



Minutes

Name of meeting	FULL COUNCIL
Date and time	WEDNESDAY, 16 JANUARY 2013 COMMENCING AT 6.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Barry Abraham, Jonathan Bacon, Reg Barry, Peter Bingham, George Brown, George Cameron, Vanessa Churchman, Dawn Cousins, Roger Dixcey, Rodney Downer, Paul Fuller, John Hobart, Richard Hollis, Heather Humby, Tim Hunter-Henderson, Stuart Hutchinson, Julie Jones-Evans, Geoff Lumley, Roger Mazillius, Lora Peacey-Wilcox, David Pugh, Colin Richards, Ian Stephens, David Stewart, Andy Sutton, Arthur Taylor, Gary Taylor, Ian Ward, Ivor Warlow, Margaret Webster, Chris Welsford, Wayne Whittle, David Williams
Apologies	Cllrs Edward Giles, John Howe, Patrick Joyce, David Knowles, Jerry White, David Whittaker

34. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [21 November 2012](#) be confirmed.

35. [Declarations of Interest](#)

Councillor Paul Fuller declared a prejudicial interest in Minute 39 (ii) as he was a member of the Isle of Wight Council Planning Sub Committee. He was not present during the discussion or voting thereon.

Councillor Paul Fuller declared a prejudicial interest in Minute 40, as he had family members who were likely to be affected by the financial proposals. He was not present during the discussion or voting thereon.

Councillor Lora Peacey-Wilcox declared a prejudicial interest in Minute 39 (ii) as her property could be affected. She was not present during the discussion or voting thereon.

36. **Public Question Time**

Questions were put to the Chairman as follows :

Name	Subject	Comment
Mr Dave Miller of Cowes	Was there agreement with the Cowes Enterprise College prime contractor over liabilities, or would there be a provision within the Isle of Wight Council 2013-14 budget?	The Cabinet Member provided a written response which was available on the following link (PQ 04/13)
	Supplementary -	The Cabinet Member indicated that the matter of maintaining the building was something the Isle of Wight Council was assisting the Governing Body and the Trust with.
Ms Tanja Rebel of Cowes	Asked a question in relation to the former Frank James Hospital, East Cowes.	The Leader re-iterated that the Isle of Wight Council had no liability for privately owned buildings.
	Supplementary – asked about a compulsory purchase order.	The Leader advised that it would not be good use of Council resources to pursue a compulsory purchase.
Mr Steve Goodman of Newport	Link between grant funding for the Riverside Centre and rent paid, requested figures starting with the most recent years for those two sums.	The Leader advised he would provide a written response within the next 21 days.

37. **Chairman's Report, official announcements, communications and correspondence for the Council.**

A [written report](#) had been circulated for information.

38. **Report of the Independent Remuneration Panel**

The Chairman of the Independent Remuneration Panel, Mr Max Morrison, presented the report. Consideration was given to the recommendations made by the Independent Remuneration Panel with regard to the Members' Allowance Scheme.

There was some discussion with regard to some elected members' not providing their annual report.

RESOLVED :

- (a) THAT given the continued economic situation and that there was still a public sector pay freeze in place, that again there should be no general uplift in the allowances paid to members.
- (b) THAT the Special Responsibility Allowances (SRAs) for the Chairman and Vice Chairman of the Regulatory Committee and the Chairman of the Appeals Committee be:

Chairman of the Regulatory Committee – £10,274 pa
Vice Chairman of the Regulatory Committee - £3,952 pa
Chairman of the Appeals Committee - £1,580 pa

(This was the same as the interim SRA awarded for those posts by Council in May 2012)

- (c) THAT a full and thorough review of all the allowances be undertaken after the election in 2013, particularly as the last full review was undertaken in 2009.
- (d) THAT the posts of Designated Independent Persons (DIPS), receive an annual allowance of £301 (in line with the interim payment awarded by the Council to those posts in June 2012).
- (e) THAT there be no change to the process for the distribution of the on island travel lump sum.

39. Motion submitted under Procedure Rule 10 of the Council's Constitution

- (i) [By Councillor David Pugh](#)

Cllr Pugh moved:

That Council

- 1) Notes the continuing public concern regarding the reduction in frequency of ferry sailings to and from the Island, particularly the early morning and late night crossings which are recognised as supporting the Island's economy and the flexibility of employment opportunities for residents.
- 2) Agrees that the Council should work towards achieving improvements in the affordability and frequency of cross-Solent services offered to Island residents and businesses, and that any such steps must be grounded in the reality of what is likely to be achievable in the context of current and any likely future legislative, budgetary and economic factors.
- 3) Notes that Government funded subsidies are unlikely to be secured for these routes (as recently indicated by the Department for Transport), and that any public funds would be more appropriately directed to securing lasting economic investment that would

generate increased volumes of ferry users, thus improving the future viability of regular routes.

- 4) However further notes that the Government provides support for other elements of the country's public transport infrastructure, such as a fuel duty rebate for bus operators and capital investment in the rail network.
- 5) Therefore resolves to:
 - a. Urge the Government to recognise that ferry services operating within England should be treated with a similar strategic status, in terms of being vital infrastructure routes, to England's bus and train networks;
 - b. Ask the Isles of Scilly Council to join this campaign as the other English local authority representing an area facing similar challenges with the frequency and affordability of ferry services;
 - c. Explore with the Government how the operational costs associated with running these ferry services could be reduced and stabilised, such as through the introduction of a "fuel price stability" mechanism, possibly involving a bulk and forward buying element for fuel;
 - d. Seek a firm commitment from the ferry operators that any financial benefit that would arise from (c) above would result in tangible benefits being passed onto ferry users, particularly in the provision of sufficient early morning and late night crossings that are required for the economic and social wellbeing of Islanders;
 - e. Make the case for the Government to allocate capital funding to the future infrastructure needs of the ferry services to the Island, and urge the Government to recognise the economic importance of these routes as being on a par with the future of the highway and railway networks.

The motion was seconded. Following debate the motion was put to the vote and it was

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- 2) Agrees that the Council should work towards achieving improvements in the affordability and frequency of cross-Solent services offered to Island residents and businesses, and that any such steps must be grounded in the reality of what is likely to be achievable in the context

of current and any likely future legislative, budgetary and economic factors.

- 3) Notes that Government funded subsidies are unlikely to be secured for these routes (as recently indicated by the Department for Transport), and that any public funds would be more appropriately directed to securing lasting economic investment that would generate increased volumes of ferry users, thus improving the future viability of regular routes.
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 - c. Explore with the Government how the operational costs associated with running these ferry services could be reduced and stabilised, such as through the introduction of a "fuel price stability" mechanism, possibly involving a bulk and forward buying element for fuel;
 - d. Seek a firm commitment from the ferry operators that any financial benefit that would arise from (c) above would result in tangible benefits being passed onto ferry users, particularly in the provision of sufficient early morning and late night crossings that are required for the economic and social wellbeing of Islanders;
 - e. Make the case for the Government to allocate capital funding to the future infrastructure needs of the ferry services to the Island, and urge the Government to recognise the economic importance of these routes as being on a par with the future of the highway and railway networks.

(Councillors Paul Fuller and Lora Peacey-Wilcox left the room for the following item of business.)

(ii) [By Councillor Welsford](#)

Clr Welsford moved ;

That Council notes:

- 1) Any assessment of a bid for an important tender with long term financial consequences for this Council and the Isle of Wight, must take into account the probability of that bid being deliverable, with or without recourse to contractual penalties.
- 2) The need for a new dedicated Asphalt Plant is an important strategic requirement that will enable VINCI Concessions, Meridiam Infrastructure and Ringway to successfully comply with the terms of the PFI contract.
- 3) The Isle of Wight Council's Environmental Health Department expressed serious concerns regarding the proposed Asphalt Plant, recommending that planning permission be refused, which was information available but not disclosed to cabinet members at the time of the Cabinet decision taken in May 2012.
- 4) The Highways PFI decision, taken by Cabinet and ratified by Full Council breached the Council's constitution in the following ways:

The following constitutional "Principles of Decision Making" highlighted in bold, were not complied with (bracketed letters correspond with those sections from the Constitution):

1. **(a) That relevant matters are taken into account:**
 - Relevant Information relating to a significant component of the winning bid was not evaluated and was in fact deemed irrelevant (under the terms of (b) "Nothing irrelevant is considered")
 - The decision to ignore this information provided a false impression to Cabinet Members and to Members, meaning that they voted without full knowledge of pertinent facts relevant to their assessment of the bids

2. **(d) That proper advice is taken and considered before the decision:**
 - Proper advice relating to the quality of the Vinci Meridiam bid was not made available to cabinet members and was therefore not taken.

3. **(g) Proportionality (i.e. the action must be proportionate to the desired outcome):**
 - Because the requirement for a new Asphalt Plant is an important part of the Vinci Meridiam bid, for which there is no stated “plan B”, Environmental Health’s advice and recommendation for refusal of planning permission, on such fundamental environmental health grounds, was highly relevant to the desired outcome.
 - The proportionality requirement would suggest that consideration should have been made as to the comparative virtues of preserving the separateness of the two processes or allowing information to be shared between the two in the interests of a desirable outcome for the bidding process.

4. **(j) Presumption in favour of openness:**
 - In this case the presumption appears to have been in favour of non-disclosure of information that was relevant to the Cabinet evaluation and decision-making process.

Following the motion being seconded, it was moved and seconded, in accordance with Council Procedure Rule 14.10(c), to proceed to the next business.

As required by Council Procedure Rule this second procedural motion was put to the vote and it was

RESOLVED:

THAT the Council proceed to the next business.

(Councillor Lora Peacey-Wilcox re-entered the room.)

40. **[Localisation of Council Tax Support - Final Decision](#)**

Members were informed of the need to adopt a scheme for the localisation of council tax support which would be implemented from 1 April 2013. The scheme was transitional for one year and would continue to be taken forward to subsequent years.

There was some discussion regarding the scheme affecting those most vulnerable, but the leader indicated specific safeguards had been put in place to protect the most vulnerable.

RESOLVED :

- (i) THAT the final scheme be implemented as per option C, as set out in paragraph 88 of the report;
- (ii) THAT the scheme and policies, as set out in Appendices 4 and 4A of the report, be agreed;
- (iii) THAT for 2013/14 only a transitional scheme be implemented on the basis set out in paragraphs 90 and 91 that met the criteria laid down by government and secured the one-off transitional grant;
- (iv) THAT the changes to discounts and exemptions, as set out in paragraph 59 of this report, be agreed;
- (v) THAT the agreement of the necessary forms and submissions to Government, including the NNDR1 form (in relation to the business rates retention scheme), be delegated to the Strategic Director of Resources;
- (vi) THAT the Strategic Director of Resources be given delegated powers to undertake any minor amendments that may arise as a result of any regulation requirements that did not alter the overall policy agreed by Council.
- (vii) THAT town and parish council's be allocated their proportion of the indicative grant and treated as set out in paragraph 23 of the report.

(Councillor Paul Fuller re-entered the room.)

41. **Gambling Act Policy**

Members were advised that at a meeting of the Regulatory Committee on 10 December 2012 the Committee had considered the draft statement of licensing policy and resolved that the policy be approved and recommended adoption of the policy by full council.

Under Section 349 of the Gambling Act 2005, a licensing authority was required to determine its policy with respect to the exercise of its licensing functions, and to publish a statement of the principles it proposed to apply every three years.

RESOLVED :

THAT the revised Policy Statement of Licensing Principles be adopted.

42. Cabinet

Reports of the Cabinet Members

(i) [The Leader and Cabinet Member for Resources](#)

A [written report](#) had been circulated for information.

Written questions were put to the Leader as follows :

Name	Subject	Comment
Cllr Reg Barry	Please clarify the mechanism by which the Leader claimed the Government limited local discretion in respect of winter gritting?	The Leader provided a written response which was available on the following link (MQ 06/13)

Oral questions were put to the Leader as follows :

Name	Subject	Comment
Cllr Chris Welsford	Asked if an explanation would be given to people whose cars had been written off why they had to wait until April for the additional gritting routes.	The Leader indicated that the Rookley - Niton route was to be re-instated with immediate effect.
	Costing for what was being proposed, why had the additional routes not already been re-instated? What was the cost and what had been saved?	The leader stated he was happy to provide those figures. The contract with the provider was to undertake schedules within limited timescales.
Cllr Jonathan Bacon	Riverside – where did it state that the side letter was dependent on compliance with the terms of the main lease?	The Leader advised that the user clause, as set out in the main lease, between the Local Authority and the Riverside Centre, it was principally for use as a multi-centre for disabled. There was currently no provision in that lease for sub-letting.
	Supplementary – Would the views of the trustee's side letter be circulated?	The leader stated that if the trustees wanted the side letter circulated they would do so themselves.

Name	Subject	Comment
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Councillor Geoff Lumley declared an interest as he was a trustee of the Riverside Centre. He further explained that he understood that there was a “no comment” agreement on the discussions between trustees and the Isle of Wight Council in meetings. He believed that Councillor Pugh was starting to stray outside of that agreement.

Cllr Dave Stewart	The PFI contract and the benefits that it was now shown to be bringing to all areas. It was a credit to the way the contract was being managed.	The Leader agreed.
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(ii) **[The Deputy Leader and Cabinet Member for the Economy and Regulatory Services](#)**

A [written report](#) had been circulated for information.

Written questions were put to the Cabinet Member as follows :

Name	Subject	Comment
Cllr Ivor Warlow	Some months ago the issue of dog fouling in Cowes was raised. It appeared that street clean ups were not happening and no officer enforcement was taking place. What steps was this administration taking to tackle the unacceptable behaviour by some dog owners?	The Cabinet Member provided a written response which was available on the following link (MQ 02/13)
Cllr Vanessa Churchman	We have been given provisional dates for the completion of Cowes Enterprise College. Would the Cabinet Member now please give a firm date for the handover of the College to the Board of Governors?	The Cabinet Member provided a written response which was available on the following link (MQ 04/13)
	Supplementary - Why had it taken seven years, £30.5m and still didn't have a college or a firm date for the handover?	The Cabinet Member could not explain why it had taken that time. The contract was a design and build contract and was now under the firm grip of the council.

Name	Subject	Comment
Cllr Jonathan Bacon	Many parts of the footpath network on or near the coast had suffered damage recently with a number of stretches being closed or restricted in their use. In some cases closures have been in place for some time. Would the Council make a commitment to restoring and reopening those paths wherever possible and work constructively with interested parties to achieve this end and avoid closures?	The Cabinet Member provided a written response which was available on the following link (MQ 05/13)
	Supplementary - Did the commitment mean that where there was a choice of re-opening rather than closure the Council would choose the former rather than the latter?	The Cabinet Member indicated that each issue was considered on its merits. He would get a response from officers concerned.

(iii) **[Cabinet Member for Public Health, Community Safety and Local Services](#)**

A [written report](#) had been circulated for information.

The Cabinet Member advised that a meeting of the Police and Crime Panel was due to be held on 1 March 2013 in the Council Chamber, County Hall, Newport, commencing at 11.00 pm. All members were invited to attend.

(iv) **[Chair of Overview and Scrutiny Committee](#)**

A [written report](#) had been circulated for information.

Oral questions were put to the Chairman as follows :

Name	Subject	Comment
Cllr Geoff Lumley	Asked if scrutiny questions could only be responded to by the Overview and Scrutiny Chair or could the relevant scrutiny chair answer?	The Monitoring Officer advised that Madam Chairman had the discretion to allow other people to answer questions as she saw fit. If the Chairman of Overview and Scrutiny

Name	Subject	Comment
Cllr Geoff Lumley	Given indictment of child protection services was the chairman proud of the scrutiny regime he had been running for the past four years, would he resign?	wished to refer a question to a scrutiny panel chairman and Madam Chairman agreed it was appropriate, then she could allow that to happen. The chairman of the Overview and Scrutiny Panel asked Councillor Cameron to respond to the question. Councillor Cameron, Chairman of Children and Young People Scrutiny Panel, advised that the Ofsted regime had changed, but he was comfortable that as a scrutiny panel all their questions had been answered.
Cllr Chris Welsford	Supplementary – Was the role of the scrutiny panel to challenge policy and ask questions or just to support the cabinet member? How could the previous statements be justified in light of statement from Ofsted, work of the scrutiny panel was insufficient and ineffective how were they going to address the weaknesses?	Councillor Cameron stated there had been challenge and that the scrutiny panel had serious debate at times. The chairman of the Overview and Scrutiny Panel asked Councillor Cameron to respond to the question. Councillor Cameron indicated that the inspection regime had been more severe and the scrutiny panel would carry on as normal.
Cllr Barry Abraham	That more members needed to engage with the scrutiny process.	The chairman indicated that cabinet members should attend Overview and Scrutiny meetings.

(v) **Cabinet Member for Adult Social Care and Housing**

A [written report](#) had been circulated for information.

(vi) **Cabinet Member for Children's Services and Education**

A [written report](#) had been circulated for information.

The Cabinet Member advised that scrutiny panel agendas were drawn up by officers in conjunction with scrutiny panel. There had been a dearth of attendance at seminars, especially those relating to children.

The council were adjudged adequate in 2010 and subsequently and indicated she had made those statements.

The new inspection regime was more robust and would drill down into case areas that had formally not happened.

All 700 cases had been re-assessed and members were assured that immediate action was taken where necessary. She advised that in her opinion no children were presently at risk.

The cabinet member had taken responsibility for the Ofsted report reminded members that she had contacted all of them. She indicated any shortcomings that had been identified would be addressed and that it was now her task to get something in place to turn it around completely.

She believed there had been no criticism of the political leadership and would not be resigning.

Oral questions were put to the Cabinet Member as follows :

Name	Subject	Comment
Cllr Barry Abraham	The council had a peer review last year.	The Cabinet Member indicated there was a peer review last year and the outcome of that was circulated to all members and also went to the scrutiny panel. A peer review did not go into the same depth as Ofsted, who had looked at individual case files.
Cllr George Cameron	Was the council confident that children were currently not at risk?	The Cabinet Member advised that 700 cases had been reviewed and only a small percentage of cases had been found where it was felt there

Name	Subject	Comment
		were weaknesses of a previous decision. No children been alerted to were currently at risk. An interim senior qualified and experienced social work manager had been appointed to quality assure cases.
Cllr Chris Welsford	How could the cabinet member say there was no criticism of the political leadership, Ofsted said leadership was inadequate.	The Cabinet Member advised a statement within the report recognised that leader member; the leader of the council and scrutiny had focussed on the performance of children's services. There was no direct criticism of the role of the lead member; she indicated that she personally accepted any criticism.

Suspension of Procedure Rule 26

A proposal to suspend Council Procedure Rule 26 was proposed and seconded, which would extend the meeting by up to one hour. Following the vote it was

RESOLVED:

THAT the meeting be extended by up to one hour.

Name	Subject	Comment
Cllr Geoff Lumley	The cabinet member appeared to trying to blame two members of staff, he believed she should take responsibility and resign.	The Cabinet Member indicated she welcomed the robust inspection and was not blaming anyone. She had met with the director and it had been found that some practices were not good enough.
Cllr Dave Stewart	Would the cabinet member agree it was not about whom to blame but how to resolve and address the issue?	The Cabinet Member agreed.

Name	Subject	Comment
Cllr Ian Stephens	Indicated he was concerned that it took an Ofsted inspection to find the council were inadequate. He indicated there should be checks and balances in place to ensure didn't happen again and that any cuts did not impact on the service area.	The Cabinet Member advised there were now thorough systems in place. Additional money had been put in place.
	Supplementary - If money had been put into the service and it was still inadequate was money being put into the right service area?	The Cabinet Member indicated that the director had started to review the structure and changes had made changes.
Cllr George Brown	Did you interpret the question asked by Cllr Lumley with regard to your report to imply that if procedural failures had been identified the people responsible for carrying out those procedures correctly and did not do so should not be corrected, what was your view?	The Cabinet Member provided an appropriate response.
Cllr Vanessa Churchman	Asked if the cabinet member still believed it was right to appoint of one director for two services.	The Cabinet Member believed it was a good point but did not believe it would revert back again.

(vii) **[Cabinet Member for Procurement, Fire, Highways and Transport](#)**

A [written report](#) had been circulated for information.

Written questions were put to the Cabinet Member as follows :

Name	Subject	Comment
Cllr Rodney Downer	After salt rationing was introduced by the government in 200/10 how were the routes to be withdrawn from salting determined?	The Cabinet Member provided a written response which was available on the following link (MQ 01/13)
	Supplementary - In the light of the accidents on the Niton to Rookley Road	The Cabinet Member provided a written response which was

Name	Subject	Comment
	please could this route be reassessed as to salting, due to safety aspects on this particular road?	available on the following link (MQ 01/13)
Cllr Ivor Warlow	The recent severe flooding had left many of our Island roads with some severe potholes and surface erosion. Given the number of serious traffic accidents in 2012 we could not wait for the PFI contract to come into operation on the 1 st April before taking action. Would he confirm that essential repairs would take place as a priority and could he assure members that a timetable was in place?	The Cabinet Member provided a written response which was available on the following link (MQ 03/13)

Oral questions were put to the Cabinet Member as follows :

Name	Subject	Comment
Cllr Reg Barry	Who would be responsible for road closures, with regard to carnivals, street fairs, when the PFI was in place?	The Leader indicated it was still the role of this authority to agree to road closures.
	Supplementary – Could he be assured that when that happened it would continue to be no cost to the various groups?	The Leader advised the current arrangements were on a like for like basis and he did not anticipate any change.
Cllr Vanessa Churchman	Was the council going to adopt a parking strategy rather than painting double yellow lines everywhere?	The Leader advised that income generated from parking went towards the transport budget. With regard to a parking strategy, he indicated he was not in favour of an island wide parking strategy.

CHAIRMAN