



# Minutes

Name of meeting	<b>FULL COUNCIL</b>
Date and time	<b>WEDNESDAY, 16 NOVEMBER 2011 COMMENCING AT 6.00 PM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs David Williams (Chairman), Barry Abraham, Jonathan Bacon, Reg Barry, Peter Bingham, George Brown, George Cameron, Vanessa Churchman, Dawn Cousins, Roger Dixcey, Rodney Downer, Paul Fuller, Edward Giles, John Hobart, Richard Hollis, John Howe, Heather Humby, Tim Hunter-Henderson, Julie Jones-Evans, Patrick Joyce, David Knowles, Geoff Lumley, Roger Mazillius, Lora Peacey-Wilcox, David Pugh, Colin Richards, Susan Scoccia, Ian Stephens, David Stewart, Andy Sutton, Arthur Taylor, Ian Ward, Margaret Webster, Chris Welsford, Jerry White, Wayne Whittle, David Whittaker
Apologies	Cllrs Gary Taylor, Ivor Warlow

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42. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [19 October 2011](#) be confirmed.

43. [Declarations of Interest](#)

Councillor Geoff Lumley declared a personal interest in Minute 45 (iv) – as he was a Trustee of the Riverside Centre.

44. [Public Question Time](#)

Questions were put to the Chairman as follows :

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Mr Paul Taylor Cowes	Can the Isle of Wight Council confirm that, prior to the 2002 Amendment to the Deed of gift 1929 which gave Northwood Park to the People of Cowes, full consultation with the people was made and their consent	The Leader provided a written response which was available on the following link ( <a href="#"><u>PQ 24/11</u></a> )

Name	Subject	Comment
	<p>obtained prior to that Amendment which greatly reduced that Deed of Gift in terms of their collective ownership?</p> <p>A supplementary – would the council agree that the 2002 amendment changed those people’s basic rights to enjoy the park in that the park was designated as facilitating the house.</p>	<p>The Leader advised he would provide a more detailed written response.</p>
Mr Simon Haytack	<p>Could the Council confirm how much legal action has cost Isle of Wight taxpayers as a result of the high court decision that found cuts to social care to be unlawful?</p> <p>A supplementary – Indicating that Councillor Lumley’s budget could have saved this situation from happening.</p>	<p>The Cabinet Member provided a written response which was available on the following link (<a href="#">PQ 25/11</a>)</p> <p>The Cabinet Member indicated that Councillor Lumley was a valued member of the authority, who was the sole Labour Councillor, the reasons for that, generally speaking, was the unpopularity of the Labour Party.</p>
Mr Dave Miller Cowes (not in attendance)	<p>The following asked on behalf of Mr Miller: Could the responsible member confirm the date (before first occupation) on which the document ‘<i>Update to School Travel Plan to reflect the change in numbers traveling to the site 2011</i>’ was agreed with the Isle of Wight Council’s Highway Department, and the date that the school’s subsequent written confirmation was received, and provide copies please?</p>	<p>The Leader provided a written response which was available on the following link (<a href="#">PQ 26/11</a>)</p>
Mr John Wortham Brighstone	<p>If the council finances were in such dire straights why was the furniture in the Council Chamber replaced at such great cost?</p>	<p>The Leader advised the refurbishment was part of the wider transformation of County Hall. A report was due to be put before the Audit Committee on 22 November 2011.</p>

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Mr Adrian Nicholas Newport	Would the Cabinet Members and Scrutiny Chairs agree that the legal care judgement and implications of care budget should vindicate Councillor Lumley's formal motion re postponing 2011/12 budget until next month?	The Cabinet Member gave his response as no.
	A supplementary – cost issue with regard to the Fire Control Centre, Surrey.	The Leader advised that the decision had been through the budget process.
Mr Steve Goodman	Was the council prepared to pause and reflect before committing to what is generally regarded as a disastrous 25 year PFI contract?	The Cabinet Member gave his response as no.

45. **[Chairman's Report](#)**

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

The Chairman advised members that former councillor Alan Wells's wife had passed away earlier in the week.

46. **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 as follows :

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Cllr Bacon	Who was responsible for the failures in procedure and provision of information identified in the judgement of the High Court last week? What actions have been taken or would be taken by those persons or against those persons in light of the failures identified and the consequent impact on Adult	The Leader provided a written response which was available on the following link ( <u><a href="#">MQ 19/11</a></u> )

Name	Subject	Comment
	<p data-bbox="606 224 1037 302">Social Care provision and waste of public money?</p> <p data-bbox="606 336 1037 526">A supplementary – The Independent Group budget had been misquoted. Inadequate information had been provided to members.</p>	<p data-bbox="1037 336 1430 560">The Leader indicated there was nothing to correct. Members acted on the information they had at the time and were satisfied with that.</p>
Cllr Fuller	<p data-bbox="606 582 1037 1030">How much has the Isle of Wight Council expended both internally and externally in legal fees in relation to the case leading to last week’s decision by Mrs Justice Lang and how much is it expected that the Isle of Wight Council will have to pay to the other side consequent upon losing the case?</p> <p data-bbox="606 1064 1037 1220">A supplementary – He believed that solicitors must indicate their fees in advance of a case</p>	<p data-bbox="1037 582 1430 750">The Leader provided a written response which was available on the following link (<a href="#">MQ 20/11</a>)</p> <p data-bbox="1037 1064 1430 1254">The Leader understood there was an indicative figure, but he preferred to give a comprehensive response.</p>
Cllr Churchman	<p data-bbox="606 1254 1037 1691">Within the IWC there have been Equality Impact Assessments in other departments and lines of service. How confident are you that all other guidelines and assessments have been undertaken to the correct standards following this worrying High Court ruling?</p> <p data-bbox="606 1724 1037 2096">A supplementary - Should we be concerned about potential challenges to and inadequacies in other EIA’s which have been carried out in relation to other budget measures or which might be put forward in respect of forthcoming proposals?</p>	<p data-bbox="1037 1254 1430 1444">The Leader provided a written response which was available on the following link (<a href="#">MQ 22/11</a>)</p> <p data-bbox="1037 1724 1430 1803">Response set out in MQ 22/11</p>

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Cllr Stephens	Do you believe the best way to save money was to support the most vulnerable within our society and provide the correct assessment and consultation to supply the correct level of care?	The Leader provided a written response which was available on the following link ( <a href="#">MQ 23/11</a> )

Oral questions were put to the Cabinet Member as follows :

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Cllr Lumley	The Leaders report relating to Legal Services indicated that only 6% of FOI requests had been dealt with on time.	The Leader advised he would check the figures and clarify to all members.
Cllr Welsford	Would the Leader offer an apology on his flawed policy with regard to Adult Social Care?	The Leader indicated of the 32 affected only 6 had asked for their packages to be changed. Staff had handled everything with care and sensitivity and he was not going to apologise for trying to mitigate.
	A supplementary – The question was not answered, you should resign.	The Leader indicated it was not the first time Cllr Welsford had asked him to resign.
Cllr Whittle	Would the Leader provide an update or response as to whether councillors could attend the budget consultation meetings?	The Leader advised he was not against it in principle, but others did not want councillors in attendance. He would provide a response by the end of the week.
Cllr Barry	Who was responsible for the Hampshire Police Authority report, as he believed the Isle of Wight Council representative should provide his own?	The Chairman of the Council advised he was the person responsible for the report and would be happy to provide his own for circulation.

(ii) [The Deputy Leader and Cabinet Member for the Economy and the Environment](#)

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

Members were advised that the unemployment figures for October had been published. 3.7% or 3,136 people were out of work and claiming Job Seekers Allowance. The number of Island residents in receipt of Job Seekers Allowance had increased by 169 since September.

Written questions were put as follows :

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Cllr Stephens	Further to the demands of our tourism economy and the strong belief in Central Government's Tourist Strategy that TICs play a role both in gathering and distributing information, was there a possibility of a rethink in the local Tourism Strategy which would then align us with Government Strategies and the ultimate funding streams available?"	The Cabinet Member provided a written response which was available on the following link ( <a href="#"><u>MQ 24/11</u></a> )
	A supplementary – could an update be given evaluating this tourism year and the possible impact of the absence of TICs, especially on the smaller guest houses and hotels?"	Response set out in MQ 24/11

Oral questions were put to the Cabinet Member as follows :

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Cllr Sutton	Financial issue with regard to planning enforcement – the devastating effects of the Dale Farm issue, has this council got £11m in its coffers to address some of those enforcement issues if we have a traveller or gypsy site?	The Cabinet Member indicated he would provide a written response.
	A supplementary – would the council look seriously, in the light of the Localism	The Cabinet Member advised he would have to study the impact of the

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
	Bill being enacted, to the removal of traveller and gypsy sites.	Act.
Cllr Welsford	Local businesses believed that the closure of toilets was affecting their business. Were the sites being sold too cheaply?	The Cabinet Member indicated that this came under the remit of Cllr Giles, but he believed there was the right number of toilets in the right locations. The bidding process gave an indication of what the market would pay.
Cllr Fuller	Bids for offshore energy centre, was the Council liaising with the MP?	The Cabinet Member advised that the MP gave as much time as he was able to the Cabinet.
	A supplementary – are you suggesting the MP should and could be doing more for the Island.	The Cabinet Member stated he did not say that.
Cllr Downer	Fallen stock was being subsidised by DEFRA for 12 months, what was the cost and who would fund after that time.	The Cabinet Member advised that Cllr Abraham was dealing with that matter.

During the following question, Councillor Peacey-Wilcox declared a personal and prejudicial interest, in relation to Barratt Homes, and left the room.

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Cllr Barry	One of the selling points of Pan Meadows was the creation of apprenticeships for young people, how many were working as apprentices?	The Cabinet Member indicated he would find out and advise.

Councillor Peacey-Wilcox re-entered the room

(iii) **Chair of Overview and Scrutiny Committee**

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

Oral questions were put to the Cabinet Member as follows :

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Cllr Lumley	Why had it taken so long to try and get the Committee to address real Overview and Scrutiny Committee issues? There were some good things within the recommendations but the committee was not really grappling with the issues, such as training issues as the quality of questioning at the Overview and Scrutiny Committee was atrocious.	The Chairman indicated he was working with what he had and was trying to improve on it. He was pushing all areas to do a better job.

(iv) **Cabinet Member for Adult Social Care, Housing and Community Safety**

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

The Cabinet Member had attended an Open Day at Downside Community Centre.

A file relating to the Riverside Centre had been received earlier in the day and was due to be evaluated.

Written questions were put as follows :

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Cllr Bacon	Budget proposals in relation to Adult Social Care would save £1m in 2011/2012 and £1.6m in a full year. Paragraph 132 of last week's judgement of the High Court found that the total overall saving, if the changes had not been ruled illegal, would have been just £54, 627.45 in a full year, a difference of £1,545,372.55. Was the statement about anticipated savings made to this Council brought about by a deliberate attempt to	The Cabinet Member provided a written response which was available on the following link ( <a href="#">MQ 21/11</a> )

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
	mislead the Council or simply gross incompetence?	
Cllr Stephens	Why do we have Adult Mental Health Day Centres on our strategic asset disposal plan at this time?"	The Cabinet Member provided a written response which was available on the following link ( <a href="#">MQ 25/11</a> )
	A supplementary - was it not premature when we were reviewing services and could be a cause of unnecessary suffering/ concern to adult mental health patients who were reliant on those centres and whilst also giving rise to uncertainty of employment and self worth to the superb staff at the Riboleau Day Centre, Church Street Ventnor, Avenue Road Freshwater, and Parklands at Cowes?	Response set out in MQ 25/11

Oral questions were put to the Cabinet Member as follows :

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Cllr Churchman	Had the Cabinet Member fully read the Independent Groups Budget delivered in February?	The Cabinet Member indicated he had.
	A supplementary – why was item 11 totally ignored?	The Cabinet Member asked if the opposition included the figures referred to in their budget proposal, yes they did. The budget that was passed allocated £44m to Adult Social Care which was an increase.
Cllr Whittle	When would claimants get their money and would it be back dated.	The Cabinet Member indicated that those who had been assessed as in need of funding had been fully funded. Of the 32

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
		who had their services reduced only 6 had asked for their funding to be looked at again. Finance officers would have to advise re backdating.
Cllr Lumley	Repeatedly hear that opposition groups accepted cuts in eligibility criteria. Why are you trying to embrace the opposition Councillors in the guilt of the 23 members, in way treated people on the Isle of Wight.  Do you think it fair that opposition Councillors, who don't have resources you have, can be told of £6½m overspend and then told not so the following year.	The Cabinet Member advised that the process had been supported by the most detailed report. A consultation advisory group was set up and the processes had been gone through as thoroughly, fairly and sensitively as possible. No guilt attached only deep regret. Sincerely apologise for what has happened. Equality Impact Assessment was faulty but that was unintentional.

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

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

The Cabinet Member congratulated the Family and Adult Learning Team for their achievement. There was a member information seminar in relation to the Capital Programme scheduled for Thursday, 24 November 2011.

Oral questions were put to the Cabinet Member as follows :

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Cllr Richards	Asked for an explanation with regard to virtual heads as indicated within her report.	The Cabinet Member advised that the virtual head worked over all the schools. He has been appointed to ensure that the Looked After Children in all schools receive the services they are required to receive.
Cllr Fuller	Have Your Say Day, would all councillors receive a copy of the report?	The Cabinet Member indicated she would make it available to everyone.

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Cllr Sutton	Asked the Cabinet Member to pass on thanks to the team within school re-organisation.	The Cabinet Member indicated she would.
Cllr Welsford	The improvement in GCSE results were from those children who had gone through middle schools.	The Cabinet Member advised she would provide a full update in the future.
Cllr Stewart	Was paragraph 2 of the Cabinet Members report being closely monitored and was there now a plan in place?	The Cabinet Member indicated she would be taking a report to the Scrutiny Committee on 18 January 2012.
Cllr Howe	Would the Cabinet Member pass on congratulations to the head of Weston School in becoming an Academy?	The Cabinet Member indicated she would if they managed to achieve that.

(vi) **[Cabinet Member for Highways, Transport and Waste](#)**

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

The Cabinet Member had spoken with officials at the Department for Transport and the PFI was to continue.

Written questions were put as follows :

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Cllr Humby	Can the Council's car parking strategy link in with its economic strategy by stimulating the use of local shops through the re-introduction an Island residents parking permit. This will also ensure that the number of empty shops in our towns are minimised thereby maximising the amount collected in business rates.	The Cabinet Member provided a written response which was available on the following link ( <u><a href="#">MQ 18/11</a></u> )

Oral questions were put to the Cabinet Member as follows :

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Cllr Welsford	With reference to the closure of public toilets, how do you explain to the elderly who have a long walk to the toilet?	The Cabinet Member advised there were still 55 public toilets open on the Island.
Cllr Churchman	Was there any possibility of opening the toilets at Ryde Town Hall?	The Cabinet Member advised that those premises were on the disposal list.
	In relation to the new waste contract would the lorries stopping to pick up rubbish be a safety hazard?	The Cabinet Member indicated that the lorries would not be significantly different from those already in use.
Cllr Fuller	Still receiving questions with regard to waste collection, would members be given a full briefing prior to the Christmas break.	The Cabinet Member advised that it would be published as usual.
Cllr Howe	Could we be reassured that a back door collection would still be available for the elderly and disabled.	The Cabinet Member advised that a back door collection would still be available.
	Was the gasification plant at Forest Road working	The Cabinet Member indicated that the gasification plant was working better but was still not perfect.
Cllr Stewart	How would the Council respond if there was snow and ice this year?	The Cabinet Member advised there was a good supply of grit and a gritting programme.
Cllr Knowles	A letter 2 months ago with regard to toilets in Ryde Town Centre, am still awaiting a response. Could the Council not build toilets in the Town Square in Ryde?	The Cabinet Member noted the suggestion and advised he was unaware of the letter.

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
	It was the intention of Eco Island to cut land fill within 8 years to zero, what were the prospects of that?	The Cabinet Member indicated it was part of the current waste proposal but was unsure if the scheme could achieve zero in 8 years.

(vii) **Cabinet Member for Fire, Culture and Residents' Services**

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

Oral questions were put to the Cabinet Member as follows :

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
Cllr Richards	When was it anticipated that a new records office would be opened and was it possible to integrate it with a museum to enable artefacts to be put on show.	The Cabinet Member advised he was aware of the state of the records office and would look at integrating with museums.
Cllr Sutton	S.18 of the Localism Act enabled Local Authorities to charge insurance companies for businesses that persistently have their premises attended to for false calls and accidents would this Council be charging the maximum amount possible?	The Cabinet Member indicated he would speak with the Chief Fire Officer and Director, although there had been a significant reduction in the number of false alarms.
Cllr Lumley	Comment on recent press release by the Fire Brigade Union that indicate that staffing levels at Surrey Fire Control Centre are very rarely any where near the levels indicated to this council	The Cabinet Member advised there had been an FOI request to Surrey Fire and Rescue with regard to the number of staff in the control centre. Surrey indicated there were sufficient staff although when the switch over occurred the number of staff would be increased.
	A supplementary – Could you guarantee that Surrey will be fully staffed?	The Cabinet Member advised that the numbers would be increased.

<b>Name</b>	<b>Subject</b>	<b>Comment</b>
CLlr Fuller	Asked if the Cabinet Member would respond to the question he asked at the last Council meeting.	The Cabinet Member indicated he had sent a response earlier that day.
CLlr Whittle	Would the Cabinet Member speak with Ryde Historic Society with regard to museums?	The Cabinet Member indicated he would.
CLlr Stephens	Would there be a SLA with regard to staffing levels at Surrey Fire Controls?	The Cabinet Member advised there would.
CLlr Barry	Asked if the Cabinet Member would e-mail him with a date to enable him to view the furniture that had been removed from the Council Chamber?	The Cabinet Member advised he would.

CHAIRMAN