

Medway Council
Meeting of Medway Council
Thursday, 14 October 2010
7.00pm to 9.13pm

Record of the meeting

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

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

In Attendance: Neil Davies (Chief Executive), Rose Collinson (Director of Children and Adults), Robin Cooper (Director of Regeneration, Community and Culture), Richard Hicks (Assistant Director of Customer First, Leisure, Culture, Democracy and Governance), Julie Keith (Head of Democratic Services), Teri Reynolds (Overview and Scrutiny Co-ordinator), John Staples (Media Manager) and Deborah Upton (Assistant Director of Housing and Corporate Services)

430 Record of meeting

The record of the meeting held on 29 July 2010 was agreed and signed by the Mayor as correct.

431 Apologies for absence

Apologies were received from Councillors Andrews, Val Goulden, Haydock, Hicks, Hunter, Ruparel and Smith.

432 Declarations of interest

Councillor Filmer declared a personal interest on agenda item 8 (Leader's report) as it referred to BAM Construction and his company carried out work for them.

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Councillor Griffiths declared a personal interest in any discussion that may take place during the course of the meeting with reference to NHS Medway because he is a Non-Executive Director of the Trust.

Councillor Mackinlay declared a personal interest in any discussion that may take place during the course of the meeting with reference to the Chatham Dockyard as he was a Trustee there.

Councillor O'Brien declared a personal interest in any discussion that may take place during the course of the meeting with reference to the NHS because some of his family members are employed by the NHS.

433 Mayor's announcements

The Mayor invited all Members to join him in wishing the Deputy Mayor and his new wife best wishes and good luck for their future, following their recent marriage.

The Mayor announced he was hosting a Trafalgar Day Sunday lunch at the Corn Exchange on 24 October and a charity Indian evening at the Shozna on 23 November 2010 and invited Members of the Council to support these forthcoming events.

The Mayor welcomed Tony Dance, one of the Independent members of the Standards Committee to the meeting and reminded Members that Council meetings were now recorded to assist in producing an accurate record of supplementary questions and answers to questions.

434 Leader's announcements

There were none.

435 Petitions

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

Councillor Gilry presented a petition requesting the Council to reconsider the imposition of an increased swimming admission charge for children aged 5-16 at The Splashes Leisure Pool, Rainham and to examine ways in which it can be reduced to an affordable level for ordinary families.

Councillor Hubbard presented a petition requesting the Council to ensure that the owner of 105 Jersey Road be made to reduce the size of the high hedge there, in accordance with the obligations as stated in the anti-social behaviour legislation (part 8) and maintain it in the future.

436 Public questions

(A) Peter Nullis of Chatham asked the Chairman of the Planning Committee, Councillor Mrs Diane Chambers, the following question:

“Why does the Council have different rules for each ward over the planning matters on which it needs to consult residents?”

The Chairman of the Planning Committee responded that Medway Council as the local planning authority has a standard consultation practice, which exceeds national requirements, but which is the same for the whole of Medway. In terms of consultation with residents there is no variation from one ward to another.

Mr Nullis added that he had documentary evidence to demonstrate that the Council was operating different consultation practices for planning matters. He asked if the teenage shelter at Barnfield could be removed immediately as there had been consultation with residents at Capstone Road and none with residents of Wayfield, despite the latter living closer to the site.

The Chairman of the Planning Committee explained that it would be very difficult for her to comment on the specific case at the meeting but if Mr Nullis would like to contact her she would look into the issue.

(B) Tristan Osborne of Rochester asked the Portfolio Holder for Housing and Community Services, Councillor Doe, the following question:

“The current Conservative and Liberal Democrat Government is slashing education budgets which includes teaching assistants, study support, school advisory teams, Playbuilder and budgets for the Medway Youth Trust. What representations have you made to government to protect the very popular Playbuilder scheme and the funding of new facilities on Barnfield and Luton Recreational grounds?”

The Portfolio Holder for Housing and Community Services responded that the Department for Education (DfE) required a financial report on the position of Year 2 Playbuilder projects to be submitted by 23 July 2010 and no announcement had yet been made on the final funding position. However, the Council had contacted DfE to seek clarification on when an announcement will be made, but no date had been provided. He felt it premature to make and representations until an announcement was made.

Mr Osborne stated that on 16 June 2010 the Secretary of State for Education removed the ringfence from playbuilder funding for local authorities. Mr Osborne asked for confirmation that no money allocated to the playbuilder scheme in Medway had been reallocated after that date.

The Portfolio Holder for Housing and Community Services stated that with regard to phase 2 of the scheme, one project had already been started, which was Broomhill and this would be completed. The remaining funding position

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had not changed and was still within the Council's budget. It had not been reallocated and would not be until a response is received from the government. He stated that it was important, however, to be realistic in the current financial climate.

(C) William Knott of Rochester asked the Portfolio Holder for Housing and Community services, Councillor Doe, the following question:

"The green space in front of the white house (Chatham) is not registered as a village green. Will the council seriously consider an application to designate it as such?"

The Portfolio Holder for Housing and Community Services responded that there was no application to designate the area as a village green, therefore no.

Mr Knott then asked if the Council realised that people are extremely worried about the future of the green space due to the damage already done due to the development of the new bus station?

The Portfolio Holder for Housing and Community Services responded that some disturbance at the area was inevitable but he was confident that there would be a proper green area once complete and in his view the plans were perfectly reasonable. He added that if the area was made a village green then it would be difficult to ever be able to adapt or change it and he did not feel that this would benefit Chatham Town Centre in the future.

(D) Tracy Coutts of Chatham asked the Leader of the Council, Councillor Rodney Chambers, the following question:

"With regard to the land formerly known as the Priestfields Nursery site which is adjacent to Watts meadow Neighbourhood Park in Rochester, I am given to believe that there were covenants on this land which both protected and restricted its usage. Could the Leader of the Council confirm and give the specific details of the contents of the covenants which were removed which has allowed this land to be sold off and now developed for housing?"

The Leader responded that Rochester City Council purchased the site of the former Priestfields Nursery together with other land in 1935. The land was purchased subject to covenants restricting its use to open space and playing fields only. In September 2003 Cabinet authorised officers to complete a transaction with the holders of the covenants, which released this restriction in respect of the land comprising of the Priestfields Nursery element of the land only. The adjacent land which was referred to as Watts Meadow was not affected and the covenants there remain.

(E) Bryan Fowler of Chatham asked the Leader of the Council, Councillor Rodney Chambers, the following question:

"Medway Council's Assistant Director (Housing and Corporate Services) Deborah Upton sealed the lease which enabled the Pentagon Centre's

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leaseholder to go ahead and use the £200,000 provided by the Homes and Communities Agency to renovate the toilets in the Shopping Centre.

What does the Council Leader think about the decision by the owners of the Pentagon Centre to charge 20p for members of the public to use the facilities there?"

The Leader responded that the toilets were renovated using £210,000 of Government money from the Thames Gateway and were in his view a marked improvement on what was there before. He added that the issue had been discussed at a recent Regeneration, Community and Culture Overview and Scrutiny Committee meeting, which he believed Mr Fowler had attended and where the arrangements for the running of the toilets were discussed in detail.

The Leader stated that whether the Pentagon chooses to charge or not is a matter for the Centre itself but the Council had let the toilets on a 90 year lease. He expressed the view that they are greatly improved and appreciated by a large section of the community who felt the toilets were now safe to use. He advised that the Council would save, at today's prices, around £5.5 million in costs over the length of the lease. In addition the new bus station would have free toilets and the Medway Messenger had recently published a list of free toilets in Chatham so there were alternatives if the public wished to use them.

Mr Fowler then asked if the Leader would consider revisiting this issue with the Pentagon, thinking of the disabled, parents with children and people who are ill, who are now required to pay.

The Leader responded that many of the people who complained about the toilets and did not use them before the refurbishment fell within those categories and they did now use the toilets and now felt safe.

(F) John Jones of Gillingham asked the Portfolio Holder for Housing and Community Services, Councillor Doe the following question:

"What steps is Medway Council taking to support the best possible use of the River Medway as a contribution to the success of the Olympic Games in 2012?"

The Portfolio Holder for Housing and Community Services responded that the river was not suitable for training purposes for rowing or sailing as it was tidal. The Weymouth and Portland area had already been chosen as the main sailing base for the Olympic Games. However, there was a desire to use the river more and thought had been given to the use of the river for transporting people to the games and in the Cultural Olympiad.

John Jones then asked if the Portfolio Holder would be willing to set up a consultation group including Medway Yachting Association and other river user groups in particular?

The Portfolio Holder for Housing and Community Services responded that he would not agree to the request at this meeting but would be willing to listen to

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and explore ideas for uses of the river. He added however that ideas would need to be self-financing in these financially difficult times.

(G) Tristan Osborne of Rochester asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following question:

“With the Medway Council CCTV car and the current administration having won the accolade of being the ‘Most Spying’ Council according to Big Brother Watch, what is the actual income and percentage of total income from the CCTV cars that is accrued from school gate or near school gate fines, given the small window of school opening and closing times in the morning and afternoon?”

The Portfolio Holder responded that since the implementation of the CCTV mobile units in April 2008 and 2009 parking services have issued a total of 2959 Penalty Charge Notices outside schools. This had amounted to £179, 635 total income collected, which in comparison to the total income collected for CCTV Penalty Charge Notices this equated to 18%. He added that these numbers of Penalty Charge Notices did not however account for the number of motorists that would have normally parked in a dangerous or inconsiderate way causing a danger to the public but chose not to because the CCTV mobile unit was very visible and acted as a deterrent.

Tristan Osborne stated that the CCTV car had caused significant amount of angst amongst residents, especially those located near to the vehicle and those that had been fined and asked if the Portfolio Holder accepted the reputation damage to the Council from the local press and what attempt had been made to mitigate this?

The Portfolio Holder for Housing and Community Services responded that a government report, ranking councils for road safety, had listed Medway in the top 10 safest authorities in the country. The findings in the Department of Transport’s Road Casualties Great Britain 2009 were based on the number of people injured and Medway was ranked seventh out of 69 authorities. He added that the people who park in dangerous and inconsiderate places will cause the number of people killed or seriously injured to rise and so the use of the CCTV car was important in terms of improving road safety.

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

“Four very fine mature trees have been felled in the paddock to enable the new bus station to be built. Can you tell me if and when replacement trees will be planted, what species they will be and where will they be planted?”

The Leader responded that one of the conditions attached to the planning application for the bus station is that two trees would be planted for every one tree that is felled. The trees felled in the paddock would be replaced with semi-mature Ginko biloba, commonly known as the maiden hair tree, which were to be planted next year, the time of which was subject to the completion of the bus

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station. He added that, altogether, a total of 40 new trees would be planted alongside new green landscaped areas as part of the construction of the new Chatham Waterfront bus station.

(I) Tracy Coutts of Chatham asked the Leader of the Council, Councillor Rodney Chambers, the following question:

“The bus stops on Military Road and in our existing bus station (the Pentagon Shopping Centre) provide bus users with much needed facilities of shelter and seating for their comfort. Could the Leader of the Council address why no shelter or seating has been provided for bus users at the new bus stops on Waterfront Way (which replace the bus stops on Military Road), additionally could he also confirm whether there will be seating available for waiting passengers at bus stops within the new dynamic bus station?”

The Leader responded that the bus stops on Waterfront Way would be part of the new Chatham Waterfront bus station when works are completed. However, two of these stops were brought into use early when works by statutory undertakers in Military Road meant that services stopping in Military Road needed to be relocated. He added that large shelters would be installed on both sides of Waterfront Way as part of the construction of the new bus station and that, in common with the other waiting areas within the bus station, they would have seating.

(J) Bryan Fowler of Chatham asked the Leader of the Council, Councillor Rodney Chambers, the following question:

“The decision to build a bus station to the west of Globe Lane, including the contracting of works, has not been debated at Full Council. It has not been discussed at the meeting of this year’s Medway Regeneration Board meeting and the Chairman of the Regeneration, Community and Culture Overview and Scrutiny Committee has agreed the Cabinet decisions relating to this cannot be called in. What does the Leader think about the lack of perceived accountability and the fact that this is a hugely unpopular project?”

The Leader responded that the plans for the new bus station had been through the proper and accountable democratic process, including; public consultation, debate at the Regeneration, Community and Culture Overview and Scrutiny Committee and Cabinet. The Planning Committee also considered the detailed planning applications. There had also been opportunities for all Cabinet and Committee decisions on the issue to be debated at full Council under either the Leader’s report or the overview and scrutiny activity report. He added that the issue had last been raised at the Council meeting on 29 July 2010. With regard to the contract award, he explained that this had been subject to the Council’s normal procurement processes and was a matter for the Cabinet to decide, which it did so on 24 November 2009 and subsequently awarded the main works contract on 20 July 2010.

Bryan Fowler then asked the Leader how public confidence in the Council could be regained following a year where a bus station had been built on Globe Lane,

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£200,000 had been contributed to renovate the Pentagon public toilets, trees had been felled in Union Street and the democratic Chatham Forum had been abolished?

The Leader responded that Mr Fowler had mentioned all the investment coming into Chatham and felt that people of Chatham and Medway would be pleased to see all the investment coming in to Chatham for its future.

437 Leader's report

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

- Academy Schools;
- Local Enterprise Partnerships;
- Modern Pentathlon European Championships 2011;
- Medway City Status;
- Medium Term Financial Plan;
- Review of healthy eating among children and young people;
- Woodlands School extension.

438 Overview and scrutiny activity

Members received and debated a report on overview and scrutiny activities. The following issues were discussed during the debate:

- The refurbished toilets at the Pentagon Shopping Centre;
- Local Transport Plan 3;
- 20mph zones in residential areas across Medway;
- Barnsole Schools – location of new school buildings;
- Re-routing of a footpath across Watts Meadow.

439 Members' questions

(A) Councillor Juby asked the Leader of the Council, Councillor Rodney Chambers, the following:

"Will the Leader of the Council explain why the Independent Remuneration Panel is not reporting to Council until June 2011 rather than before the elections?"

The Leader responded that the Independent Remuneration Panel would be reporting back to the Council in June 2011 because at its last meeting it stated it wished to look at a number of issues in detail, which require a degree of research. He added that this was a good time for the panel to report back as it could then take into account any changes following the local elections in 2011.

Councillor Juby then explained that he had provided his submission to the Independent Remuneration Panel last year and was surprised at the length of time being taken and requested that it be reported back before the local elections.

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The Leader explained that it is the Independent Remuneration Panel and that is what it had decided.

(B) Councillor Juby asked the Portfolio Holder for Community Safety and Enforcement, Councillor O'Brien, the following:

“Will Councillor O'Brien as the Cabinet Member responsible for enforcement, tell Council how many prosecutions for fly tipping the Council has processed in the last year and what were the costs and the fines levied?”

The Portfolio Holder for Community Safety and Enforcement responded that last year a total of 2,910 fly tips were reported and investigated. In the majority of these cases, there was insufficient evidence to take any further action other than getting the waste cleared. However, he added that in 320 cases the Council had been able to take further enforcement action ranging from verbal warnings to prosecution. Furthermore, the team had secured four convictions at court where fines and costs totalling £11,622 were handed down and there were 16 fly tipping cases with legal pending prosecution.

The Portfolio Holder also explained that last year the team achieved the highest possible score on the national indicator set for enforcement actions against fly tipping and were judged to be “very effective, with decreasing fly tipping incidents and increasing enforcement actions”.

(C) Councillor Stephen Kearney asked the Portfolio Holder for Strategic Development and Economic Growth, Councillor Chitty, the following:

“What support is the Council giving to businesses in Canterbury Street, Gillingham in these hard economic times?”

The Portfolio Holder for Strategic Development and Economic Growth explained that she had, together with the Portfolio Holder for Front Line Services, held a meeting with traders in Gillingham, including those from Canterbury Street, where they asked for ideas that would help traders and encourage shoppers. She added that everything that had been requested by the traders had been delivered.

Councillor Stephen Kearney then stated that in the first nine months of this year 2180 Penalty Charge Notices, 10 per cent of which were cancelled on appeal, had been issued on one small section of Canterbury Street, which had amounted to £62,482. He asked if this money had been used to help local businesses and why he had been told that the funding for a parking review, which was needed in Gillingham South ward, was not available?

The Portfolio Holder explained that there were a number of initiatives that had been implemented which included the provision of loading bays in Skinner Street which would be finalised in two to four weeks. Also, the Littlewoods car park had been purchased to increase the parking available in Gillingham. She explained that parking was not within her remit. However she understood that the parking tickets in relation to Canterbury Street were for some very

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dangerous parking. She added that she felt it important that everything possible is done to increase parking facilities and the opportunities for businesses in Gillingham and elsewhere.

(D) Councillor Maple asked the Portfolio Holder for Strategic Development and Economic Growth, Councillor Chitty, the following:

“Do you support, as I do, local pubs in the Medway Towns?”

The Portfolio Holder for Strategic Development and Economic Growth confirmed that she supported all businesses in Medway, including public houses.

Councillor Maple then stated that Chatham has one of the largest level of public houses run by pub companies which often carry out immoral and potentially illegal activities affecting their tenants. He asked the Portfolio Holder if she was prepared to meet, with the Portfolio Holder for Community Safety and Enforcement, a small delegation of these tenants to discuss these issues?

The Portfolio Holder for Strategic Development and Economic Growth responded that around 3,500 public houses had been lost and many were community pubs. However, in terms of the question asked, she requested further information and Councillor Maple undertook to provide this to her in writing.

(E) Councillor Maple asked the Leader of the Council, Councillor Rodney Chambers, the following:

“Could you tell me, to the nearest £500, the cost of the 12 August By-Election in River Ward?”

The Leader responded that the River Ward by-election on 12 August cost around £11,500.

Councillor Maple then asked the Leader if he thought it was inspiring to the people of Medway to take part in the democratic process when a councillor resigns less than two weeks after being elected.

The Leader responded that it was his role as Cabinet member responsible for democracy and governance to meet the requirements when vacancies arise on the Council in line with government legislation and he was satisfied that that was what had been done on 12 August 2010.

440 Council Plan Review (Policy Framework)

Discussion:

This report presented the proposed amendments to the Council Plan in light of changes to some inspection regimes and in year budget reductions agreed by Council on 29 July 2010.

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Councillor Janice Bamber, supported by Councillor Doe, proposed the revised Council Plan actions and indicators, as set out in appendix 1 to the report.

Decision:

The Council approved the revised Council Plan actions and indicators, as set out at appendix 1 to this report.

441 Revision to Contract Procedure Rules

Discussion:

This report set out proposed changes to the Contract Procedure Rules and the Council's procurement framework, to take effect from 1 January 2011, to ensure that the processes are more streamlined, whilst remaining robust.

Councillor Jarrett, supported by Councillor Janice Bamber, proposed the recommendations set out in the report, subject to paragraph numbering and typing errors being corrected.

Decision:

- (a) The Council approved the Contract Procedure Rules as set out in Appendix 1 to replace the existing Contract Rules in part 7 of chapter 4 of the Constitution, to take effect from 1 January 2011, subject to the typographical errors and paragraph numbering being corrected.
- (b) The Council authorised the Monitoring Officer, in consultation with the Leader, to make consequential changes to the Constitution to reflect the new Contract Procedure Rules noting that the Leader will be requested to agree the appropriate executive delegations.

442 Special Urgency Decisions

Discussion:

This report detailed a decision taken by the Cabinet under the special urgency provisions contained with the Constitution.

The Leader, supported by Councillor Doe, proposed that the Council note the report.

Decision:

The Council noted the report.

443 Motions

There were none.

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Mayor

Date:

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