

Medway Council
Meeting of Medway Council
Thursday, 10 October 2019
7.00pm to 11.05pm

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 Tejan)
The Deputy Mayor (Councillor Steve Iles)
Councillors Adeoye, Ahmed, Aldous, Barrett, Bhutia, Brake, Browne, Carr, Mrs Diane Chambers, Rodney Chambers, OBE, Chitty, Clarke, Cooper, Curry, Doe, Etheridge, Fearn, Filmer, Gulvin, Hackwell, Howcroft-Scott, Hubbard, Mrs Josie Iles, Jarrett, Johnson, Kemp, Khan, Lloyd, Mahil, Maple, McDonald, Murray, Opara, Osborne, Paterson, Pendergast, Potter, Prenter, Price, Purdy, Sands, Andy Stamp, Chrissy Stamp, Thompson, Thorne, Tranter, Mrs Elizabeth Turpin, Rupert Turpin, 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 People - Children and Adults Services
Phil Watts, Chief Finance Officer
James Williams, Director of Public Health

331 Apologies for absence

Apologies for absence were received from Councillors Bowler, Buckwell and Griffin.

332 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

Councillor Ahmed declared a disclosable pecuniary interest in agenda item 19A (Motion) because her husband is a taxi driver and she left the meeting during consideration of this item.

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Other significant interests (OSIs)

The Worshipful The Mayor of Medway declared an OSI on behalf of all Members in relation to agenda item 16 (Independent Remuneration Panel – Report on Members' Allowances). He stated that Group Leaders on behalf of their Members and Councillors Pendergast and Sands had confirmed to the Monitoring Officer that they had requested a dispensation to be able to take part in the discussion and vote on this matter. As the Councillor Conduct Committee members would themselves have had an OSI in the matter the Monitoring Officer had exercised his delegation to grant a four year dispensation to enable all Members to participate in the discussion and to vote on any reports relating to Members Allowances.

Councillor Doe declared an OSI in agenda item 14 (Treasury Management Strategy Mid Year Review Report 2019/20) because he is the Chairman of Medway Development Company Ltd (MDC) and there were references to borrowings from the Public Works Loan Board (PWLB), some of which were being utilised by MDC. He relied on a dispensation granted by the Councillor Conduct Committee to enable him to take part in the discussion and vote on this item.

Councillor Gulvin declared an OSI in agenda item 14 (Treasury Management Strategy Mid Year Review Report 2019/20) because he is a Director of Medway Development Company Ltd (MDC) and there were references to borrowings from the Public Works Loan Board (PWLB), some of which were being utilised by MDC. He relied on a dispensation granted by the Councillor Conduct Committee to enable him to take part in the discussion and vote on this item.

Other interests

Councillor Cooper declared a non-pecuniary interest in respect of any school matters referred to in agenda item 9 (Report on Overview and Scrutiny Activity) because she is a governor at Rivermead School.

333 Record of meeting

The record of the meeting held on 18 July 2019 was agreed by the Council and signed by The Worshipful The Mayor as correct.

334 Mayor's announcements

The Worshipful The Mayor of Medway sought the agreement of the Council to vary the order of business on the agenda to enable agenda item 19A (Motion) to be considered after agenda item 7 (Public Questions), in accordance with Council Rule 16.1. This was agreed.

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. He stated that the Council would be filming the early

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part of the meeting for use at future Council events. In addition, he asked Members to provide written copies of any amendments to the top table first.

335 Leader's announcements

There were none.

336 Petitions

Public

There were none.

Members

Councillor Brake submitted a petition containing 245 signatures which asked the Council to implement speed restrictors and install speed cameras to reduce the number of vehicles driving in excess of 30mph when travelling along the Walderslade Village Bypass and Robin Hood Lane.

Councillor Mrs Diane Chambers submitted a petition listing 94 names which sought the provision of a crossing outside Hempstead Infants School.

Councillor Hubbard submitted a petition containing 36 signatures which asked the Council to undertake a review of traffic flows in Strood.

337 Public questions

A) Alan Clarke of Strood asked the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:

"I refer to the reply set out below to my complaint about Strood Sports Centre not employing enough cleaners to maintain a healthy and clean environment in the men's changing rooms, showers and toilet and possibly throughout the centre.

"Thank you for your comments about Strood Sports Centre Changing rooms and their cleanliness on your recent visit.

Unfortunately we did have one cleaner on leave and one off on long term sick so the rest of the staff will pick these jobs throughout the day. As it is staff that are on shift and would normally be lifeguarding the pool, we have to get these tasks done when the time is available on the day.

Please accept our apologies for the area not being up to our normal standards and we will endeavour to keep up with the tasks."

Is it Council policy to leave these sorts of areas without a cleaner, therefore treating those that have paid and wish to use the facilities at Strood Sports centre with utter contempt?"

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Councillor Doe thanked Mr Clarke for his question. He stated that the Council fully recognised the importance of keeping the sports centres clean for customers and he apologised that on this occasion it was not up to the standard either Mr Clarke, or the Council, expected.

He stated that, unfortunately, as with any business, sickness absence could affect staffing levels temporarily. However, a review of operating procedures was being undertaken to identify ways to address such an issue promptly were it to occur again.

B) Janita King of Rochester asked the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:

“Has the Council ever considered rebuilding the bandstand in the castle gardens?”

After recently attending Deal Memorial Bandstand and listening to our very own local brass band playing from BAE Systems, I thought how great it would be to have ours back. It was such an enjoyable event and especially enjoyed by the elderly. This would also surely fit in well with our City of Culture bid.”

Councillor Doe thanked Mrs King for her question. He stated that while there were no current plans to rebuild the bandstand in Rochester Castle gardens, consideration would be given to this in the future should a suitable opportunity for funding arise.

He concluded by stating that he did not think that this was a bad idea but the Council would have to make sure that this did not conflict with other uses in the same area.

C) Ian Walton of Wigmore had submitted the following question to the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty:

“The motion passed at Full Council in April, regarding Uber, stated that the Council would meet with the Medway Licensed Taxi Drivers Association (MLTDA) to discuss these legal opinions in a constructive manner in the interest and spirit of working together.

Why hasn't Medway Council's opinion been shared in full with the MLTDA and only a summary provided?

The MLTDA believes this approach is not constructive to assist the trade in any future litigation and request the full report is shared.”

Note: Mr Walton withdrew this question ahead of the Council meeting.

D) Nigel Jackson of Strood had submitted the following question to the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty:

“Medway licensed taxi and private hire drivers have been put forward as Medway Champions by the Chief Executive in the upcoming City of Culture bid.

I assume that Medway Council is not happy for Uber to consider Medway a part of Greater London which would allow our streets to be flooded by hundreds of vehicles licensed by Transport for London and to allow Uber to operate in Medway outside of licensing control, potentially putting Medway residents at risk.

Therefore, would the Portfolio Holder and all Councillors now agree it is time to act on the advice received from counsel and publicly show their support for the licensed trade?”

Note: Mr Jackson withdrew this question ahead of the Council meeting.

E) Mike Smith of Twydall had submitted the following question to the Leader of the Council, Councillor Jarrett:

“Does Medway Council agree that their independent legal advice on the operations of Uber in Medway now confirms that the London licensed operator Uber is operating unlawfully in Medway in contravention of section 46(1)(d) of the Local Miscellaneous Government Provisions Act 1976?”

Note: Mr Smith withdrew this question ahead of the Council meeting.

F) Nicholas Kerr of Rainham asked the Leader of the Council, Councillor Jarrett, the following:

“As of 1 September 2019 there were more than 7,500 Medway residents on the electoral roll who hold passports from EU countries other than the United Kingdom.

Noting that it is now exactly three weeks until the Government’s intended Exit Day, what help and advice is being offered to these electors by the Council in support of their need to apply for Settled Status, recognizing that not all of them are aware of the need, not all of them have access to the required technology, not all of them are at ease with the technology, and not all of them understand what documents they need to produce in support of their application?”

Councillor Jarrett thanked Mr Kerr for his question. He stated that it was an open question whether Brexit would occur at the end of the month or not but notwithstanding that, the Council had set up pages on its public website to signpost residents and businesses to the relevant Government advice in relation to preparing for Brexit and there was a specific page on the GOV.UK website regarding the EU settlement scheme.

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He stated that he was only aware of one direct approach to the Council for assistance and this had been dealt with in one of the community hubs. He concluded by stating that the Council would be ready to assist any further members of the public who came forward.

338 Leader's report

Discussion:

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

- HMS Medway
- Children's Services including Ofsted Inspection
- Regeneration
- Transfer of waste collection service to Medway Norse
- Bid for City of Culture 2025
- Command for the Heights project
- Strood regeneration works
- Funding for high streets
- Night time economy
- Medway Commercial Group Ltd CCTV provision
- NHS service provision
- Schools performance.

339 Overview and scrutiny activity

Discussion:

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

- Overview and Scrutiny Members' training session
- Children and Young People Plan
- Educational attainment of Looked After Children
- Development of Single Kent and Medway Clinical Commissioning Group
- Single pathology service for Kent and Medway
- Adult Community Health services: Changes to phlebotomy services provision
- Review of vascular services and referral to the Secretary of State of the proposed changes to hyper acute stroke services across Kent and Medway
- Use of herbicides
- Strood development works
- Voluntary and Community Sector Task Group
- Housing Allocations Policy
- Homelessness
- Mental Health Awareness Week
- Ofsted Inspection of Children's Services.

340 Members' questions

A) Councillor Tranter asked the Portfolio Holder for Resources, Councillor Gulvin, the following:

"We have many beggars on our High Streets, often causing disturbances or intimidating residents and visitors and adversely affecting traders. Some retailers have contacted me in great distress. Many residents do not understand why this situation continues. We have helped considerable numbers on the streets, but in every individual case I have enquired about recently, with Council officers or the police, those still begging or camping have declined or abused accommodation or support, choosing instead to stay on our streets and often living in tents in our public areas. We are, it seems, powerless to move them since they remain technically homeless.

Furthermore, our streets are littered with blankets and items left for the purpose of marking the begging spot, under the direction of handlers; some we believe are linked to county lines. Professionals in commissioned services, our officers, and managers at the DWP tell me that increasing voluntary support – i.e. handing out food, drinks, clothing, bedding, tents, hygiene products and other comforts is a contributory factor attracting more people to come to Medway.

How can we manage this support better and what further actions are planned to help those in genuine need, whilst protecting citizens from those who decline all help?"

Councillor Gulvin thanked Councillor Tranter for his question. He acknowledged how hard Councillor Tranter had worked to represent the views of both residents and traders in his ward on these issues. Councillor Gulvin stated that the Council's Housing Team had continued to work with rough sleepers in order to move them into suitable accommodation. As of Monday this week the team had housed 95 people off the streets of Medway.

He stated that many rough sleepers had complex needs involving drug and alcohol addiction, often combined with mental health issues as well. Through ongoing outreach and working across partner agencies the Council would continue to provide wrap around support packages tailored to the needs of each individual.

He stated that the Community Safety Team had been working with Kent Police in identifying those involved in aggressive begging and anti-social behaviour. Where appropriate, action was being taken under the Anti-Social Behaviour Crime and Policing Act 2014 legislation.

He also stated that the Community Safety Team would have two additional years resource of a Community Safety Officer dedicated to Chatham City Centre, using S106 funding allocated specifically to Chatham as a result of the impact of Bluewater's expansion.

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He referred to passive begging, which was where someone would just sit with a cup in front of them, was far more difficult to deal with under current powers. However, the Council was actively investigating if it would be possible to use public place protection orders to deal with the issue even though that legal opinion was divided on this issue.

With reference to the issue of discarded bedding, he stated that it was not legally possible to just collect up these items and dispose of them. As such, the Council was seeking to work with suitable charitable groups who would be willing to hold on to such items for a time in order that they could be reclaimed before disposal.

He concluded by stating that a Member briefing on community safety would be held on 14 November and that he would like to see all Members there as this would provide an opportunity to get a much deeper understanding of these issues.

B) Councillor Johnson asked the Portfolio Holder for Children's Services (Lead Member), Councillor Mrs Josie Iles, the following:

“Given the rising demand on children's services and the falling resources from central Conservative government, the Director's dual role as Director of Children's Services and Director of Adult Services and the loss of one of the Assistant Directors, does the Portfolio Holder feel that there is sufficient leadership and management capacity to ensure the rapid and effective improvement in children's services that is needed following the ‘Inadequate’ rating which resulted from the recent Ofsted report and what plans does she have to provide the resources to strengthen and support that capacity?”

Councillor Mrs Josie Iles thanked Councillor Johnson for his question. She stated that she agreed that rapid and effective improvement was needed in children's services following the inadequate grading by Ofsted and she was working with officers to ensure a robust action plan would be in place to progress this at pace. Steps had already been taken to strengthen the leadership capacity. An interim Assistant Director, Jean Imray, had been appointed to start on 16 October. She had extensive experience in working with local authorities in a similar position to Medway.

She stated that the Council had also reduced the scope of the Interim Assistant Director's role to ensure she could focus on children's social care services and as such the Council had appointed an interim Assistant Director, David Watkins, to be responsible for schools and SEND services as well as social care services for disabled children.

She concluded by stating that under the leadership of Ian Sutherland, Director of People - Children and Adults Services, she was confident that the leadership team would have capacity to support the improvements necessary for the children and families of Medway.

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

“Following Labour's successful motion asking the Council to support a climate change emergency, can the Portfolio Holder assure me that the Committee set up to tackle this issue will have the resources it needs to act on any recommendations?”

Councillor Doe thanked Councillor Curry for his question. He stated that the Council had been working on a cross-party basis to address the Climate Change agenda since the motion was agreed. Both the officer and Member groups had met and a great deal of progress had been made to define the baseline and to begin work on developing a 5 year delivery programme.

He stated that additional resources would be required as the programme was progressed, and this would be considered by the Cabinet as part of next year's budget setting process.

He concluded by stating that, like all competing elements of the draft budget, the process could not be prejudged but he thought that this matter had a very strong pitch to get proper funds to carry this forward.

D) Councillor Browne asked the Leader of the Council, Councillor Jarrett, the following:

“The Labour Group welcomes the Council's intention to bid to be a City of Culture.

Is the Leader prepared to set up a Community Trust to make the bid in order to ensure our talented and creative community play their part in helping the bid to be successful?”

Councillor Jarrett thanked Councillor Browne for her question. He stated that having appropriate governance in place was something that had occupied his thoughts for some time, as was ensuring transparency and adequate checks and balances.

He stated that he had recently had a very positive and wide-ranging discussion with the Leader of the Labour Group, and this was one of the issues which had been discussed. This had included a reference to the Council's discussions with partners about the appropriate model for Medway's City of Culture bid, and this remained the case.

He also stated that the bid team would be hosted externally from the Council, which was a very positive step and would further illustrate the necessity for this to be a community-led bid. He concluded by stating there would be an opportunity to discuss this matter further under agenda item 12 later in the meeting.

E) Councillor Hubbard asked the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships, Councillor Rodney Chambers OBE, the following:

“It is clear from the experiences of residents living near the Strood Waterfront development and others that building development can have a detrimental impact on the lives of our residents.

Can the Portfolio Holder tell me what actions he is taking to protect the health of people in Medway when building happens near their homes?”

Councillor Rodney Chambers OBE stated that the impact of development on neighbours, including during construction, was a material consideration taken into account when determining a planning application. This would be considered in conjunction with the Council’s Environmental Protection Team who would comment on applications and recommend conditions where necessary. In terms of construction disturbance, while this was rarely, if ever, a reason to refuse an application, it was justification for imposing a condition to require the submission and approval of a Construction Environment Management Plan. This was a standard approach to ensure construction disturbance was kept to a minimum.

He stated that this approach was used for both the Strood Riverside and the Commissioner’s Road developments. In addition, Environmental Health officers were on hand to deal with ad hoc realtime issues relating to construction and where appropriate ensured additional mitigation measures were taken.

He stated that all the appropriate processes were in place for the Strood developments. In meetings with residents, it was noted by the Council and Members that informing residents of who to contact in the Council in the event of realtime issues was vital and every effort should be made to ensure residents knew who to go to and what to do.

He concluded by stating that this had been put in place, as discussed in the meeting with Councillor Hubbard, and the resident concerned.

F) Councillor Prenter asked the Leader of the Council, Councillor Jarrett, the following:

“In view of the detailed preparation and planning for Brexit undertaken by other local authorities, and the potential impact of leaving the EU without a deal, does the Leader now regret his obstinate refusal to plan effectively, for instance in identifying the numbers of EU citizens who may be valued residents of Medway or who may be important employees of Medway companies and services, such as the Universities at Medway?”

Councillor Jarrett thanked Councillor Prenter for his question. He stated that far from being obstinate, developments had proved him correct. He had stated he was taking a sensible and pragmatic approach to what had been and still was, a nebulous issue.

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He stated that common sense had dictated that strategies could not be developed for every possible outcome as the Council did not know what the exact ramifications of Brexit were going to be or whether it was going to happen at all. He stated that to attempt to do so would be both a waste of both officer time and taxpayer money. That said, Medway was taking all reasonable steps, in line with relevant guidance and ever-evolving messages coming from Government and its agencies, to prepare for the country's exit from the EU on 31 October.

The Council had appointed a Brexit Lead Officer, who was taking action to ensure clear communication to residents and businesses, for example, via clear signposting and informative webpages. It was important to note that no Medway-specific issues, i.e. issues that did not exist in any other areas in the UK, had been identified at any stage. Medway was well represented within the Local Resilience Forum and was utilising all channels available to ensure that its plans for No Deal would take account of relevant local circumstances and potential impacts on Medway's communities.

He concluded by stating that like the rest of the country, he would keep a watching brief and see what developed over the next few days.

G) Councillor Murray asked the Portfolio Holder for Adults' Services, Councillor Brake, the following:

"The NHS in London recently announced their intention to ration some drugs, does the Portfolio Holder know whether this is likely to happen in Medway and if so what will he be doing to protect patients?"

Councillor Brake thanked Councillor Murray for her question. He stated that the provision for treatments was managed across Kent and Medway and based on National Institute for Health and Care Excellence (NICE) guidance and other evidence. Treatments were reviewed regularly to ensure that they were backed by an evidence base that demonstrated effectiveness. Restrictions were published on Clinical Commissioning Group websites. Any decision as to whether a specific treatment should be provided, was generally made on the basis of clinical advice and evidence.

He stated that the Council's Health and Adult Social Care Overview and Scrutiny Committee received regular updates from the CCG in relation to the provision of care and treatment for Medway residents. The Health and Wellbeing Board, of which the CCG were an active member, also debated these matters. He stated that he was confident that should a strategic issue arise that had the potential to impact on the provision of care or treatment for local people, the Council would be able to raise this matter with the appropriate NHS organisation.

H) Councillor Maple asked the Leader of the Council, Councillor Jarrett, the following:

“Operation Yellowhammer lays out the scenario for Kent in the event of a no-deal Brexit, which includes maximum delays of 2.5 days for HGVs attempting to cross the border. The implications of this are far reaching, could result in a shortage of fuel, medicine and food and long traffic delays which would contribute to poor air quality.

Despite your repeated claims that Medway Council won't prepare for Brexit, what is this Council doing to protect Medway residents from the scenario laid out in Operation Yellowhammer?”

Councillor Jarrett thanked Councillor Maple for his question. He stated that the Council continued to be represented at the Kent Resilience Forum and South East Traffic Management Meetings in relation to Brexit. These meetings were attended by all public services and key stakeholders.

He stated that the Department for Transport had instructed local authorities to revoke all planned works along A-Roads and Trunk Roads (motorways) or suspend them for six months starting from 31 October 2019.

The Council was rolling out a communications campaign to ensure that residents, businesses and other organisations in Medway would know how to find information in preparation for Brexit. The Council had provided helpful information on its website, in libraries and community hubs as well as using social media and communicating directly with businesses in Medway.

He stated that Council heads of service had updated their existing business continuity arrangements to ensure that they were robust and they had communicated with customers, partners and other stakeholders to make them aware of how to access the information they would need.

He concluded by stating that officers had been working with colleagues across Kent, through the Local Resilience Partnership and as part of the existing emergency planning arrangements, key risks had been identified and the Council would ensure a dynamic response to Brexit related incidents and events as appropriate and in accordance with the Council's statutory responsibilities.

I) Councillor Andy Stamp asked the Portfolio Holder for Resources, Councillor Gulvin, the following:

“Can you confirm whether Medway Council's energy providers source their gas and electric from renewable sources and if not will the Council commit to switching to a green energy provider as soon as is practically possible?”

Councillor Gulvin thanked Councillor Stamp for his question. He stated that it had long been a strand of the Council's property strategy to improve the sustainability and reduce the running costs of its corporate buildings. He stated

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he was pleased to be able to confirm that the Council's electricity supply contracts were guaranteed to come from 100% renewable sources. This guarantee was certified by a Renewable Energy Guarantees Origin (REGO) backed certificate. REGOs were administered by Ofgem.

He stated that gas was a much more difficult issue, it was not possible at the moment to obtain a gas supply from a renewable source, although hydrogen generated from fuel cells and methane generated from anaerobic digestion may be commercially available in future years.

He stated that, in the meantime, the Council made the most efficient use of gas as was possible. The boilers at Gun Wharf had been upgraded and the Council was using combined heat and power plant in its sports facilities.

He stated that the Council's strategy was to upgrade the energy efficiency of the corporate portfolio of buildings through the Re:Fit scheme, which would allow the Council to borrow to invest in energy reduction initiatives and then pay off the borrowing with the resultant savings.

He concluded by stating that the Council was also investigating the use of air and ground source heat pumps to replace the use of gas in the future, which would further reduce the Council's carbon footprint.

J) Councillor Chrissy Stamp asked the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:

"Could the Portfolio Holder confirm the total number of trees planted and the number of trees removed in Medway for each of the financial years 2016/17, 2017/18 and 2018/19?"

Councillor Doe stated that this was a very important question and that he was very pleased that it had been raised as it provided an opportunity to say what was going on.

He stated that in 2016 there had been a net loss of 223 trees and since that time, when he had become aware of the number of trees being cut off or stumped, he had tried to make sure that the number of trees being removed had drastically reduced.

He stated that in 2017 the net loss was 165, and in 2018 for the first time there had been a net gain of 145 trees and he understood this to be improving further in 2019. However, in his view, this was still not enough. This was part of the climate change initiative which would involve trees as they were capable of absorbing carbon.

He stated that he had formed a Tree Group with the officers to make sure that the Council took advantage of all the various places where money was being made available for planting trees. For example, in 2018 the Council planted 150 small whips as part of a programme with the Woodland Trust.

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He stated that another important area related to the steps being taken in relation to rules on tree removal for one of two reasons as stated:

1. It is arboriculturally necessary, in other words it is dying or other something of that sort and we have had problems with that; or
2. It is a danger to the public for one reason or another.

He stated that an analysis of the controls that had been put in had resulted in a reduction of the number of trees being disposed of which was very interesting and this was why the Council had now turned the corner on this. He concluded by stating that there was still more to do but this matter was gaining momentum.

K) Councillor Mahil had submitted the following question to the Portfolio Holder for Resources, Councillor Gulvin:

“Does the Portfolio Holder agree with me that when the Council has received legal advice stating an organisation is breaching the law that they should take urgent action?”

Note: Councillor Mahil withdrew this question ahead of the Council meeting.

L) Councillor McDonald had submitted the following question to the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty:

“Taxi drivers are a key element of making Medway a cohesive community. Would the Portfolio Holder agree with me, if organisations are acting illegally, putting the livelihoods of taxi drivers at risk, that the Council has a duty to bring that illegal activity to a halt using all available methods accessible to them?”

Note: Councillor McDonald withdrew this question ahead of the Council meeting.

M) Councillor Adeoye asked the Portfolio Holder for Children's Services (Lead Member), Councillor Mrs Josie Iles, the following:

“How does the Portfolio Holder intend to strengthen the work of the Social Work Academy in order to improve recruitment and retention of staff, cut the social worker vacancy rate and cut the use of expensive agency staff?”

Councillor Mrs Josie Iles thanked Councillor Adeoye for her question. She stated that the core aims of the academy were to attract, recruit, develop and retain social workers. The Council was targeting recruitment and retention at an experienced social work level and further embedding a “grow your own” and learning culture through the CPD faculty of the Social Care Academy. To this end, there was activity within the Kent and Medway Teaching Partnership, working alongside key professionals within Children’s Services to develop career pathways for social workers and a sustainable workforce development offer. With a range of CPD pathways the aim was to better meet the business

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need through targeted succession planning to have the right staff, with the right skills, in the right jobs, at the right time.

She stated that Children's Services undertook a variety of initiatives to reduce agency reliance. These included advertising on social media, journals, hosting stands at jobs fairs, holding open days at Broadside, 1:1s with agency workers to encourage permanent applications and a refer a friend scheme. Overseas recruitment was also being explored.

She stated that the service continued to strengthen their relationships with local universities to support student placements and encourage applications from Newly Qualified Social Workers. There was a new cohort of 16 social workers that started at the beginning of October.

She concluded by stating that staff surveys and exit interviews were regularly undertaken and the feedback gained was used to strengthen and support the offer to staff.

N) Councillor Paterson asked the Leader of the Council, Councillor Jarrett, the following:

"In view of the Leader's continued boast that his administration has been in control in Medway for sixteen years, would he like to take this opportunity to apologise for his administration's failure adequately to support vulnerable young people in Medway, a failure that has resulted in two Ofsted judgements on children's services of 'Inadequate'?"

Councillor Jarrett thanked Councillor Paterson for his question. He stated that this was not any idle boast, this was fact. The Conservative Group had been in control for sixteen years and, in addition, the Conservative Group had held all the positions of influence and importance for a further three years when this authority had been in no overall control. He stated that, in Medway's history, Labour were in control as a minority administration, for two years.

Councillor Jarrett asked Councillor Paterson whether he would like to let him know what he had achieved on behalf of the people of Medway since he had been elected.

He conceded that Labour had made some small gains in the election in May against the Conservative Group and that they should be encouraged by that, as at one time, he understood they were claiming in the first few hours to have won the election. He concluded by stating that the Labour Group should take heart from that and if they continued at the current rate of progress they could look forward to forming an administration in 2031.

341 Medway Council Strategy

Discussion:

This report provided details of a proposal to introduce a new overarching Council Strategy which would be a shorter, more outcomes focused document than the current Council Plan. The report stated that the detailed performance measures and delivery plans explaining how the strategic objectives would be met would be set out in the Council Plan, which would be presented for Council approval in February 2020.

The report had been considered by the Business Support Overview and Scrutiny Committee on 22 August 2019 and the Cabinet on 24 September, details of which were set out in sections 3 and 4 of the report respectively.

A Diversity Impact Assessment was undertaken on the Strategy, as set out in Appendix 3 to the report.

The Portfolio Holder for Resources, Councillor Gulvin, supported by the Portfolio Holder for Business Management, Councillor Turpin, proposed the recommendations in the report.

Decision:

- a) The Council noted the comments of Business Support Overview and Scrutiny Committee and Cabinet as set out at sections 3 and 4 of the report respectively.
- b) The Council agreed the Council Strategy, as set out at Appendix 1 to the report.
- c) The Council agreed that the Council Strategy be added as a Policy Framework document and that paragraph 4.1 of Article 4 (The Full Council) in Chapter 2 of the Constitution be amended, as set out at Appendix 2 to the report.

342 Medway - City of Culture 2025

Discussion:

This report provided details of Cabinet's decision on 24 September 2019 to approve a bid for City of Culture status in 2025 for Medway as well as its recommendation to Council to approve the revenue funding of £205,000 to establish the City of Culture bid team to progress Medway's campaign.

The report provided details regarding the background to the bid, the potential benefits of being awarded City of Culture status, the timescales for the bid process as well as the costs relating to Medway's bid.

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The Leader of the Council, Councillor Jarrett, supported by the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, proposed the recommendations set out in the report.

Decision:

- a) The Council approved the revenue funding of £205,000 to establish the City of Culture bid team to progress Medway's campaign, to be met from the Council's reserves.
- b) The Council agreed to formally express its support for the bid for City of Culture status for Medway.

343 Housing Infrastructure Fund (HIF) Project - Additional Funding

Discussion:

This report provided details of a proposal for additional funding of £850,000 from reserves to be allocated to complete the planned Housing Infrastructure Fund (HIF) works within the programme to continue to meet the 2024 spend deadline. The funding would enable the Council to continue programmed works to complete RIBA stage 3, which was a developed design, including coordinated and updated proposals which are required for outline-planning submission for the road scheme. It would also enable the Council to continue programmed works relating to GRIP 2, which related to Project Feasibility for the rail scheme. This would define the preferred option and would produce outline designs, at risk until the end of 2019.

The Cabinet considered the report on 24 September 2019 and its comments were set out in section 5 of the report.

The Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships, Councillor Rodney Chambers OBE, supported by the Leader of the Council, Councillor Jarrett, proposed the recommendation in the report.

Decision:

The Council approved the addition of £850,000 to the revenue budget to:

- (i) Continue programmed works to complete RIBA stage 3 (road scheme) and GRIP 2 (rail scheme) at risk until the end of December 2019, as detailed in paragraphs 3.5 – 3.12 of the report.
- (ii) Undertake other works at risk until the end of December 2019, as detailed in paragraphs 3.13 – 3.16 of the report.

344 Treasury Management Strategy Mid-Year Review Report 2019/20

Discussion:

This report provided details of the mid-year review of the Treasury Management Strategy 2019/20 in accordance with the Chartered Institute of Public Finance Accountancy's (CIPFA) Code of Practice for Treasury Management.

The report had been considered by the Cabinet on 24 September 2019 and the Audit Committee on 26 September 2019 and their comments were set out in sections 9 and 10 of the report respectively.

The Leader of the Council, Councillor Jarrett, supported by the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, proposed the recommendation set out in the report.

Decision:

The Council noted the comments of the Cabinet and the Audit Committee and noted the contents of this report.

345 Electoral Arrangements Review

Discussion:

This report provided details of the recommendations of the Electoral Review Working Group on the Council's submission to the Local Government Boundary Commission for England (LGBCE) on Council size as part of the review of the electoral arrangements in Medway. It also provided details of the electorate forecast for 2025 and other information that had already been submitted to the LGBCE. The report stated that Working Group had recommended an increase from 55 to 59 Councillors for the reasons set out in section 4 of the report.

The Leader of the Council, Councillor Jarrett, supported by Councillor Fearn, proposed the recommendations set out in the report.

Decision:

- a) The Council noted the 2025 Electorate forecast and methodology for calculating it as set out in Appendix A to the report as well as the other information provided to the Local Government Boundary Commission for England (LGBCE) as part of the Review of electoral arrangements in Medway.
- b) The Council approved the council size submission as set out in Appendix B to the report as the formal representations to the LGBCE as part of the Review of electoral arrangements in Medway.

346 Independent Remuneration Panel - Report on Members' Allowances Scheme

Discussion:

This report provided details of the report and recommendations of the Independent Remuneration Panel. The Panel had undertaken a comprehensive review of the Members' Allowances Scheme, following the local elections earlier this year, including the Basic Allowance, Special Responsibility Allowances (SRAs), subsistence and travel allowances, rates for childcare and dependent care, as well as the annual up rating index. The Panel had also reviewed the allowances payable to the Mayor and Deputy Mayor even though they were not formally covered by the Scheme.

A Diversity Impact Assessment had been undertaken on the proposals as set out in Appendix 2 to the report.

The Portfolio Holder for Business Management, Councillor Turpin, supported by Councillor Tranter, proposed the recommendations set out in the report.

Councillor Maple, supported by Councillor Murray, proposed the following amendment:

Delete existing recommendation 7.1.1 and replace with:

7.1.1 That the Basic Allowance paid to all Councillors be £9130.57 per year, and will be index linked to the Council staff cost of living pay awards for the next four years.

Delete existing recommendation 7.1.2 and replace with:

7.1.2 That the levels of other special responsibility allowances (SRA) be retained at the existing rates for the current financial year and be index linked to the Council staff cost of living pay awards for the next four years.

Delete existing recommendation 7.1.3 in its entirety.

Delete existing recommendation 7.1.4 and replace with:

7.1.4 That the Allowances payable to the Mayor and Deputy Mayor be retained at the existing rates for the current financial year and be index linked to the Council staff cost of living pay awards for the next four years.

Delete existing recommendation 7.1.5 in its entirety.

Retain existing recommendation 7.1.6 as set out in page 205 of the Agenda.

Delete existing recommendation 7.1.7 and replace with:

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7.1.7 That the existing provisions relating to subsequent SRAs as set out in Notes 1 and 2 of paragraph 7.1 of the existing Members' Allowances Scheme, as set out in Appendix 3 to the report (page 249 of the Agenda refers) be retained.

Retain existing recommendations 7.1.8 – 7.2 as set out in pages 206-208 of the Agenda.

On being put to the vote, the amendment was lost.

Decision:

The Council considered the report of the Independent Remuneration Panel and approved the recommendations in that report as shown below:

- a) That the Basic Allowance paid to all Councillors be £10,421 per year and be linked to the median Council staff hourly pay for the next four years. This will begin to address the current situation where Medway is the lowest of the comparator authorities.
- b) That the levels of other special responsibility allowances (SRA) be as follows, and be linked to the basic allowance as shown by the benchmark % for the next four years. The basic allowance to be linked to the median Council staff hourly pay as described in decision a) above.

<i>POSITION</i>	<i>£</i>	<i>BENCHMARK AS % OF BASIC ALLOWANCE</i>	
Leader of the Council	31263	300	
Deputy Leader	20842	200	
Cabinet Portfolio Holder (8)	15632	150	
Chairman of Planning Committee	12505	120	
Opposition Group Leader (more than 20% of members)	12505	120	
Chairman of Health & Wellbeing Board	12505	120	Only payable if held by Councillor who is not Cabinet member
Chairman, Overview & Scrutiny Committee (4)	10421	100	
Chairman of Audit Committee	7295	70	
Deputy Opposition Group leader (more than 20% of members)	6253	60	
Overview & Scrutiny Spokespersons (group more than 20% of members) (4)	6253	60	
Opposition Group Leader (more than 10% of members)	6253	60	Not currently payable
Vice-Chairman of Planning Committee	5211	50	
Opposition Group Spokesperson for	5211	50	

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Planning Committee (>20% of members)			
Chairman of Employment Matters Committee	3647	35	
Vice-Chairmen of Overview & Scrutiny Committee	3647	35	
Ruling Group Whip	1563	15	
Opposition Group Whip (>20% of members)	1042	10	

- c) That the changes to the Basic Allowance and SRAs are backdated to 9 May 2019, but if, as a result of the changes, any Councillor has a net decrease in what they receive, that the Council does not seek repayment and the change, in those circumstances, takes effect 1 April 2020.
- d) That the Allowances payable to the Mayor and Deputy Mayor be as follows: Mayor £13026 (125% of the basic allowance) and Deputy Mayor £6253 (60% of the basic allowance) and that they be linked to the basic allowance for the next four years which itself is linked to the median Council staff hourly pay.
- e) That the changes to the allowances to the Mayor and Deputy Mayor come into effect from the date of the Annual Council meeting in 2020.
- f) That the SRA to the Chairman of Licensing & Safety Committee and members of the Licensing Hearing Panel and Licensing 1982 Panel Hearings be at the rate of £40 per day and be index-linked to the median Council staff hourly pay for the next four years based on a 3 hour session and that the changes comes into effect from 9 May 2019.
- g) That the current provisions in the Members' Allowances Scheme for discounting a subsequent SRA (paragraph 7.1 Note 1) be amended so that Councillors are only entitled to receive one SRA at any one time, with the exception of those in receipt of an SRA from Medway and/or the Kent and Medway Police & Crime Panel or Kent and Medway Fire and Rescue Authority who should have the second and any subsequent Medway SRA discounted as described in the current Scheme (paragraph 7.1 Note 2) and that this revision comes into effect from 1 April 2020.
- h) That the Members' Allowance Scheme (paragraph 7.2) be amended (a) to provide two maximum hourly rates for dependent care costs- £9 an hour per child for child care index-linked against the Living Wage Foundation rate for the next four years and £16.06 per hour per person for adult care or children with special needs, index-linked against the Council's commissioned hourly home care rate for the next four years; (b) to show the revised maximum for child care and adult care relating to conference attendance; (c) to contain a provision that gives the Head of Elections and Member Services some flexibility to assist Councillors who need specialist care that costs more than the rates approved (d) to

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remove the requirement for any childcare to be provided by a childminder registered with Medway; the revisions to come into effect from date of the Council decision.

- i) That the current provisions for payments to co-optees and members of Education Schools Admission and Exclusion Appeals Panels as set out in the Scheme (paragraph 7.3) are retained without amendment.
- j) That the provisions for subsistence allowance set out in paragraph 7.3.1 of the Members Allowances Scheme remain unaltered but that the rates of subsistence allowance claimable as set out in Appendix 3 be indexed against those payable to Council staff for a maximum of four years.
- k) That the existing list of duties that qualify for travelling and subsistence allowances in Appendix 1 to the Members' Allowances Scheme remain unchanged.
- l) That the rate for journeys by car for Councillors should be increased to 45p per mile for all engine sizes and indexed against the Approved Mileage Allowance Payment (AMAP) rate for the next four years (paragraph 7.3.2 of current Scheme). This brings the rate into line with the vast majority of other local authorities.
- m) That the travel allowances scheme is also amended as follows to bring it into line with the Council staff scheme against which the scheme provisions should be indexed (paragraph 7.3.2) and Appendix 3:
 - No additional 1p per mile is paid for passengers
 - All journeys by car are paid at the same flat rate of 45p rather than a differential rate for the first 60 miles being paid at 40p and 20p per mile thereafter.
 - The rate for travel by motor cycles should be 21.3p per mile
 - Travel by bicycle should continue to be at 20p per mile.
- n) That the revisions to the travel allowances come into effect on the date of the Council decision.
- o) That the other provisions in the Scheme relating to travel set out in existing paragraph 7.3.2 remain unchanged.
- p) That paragraph 8 of the Members' Allowances Scheme relating to Conference expenses, duties for which allowances can and cannot be claimed and how to claim remain unchanged.
- q) That paragraphs 6.6 to 6.10 in the current scheme be replaced with the provisions set out below to bring them into line with the relevant legislation:

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“6.6 In the year of Local Council elections:

- a) Councillors who had been appointed as Mayor and Deputy Mayor, prior to the elections, shall be entitled to receive payment of their allowances until the date of the Annual Council Meeting held after the election even if they are not re-elected as Councillors;
- b) The Councillor who held the position of Leader of the Council prior to the elections shall continue to receive payment of his/her Special Responsibility Allowance until the day of the Annual Council meeting even if he/she is not re-elected unless he/she resigns from office, is disqualified or otherwise removed from office;
- c) The Councillor who held the position of Deputy Leader of the Council prior to the elections shall continue to receive payment of his/her Special Responsibility Allowance until the day of the Annual Council meeting unless he/she is no longer a Councillor, resigns from office or is removed from office by the Leader;
- d) Any Councillor who had been appointed by the Leader as a Cabinet Member prior to the elections shall continue to receive payment of his/her Special Responsibility Allowance until the day of the Annual Council meeting unless he/she is no longer a Councillor, resigns from office or is removed from office by the Leader;
- e) Special Responsibility Allowances payable to Councillors who were Opposition Group Leader(s) or Group Whip(s) prior to the election will cease to be payable from the day of retirement after the elections. Special Responsibility Allowances for Councillors appointed to these positions after the elections will be payable from the date on which formal notice of their appointment is received by the Chief Executive signed by all Members who wish to be treated as members of the relevant political group;
- f) Councillors who had been entitled to any other Special Responsibility Allowances in the Scheme prior to the elections shall cease to be entitled to receive payment for the Special Responsibility Allowance from the date on which Councillors take up office after the election;
- g) Those Councillors who are appointed to positions which are entitled to a Special Responsibility Allowance after the elections, other than those provided for in paragraphs 6(a) to (e) above, shall be entitled to receive such payments from the day after which they are formally appointed to the relevant position of Special Responsibility either by the Leader, the Council or relevant Committee;
- h) Where a Councillor is in receipt of both a Special Responsibility Allowance from Medway Council and a Special Responsibility Allowance from the Kent & Medway Police and Crime Panel or Kent & Medway Fire & Rescue Authority, no deduction should be made to their Medway

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Special Responsibility Allowance until Medway Police and Crime Panel or Kent & Medway Fire & Rescue Authority have formally agreed their appointment to the position for which the SRA is payable by them. If the Kent & Medway Police and Crime Panel or Kent & Medway Fire & Rescue Authority Special Responsibility Allowance is backdated, the deduction from the Medway Special Responsibility Allowance shall be backdated to the same date.”

- r) That the Members Allowance Scheme be amended to add the following provisions:

“Sickness, maternity, paternity and adoption absence

- All Councillors shall continue to receive their Basic Allowance in full for a period up to 6 months in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption, shared parental leave or sickness absence.
 - Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period up to 6 months, in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption, shared parental leave or sickness absence.
 - Where, for reasons connected with sickness, maternity leave, adoption leave, paternity leave or shared parental leave a Councillor is unable to attend a meeting of the Council for a period of 6 months, a dispensation by Full Council can be sought in accordance with Section 85 of the Local Government Act 1972.
 - If a replacement to cover the period of absence under these provisions is appointed by Council or the Leader (or in the case of party group position, the party group) the replacement will be entitled to claim an SRA pro rata for the period over which the cover is provided.
 - If a Councillor stands down, or an election is held during the period when a Councillor is absent due to any of the above and the Councillor is not re-elected or decides not to stand for re-election, their basic allowance and any SRA will cease from the date they leave office.”
- s) That no allowance is paid to the Councillor representative on the Fostering or Adoptions Panels but that the Council look at the feasibility of more Councillors being appointed to the Adoption Panel to share the workload and time commitment.
- t) That the Chief Legal Officer is delegated authority to amend the Members’ Allowances Scheme as it appears in the Constitution in accordance with the decisions of this meeting of Full Council.

347 Approval of Reason for Absence of a Councillor from Meetings

Discussion:

This report provided details of a proposal to approve the reason for failure to attend meetings by Councillor Trevor Clarke owing to ill health, in accordance with section 85 of the Local Government Act 1972. This stated that if a Member of a local authority failed throughout a period of six consecutive months from the date of his/her last attendance to attend any meeting of the authority, he/she shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a Member of the authority.

The Leader of the Council, Councillor Jarrett, supported by the Leader of the Labour Group, Councillor Maple, proposed the recommendation set out in the report.

Decision:

The Council agreed that Councillor Trevor Clarke should not cease to be a member of the Council, if as a consequence of his ill health, he is unable to attend any meeting of the authority for any period of six consecutive months or longer.

348 Use of Urgency Provisions

Discussion:

This report provided details of the recent usage of urgency provisions contained within the Constitution in relation to the meetings of the Cabinet held on 3 September 2019 and 24 September 2019.

The Leader of the Council, Councillor Jarrett, supported by the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, proposed the recommendation set out in the report.

Decision:

The Council noted the report.

349 Motions

A) Councillor McDonald, supported by the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty, has submitted the following:

“Council welcomes the unanimous position taken at Full Council regarding the operator Uber in April 2019.

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Council notes with interest the QC legal advice obtained by Medway Council which indicates Uber would have a case to answer to in the High Court.

Council therefore agrees that Medway Council should proceed with the appropriate legal action against Uber. Medway Council will work with the Medway Licensed Taxi Drivers Association (MLTDA) in proceeding with the appropriate legal action.”

In accordance with Council Rule 11.4.1 and with the consent of the Council, Councillor McDonald altered the motion to read as follows:

“Council welcomes the unanimous position taken at Full Council regarding the operator Uber in April 2019.

Council welcomes the fact that officers have obtained a QC’s advice which has been shared with the MLTDA.

Council is pleased to note that a strategy has been agreed in consultation with the MLTDA to take appropriate legal action.”

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

Decision:

Council welcomes the unanimous position taken at Full Council regarding the operator Uber in April 2019.

Council welcomes the fact that officers have obtained a QC’s advice which has been shared with the MLTDA.

Council is pleased to note that a strategy has been agreed in consultation with the MLTDA to take appropriate legal action.

B) Councillor Maple, supported by the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, submitted the following:

“Council thanks the more than 4,700 personnel currently serving in the UK Armed Forces from Commonwealth countries.

Council notes currently if at the end of their service to our country they wish to remain in the UK they face a bill of £2,389 per person. A family of four would have to pay almost £10,000.

Council therefore calls on the government to remove Indefinite Leave to Remain fees for Commonwealth Armed Forces personnel who have served at least 4 years and asks the Chief Executive to write to the Secretary of State for Defence.”

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In accordance with Council Rule 11.4.1 and with the consent of the Council, Councillor Maple altered the motion following Councillor Doe's suggestion to add "and the Home Secretary" to the end of the last line of the motion.

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

Decision:

Council thanks the more than 4,700 personnel currently serving in the UK Armed Forces from Commonwealth countries.

Council notes currently if at the end of their service to our country they wish to remain in the UK they face a bill of £2,389 per person. A family of four would have to pay almost £10,000.

Council therefore calls on the government to remove Indefinite Leave to Remain fees for Commonwealth Armed Forces personnel who have served at least 4 years and asks the Chief Executive to write to the Secretary of State for Defence and the Home Secretary.

Mayor

Date:

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