small group to make those decisions and that was how the system works in a fully democratic way.

(F) Miss A Morris, Headteacher of Delce Infant School, asked the Portfolio Holder for Children's Services, Councillor Wicks, the following question:

Please can we have an apology from you for your lack of understanding when you stated at the last Cabinet meeting that the two schools were 'as good as soft federated' which is in fact completely wrong and therefore potentially misled other Cabinet Members.

The Portfolio Holder for Children's Services, Councillor Les Wicks, responded that he did not believe that this view was wrong or that his Cabinet colleagues had been misled. Letters received from the Delce's governors and headteachers during the consultation stated that the two schools had a close working relationship and share an integrated curriculum and there are meetings between the schools to establish a similar classroom ethos. He therefore stated that he felt he did not need to apologise or that anyone had been misled.

Miss Morris asked Councillor Wicks how did he justify saying in the Cabinet meeting that nothing had changed given that the circumstances supporting amalgamation had changed considerably with the appointment of a new headteacher at Delce Junior

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School and also the decision to keep St Peter's Infant School open which will affect transition.

Councillor Wicks replied that the decision on the amalgamation was based on clear, careful consideration of all the factors that were to be taken into account. He felt that those in the teaching profession were well aware of these factors and should understand why the decision was made. He stated that he thought that it was a proper decision and was happy to wait for the outcome of the statutory notice.

(G) Mr B Fowler of Chatham asked the Leader of the Council, Councillor Rodney Chambers, the following question:

"Work commenced on the Chatham Waterfront site of the Dynamic Bus Station by 21 January 2010. What instructions were issued to contractors prior to the Planning Committee meeting on 27 January 2010 to start work in connection with the Dynamic Bus Station?"

The Leader responded that Morgan Ashurst were appointed by the Council in December 2009 through the Improvement and Efficiency Southeast Framework under a pre-construction agreement to provide advice during the advanced stages of design. A report considered by the Cabinet on 24 November confirmed the nature of their appointment at that stage. Under separate instructions, geo-technical investigations comprising of bore holes and trial pits were undertaken by Norwest Holst between 13 and 23 January, following which the site was restored to its previous condition. This work did not require planning permission and nor did it constitute a start to the development.

Mr Fowler asked the Leader, Councillor Chambers to comment that when the public believe work should have started after 27 January and they listen to the decisions that were made at the Planning Committee where a Councillor's request for a public site meeting was rejected, did Councillor Chambers not appreciate the damage to democracy which the actions of himself and his colleagues were causing.

The Leader, Councillor Rodney Chambers replied that there may well have been a public perception that the work had started but this was not the case. He stated that this was pre-work and that it was standard practice in any developments throughout the country. He went on to state that before applications were submitted work was done to look at the strata of the area where that work could be taking place and this did not require planning permission.

(H) Mr W Knott of Rochester asked the Leader of the Council, Councillor Rodney Chambers, the following question:

"Would the Leader comment on the statement made by Alliance Planning in connection with the dynamic bus station, that the waterfront has high visual attractiveness and obtained reasonably high scores in an audit relating to quality and value?"

The Leader, Councillor Rodney Chambers responded that it was considered that the new bus station would not adversely affect the visual attractiveness of the waterfront area; rather it would provide increased accessibility to this area. He stated that the proposals would ensure the restoration and reuse of the White House building and will

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provide green landscaped area, additional tree planting, all of which will be beneficial to the waterfront area.

Mr Knott asked in view of the enormous value that local people held the Riverside Gardens whether the Council Leader thought that Deborah Upton was a sufficiently impartial and unbiased person to decide on the appropriation of the gardens.

The Leader, Councillor Rodney Chambers responded that he thought she was a sufficiently impartial and unbiased person to decide on the appropriation of the gardens.

(I) Mr A Pestell of Chatham asked the Leader of the Council, Councillor Rodney Chambers, the following question:

Mr A Pestell of Chatham was not present at the meeting and therefore his question was not put to the Leader of the Council, Councillor Rodney Chambers.

(J) Mrs T Coutts of Chatham asked the Leader of the Council, Councillor Rodney Chambers, the following question:

“Could Councillor Chambers confirm that of today's date that the Council actually has the money not only to pay for the building of the new dynamic bus station in its entirety, but also has sufficient money to pay for the maintenance/upkeep of this facility for at least the next decade?”

Could Councillor Chambers confirm that of today's date the Council actually has the money not only to pay for the building of the new dynamic bus station in its entirety, but also has sufficient money to pay for the maintenance/upkeep of this facility for at least the next decade?

The Leader responded that the capital cost of the bus station project was entirely funded by the Homes and Community Agency (HCA), which the Council receives through the Thames Gateway regeneration programme. Once in use, the bus station would be managed by the Council and the cost of maintaining the facility would be met from income generated from those operators using the station. He noted that provision was being made by the Council for the ongoing management of the station.

Mrs Coutts asked the Leader if he could explain why the existing bus station could not have been renovated and people could have carried on using that one.

The Leader, Councillor Rodney Chamber replied that the existing bus station was considered by almost everyone that used it to be unsatisfactory and it was because of that that the consultation was undertaken in the very early days to relocate and what they were embarking on now was a result of people's desire to move out of the Pentagon Station.

(K) Ms S Fowler of Chatham asked the Leader of the Council, Councillor Rodney Chambers, the following question:

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“During the course of the last planning application process for a Dynamic Bus Station in Chatham, Arriva and Nu-Venture bus companies submitted letters of representation about the planning application.

Arriva stated: "We do have concerns that the new station will be unable to meet the potential future demand for bus services. We believe that the proposed dynamic system will assist in the immediate term. However, our concerns are for future years as the regeneration scheme comes to fruition".

Nu-Venture stated: "It is certainly the case that the facility as now proposed has a limited capacity compared to previous plans and will undoubtedly need to be extended to cope with any future expansion of bus services in Medway, such as daily Park & Ride operations and new services which are an integral part of expected developments such as Rochester Riverside".

In the light of these statements by representatives of bus companies that will be using the new Dynamic Bus Station, what assurances can the Leader of the Council give that the Dynamic Bus Station will not be expanded at some point in the future and allowed to encroach further onto valued public open space on the river front and in the Paddock?"

The Leader responded that Medway Council had worked closely with the bus operators to ensure that their operational requirements were met. He stated that the new bus station would offer all bus companies the opportunity to use the new facility, and would prove more convenient for passengers, the dynamic operating system provided the potential to increase this capacity in the future by making efficient use of the stands within the station. Any expansion of capacity in the future should be provided in a space close to the railway station as indicated in Arriva's letter of support to the planning application.

Ms Fowler asked the Leader how this vision of additional provision near the Railway Station fitted in with the Council's vision of a single facility.

The Leader replied that if he looked at the Gateway Masterplan for Chatham he would see that it was always envisaged that there would be an element of a bus/rail interchange upon the redevelopment of the railway station area and therefore quite clearly that was somewhere that the operators saw as being very useful for coping with any expansion that may be deemed necessary in the future.

(L) Mr B Fowler of Chatham asked the Leader of the Council, Councillor Rodney Chambers, the following question:

“On Friday 19 February 2010 a Senior Manager from Medway Renaissance was observed painting orange crosses on trees in the Paddock and Riverside Gardens. This was the last date by which objections were to be received for the appropriation of that land by Medway Council. Would the Leader of the Council explain what was happening that afternoon and put his reply in the context of the process for deciding what happened to any objections?"

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The Leader responded to Mr Fowler by explaining that he had referred to a site meeting that was held on Friday 19 February with representatives of the contractors, the consultants and council officers (including the tree officer). This was to confirm which trees would be required to be removed for construction of the Bus Facility, at which time the contractors marked the trees. This was to ensure that if approval was granted, felling could start quickly.

He advised that there was no pre-determination, only forward planning should the permission be granted in order that the work could be completed within the timescales. The decision to appropriate the open space was given on 23 February, and, Mr Fowler would have noted, that felling commenced on 26 February.

Ms Fowler asked the Leader of the Council if he would undertake to review whether the small portion of land in the northeast corner of the Paddock, which senior officers were inspecting, could be retained for its present use. She stated that it was not subject to the Planning Committee's jurisdiction nor was it designated for appropriation and asked if the tree with an orange cross on could be retained.

The Leader, Councillor Rodney Chambers replied that although that this area was not included in the approved planning application he thought it was included in a previous planning application in mid 2009 for highway works and that was what that area was required for.

(M) Mr A Smoothy, Chair of Governors, Delce Infant School, asked the Portfolio Holder for Children's Services, Councillor Les Wicks, the following question:

"Even though the Cabinet needed to agree the amalgamation, Members will have completely relied on your 'judgement' as to whether these schools should be amalgamated. What arguments did you use to persuade members to ignore the advice of officers, and the results of the consultation, and follow your lead?"

The Portfolio Holder for Children's Services, Councillor Les Wicks, responded that all Cabinet decisions were collective decisions taken after all the evidence had been carefully considered and the proposals to amalgamate schools in Medway were considered in the same way. He stated that the reasons Cabinet gave for amalgamating Delce Infant and Juniors were that it would reduce the number of transition points for those children following their education on the same site and the two schools had also been working closely for a number of years and already share the same site. A larger senior management team would create a more robust and, hopefully, an outstanding primary school.

Mr Smoothy asked Councillor Wicks if he felt that he was acting in the best interest of the children or whether he was just following an agenda that was set eighteen months ago.

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Councillor Wicks replied that children were the prime concern of all concerned. He responded that this was the reason why the primary strategy was put together in order that they could improve chances for all primary children across the borough and not every decision they made would meet with 100% support. He was however satisfied that what they were doing was in the best interests of the children involved.

641 LEADER'S REPORT

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

- The outcome of a meeting between representatives from Medway Council and the Deputy Mayor of London, Kit Malthouse at City Hall on 2 March to discuss the Mayor of London's proposals for an airport in the Thames Estuary.

Members of Medway Council raised serious concerns about the impact an airport would have on the ecology in the area as well as the pressures associated with an influx of population.

The Deputy Mayor of London confirmed that a Steering Group had been established, which was also looking at a range of issues affecting the Thames Estuary. This included tidal barriers, railway links, a new crossing as well as further development in the Thames Gateway area.

- The positive results from Medway Council's Residents Opinion Poll 2009/10
- The success of Medway's Social Regeneration team since it was established in securing more than £16 million to fund new community centres, facilities and schemes, such as the REIGNITE project, to support residents in Medway.
- The rating of the Council's Strategic Housing Services as "good" by the Audit Commission, with "promising prospects for improvements" and awarded it 2 stars.
- A recent unannounced inspection of contact, referral and assessment arrangements within the Council's Children's Services by Ofsted had not identified any areas for priority action and had highlighted some areas for development.
- The Annual Performance Assessment of Adult Social Care for 2008/09 judged the service to be performing well.

642 OVERVIEW AND SCRUTINY ACTIVITY

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

The following issues were discussed during the debate:

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- Celebrating Age Festival
- Support for Carers

643 TO CONSIDER ANY QUESTIONS ON NOTICE FROM MEMBERS

(A) Councillor Maple will ask the Portfolio Holder for Children's Services, Councillor Wicks, the following:

It has been repeatedly stated that 'the single site proposal was included with the Funding Agreement submission' and that permission was given for the new Academy in Strood to consult on amalgamation.

Can the Portfolio Holder read out the exact section of the Strood Academy funding agreement, where it outlines this permission?

Councillor Wicks responded that the single site proposal was included with the funding agreement submission. However, the permission to consult on the single site proposal was not included in the funding agreement itself.

The proposal to consult on a move to a single site and the funding agreement was submitted simultaneously to Ministers at the Department for Children, Schools and Families. Both were approved simultaneously by ministers in August 2009.

Councillor Maple then asked if Councillor Wicks could clarify the situation regarding consultation and the rulings of the Council as regards to listening to the public when it comes specifically to the issue of funding for new schools.

Councillor Wicks responded that Temple and Chapter going on to the same site required DCSF permission. He stated that the academy was not subject to Council control; it was in the hands of the Trust. He noted that the Principal was concerned that there is still a need to address the question of some students staying in single sex streams, or classes.

(B) Councillor Murray will ask the Leader of the Council, Councillor Rodney Chambers, the following:

In both the Cabinet minutes of 19 February 2008, and in the letters exchanged with Lord Adonis, you promised campaigners that the two sites would continued to be used for single sex education for the current pupils until the new Academy building was constructed.

As the Academy is now proposing to merge the two schools' intakes onto one site, can the Leader tell me whether he was in fact unable to make the promises he did, or has he broken them?

The Leader, Councillor Rodney Chambers responded that at the time of the creation of the Strood Academy it was agreed with the then Schools' Minister, Lord Adonis, that as far as possible the pupils who were already at Temple and

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Chapter would continue to be taught on a single-sex basis. He clarified that recently, a consultation was undertaken by the Principal of the Academy with parents and students with a view to moving to a single site from 1 September 2010. He stated that he understood this consultation arose from the need, on the part of the Academy governors to live within the budget allocated to them by the DCSF for the year 2010/11. It appeared that the outcome of the consultation was supportive of this proposal. The results of the consultation would now be forwarded by the governing body to the DCSF for its approval and was therefore not a matter for this Council as the local education authority as the arrangements for the Academy were between the Academy and the DCSF. As the previous agreement was made with them the decision for the approval of the changes must be made by the Schools' Minister.

Councillor Murray did not ask a supplementary question.

(C) Councillor Esterson will ask the Leader of the Council, Councillor Rodney Chambers, the following:

Can the Leader confirm, for the record, that the position of the Pentagon owners has not changed since November 2007, and that they have recorded their support for the new bus station plans?

The Leader, Councillor Rodney Chambers stated that the short answer to the question was yes and informed Councillor Esterson that a meeting was held on 26 January 2010 with Eamon Duigan, the leasehold owner of the Pentagon Centre. The new plans were discussed with him, the position of the bus station and the reduced impact on the Paddock. He made no adverse comments on the new proposals and welcomed the provision of the new facility.

Councillor Esterson asked why is it that in the overview and scrutiny report last year a different record of the Pentagon's view was given to that in the Cabinet papers. In one report it stated that the Pentagon didn't support the location of the new station and in another report it stated that it did. He asked the Leader to explain why that happened.

The Leader stated that he could not explain the reason for this, as he did not produce reports for committees. He stated that on 4 March 2010 Eamon Duigan had reiterated his support, via email to his office. Mr Duigan had said that he supported the bus station proposal and that this one was acceptable to him.

(D) Councillor Sutton will ask the Portfolio Holder for Community Safety and Enforcement, Councillor Chishti, the following:

Can the Portfolio Holder for Community Safety and Enforcement explain why, in spite of his claims that safety in Medway is improving, the crime figures in Gillingham South Ward in January have increased by 20%.

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On behalf of Councillor Chishti, Councillor Jarrett responded that the crime figures alluded to in the question appeared to relate to the Central Gillingham Focus Area. This was one of 10 areas that were identified hot-spot areas for criminal damage and anti-social behaviour. This particular Focus Area covered the Wards of Gillingham South & Gillingham North.

Councillor Jarrett reported that over an 11 month period criminal damage had not seen an increase, however there had been an increase within this hot-spot area in reported incidents of anti-social behaviour, from 317 to 423, over the same period in 2008/2009. He stated that this was disappointing, when combining all 10 Focus Areas there had been a 17.8% reduction in reported criminal damage and anti-social behaviour.

Councillor Jarrett advised that since February 2010 there has been a dedicated Police Constable and Police Community Support Officer for the Gillingham High Street area. Medway Council already had a dedicated Safer Communities Officer for Gillingham North and Gillingham South. Both Officers worked a 3 week shift pattern which included weekend work and included working regularly with our partners at Kent Police.

Councillor Jarrett advised that the Community Safety Partnership had also assisted in co-ordinating a multi-agency 21 hour period of action to tackle anti-social behaviour and other issues listed as a priorities by local residents was held in Gillingham North on 29 January (the agencies concerned are Medway Council, Kent Police, Kent Fire & Rescue Service, British Transport Police, Trading Standards, Kent Probation Service, the DVLA and the National Health Service).

Councillor Jarrett noted that crime reduction in Medway this financial year In Gillingham North, Gillingham South and Medway as a whole had fallen in respect of criminal damage and all crime in general.

644 REPORTS OF MATTERS FOR FULL COUNCIL

(A) Local Area Agreement 2008/2011 (LAA2): annual review and refresh

Discussion:

Members received a report that sought approval to the annual review and refresh of Medway's local area agreement 2008/2011 (LAA2). The report asked the Council to delegate completion of negotiation where negotiation detail is outstanding to the Chief Executive in consultation with the Portfolio Holder for Customer First and Corporate Services.

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

Decision:

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(a) The Council approved the recommendations of the local Strategic Partnership (LSP) Board in relation to the NIs listed in section 4 of the report – to confirm provisional targets for NIs 154, 155 and 171 and to seek re-negotiation of NI 152 - working age people on out of work benefits.

The Council approved the proposal to remove NI 112 on teenage conception from the reward grant calculation, but confirmed continuing commitment to seeking to improve performance on this priority area.

(c) The Council delegated completion of negotiation on NI 152 to the Chief Executive, in consultation with the Portfolio Holder for Customer First and Corporate Services, in order that the LAA refresh can be completed by the end of March.

(B) Consultation on changes to executive arrangements

Discussion:

Members received a report that advised the Council of the required process and proposed programme of consultation on changes to executive arrangements and asked the Council if it wished to express a view on a preferred model for Medway before formal consultation started.

Councillor Rodney Chambers supported by Councillor Jarrett proposed the following:

- (1) The Council is asked to note the requirements of the LGPIHA 2007 in relation to adoption of new executive arrangements and to agree not to express a preference for one of the two available options at this stage.**
- (2) That the proposed timetable and process for consultation as set out in this report be agreed.**
- (3) That the Assistant Director, Housing and Corporate Service be authorised to approve the material for the public consultation exercise taking into account any comments from group leaders on the draft material.**

Councillor Godwin supported by Councillor Griffiths moved the following amendment:

Add to recommendation (2) above:

that in relation to the option of Leader and Cabinet the consultation process should also seek views from residents and interested parties on whether the Council should include a provision in its Constitution which allows for the removal of the Leader by the resolution of the Council.

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With the agreement of the meeting and Councillor Jarrett, as supporter, Councillor Rodney Chambers, in accordance with rule 10.4.2 of the Council Rules, agreed to alter the substantive motion to include this amendment.

Decision:

- (1) The Council noted the requirements of the Local Government and Public Involvement in Health Act (LGPIHA) 2007 in relation to adoption of new executive arrangements and agreed not to express a preference for one of the two available options at this stage
- (2) The Council agreed the proposed timetable and process for consultation as set out in this report and that in relation to the option of a Leader and Cabinet that the consultation process should also seek views from residents and interested parties on whether the Council should include a provision in its Constitution which allows for the removal of the Leader by resolution of the Council.
- (3) **The Council agreed to authorise the Assistant Director, Housing and Corporate Service to approve the material for the public consultation exercise, taking into account any comments from Group Leaders on the draft material.**

(C) A228 Stoke Crossing Compulsory Purchase Order

Discussion:

This report sought agreement to make a Compulsory Purchase Order (CPO) in respect of land required for the A228 Stoke Crossing bridge.

Councillor Filmer, supported by Councillor Jarrett, proposed the recommendations as set out in the report.

Decision:

The Council agreed:

- (1) **To make a Compulsory Purchase Order for the acquisition of the land and rights needed for the scheme as shown on the plans set out in appendix 1 to the report;**
- (2) **To grant delegated powers to the Director of Regeneration, Community and Culture to finalise the details of the Compulsory Purchase Order and make the Compulsory Purchase Order including making minor variations to the areas to be acquired;**
- (3) **To grant delegated powers to the Director of Regeneration, Community and Culture to finalise the details of the Side Roads Order and make the Side Roads Order including making minor variations to the areas to be included;**

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To resolve to hold a joint Compulsory Purchase Order/Side Roads Order and Planning Inquiry should one be requested by the Secretary of State.

(D) Special urgency decisions

Discussion:

This report detailed decisions taken by the Cabinet under the special urgency provisions contained within the Constitution.

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

Decision:

The Council noted the report.

645 MOTIONS

(A) Councillor Murray has submitted the following:

Councillor Murray supported by Councillor Bowler, proposed the following:

“This Council believes that the Cabinet should take note of public opinion, the views of staff and parents, officers of the Council and Overview and Scrutiny, and that Delce Infants and Delce Junior schools should not be merged.”

Councillor Brake, supported by Councillor Carr, proposed an amendment that the motion be replaced with:

“This Council notes that the proposal to amalgamate the Delce Infants and Junior Schools has gone through the proper democratic process, having been considered by both Overview and Scrutiny and Cabinet.

This Council also notes that the statutory notice for the proposed amalgamation of Delce Infants and Junior Schools is currently out to consultation and the Council is required to pass the proposal to the Schools Adjudicator for decision at the end of the representation period.

Therefore this Council acknowledges that a decision on whether to amalgamate Delce Infants and Junior School is now a matter for the Schools Adjudicator and not Cabinet.”

On being put to the vote the amendment was carried and became the substantive motion.

Councillor Crack supported by Councillor Ruparel proposed the following amendment to the new substantive motion:

Replace all with the following:

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“This Council calls on the Cabinet to make a complete review of their procedures for changes in the Medway education system, particularly regarding school closures and mergers, in order to prevent a repeat of the disruption caused to education and stress caused to staff parents and pupils in affected schools in the past year.”

The Chief Executive ruled that under rule 10.3.1 of the Council rules, this motion was not relevant and therefore could not be debated.

On being put to the vote the new substantive motion was carried and agreed.

Decision:

This Council notes that the proposal to amalgamate the Delce Infants and Junior Schools has gone through the proper democratic process, having been considered by both Overview and Scrutiny and Cabinet.

This Council also notes that the statutory notice for the proposed amalgamation of Delce Infants and Junior Schools is currently out to consultation and the Council is required to pass the proposal to the Schools Adjudicator for decision at the end of the representation period.

Therefore this Council acknowledges that a decision on whether to amalgamate Delce Infants and Junior School is now a matter for the Schools Adjudicator and not Cabinet.

Mayor

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