

Medway Council
Meeting of Medway Council
Thursday, 12 January 2012
7.00pm to 11.26pm

Record of the meeting

Subject to approval as an accurate record at the next Full Council meeting

Present: The Worshipful Mayor of Medway (Councillor Baker)
The Deputy Mayor (Councillor Maisey)
Councillors Avey, Bowler, Brake, Bright, Carr,
Mrs Diane Chambers, Rodney Chambers, Chitty, Clarke,
Colman, Cooper, Craven, Doe, Filmer, Gilry, Christine Godwin,
Paul Godwin, Griffin, Griffiths, Adrian Gulvin, Pat Gulvin,
Harriott, Hewett, Hicks, Hubbard, Igwe, Iles, Irvine, Jarrett,
Kearney, Kemp, Mackness, Maple, Mason, Murray, O'Brien,
Osborne, Price, Purdy, Rodberg, Royle, Shaw, Smith, Stamp,
Tolhurst, Turpin, Watson, Wicks and Wildey

In Attendance: Neil Davies, Chief Executive
Rose Collinson, Director of Children and Adults
Robin Cooper, Director of Regeneration, Community and
Culture
Mick Hayward, Chief Finance Officer
Wayne Hemingway, Democratic Services Officer
Richard Hicks, Assistant Director, Customer First, Leisure,
Culture, Democracy and Governance
Julie Keith, Head of Democratic Services
Jane Ringham, Head of Elections and Member Services
Deborah Upton, Monitoring Officer
Simon Wakeman, Marketing and Public Relations Manager

656 Record of meeting

The record of the meeting held on 20 October 2011 was agreed and signed by the Mayor as correct.

657 Apologies for absence

Apologies for absence were received from Councillors Chishti, Etheridge, Juby and Mackinlay.

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658 Declarations of interest

Councillor Gilry declared a personal interest in any reference to Medway Maritime Hospital as she still works there occasionally.

Councillor Paul Godwin declared a personal interest in Adult Mental Health Social Care (Cabinet decisions 171/172 and 173/2011 – 20 December and paragraph 4.2.4 of the Report on Overview and Scrutiny) as he is a Non-Executive Director of Kent and Medway NHS and Social Care Partnership Trust.

Councillor Griffiths declared a personal interest in any discussion on Medway Community Healthcare as he is a Non-Executive Director of the Medway Community Healthcare Community Interest Company.

Councillor Igwe declared a personal interest in any discussion on the NHS as he is employed in mental health.

Councillor Jarrett declared a personal interest in the Local Development Framework (Cabinet decisions 163/164/165 and 166/2011 – 20 December 2011 and agenda item 11) because he is a member of two organisations (Kent Wildfowling and Conservation Association and the Wild Spaces Fund Ltd) which were landowners in connection to the estuary to which policy CS25 (the River Medway) applied.

Councillor Jarrett declared a personal interest in the Lodge Hill Development Brief (Cabinet decisions 167 and 168/2011 – 20 December 2011) because he is a member of two organisations (Kent Wildfowling and Conservation Association and the Wild Spaces Fund Ltd) which were landowners in connection to nearby Special Protection Areas (SPAs) and Ramsar sites to which policy EN29 applied.

Councillor Murray declared a personal interest in any discussion on Mid Kent College as she is employed by this organisation.

Councillor O'Brien declared a personal interest in any discussion on the NHS as members of his family work within the NHS.

Councillor Stamp declared a personal interest in any discussion on the Medway Citizens Advice Bureau as his partner works for that organisation.

Councillor Turpin declared a personal interest in any discussion on the NHS as his wife works for that organisation.

659 Mayor's announcements

The Mayor announced the deaths of three people who had close associations with Medway over many years. Mrs Joan Ward-McNally a former Mayor of Gillingham and Stella Shaw, a former Mayoress of Gillingham had both sadly died recently. In addition, Brenda Gilliam-Hill had also died recently. Brenda

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was well known locally as Miss Havisham on the Opening Day at the Dickens Festival over many years. He placed on record the condolences of all Councillors to the families of Joan, Stella and Brenda.

The Mayor congratulated Councillor Diana Smith for achieving the Medway Governor of the Year Award. In addition, he also congratulated Councillor Royle on becoming a great-grand father on 11 January 2012.

The Mayor reminded Members of a number of forthcoming charity events and encouraged them to support them in aid of the Mayor's Charities. An alternative event to replace the Nepalese evening in February was being arranged as the Gurkha restaurant had recently changed hands. Tickets were still available for the Mayor's Ball with a Strictly Bollywood theme on 17 March, the St Georges Night on 23 April and a Night of Musicals on 3 May. Full details were available from the Mayor's Personal Assistant.

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

The Mayor reminded Members that written copies of any amendments should be provided to the Head of Democratic Services and that copies were circulated to the top table first.

660 Leader's announcements

There were none.

661 Petitions

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

Public:

Derek Munton presented an e-petition containing 43 signatures requesting the council to safeguard care and services for elderly and disabled people by retaining Robert Bean Lodge, Platters Farm and Nelson Court in public ownership, staffed by council workers and keeping the Balfour Centre open for those who use it to enjoy.

Maureen Ruparel presented a petition containing 515 signatures requesting the Council retain Nelson Court Linked Service Centre under Council management and do not outsource this care provision.

Members:

Councillor Igwe presented a petition containing 180 signatures strongly objecting to the proposed closure of the Balfour Day Centre.

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Councillor Maple presented a petition containing 309 signatures asking the Council to safeguard care and services for elderly and disabled people by: retaining Robert Bean Lodge, Platters Farm and Nelson Court in public ownership, staffed by council workers and keeping the Balfour Centre open for those who use it to enjoy.

Councillor Murray presented a petition containing 350 signatures strongly objecting to the proposed closure of the Balfour Day Centre. The petition stated that the removal of these facilities represents Medway Council's failure to recognise the needs of Disabled Adult Service Users and their carers. This closure is an attempt to save money in an area where vulnerable people are unable to speak for themselves.

Councillor Murray presented a petition containing 1040 signatures requesting that Medway Council retain Robert Bean Lodge Linked Service Centre under council management and do not outsource this care provision. The petition stated that the standard and quality of care provided by the management and staff in Robert Bean Lodge is the best in Medway, and that it is in the best interests of residents, day service users and their families that the current system remains in place

Councillor Shaw presented a petition containing 68 signatures expressing total opposition to the proposal to close the Balfour Day Centre. The petition stated that it is an invaluable resource for those who use it, people who could not find satisfactory replacement for the activities and sense of community to be found at the Balfour Centre. If the council is sincere in its claim that the closure is a proposal out to consultation then we strongly urge the council to acknowledge our opposition to this proposal and to retain the use of the Balfour Day Centre and its dedicated staff.

Councillor Stamp presented a petition containing 112 signatures which called upon Medway Council and Kent Police to make tackling nuisance motorbikes and associated anti-social behaviour a top local priority in Lower Gillingham.

662 Public questions

(A) Keith Clear of Chatham asked the Portfolio Holder for Community Safety and Customer Contact, Councillor O'Brien, the following question:

Owing to the high level of anti-social behaviour regarding drugs, alcohol and foul and abusive behaviour, can the Portfolio Holder tell me whether the Council will extend the Chatham Alcohol Control Zone to include Luton Road, Chatham?

Councillor O'Brien thanked Mr Clear for his question. He responded that section 13 of the Criminal Justice and Police Act 2001 enabled local authorities to introduce Designated Public Place Orders, also known as alcohol control zones, in their area to assist in tackling alcohol-fuelled antisocial behaviour. The Council was not at this time proposing to

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extend the Chatham Alcohol Control Zone to include Luton Road as there was not currently sufficient evidence to support that extension. However, this was kept constantly under review. When considering whether to introduce alcohol control zones it was essential to work with all relevant agencies to ensure that if it was introduced it would be monitored and enforced by the police. It would also be based on an assessment of the available evidence. Kent Police reported that there had been no increase in anti social behaviour related incidents in the immediate area with a definite reduction in anti social behaviour related calls to the Luton Road area evidenced by daily reports and a reduction of reported incidents in locality compared to the previous year.

He stated that it was important that residents were encouraged to report all instances of anti social behaviour because if they did not there was no evidence on which to base decisions about where resources should be deployed. He stated that on several occasions residents had asked him to follow up issues but when he had investigated them he had discovered that they had not been reported to the Police. He urged all residents to use the new 101-telephone number to report anti social behaviour and non-emergency crime. He continued to work very closely with the All Saints Residents Association and also the Community Mothers in Luton and Wayfield. He also stated that Ward Members had not expressed any request to him to investigate any excessive anti social behaviour in the questioner's area. He stated that by working together to address these issues it could be ensured that Luton was the nice area that he remembered when he was born and grew up there.

Mr Clear asked a supplementary question as to how the decent residents of Luton Road could be treated with the same respect and attention that residents, in say, Hempstead or Wigmore might be treated.

In response, Councillor O'Brien stated that as far as this Authority was concerned, every resident in Medway was treated with the same respect regardless of where they live. He reiterated that it was absolutely essential that local residents reported these incidents – and that he did come down to Luton regularly and speak with local residents. He urged local residents to use the 101 number to report these incidents when and if they occur.

(B) Anne Wade MBE, Chairman of the Frindsbury and Wainscott Community Association, asked the Portfolio Holder for Strategic Development and Economic Growth, Councillor Chitty, the following question:

In the light of the National Planning Policy Framework (NPPF) which places emphasis on economic growth as being the most important consideration of any planning decision, what assurances can the Council give that Open Space and the Countryside will be given as of equal importance? The record to date has not been reassuring – especially in our most recent experience of Manor Farm Pit.

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Councillor Chitty thanked Mrs Wade for her question and she hoped she could provide some reassurance to her.

Councillor Chitty stressed that the National Planning Policy Framework was not yet in place. The Government issued a draft last year but a final version was not expected until the spring.

In the meantime the Council, at this meeting, was being asked to approve submission of the Local Development Framework Core Strategy for independent examination. This contained strong policies to protect the countryside and designated open spaces. The Government had stressed the importance of having such up to date plans and so it would provide the basis of future local planning decisions whatever the final National Planning Policy Framework might be.

She stated that she was aware that the Frindsbury and Wainscott Community Association strongly disagreed with a decision to allow the partial infilling of the Manor Farm Pit. However there were still some safeguards in place and that the decision was subject to a legal agreement being completed tying the infilling to the restoration of the Grade I listed barn. This agreement had not yet been completed. There were also a considerable number of planning conditions relating to the permission attached, which have to be complied with.

(C) Mrs Cooper, on behalf of Mike Hewson-Jones of Rochester, asked the Portfolio Holder for Adult Services, Councillor Brake, the following question:

Mr Hewson-Jones's wife who attends the Balfour Centre is transported there in one of the specially adapted buses for this purpose. The proposals to close the Balfour centre would imperil this valuable service and force Mr Hewson-Jones's wife and others to try to use public transport to access other services.

Does the Portfolio Holder know what percentage of Arriva buses in use around Medway are adapted for disabled people with a designated space for wheelchairs?

Councillor Brake thanked Mrs Cooper for presenting the question on behalf of Mr Hewson-Jones. In relation to the first point regarding transport arrangements, if, following consultation, a decision was taken to close the Balfour Centre, then adult social care staff would meet with service users and carers to plan suitable arrangements to meet people's social care needs and they would be happy to discuss any transport needs as part of that, acknowledging people's mobility allowance or motability arrangements accordingly.

He stated that Arriva had confirmed that out of its 106 buses, 98 were of low-floor design and were therefore accessible to wheelchairs where the

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kerb is built up to allow the bus to dock and these all had a dedicated wheelchair space. Currently 62 were DDA (Disability Discrimination Act 1995) compliant and fitted with ramps. The statutory deadline for ensuring its fleet is fully DDA compliant was January 2017 and Arriva had confirmed that they should beat this deadline comfortably.

(D) Mrs Cooper, on behalf of Shirley Hewson-Jones of Rochester, asked the Portfolio Holder for Adult Services, Councillor Brake, the following question:

Why does the consultation document about the proposals to close the Balfour Centre ask service users to prioritise which parts of the service they receive there, when all services are of equal importance to us?

Councillor Brake thanked Mrs Cooper for presenting the question on behalf of Mrs Hewson-Jones. He stated that the questionnaire did not actually ask the individual to prioritise. The questionnaire asked people to tick as many boxes as they would like in terms of what was important to them as individuals. Some recipients had ticked all the boxes and this was just as valid as ticking some of the boxes.

He stated that because the Council was keen to understand what other elements of service and support were really important to the people who use the service, a space had been provided on the form for people to make individual comments.

He stated that the information would be shared with Cabinet, as decision-maker, prior to a decision being made. If Cabinet decided to decommission the day centre, officers would also use this information to inform the way forward in re-providing for existing service users, in addition to personal meetings.

(E) Robert Heathfield of Chatham asked the Portfolio Holder for Front Line Services, Councillor Filmer, the following question:

During my own enquiries, I have been told:

- a) by Arriva that they have scrapped their 'Happy Max' fare deal for financial reasons arising from a loss of Medway Council subsidies, but;
- b) by Medway Council that no subsidies have been cut.

Nonetheless, whichever is true, I as a bus user am experiencing a reduced service. Can the Portfolio Holder confirm which of these statements is correct, and provide explanatory detail for confused bus users?

Councillor Filmer thanked Mr Heathfield for his question. He stated that it was worth pointing out that in Medway something like 95% of the local bus network was operated commercially without any direct financial

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support from Medway Council and that the Council had no control over the service levels or fares set, that being a commercial decision for, in this case, Arriva.

He stated that The 'Happy Max' was a commercial ticket initiative and it had been Arriva's own business decision to withdraw this, having no bearing on any decisions or policies made by Medway Council. He stated it appeared that Arriva did not believe that it was commercially beneficial for them to continue to offer this special fare.

Mr Heathfield asked a supplementary question in that if that was the case how much of the Council's money went to Arriva and what did this money provide to Arriva?

Councillor Filmer responded by stating that Medway Council spent about £2m a year on subsidising different routes. There were numerous routes that the Council subsidised and that the Council worked very closely with the bus companies. He stated that the Council had not cut any of the subsidies to the bus companies so if Mr Heathfield was experiencing any difficulties with certain bus routes he would certainly look into any problems Mr Heathfield may be having.

(F) Maureen Ruparel of Gillingham asked the Portfolio Holder for Adult Services, Councillor Brake, the following question:

I understand that staff who are TUPEd over to a private company have job protection for a limited time, but experience has shown that in many cases there is a 'reorganisation' of staff after this time and some staff either lose their jobs, or have to accept new contracts at a lower pay scale.

What guarantee can the Portfolio Holder give that after privatisation the level of staffing at Nelson Court will stay the same as it is now?

Councillor Brake thanked Mrs Ruparel for her question. He confirmed that staff would be TUPEd over if, following consultation, this proposal went ahead and that the staff did have those protections in place. All companies, private or public, constantly reviewed their organisations making changes as appropriate. If, following the consultation, Nelson Court was outsourced, then the Council would ensure that all the positive qualities continued to be available through a clearly defined specification and robust monitoring of quality. In addition, Medway Council funded and arranged training for social care staff for the whole sector via the Medway College of Social Care. This was one of the ways that the Council influenced and directly supported good practice in all care homes in Medway.

Mrs Ruparel asked a supplementary question as to whether the Portfolio Holder prepared to guarantee that if the results of consultation showed that residents and their families at Nelson Court did not want it privatised

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that the Council would pursue every means to reduce costs whilst keeping it in Council care and consult with staff and service users on this issue?

Councillor Brake thanked Mrs Ruparel for her supplementary question. As the Council was still at the stage of consultation he could not comment as to what the outcome was going to be. He stated that whilst some people may have considered this to be an answer that they did not want to hear, given the consultation period, he was unable to provide any other answer at this stage.

(G) Keith Clear of Chatham asked the Portfolio Holder for Community Safety and Customer Contact, Councillor O'Brien, the following question:

Owing to the high level of anti-social behaviour regarding drugs, alcohol and foul and abusive behaviour, can the Portfolio Holder tell me whether the Council will install CCTV opposite the tattoo parlour, Luton Road, Chatham. This would then make it easier for the police to take action against the offenders of anti-social behaviour and those that drive past causing damage to parked vehicles.

Councillor O'Brien thanked Mr Clear for his question. The Council did have a CCTV Camera on Luton Road, but it was not in a position to give full coverage to the entire road. The Council had the ability to place temporary CCTV cameras in areas where there was evidence of high levels of antisocial behaviour or where the police had asked for CCTV assistance. There was, of course, a significant and unbudgeted cost in deploying these cameras.

He referred back to Mr Clear's previous question and his answer by stating that the Council could only act on information it received. The actual documented anti social behaviour calls in Luton Road from December 2010 to November 2011 were 22 in the whole year. It was only reported cases that the Council could deal with. He stated that Mr Clear had asked about being treated with respect in the last question. Therefore, he asked Mr Clear and every other single resident in the Medway towns that if there was perceived to be a problem, he was quite willing to arrange a meeting with Council officers and with the Neighbourhood team in the Police in the near future for Mr Clear to be able to discuss the matter more fully.

Mr Clear stated that he would like to take up the offer of meeting with Councillor O'Brien and his colleagues in the Police because he would like to contest the fact that there had not been a significant number of incidents in the Luton Road area. Mr Clear stated he knew, from the local neighbourhood meetings, that there had been a lot of incidents reported to the Police. Mr Clear asked, by way of supplementary question, whether Councillor O'Brien would go back and confirm with the Police that there were 22 calls last year, as he had made 40 himself.

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Councillor O'Brien responded by stating that Mr Clear would hopefully have an incident report number for each one of those calls, which would have been given to him, and that this could be discussed when they would meet.

(H) Anne Wade MBE, Chairman of the Frindsbury and Wainscott Community Association, asked the Portfolio Holder for Strategic Development and Economic Growth, Councillor Chitty, the following question:

In view of the large unacceptable number of houses allocated to the Medway Towns, what assurances can the Council give that the infrastructure to support that growth is actually going to be provided – particularly the Medway Maritime Hospital, with no room for expansion on the site?

Councillor Chitty thanked Mrs Wade for her question. She stated that she understood Mrs Wade's concerns but that she would also be very aware that the housing figure requirement was established by a previous government in its policy relating to density. She stated that with regard to the major sites that an integral part of any planning procedure were transport issues. She stated that this was a matter for the Local Development Framework and the final numbers would be established through the forthcoming independent examination of the Core Strategy.

In preparing the LDF (Local Development Framework) Core Strategy the Council had liaised closely with all major service providers and a comprehensive Infrastructure Delivery Schedule had been included in the Core Strategy.

She also stated that both herself and Councillor Filmer, if there is a large development taking place, had quite considerable discussions because they were very concerned about transport and that they were fully aware that when a particular application came in that one of the most fundamentally important elements of it were the transport issues. These were very often part of what was currently the Section 106 agreement.

Councillor Chitty referred to Medway Maritime Hospital by stating that the Council's consultations had included the Foundation Trust responsible for Medway Maritime Hospital and the Trust had informed the Council that they could meet future needs through reinvestment on the current site. She stated that although the site was not of a generous size, significant new capacity had been added over the last few years and this should continue through the phased redevelopment of the older parts of the site. The Council would continue to liaise closely with the health bodies and providers to ensure that Medway Maritime Hospital continued to meet local needs and that services that did not have to be on the site were to be provided elsewhere.

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Mrs Wade stated that she still believed that in spite of assurances being given, and she thought that most people did not believe that if Medway growth was not restrained that infrastructure will not keep up with it.

Councillor Chitty responded by stating that she understood the concerns that were being voiced and this was not specific to Medway. Transport issues were being discussed as one of the major issues across the country. She believed that where Medway Maritime was concerned, the Council was in a position where to monitor and have discussions and liaise with the Trust. She stated that one of the most helpful things was if users were having difficulty then they could get in touch with the Council and the Council would be happy to monitor those issues. She also stated that she would be happy to discuss with Mrs Wade any issue she wanted to be addressed.

663 Leader's report

Discussion:

Members received and debated the Leader's report, which included the following:

- Highlights of 2011
- Proposed changes to Adult Social Care
- Thames Estuary Airport
- University Technical College
- Year of Celebration.

664 Overview and scrutiny activity

Discussion:

Members received and debated a report on Overview and Scrutiny activities, which included the following:

- Portfolio Holder for Housing and Community Services held to account at Business Support Overview and Scrutiny Committee – 2 December 2011
- Schools test results
- In-depth scrutiny review on raising attainment at Key Stage 2
- Adult Social Care
- Waste Contract review.

665 Members' questions

(A) Councillor Osborne asked the Portfolio Holder for Adult Services, Councillor Brake, the following:

The Quarter 2 Revenue Budget Monitoring Report, considered by Cabinet on 1 November, and as referred to in the Capital and Revenue Budget 2012/2013 report to Cabinet on 29 November, forecasts a net overspending on services of some £5.1 million, although a significant proportion of this pressure results from delays in realising planned savings within Adult Social Care. Can the Portfolio Holder clarify to what 'delays' and 'realising planned savings' mean?

Councillor Brake thanked Councillor Osborne for his question. He stated that he had the Labour Group's press release and what Councillor Osborne had said online on this issue and that he was concerned by what Councillor Osborne was insinuating by his question. The press release said "that the Conservatives have already pre-budgeted for the privatisation and closure of these homes as indicated in the budget and Quarter 2 quarterly budget statement. We therefore believe the Conservatives have already reached a conclusion before the consultation has even begun".

He reassured Councillor Osborne and other Members that no final decisions had been made and he encouraged everyone to engage in this process of consultation, the results of which would be carefully considered when the Cabinet made its decision. If the proposals did go ahead then any savings predicted on them would not be fully realised until the next financial year and therefore it was wrong to suggest, as Labour had this evening, and through this question, that any conclusion had been reached before the consultation began.

Councillor Osborne asked a supplementary question stating that there was no mention in the report that this was pending the consultation outcome and the fact was that it was in next budget which Councillor Maple had (previously) indicated. He stated that in Councillor Brake's statement to Cabinet in December he had indicated that there would be no redundancies caused by these proposals. Did Councillor Brake stand by that statement?

Councillor Brake responded that he stood by the statement that he had made at the Cabinet meeting in December and that, if the proposals did go ahead, the affected individuals would be TUPEd across to the new organisation.

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

Can the Portfolio Holder confirm that the Council will repeat free parking in 2012/13 during the Christmas period to promote business and footfall for hard-pressed traders?

Councillor Chitty thanked Councillor Osborne for his question. She stated that free parking at Christmas had been another successful policy from this

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administration and the continuation of this policy was subject to the usual budget setting process. This administration introduced these measures three years ago before Councillor Osborne was a Councillor so he may not have realised that his Group refused to support its introduction. She hoped that he would take a different stance from his Group and support it and any other schemes to promote business and any future vote on these matters. This had not been the only measure, which the Council had introduced to assist businesses and to increase footfall. For instance Medway had also benefitted from £19.5million of regeneration funding and the Council had introduced the City Card, which had been very successful and now had more than 30,000 supporters.

Councillor Osborne asked a supplementary question as to whether it could be confirmed that the budget for free parking came from central government grant and not via the administration? He stated that the larger question was around parking in town centres. How were any of Medway's town centres supposed to compete with out of town centres when the Tories raised parking charges and would they follow Labour's policy which was to allow one hour free parking and whether she thought it was sensible to encourage footfall?

Councillor Chitty stated that nobody had advocated free parking as such. The Council's parking charges here in Medway were substantially lower than elsewhere in the South East. She stated that Gravesham, for example, had just doubled their parking charges which leaves Medway's charges even further cheaper.

She provided further details of how successful the High Streets were. She had received the latest figures which showed that occupancy rate within Medway's towns were far in advance to elsewhere. She also referred to the importance and role of businesses in Medway.

(C) Councillor Murray asked the Portfolio Holder for Adult Services, Councillor Brake, the following:

Current planning guidelines for public buildings such as restaurants, cafes and cinemas advise that such facilities should make provision for up to 3 wheelchair users. The proposals to close the Balfour Centre, now out for consultation, are partly based on the idea that the facilities there for disabled people can be reprovided in the wider local community.

Does the Portfolio Holder agree that this is unlikely given that there is no mandate for other types of social meeting places to accommodate larger groups of disabled friends like those who use the Balfour Centre now?

Councillor Brake responded that all public buildings must accommodate the needs of people with disabilities and this includes social meeting places.

As an example, Council leisure centres and adult learning facilities already provided for the needs of people with disabilities. Medway Council had recently opened a Changing Places toilet facility in Rochester and was funding four

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more across Medway in locations that enabled people to access the community with much improved access to community facilities that included hoists and specialist equipment.

The Council would shortly be opening a new Extra Care Housing facility in Gillingham with more schemes in the pipeline, thanks to Medway Council securing £5.6m in funding from the government. These facilities would include space for residents to socialise together if they wished to.

More generally, one of the strengths of being a unitary authority was the opportunity for officers from different disciplines to influence strategic objectives and ensure that community facilities took into account the voice and views of the diverse communities in Medway.

He stated that in relation to private businesses such as restaurants and cinemas, in response to increasing demand from people with disabilities positive changes could be seen in venues recognising the increased power of people with disabilities as consumers, particularly with the emergence of direct payments and personal budgets. He expected that power to grow and would champion the voice of people with disabilities to confidently express their wishes and choices to fully engage in community life.

Councillor Murray welcomed the additions that Councillor Brake had mentioned and that she had visited them and heard about them by some of the people who currently used the Balfour Centre's facilities. Councillor Murray asked, as a supplementary question, whether there was there any reason why Councillor Brake did not want them to be able to use the Balfour Centre as well?

Councillor Brake responded by stating that given there was an open consultation at the moment he felt that it would be inappropriate for him to make any comment. He encouraged anybody within the community that wished to make any comment concerning the proposals that were in the public domain at the moment to do so but he felt that at this meeting it would be inappropriate to give a specific answer.

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

Mary Portas was commissioned by the Prime Minister to research and recommend how the High Street can be rescued from decay. In her report she recommends a range of planning policy incentives along with free parking in town centres to lure shoppers back to the High Street.

Is there any proposal by the Council to seek assistance from the government to commence the implementation of the recommendations in Medway and especially in Strood?

Councillor Chitty responded by stating that Mary Portas submitted her independent review into the future of our high streets on 14 December 2011 –

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less than a month ago. The Government had welcomed her report and stated that it would set out its formal response to it in the spring.

The report contained 28 recommendations, most of which would require legislative changes or action at a national level so therefore the Council was not in a position to be able to implement them. The Council would carefully monitor the reaction to the report and would consider whether to work in partnership with government or take part in any new initiatives that might emerge. On the issue of parking, Mary Portas recommended local areas should implement free controlled parking schemes that work for their town centres. Councillor Chitty stated that the Council had already been running a successful free parking scheme in the run up to Christmas and that the Council had one of the lowest parking charges in Kent. She referred to her response to the earlier question by stating that any considerations concerning continuation of free parking was subject to the usual budget setting process.

She stated that one of the elements that should be taken into account was that the new bus facility had made it a great deal easier for people to come into Chatham and they had been very appreciative of it. She also referred to the latest figures for shop vacancies in Medway town centres: Chatham which did stand at 13% was now 12%, Strood was 7%, Gillingham 12.5%, Rochester had come down from 8% to 6%, Rainham had come down from 6% to 5%. She stated that the national average was 14.6%. Whilst there would be fluctuations throughout the year this indicated that the town centres, and more importantly the people that operated their retail businesses there, were working very hard to make themselves more successful than elsewhere.

Councillor Igwe asked a supplementary question in that given that the Prime Minister actually commissioned the Mary Portas project, it was most likely that he was going to accept it, so was it possible that the Council would be persuading the landlords of the High Streets to reduce the rent in line with what Mary Portas recommended?

Councillor Chitty responded that whilst she was very sympathetic to that opinion, there were a number of retail properties where the rents constantly increased. The Council was not in a position to have any input in that. However, if the government made it possible, through primary legislation, to fix rents then that would be something that the Council would work with. The Council would sign up to any legal opportunities that might come from the government. She stated that it would be very difficult to implement some of Mary Portas's recommendations but the Council would continue to promote retail and she looked forward to Councillor Igwe's support when any such opportunity arose.

(E) Councillor Bowler asked the Portfolio Holder for Adult Services, Councillor Brake, the following:

Can the Portfolio Holder tell me whether or not medical practitioners were consulted about the proposals for closing the Balfour Centre in order to obtain their views about how difficult it would be for them to make rehabilitation referrals for their patients who are users and potential users of the Centre?

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Councillor Brake responded by stating that the Balfour Centre did not have medical input in the centre because it did not provide rehabilitation services. The Balfour Centre was a day care centre that provided social and independent living activities.

The Council was working with LINK to ensure that a wide range of stakeholders had an opportunity to comment on this proposal and others, including the rehabilitation service at Platters Farm. Continuing to use Platters Farm, as an example, as part of the consultation in relation to this facility, NHS Medway and Medway Community Healthcare would be approached for their views as a commissioner and provider of healthcare services.

Councillor Bowler asked a supplementary question as to whether Councillor Brake would confirm that any representations made by medical practitioners would be publicised as part of the consultation together with the Council's answers?

Councillor Brake stated that any member of the community was at liberty to submit representations regarding the proposals that were out for consultation and certainly if the medical practitioners wished to contribute then their contribution would be welcome and would be included within the report.

(F) Councillor Christine Godwin asked the Portfolio Holder for Adult Services, Councillor Brake, the following:

I note that there is a planning application to convert the Council's addiction centre in Manor Road, Chatham into a facility for the disabled. Does the Council intend to direct users of the Balfour Centre to the converted facility if the Balfour Centre is closed?

Councillor Brake responded by stating that the owner of 4 Manor Road, Chatham resided in Ashford and submitted two applications concerning the site of 4 Manor Road at the beginning of December 2011. One application was to convert the site from the now closed addiction clinic to student accommodation and the second application was to convert to a day centre for adults with learning difficulties.

The planning applications, which could be viewed on the Council's planning website, showed details of the proposals and, in both instances, references made to those with disabilities. Disabled accesses were already in place as they were installed when the site was used as an addiction clinic. He also stated that the prospective tenant, should 4 Manor Road be used as a day centre, was a private care company currently trading and operational in Strood. There was no relationship to the consultation regarding the decommissioning of the Balfour Centre and the planning application to which Councillor Christine Godwin had alluded.

Councillor Christine Godwin asked a supplementary question by stating that during the consultation an undertaking had been given to reprovide services at

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the Balfour Centre elsewhere if the centre closed. Had any other facilities been identified if the Cabinet did decide to close the Balfour Centre?

Councillor Brake responded by stating he would give the very answer that had been given by one of the council officers at the public meeting that was held at the Brook Theatre earlier that day. The response to that question that was asked by some of the users was that there was in fact a list of facilities that could be made available and for any of the users who wished to have that list the officers were more than happy to provide that information at any time. However, in the wider sphere of the question, it should also be borne in mind that as it was still only in the consultation stage it was felt too early to actually start making or even looking at concrete proposals with regard to other opportunities that there may be.

666 Local Development Framework (Policy Framework)

Discussion:

This report provided details of the Medway Core Strategy and associated documents for submission to the Secretary of State for Communities and Local Government for independent examination. This issue had previously been considered by the Regeneration, Community and Culture Overview and Scrutiny Committee on 4 October 2011 and Cabinet on 20 December 2011.

Councillor Chitty, Portfolio Holder for Strategic Development and Economic Growth, supported by Councillor Jarrett, Portfolio Holder for Finance, proposed the recommendations set out in the report.

Councillor Cooper proposed a minor amendment to paragraph 2.19 of the Submission Draft Core Strategy in that there were five parks with Green Flag status rather than three.

With the consent of the Council, Councillor Chitty and the seconder confirmed that in accordance with paragraph 11.4.2 of the Council rules in the constitution, she was happy to incorporate this in the motion.

Decision:

- (a) The Council authorised submission of the Submission Draft Core Strategy to the Secretary of State for Communities and Local Government for independent examination in accordance with the provisions of the Planning & Compulsory Purchase Act 2004, including the changes set out in paragraph 10 of the report and in Appendix 1 to the report subject to the amendment of paragraph 2.19 of the Submission Draft Core Strategy to refer to five Green Parks rather than three.
- (b) The Council authorised adoption of the revised Medway Statement of Community Involvement, incorporating the changes referred to in the report.

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- (c) The Council approved publication of the Diversity Impact Statement, final Sustainability Appraisal and Habitats Regulations Assessment.
- (d) The Council agreed to grant delegated authority to the Director for Regeneration, Community and Culture, in consultation with the Portfolio Holder for Strategic Development and Economic Growth, to make any necessary minor changes to the documents prior to their publication and/or submission.

667 Airport Proposals in Medway and Kent

Discussion:

This report provided details of the three current proposals for international airports in Medway and Kent from Boris Johnson (Mayor of London) Lord Foster and John Olsen. This report had been considered by Cabinet on 20 December 2011.

Councillor Rodney Chambers, Leader of the Council, supported by Councillor Jarrett, Portfolio Holder for Finance, proposed the recommendations set out in the report.

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

Recommendation 10.2 – “Further, this Council instructs officers to investigate the holding of a Medway referendum at the earliest opportunity to gauge public opinion on the principle of an airport in the Thames Estuary”.

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

For: Councillors Bowler, Colman, Craven, Gilry, Christine Godwin, Paul Godwin, Griffiths, Harriott, Hubbard, Igwe, Maple, Murray, Osborne, Price and Shaw – total 15

Against: Councillors Avey, the Worshipful Mayor of Medway (Councillor Baker), Brake, Bright, Carr, Mrs Diane Chambers, Rodney Chambers, Chitty, Clarke, Cooper, Doe, Filmer, Griffin, Adrian Gulvin, Pat Gulvin, Hewett, Hicks, Iles, Irvine, Jarrett, Kearney, Kemp, Mackness, the Deputy Mayor (Councillor Maisey), Mason, O'Brien, Purdy, Rodberg, Royle, Smith, Stamp, Tolhurst, Turpin, Watson, Wicks and Wildey – total 36

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

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

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For: Councillors Avey, the Worshipful Mayor of Medway (Councillor Baker), Bowler, Brake, Bright, Carr, Mrs Diane Chambers, Rodney Chambers, Chitty, Clarke, Colman, Cooper, Craven, Doe, Filmer, Gilry, Christine Godwin, Paul Godwin, Griffiths, Adrian Gulvin, Pat Gulvin, Harriott, Hewett, Hicks, Hubbard, Igwe, Iles, Irvine, Jarrett, Kearney, Kemp, Mackness, the Deputy Mayor (Councillor Maisey), Maple, Mason, Murray, O'Brien, Osborne, Price, Purdy, Rodberg, Royle, Shaw, Smith, Stamp, Tolhurst, Turpin, Watson, Wicks and Wildey – total 50

Decision:

The Council agreed to reaffirm its strong opposition to the current plans to construct any of the new International Airport proposals in, or close to, Medway and agrees to work with neighbouring authorities, local communities, businesses and environmental groups to oppose these proposals on the following grounds:

1. It would adversely affect homes in Medway, Kent and Essex and lead to the demolition of people's homes.
2. An airport would cause environmental destruction to sites of special scientific interest and internationally important areas where hundreds of thousands of birds migrate to annually.
3. As the Thames Estuary is a hub for hundreds of thousands of birds, there would be a significant risk of bird strike. Even with an aggressive bird hazard management programme, such as shooting or scaring birds away, the bird strike hazard would be up to 12 times higher than at any other major UK airport (source: RSPB).
4. An airport would increase the pressure for additional major development due to the increased attractiveness of the areas of business. This could result in vast swathes of Kent and Medway being lost to development. At least 320 business are directly associated with Heathrow, there are hundreds more supporting the airport and Heathrow employs 72,000 people. If the Thames Estuary airport were to replace Heathrow many of these people would move to Kent and Medway, leading to significant house building and infrastructure requirements. One report suggests a need for up to 83,000 additional houses.
5. The airport reports do not properly consider the risks associated with operating an airport in close proximity to the existing import facility for liquified natural gas (LNG) at Thamesport and the munitions on board the Montgomery and the proximity of a container port and power stations. Existing airports already have potential to increase capacity. For example, Birmingham says it could double the passengers it carries. Southend and Manston have additional capacity.
6. Better use needs to be made of existing regional airports by improving connectivity.

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7. The cost of a new airport would be prohibitive (up to £70 billion).
8. The noise, light and air pollution would be intolerable and exacerbate CO² emissions.
9. The airport would be fogbound and affected by high winds.
10. Nearly 9 out of 10 international airlines that use Heathrow are against an estuary airport and over ¾ of people polled in the UK.

Adjournment:

The meeting was adjourned at 10:05pm for 5 minutes. During this period, the Worshipful Mayor of Medway (Councillor Baker) withdrew from the meeting. The Deputy Mayor (Councillor Maisey) chaired the remainder of the meeting.

668 Review of Polling Places and Polling Districts

Discussion:

This report provided details of the recommended changes to the configuration and designation of polling districts and polling places in the light of issues arising since the Local Elections and Alternative Vote Referendum in May 2011 and provided an update on the allocation of polling stations by the Returning Officer.

Councillor Rodney Chambers, Leader of the Council, supported by Councillor Jarrett, Portfolio Holder for Finance, proposed the recommendations set out in the report.

Decision:

- (a) The Council approved the scheme of Polling Districts and Polling Places as set out in Appendix 1 to the report, including designating each Polling District as the Polling Place in respect of Parliamentary elections and to designate the Parliamentary Polling Districts and Polling Places as the Polling Districts and Polling Places for Local Government elections.
- (b) The Council noted the designation of polling stations recommended by the Returning Officer as set out in Appendix 2 to the report.

669 Appointments to Children and Young People Overview and Scrutiny Committee

Discussion:

This report provided details of the proposal to appoint a new representative of the Medway Local Involvement Network (LINK) and a named Medway Youth

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Parliament substitute to the Children and Young People Overview and Scrutiny Committee as non-voting co-optees.

Councillor Kemp, supported by Councillor Jarrett, Portfolio Holder for Finance, proposed the recommendations set out in the report.

Decision:

- (a) The Council appointed Shirley Griffiths as the LINK representative to the Children and Young People Overview and Scrutiny Committee.
- (b) The Council appointed Doyin Yahvi as the named substitute for the Medway Youth Parliament representatives on the Children and Young People Overview and Scrutiny Committee.

670 Treasury Management Strategy Mid-Year Review Report 2011/2012

Discussion:

This report provided details of the mid year review of the Treasury Management Strategy 2011/2012 in line with the requirement of the Strategy and the Chartered Institute of Public Finance Accountancy's (CIPFA) code of Practice for Treasury Management. This report had been previously considered by the Business Support Overview and Scrutiny Committee on 2 December 2011 and Cabinet on 20 December 2011.

Councillor Jarrett, Portfolio Holder for Finance, supported by Councillor Howard Doe, Portfolio Holder for Housing and Community Services, proposed the recommendation set out in the report.

Decision:

The Council noted the report.

671 Contract Letting - Exceptional Circumstances

Discussion:

This report provided details of contracts awarded in accordance with the provisions of the current Contract Procedure Rules 1.8.1 and 1.8.2 to deal with the letting of contracts in exceptional circumstances where it was considered to be in the best interests of the Council to do so, provided that the exemption did not breach any EU or UK Directive, Statute or Regulation.

Councillor Jarrett, Portfolio Holder for Finance, supported by Councillor Howard Doe, Portfolio Holder for Housing and Community Services, proposed the recommendation set out in the report.

Decision:

The Council noted the contents of the report.

672 Schedule of Meetings 2012/2013

Discussion:

This report provided details of a provisional programme of meetings for the 2012/2013 municipal year for recommendation to the Council's annual meeting.

Councillor Kemp, supported by Councillor Jarrett, Portfolio Holder for Finance, proposed the recommendation set out in the report.

Decision:

The Council agreed a programme of Council and Committee meetings for 2012/2013, as set out in Appendix A to the report, for recommendation to the annual meeting of the Council on 16 May 2012.

673 Special Urgency Decisions

Discussion:

This report provided details of a decision taken by the Cabinet under the special urgency provisions contained within the Constitution. This related to the decision made by the Cabinet on 20 December 2011 in respect of the Proposal for a Medway University Technical College.

Councillor Rodney Chambers, Leader of the Council, supported by Councillor Jarrett, Portfolio Holder for Finance, proposed the recommendation set out in the report.

Decision:

The Council noted the report.

674 Motions

(A) Councillor Murray, supported by Councillor Price, proposed the following:

This Council notes that:

- Through the Health and Social Care Bill, the Government is currently pushing through the biggest and most disruptive reorganisation in the history of the NHS, at a cost of £2bn.
- The Bill removes the fundamental responsibility of the Secretary of State for Health to provide a health service free at the point of need.

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- Despite the “listening exercise” over this last summer the Bill will still put decisions about the future of the NHS in the hands of EU competition lawyers and allow private healthcare companies to make major inroads into NHS provision.
- The Bill creates more quangos with unclear roles, meaning more money spent on bureaucracy, not less.
- The NHS was cut in real terms by £800m in 2010-11, despite the Government’s promise to give the NHS a real rise in funding every year of this Parliament, and to stop top-down reorganisations of the NHS.

In view of the detrimental effect of the above on Medway residents, this Council resolves:

- To write directly to the Prime Minister and the Health Secretary urging them to scrap the Health and Social Care Bill.
- To urge Members of the House of Lords who oppose this Bill to seek to amend radically those provisions which directly threaten the very foundations of the NHS.

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

(B) Councillor Maple, supported by Councillor Osborne, proposed the following:

This Council:

- Welcomes the UK-wide cross party campaign to end ‘legal loan sharking’.
- Believes that the lack of access to affordable credit is socially and economically damaging. Unaffordable credit is causing a myriad of unwanted effects such as poorer diets, colder homes, rent, council tax and utility arrears, depression (which impacts on job seeking behaviour) and poor health.
- Further notes that unaffordable credit is extracting wealth from the most deprived communities.
- Believes it is the responsibility of all levels of government to try to ensure affordable credit for all, and therefore pledges to use best practice to promote financial literacy and affordable lending. This will help to ensure that wealth stays in the local economy.

This Council therefore:

- Calls on the government to introduce caps on the total lending rates that can be charged for providing credit.
- Calls on the government to give local authorities the power to veto licences for high street credit agencies where they could have negative economic or social impacts on communities.

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- Pledges to promote credit unions in Medway, as community based organisations offering access to affordable credit and promoting saving.

Councillor Mason, Portfolio Holder for Corporate Services, supported by Councillor Doe, Portfolio Holder for Housing and Community Services, proposed the following amendment:

Replace original motion with the following:

This Council:

- Welcomes the UK-wide cross party campaign to end 'legal loan sharking'.
- Believes that the lack of access to affordable credit is socially and economically damaging. Unaffordable credit is causing a myriad of unwanted effects such as poorer diets, colder homes, rent, council tax and utility arrears, depression (which impacts on job seeking behaviour) and poor health.
- Further notes that unaffordable credit is extracting wealth from most communities.
- Believes it is the responsibility of central government through legislation to ensure access to affordable credit.
- Agrees that the issue of debt and affordable credit is an important and complex issue and is causing stress and anxiety to many families in Medway.

This Council therefore:

- Resolves for this issue to be referred to a cross-party task group of Overview and Scrutiny as a priority. This will enable the Council to consider all the implications, form a better understanding of the role the Council can play in supporting our residents and develop a clear policy.
- In particular it recommends that the task group considers how the Council can lobby the government to strengthen the rules governing the issue of lending licences and address the lack of affordable credit and how the Council can promote financial literacy and affordable lending.

Councillor Maple proposed a further amendment to include the last bullet point from his original motion (Pledges to promote credit unions in Medway, as community based organisations offering access to affordable credit and promoting saving) to be included in the amendment.

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With the consent of the Council, Councillor Mason, Portfolio Holder for Adult Services, and the seconder, confirmed that, he was happy to incorporate this in the amendment.

On being put to the vote, the amendment was carried:

This Council:

- Welcomes the UK-wide cross party campaign to end 'legal loan sharking'.
- Believes that the lack of access to affordable credit is socially and economically damaging. Unaffordable credit is causing a myriad of unwanted effects such as poorer diets, colder homes, rent, council tax and utility arrears, depression (which impacts on job seeking behaviour) and poor health.
- Further notes that unaffordable credit is extracting wealth from most communities.
- Believes it is the responsibility of central government through legislation to ensure access to affordable credit.
- Agrees that the issue of debt and affordable credit is an important and complex issue and is causing stress and anxiety to many families in Medway.

This Council therefore:

- Resolves for this issue to be referred to a cross-party task group of Overview and Scrutiny as a priority. This will enable the Council to consider all the implications, form a better understanding of the role the Council can play in supporting our residents and develop a clear policy.
- In particular it recommends that the task group considers how the Council can lobby the government to strengthen the rules governing the issue of lending licences and address the lack of affordable credit and how the Council can promote financial literacy and affordable lending.
- Pledges to promote credit unions in Medway, as community based organisations offering access to affordable credit and promoting saving.

The substantive motion was put to the vote and was carried.

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Decision:

This Council:

- Welcomes the UK-wide cross party campaign to end 'legal loan sharking'.
- Believes that the lack of access to affordable credit is socially and economically damaging. Unaffordable credit is causing a myriad of unwanted effects such as poorer diets, colder homes, rent, council tax and utility arrears, depression (which impacts on job seeking behaviour) and poor health.
- Further notes that unaffordable credit is extracting wealth from most communities.
- Believes it is the responsibility of central government through legislation to ensure access to affordable credit.
- Agrees that the issue of debt and affordable credit is an important and complex issue and is causing stress and anxiety to many families in Medway.

This Council therefore:

- Resolves for this issue to be referred to a cross-party task group of Overview and Scrutiny as a priority. This will enable the Council to consider all the implications, form a better understanding of the role the Council can play in supporting our residents and develop a clear policy.
- In particular it recommends that the task group considers how the Council can lobby the government to strengthen the rules governing the issue of lending licences and address the lack of affordable credit and how the Council can promote financial literacy and affordable lending.
- Pledges to promote credit unions in Medway, as community based organisations offering access to affordable credit and promoting saving.

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Mayor

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