

# Agenda

Name of Meeting	<b>CORPORATE SCRUTINY COMMITTEE</b>
Date	<b>TUESDAY 9 JANUARY 2024</b>
Time	<b>5.00 PM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, ISLE OF WIGHT</b>
Committee Members	Cllrs J Robertson (Chairman), P Spink (Vice-Chairman), R Downer, W Drew, J Lever, K Love, C Mosdell, C Quirk and S Redrup
Co-opted Members	Simon Cooke (IWALC), Vacancy (HALC)
	Democratic Services Officer: Megan Tuckwell democratic.services@iow.gov.uk

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1. **Apologies and Changes in Membership (If Any)**

To note any changes in membership of the Committee made in accordance with Part 4B paragraph 5 of the Constitution.

2. **Minutes** (Pages 5 - 12)

To confirm as a true record the Minutes of the meeting held on 7 November 2023.

3. **Declarations of Interest**

To invite councillors to declare any interest they might have in the matters on the agenda.

4. **Public Question Time - 15 Minutes Maximum**

Questions may be asked without notice, but to guarantee a full reply, a question must be put (including the name and address of the questioner) in writing or by email to Democratic Services [democratic.services@iow.gov.uk](mailto:democratic.services@iow.gov.uk), no later than two clear working days before the meeting. The deadline for submitting a written question is Thursday, 4 January 2024.



Details of committee meetings can be viewed on the Council's [website](#). This information may be available in alternative formats on request. Please note the meeting will be recorded and the recording will be placed on the website (except any part of the meeting from which the press and public are excluded). Young people are welcome to attend Council meetings however be aware that the public gallery is not a supervised area.

5. **Progress Update** (Pages 13 - 16)

To receive an update on the progress against the outcomes arising from previous meetings, and to provide an update on any outstanding actions.

6. **Committee's Workplan:**

(a) Forward Plan (Pages 17 - 34)

To identify any items contained within the Council's forward plan which would benefit from early consideration by scrutiny, either before the Cabinet makes a decision or to monitor post-implementation, and should therefore be included in the Committee's work programme. The forward plan can be viewed online [here](#).

(b) Committee's Work Programme (Pages 35 - 38)

To note the content of the current work programme, and to consider the inclusion of any additional items. Members of the public are invited to submit in writing to the Committee possible items for inclusion in its workplan.

7. **Budget Proposals 2024-25** (Pages 39 - 40)

To discuss what is known so far and review the planned approach to the 2024-25 budget.

8. **Pre-Decision Scrutiny - Future Governance** (Pages 41 - 52)

To consider the report from the Future Governance Working Group regarding the potential for the Isle of Wight Council to move to a Committee system of governance from May 2024.

9. **Flood Response** (Pages 53 - 64)

To feed into the Section 19 flood risk report by reviewing previous reports and determining specific questions and outcomes.

10. **Confidentiality** (Pages 65 - 74)

To consider a report on confidentiality in terms of the council's decision making process and the council's protective marking policy.

11. **Members' Question Time**

Questions may be asked without prior notice, but to guarantee a full reply, a question must be submitted to Democratic Services no later than 5pm, Friday 5 January 2024.

CHRISTOPHER POTTER  
Monitoring Officer  
Friday, 29 December 2023

## Interests

If there is a matter on this agenda which may relate to an interest you or your partner or spouse has or one you have disclosed in your register of interests, you must declare your interest before the matter is discussed or when your interest becomes apparent. If the matter relates to an interest in your register of pecuniary interests then you must take no part in its consideration and you must leave the room for that item. Should you wish to participate as a member of the public to express your views where public speaking is allowed under the Council's normal procedures, then you will need to seek a dispensation to do so. Dispensations are considered by the Monitoring Officer following the submission of a written request. Dispensations may take up to 2 weeks to be granted.

Members are reminded that it is a requirement of the Code of Conduct that they should also keep their written Register of Interests up to date. Any changes to the interests recorded on that form should be made as soon as reasonably practicable, and within 28 days of the change. A change would be necessary if, for example, your employment changes, you move house or acquire any new property or land.

If you require more guidance on the Code of Conduct or are unsure whether you need to record an interest on the written register you should take advice from the Monitoring Officer – Christopher Potter on (01983) 821000, email [christopher.potter@iow.gov.uk](mailto:christopher.potter@iow.gov.uk), or Deputy Monitoring Officer - Justin Thorne on 821000, email [justin.thorne@iow.gov.uk](mailto:justin.thorne@iow.gov.uk).

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## **Notice of recording**

Please note that all meetings that are open to the public and press may be filmed or recorded and/or commented on online by the council or any member of the public or press. However, this activity must not disrupt the meeting, and if it does you will be asked to stop and possibly to leave the meeting. This meeting may also be filmed for live and subsequent broadcast (except any part of the meeting from which the press and public are excluded).

If you wish to record, film or photograph the council meeting or if you believe that being filmed or recorded would pose a risk to the safety of you or others then please speak with the democratic services officer prior to that start of the meeting. Their contact details are on the agenda papers.

If the press and public are excluded for part of a meeting because confidential or exempt information is likely to be disclosed, there is no right to record that part of the meeting. All recording and filming equipment must be removed from the meeting room when the public and press are excluded.

If you require further information please see the council guide to reporting on council meetings which can be found at <https://iwc.iow.gov.uk/documentlibrary/view/recording-of-proceedings-guidance-note>

All information that is recorded by the council is held in accordance with the Data Protection Act 2018. For further information please contact Democratic Services at [democratic.services@iow.gov.uk](mailto:democratic.services@iow.gov.uk)

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## Minutes

Name of meeting	<b>CORPORATE SCRUTINY COMMITTEE</b>
Date and Time	<b>TUESDAY 7 NOVEMBER 2023 COMMENCING AT 5.00 PM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, ISLE OF WIGHT</b>
Present	Cllrs J Robertson (Chairman), P Spink (Vice-Chairman), R Downer, W Drew, J Lever, C Quirk and Redrup
Co-opted	Simon Cooke (IWALC)
Also Present	Cllrs P Jordan, P Fuller, J Jones-Evans and K Lucioni, M Lilley, C Jarman and C Mosdell  Sharon Betts, Roger Brown, Laura Gaudion, Kerry Hubbleday, Wendy Perera, Christopher Potter, Megan Tuckwell, Chris Ward and Melanie White
Also Present (Virtual)	Cllr C Critchison  Simon Bryant, Natasha Dix, Colin Rowland and Claire Shand
Apologies	Cllr K Love

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### **44 Apologies and Changes in Membership (If Any)**

Apologies had been received from Cllr Karl Love.

### **45 Minutes**

RESOLVED:

THAT the minutes of the meeting held on 10 October 2023 be confirmed as a true record.

### **46 Declarations of Interest**

No declarations were received at this stage.

The Monitoring Officer confirmed that a general dispensation was applied enabling councillors to discuss matters of the budget.

### **47 Public Question Time - 15 Minutes Maximum**

No public questions were received.

## **48 Progress Update**

The chairman presented the report which provided an overview of the progress against actions and outcomes from previous meetings. It was confirmed that the formal request made by members of the committee in March 2023 to view the confidential Floating Bridge settlement had been refused.

RESOLVED:

THAT the progress report be noted.

## **49 Committee's Workplan:**

### **49a Forward Plan**

### **49b Committee's Work Programme 2022-25**

Consideration was given to the committee's work programme and the committee were invited to identify any item contained within the published forward plan that would benefit from early consideration within the committee's own workplan or that of one of the policy and scrutiny committees.

It was agreed that the Future Governance Report (due for consideration by the Full Council in January 2024) would be added to the committee's workplan for its meeting on 9 January 2024.

The chairman advised that it had been agreed with the chairmen of the Policy and Scrutiny Committees that the scrutinisation of flooding matters would be led by the Corporate Scrutiny Committee. It was advised that an informal briefing was being sought for December 2023, and an agenda item would be added to the committee's workplan for its meeting on 9 January 2024, to which external partners would be invited to attend both meetings.

RESOLVED:

THAT the committee's work programme, and the forward plan, be noted.

## **50 Budget Assumptions**

The Director of Finance and Section 151 Officer was in attendance to present the progress against the key budget assumptions which had been predicted as part of the 2023-24 budget setting process. The committee received the forecast for the 2024-25 budget, based on the key assumptions for both costs and funding. Questions were raised in relation to the fair funding review (and potential additional funding as part of the 'Island Deal'), the Autumn statement, social care funding, interest rate variables, treasury management and cash flow, the use of contingency reserves, in-year financial mitigation measures, and the grant funding arrangements for refugee housing.

RESOLVED:

THAT the presentation on budget assumptions be considered and noted.

## **51 Cyber Strategy 2023-2030**

Consideration was given to the draft Cyber Strategy 2023-2030, prior to its consideration and adoption by the Cabinet Member for Regulatory Services, Community Protection, and ICT, on 19 December 2023. The strategy was endorsed, and it was suggested that it be reviewed by the committee again in two years.

RESOLVED:

THAT the Cyber Strategy 2023-2030 be endorsed.

## **52 Isle of Wight Community Safety Partnership Update**

The committee received a verbal update from the Cabinet Member for Regulatory Services, Community Protection, and ICT, on the progress with the Isle of Wight Community Safety Partnership's annual report for 2022-23. It was confirmed that the report would be available to be presented to the committee at its meeting in February 2024.

RESOLVED:

THAT the update be noted.

## **53 Perpetrator Programme**

The Director of Public Health presented an update on the recently recommissioned domestic abuse service for people using abusive behaviours, which included an overview of what was offered by the service and what outcomes it was aiming to achieve. Questions were raised in relation to the demographic statistics for perpetrators, the correlation with drug and alcohol misuse, and the preventative activities and initiatives underway. Questions were raised in relation to the methods of evaluating the effectiveness of the programme, and how outcomes would be demonstrated. Discussion took place regarding under-reporting, and the committee sought additional information with regards to the what the police service were doing internally to train officers responding to instances of domestic abuse. It was advised that this would be reviewed again by the committee at its meeting in March 2024, including a copy of initial needs assessment in order for the committee to assess whether the programme was meeting the needs of the population.

RESOLVED:

THAT the update be noted.

## **54 Quarterly Performance Monitoring Report Q2 - 2023/24**

Consideration was given to the report which provided a summary of progress against Corporate Plan activities for Quarter 2 of 2023-24 and detailed any issues which required attention (and the remedial action in place to deal with these). Comments were made regarding the Disabled Facilities Grant, and the data which indicated that the current demand was expected to exceed the current budget of £1.8million to £4million. The Director of Adult Social Care outlined the allocation of the funding and confirmed that the demand shown was reflective of multiple financial years. It was agreed that future reporting should clarify this matter.

Discussion took place regarding the data which showed an increase in the number of fly-tipping incidents and a decrease in the number of actions taken over a three-year period. It was agreed that written response would be provided. Clarity was given around the definition of fly-tipping and the increased use of the Fix My Street app (which categorised uncollected waste as fly-tipping). It was recommended that future reporting should include additional narrative and clean data.

Questions were raised regarding the rise in the proportion of young people recorded as not in employment, education, or training, and what was being done to address this. It was agreed that written response would be provided. Questions were raised regarding the additional CCTV network coverage in place over the summer period, and whether there had been any evidence of successful outcomes from this. It was agreed that written response would be provided.

The committee sought an update on the development of the Parking Strategy and the Leader confirmed that this was scheduled to take place in 2024.

RESOLVED:

THAT the report be noted.

## **55 Members' Question Time**

Cllr Michael Lilley submitted written questions in relation to flooding (MQ 10-23). The Leader provided a verbal response and confirmed that a full written response would be provided.

Cllr Clare Mosdell asked an oral question regarding the announcement of additional government funding for the two council-owned swimming pools and sought clarity around why community pools had not been included. The Cabinet Member for Economy, Regeneration, Culture and Leisure, confirmed that bids were made for all Island pools however only Medina Leisure Centre and The Heights were eligible at this time due to energy costs. Cllr Clare Mosdell asked a supplementary question regarding the energy suppliers for West Wight Sports and Community Centre.

Cllr Joe Lever asked an oral question in relation the Flood Recovery Grant. The Chief Executive provided assurance that work was ongoing to secure the funding, however the eligibility criteria had not yet been confirmed.

Cllr Clare Mosdell asked an oral question in relation to the workplan. The chairman outlined the process for work-planning and the identification of future agenda items by members of the Corporate Scrutiny Committee.

Cllr Clare Mosdell asked an oral question in relation to the recording of councillors' oral questions in the minutes. The Monitoring Officer confirmed the position as per the council's constitution.

CHAIRMAN



**Corporate Scrutiny Committee – Tuesday, 7 November 2023****Written question from Cllr Michael Lilley to the Corporate Scrutiny Committee:**

In light of the recent flooding in Ryde and across the Island, there appears to be evidence of poor communication between the agencies particularly Environment Agency, Southern Water, Island Roads, IW Council, Parish and Town Councils, Emergency Services, and other stakeholders. This has left residents, families, businesses, and other organisations who have been directly flooded feeling not listened too, abandoned, angry, and in their eyes, unsupported.

1. Who is responsible overall for such a crisis on the Isle of Wight and what is the Council doing about improving communication, particular in the short-term and how are they communicating to the public, especially those who do not have benefit of internet? (note most flooded households lost their internet). Not a huge amount of internet/online information was sent out, often after the event. If you didn't pick it on-line, you would not have known.
2. What is the current emergency plan agencies were following, and can this plan be made available? Was it followed?
3. Post-Covid-19 all Parish and Town Council alongside IW Council had Resilience and Crisis/Emergency Plans in place. There is one in Ryde Town Council. Why hasn't IW Council fully recognised these plans alongside their emergency plans and why was there an observed lack of a lead coordinating body bringing all the agencies together in a joined up and coordinated way?
4. What is IW Council doing to get help out to people in need of support due to the flooding now, when it matters?

## **Response**

*I appreciate that everyone affected in the homes and businesses will have questions and their communities will want to tell their stories. However, the council will need to investigate, gather evidence, and prepare a full honest and open report which I will commit to bring to scrutiny at the earliest opportunity. The council as the local Flood Risk Authority will be preparing an investigation and flood report regarding all communities impacted and will be engaging with all affected residents and key stakeholders.*

### **1. The Isle of Wight Council Response**

*The Isle of Wight Council led the response on the Island.*

*During the response Information Hubs were stood up in the most affected areas to provide direct communication and in-person support to affected residents, including:*

- Ryde (25 and 26 October with housing team support)
- Newport,
- East Cowes,
- Sandown,

- Yarmouth and
- Brading

*Printed information and guidance was made available in the hubs and well as staff to talk to.*

*On the 25 October and subsequent days, councillors were working in their communities, engaging with residents and passing on information issued by the council to the community.*

*The council also set up a dedicated Floodline help and guidance number for residents affected by flooding - this was available overnight at the height of the worst weather.*

*Warnings and alerts issued by The Met Office and Environment Agency were shared regularly across the council's social media platforms. Between 24 October and 2 November, the council issued some 50 Facebook posts. This includes where we have shared our posts into community groups. The reach for these posts was more than 345,000 Facebook accounts.*

*The council's website was kept up to date with the latest information, including important safety advice and guidance on what to do before, during and after extreme weather. Pages were updated when information changed, sometimes two or three times per day.*

*As well as our pre-prepared pages about Flooding and Storms and Gales, we created extra pages on School closures and service updates, What to do if you flood water contains sewage, Storm damaged tree information, Updates on what to do with waste and recycling and Rights of Way closures.*

*The communications through the website were timely and made an impact, with a full homepage takeover. Any queries or requests for help from internal services or through the command structure were acted on quickly and content produced in support. In comparison to other councils, the council's website was very comprehensive and made it easy for residents to find information they needed.*

*An initial look at the statistics shows the authority had a 21.52 per cent uplift in page views over the past week. Communications with the websites team, communications team and other services were prompt, efficient and co-ordinated. Much of the council's comms focussed on sign-posting residents to trusted sources of information.*

*These links were also shared with councillors (IWC and town and parish councils) as well as local media for onward circulation and we are thankful for all their support. Further communications were issued via the council's residents' newsletter (more than 4,800 residents), a media briefing was organised for local press and daily councillor briefings were established ahead of Storm Ciaran.*

*In total, the council issued seven press releases and responded to numerous local, regional and national media enquiries and interview requests. The whole team worked all the hours that were needed to ensure proactive and reactive work was completed to the highest standard.*

## **2. Emergency Management Arrangements**

*The Council's Emergency Management Team maintains plans for a variety of emergencies, one of those being the Council's Emergency Response and Recovery Plan (ERRP). Elements of this plan were used in the response to the adverse weather to establish flexible and scalable response structures based on information available at the time.*

*Protectively marked as OFFICIAL SENSITIVE, a redacted public facing version of the plan can be found on the Council's website, here – <https://www.iow.gov.uk/keep-the-island-safe/emergency-management/the-emergency-management-team/>. Complimenting the Council's ERRP, the relevant sections of the Council's Severe Weather Arrangements Document were used, this plan is protectively marked as OFFICIAL SENSITIVE.*

*From a multi-agency perspective:*

*The tactical and strategic aspect of the response was co-ordinated through the Hampshire & Isle Wight Local Resilience Forum's Emergency Response Arrangements. The relevant sections of the Hampshire & Isle Wight Local Resilience Forum's Multi-Agency Flood Plan and the Island's Multi-Agency Evacuation and Shelter Arrangements were used.*

*These plans are protectively marked as OFFICIAL SENSITIVE. Plans are protectively marked as OFFICIAL SENSITIVE, as they contain data or information which, if released to the public in general could:*

- Impede the effectiveness and ability of the Council to respond in an emergency.*
- Undermine the proper management of the public sector and its operations during such emergencies.*

*The Council's Emergency Management Team can provide a more detailed briefing on the content of those plans if required.*

## **3. Town and Parish Emergency Plans**

*Not all Town and Parish Councils have Crisis/Emergency Plans, and we are aware that a plan exists for Ryde and Binstead. On the morning of 25 October, knowing that Ryde Town Council did have a plan, conversation to place between the Emergency Management Team and Ryde Town Council staff, to identify potential locations for the establishment of a site close to the affected area that could be used to provide immediate respite for residents and operate as an "information hub", staffed by Council Officers.*

*Although some sites identified in the Plan were discussed at this time, the Council's Resilience Manager determined that the option of using Ryde Castle provided an immediately available site, close to the incident.*

*As the day unfolded the "hub" relocated to Aspire (a location identified in the Ryde Town Council Plan), to provide more space and an area within which more sensitive discussions could be undertaken. This move also enabled closer working between the deployed Council Officers and the staff in Aspire.*

*The co-ordination of the multi-agency response at the tactical and strategic level was undertaken through the Hampshire & Isle of Wight Local Resilience Forum's Emergency Response Arrangements (see the answer to question 2).*

*On the Island, regular co-ordination meetings were undertaken between the Council, Island Roads, Hampshire and Isle of Wight Fire & Rescue Service, Hampshire and Isle of Wight Constabulary, the Maritime & Coastguard Agency and the Isle of Wight Ambulance Service.*

*These meetings provided the link into operational engagement undertaken by the Council with the Environment Agency, Southern Water and SSEN, Town and Parish Councils and enabled direct engagement with Councillors when required.*

#### **4. Flood Recovery**

*In line with the Council's ERRP, whilst the Council was still responding to the emergency a Recovery Lead was identified (Colin Rowland, Strategic Director, Community Services). A Recovery Team has been established and is implementing a recovery strategy.*

*Specifically in Ryde, the council has worked with ward members and the Town Council to:*

- Expedite skip licencing for the affected area to less than 48 hours*
- Enable multiple tip trips per day for residents clearing their homes and volunteers clearing neighbouring family and friends' waste.*
- Temporarily rehoused those most in need.*
- Provided additional support to older and other vulnerable residents.*
- Communicated to residents affected the availability of discretionary hardship payments and council tax relief.*
- Provided information and advice through the Town Council and local councillors working with the community.*
- Provided thousands of additional sandbags and replenished stocks when requested.*
- Information and advice to affected businesses.*

*We will continue to provide support and advice to those affected as we recognise that it will take some time for those affected to fully recover from the recent flood events and ensure that:*

- Affected residents are enabled to return home or have plans with insurance companies to return to their homes. Support is provided for those people that are identified as living in uninsured properties.*
- Businesses & charities are operating as business as usual and fully functioning.*
- Public Infrastructure is fully recovered.*
- Residents are well informed and empowered to move on.*
- A flood report is produced which identifies costs and benefits of actions taken and recommendations for other actions that support more resilient communities.*

## Corporate Scrutiny Committee - Progress on Actions & Outcomes

Meeting Date	Agreed Action	Responsibility	Update	Actioned
<b>Outstanding Actions</b>				
10 January 2023	<b>Forward Plan</b> The committee requested a copy of the review of leisure centres once it has been completed.	Cabinet Member for Economy, Regeneration, Culture and Leisure	The review is anticipated to be ready by the end of November	
7 February 2023	<b>Asset Management/ Property Rationalisation</b> The heads of agreement in relation to the proposed disposal of Kingston Marine Park be circulated to the committee once they are signed.	Cabinet Member for Economy, Regeneration, Culture and Leisure	Discussions are still ongoing and the committee will be updated once further progress has been made	
Page 13 12 September 2023	<b>QPMR Q1</b> The committee requested the Corporate Plan refresh comes to Corporate Scrutiny when available.	Chief Executive	Refreshed Corporate Plan will come to the committee once completed	
	<b>QPMR Q1</b> The committee requested that the report setting out the findings and recommendations following the review of the Floating Bridge comes to Corporate Scrutiny when available.	Leader (with responsibility Transport and Infrastructure, Highways PFI and Transport Strategy, Strategic Oversight and External Partnerships)	Review looking to be completed within the next couple of months and then will be brought to scrutiny	
	<b>Members Questions</b> Cllr Spink asked for a written response to be provided prior to Cabinet on what the SPD does to make affordable housing affordable by residents on or below the average island wage.	Cabinet Member for Planning, Coastal Protection and Flooding	A response has been provided and circulated to the committee. Further questions have been asked and awaiting a response.	
<b>Actions Completed (Since Last Meeting)</b>				

7 November 2023	<b>Members Questions</b> Cllr Michael Lilley submitted written questions in relation to flooding. The Leader provided a verbal response and confirmed that a full written response would be provided.	Leader (with responsibility Transport and Infrastructure, Highways PFI and Transport Strategy, Strategic Oversight and External Partnerships)	A full written response was provided	Nov-23
	<b>Budget Assumptions</b> A question was raised regarding the incinerator at the Forest Road plant, it was advised a written response would be provided.	Cabinet Member for Climate Change, Biosphere and Waste	A response has been provided and circulated to the committee.	Nov-23
	<b>Perpetrator Programme</b> A question was raised regarding what the police service were doing internally to train officers responding to instances of domestic abuse, it was advised that a written response would be provided.	Director of Public Health	A response has been provided and circulated to the committee.	Nov-23
	<b>QPMR Q2</b> Questions were raised regarding an increase in the number of fly-tipping incidents against a reduction in the number of investigations, and how the data was clean if it was including incidents where waste was put out on the wrong day for collection. It was advised by the Strategic Director for Community Services that further clarification would be sought.	Cabinet Member for Climate Change, Biosphere and Waste	A response has been provided and circulated to the committee.	Nov-23
	<b>QPMR Q2</b> Questions were raised regarding the drop in proportion of young people recorded in employment, education, or training and the rise in the proportion of young people recorded as not in employment, education, or training, and what was being done to address this. It was agreed that written response would be provided.	Cabinet Member for Children's Services, Education and Corporate Functions	A response has been provided and circulated to the committee.	Nov-23

<b>QPMR Q3</b> Questions were raised regarding the additional CCTV network coverage in place over the summer period, and whether there had been any evidence of successful outcomes from this. It was agreed that written response would be provided.	Cabinet Member for Regulatory Services, Community Protection and ICT	A response has been provided and circulated to the committee.	Nov-23
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## Isle of Wight Council Forward Plan - January 24 - May 24

The Forward Plan is a list of all Key Decisions that are due to be considered no earlier than 28 clear working days from the date of this notice by the appropriate Decision Making Body or individual including those deemed to be key decisions.

A list of all Council Members can be found on the Council's web site from this link

The Leader of the Council (also responsible for Transport and Infrastructure, Highways PFI and Transport Strategy, Strategic Oversight and External Partnerships) is Cllr Phil Jordan.

Other members of the Cabinet are:

Deputy Leader and Cabinet Member for Housing and Finance - Cllr Ian Stephens

Cabinet Member for Adult Social Care and Public Health – Cllr Debbie Andre

Cabinet Member for Children's Services, Education and Corporate Functions – Cllr Jonathan Bacon

Cabinet Member for Economy, Regeneration, Culture and Leisure - Cllr Julie Jones-Evans

Cabinet Member for Planning, Coastal Protection and Flooding - Cllr Paul Fuller

Cabinet Member for Climate Change, Biosphere and Waste- Cllr Lora Peacey-Wilcox

Cabinet Member for Regulatory Services, Community Protection and ICT – Cllr Karen Lucioni

\* Any items highlighted in yellow are changes or additions to the previous Forward Plan

\* Any decisions that are intended to be made in private with the exclusion of press and public, where for example personal or commercially sensitive information is to be considered, in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012, will require the publication of specific notices, including the reason(s) for the meeting to be held in private.

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<b>125 Year Lease of Rew Valley Sports Centre and playing fields, Ventnor to The Island Free School</b>	Deputy Leader Cabinet Member for Housing and Finance	Not before 19th Oct 2023	Signed delegation by the Leader		Open
Rew Valley Sports Centre – grant of a new lease to the Island Free School	Councillor Ian Stephens Date 1 <sup>st</sup> added: 5 September 2023				

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Fees and Charges – Inflationary rise Garden Waste subscriptions</b></p> <p>Inflationary costs mean that the service is more expensive to operate. Therefore the service price is being increased by 6.25% to ensure sufficient costs are recovered to pay the service provider.</p> <p>The process for approving fees and charges is set out in the Financial Regs and therefore is part of the Constitution (as the constitution says financial decisions must be taken with reference to the Financial Regs). The Financial Regs say:</p> <p>7.1.2 All fees and charges levied by the council, and concessions available will undergo a robust annual review as part of the budget setting process. As a result, the annual review process must be completed in time to influence the annual budget process and will be led by the relevant chief officer (responsible for the service area) for the council. As a general principle, the annual review of fees and charges will seek to ensure that charges increase at least in line with inflation.</p> <p>7.1.3 In addition to the above, between reviews, the chief officers for the council will have the authority to adjust fees and charges where this is considered necessary to reflect changing circumstances</p>	<p>Strategic Director Community Services</p> <p>Date 1<sup>st</sup> added: 6 December 2023</p>	<p>22 Dec 2023</p>	<p>Leader's Signed Authority Regulation 10 General Exception Notice Report</p>		<p>Open</p>

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Cyber Security Strategy 2023-2030</b></p> <p>The UK 'Government Cyber Security Strategy 2022 – 2030' was published last year. It also places a requirement for “all government organisations across the whole public sector being resilient to known vulnerabilities and attack methods no later than 2030”. It provided five advisable dimensions for consideration with regards to a public bodies' cyber resilience. The IWC Cyber Security Strategy 2023-2030 will map out the dimensions providing the Isle of Wight councils' approach to each of these and meeting our responsibilities for resilience to cyber attack.</p>	<p>Cabinet Member for Regulatory Services, Community Protection and ICT</p> <p>Councillor Karen Lucioni Date 1<sup>st</sup> added: 4 October 2023</p>	<p>21 Dec 2023</p>	<p>Leader's Signed Authority Upcoming decision notice Report Strategy</p>	<p>Internal Council Services</p>	<p>Open</p>

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Food Hygiene Inspection Programme</b></p> <p>This is required to confirm and agree the position in relation to the food hygiene inspection programme currently for the planned out turn of 2023/24 with the capacity of the team and advises that capacity will be considered at longer term increase in capacity for this area of work.</p> <p>This is written in response to the internal audit outcomes and required actions.</p> <p>To ensure that there is a governance processes so that the Cabinet have sufficient oversight of the risks regarding service delivery planning and delivery against the Food Standards Agency's requirements.</p>	<p>Cabinet Member for Regulatory Services, Community Protection and ICT</p> <p>Councillor Karen Lucioni Date 1<sup>st</sup> added: 6 December 2023</p>	<p>3 Jan 2024</p>			<p>Open</p>

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Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>To Increase Parking Tariffs and Permit Prices and Changes to Parking Provision at Union St, Newport</b></p> <p>To consider a range of parking charge increases</p>	<p>Strategic Director Community Services</p> <p>Councillor Phil Jordan Date 1<sup>st</sup> added: 6 December 2023</p>	<p>11 Jan 2024</p>	<p>Leader's Signed Authority</p>	<p>Price increase can be undertaken via a Notice of Variation which does not require formal consultation.</p> <p>The introduction of a new chargeable area will require a new Parking Places Order which will require public consultation with stakeholders as listed above.</p>	<p>Open</p>
<p><b>Island Planning Strategy</b></p> <p>As the Draft IPS was not agreed on 5 October, Full Council is to specify its objections and to formally refer the matter back to the Cabinet.</p>	<p>Cabinet</p> <p>Full Council</p> <p>Cabinet Member for Planning, Coastal Protection and Flooding Date 1<sup>st</sup> added: 17 March 2022</p>	<p>11 Jan 2024</p>	<p>17 Jan 2024</p>	<p>Internal and External Full public consultation</p>	<p>Open</p>

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>School Funding Formula &amp; Budget Setting 2024/25</b></p> <p>Following the Department for Education (DfE) Dedicated Schools Grant (DSG) release in December, this report sets the local school funding formula and associated wider DSG budget for 2024/25</p>	<p>Cabinet</p> <p>Cabinet Member for Children's Services, Education and Corporate Functions Date 1<sup>st</sup> added: 4 October 2023</p>	<p>11 Jan 2024</p>		<p>All schools consultation during the Autumn, and specific consultation with Schools Forum</p>	<p>Open</p>
<p><b>District 2 TRO Review - Newport and Carisbrooke</b></p> <p>TRO Proposals and public feedback</p>	<p>Cabinet</p> <p>Leader (with responsibility Transport and Infrastructure, Highways PFI and Transport Strategy, Strategic Oversight and External Partnerships) Date 1<sup>st</sup> added: 7 November 2023</p>	<p>11 Jan 2024</p>		<p>Parish and Community Councils Ward Councillors Public</p>	<p>Open</p>

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Review of Independent Island Living Strategy</b></p> <p>The current Independent Island Living Strategy was adopted in 2017 and is now out of date. The reviewed strategy is produced following a consultation and reflects our current needs for extra care housing. We are seeing approval for this reviewed strategy to be implemented and published.</p>	<p>Cabinet</p> <p>Cabinet Member for Adult Social Care and Public Health</p> <p>Date 1<sup>st</sup> added: 7 November 2023</p>	<p>11 Jan 2024</p>		<ol style="list-style-type: none"> <li>1. Public – Survey to all Island residents aged 50 and over. The survey was promoted by a media campaign and was available online and on paper.</li> <li>2. Service users - Workshops with residents living in the existing independent island living communities of Ryde Village and Green Meadows in Freshwater.</li> <li>3. Internal Council services - Survey to Council’s adult social care and housing needs professionals who have been supporting people who live/lived in Ryde Village or Green Meadows.</li> <li>4. Other stakeholders – Survey to developers of extra care housing.</li> </ol>	<p>Open</p>

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Discretionary Rate Relief Policy</b></p> <p>New legislation enables local authorities to backdate discretionary rate relief where appropriate. The ability to backdate will need to be updated within the policy and then it will be local discretionary decision as to how far the relief can be backdated.</p> <p>The decision to be made is to whether to adopt this ability to backdate within the policy.</p>	<p>Cabinet</p> <p>Full Council</p> <p>Deputy Leader Cabinet Member for Housing and Finance</p> <p>Date 1<sup>st</sup> added: 6 December 2023</p>	<p>11 Jan 2024</p> <p>28 Feb 2024</p>		<p>No consultation required as this relates to legislative changes.</p>	<p>Open</p>



Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Local Council Tax Support</b></p> <p>Every year local authorities are required to undertake a review of their scheme to ensure it still meets local needs as well as financial impacts. Any potential changes require full consultation with residents and the final decision made at Full Council for implementation on the 1 April every year for the statutory provisions to be undertaken.</p>	<p>Full Council</p> <p>Cabinet Member for Finance, Climate Change and Biosphere (archived 9/10/23), Deputy Leader Cabinet Member for Housing and Finance Date 1<sup>st</sup> added: 5 July 2023</p>	<p>17 Jan 2024</p>		<p>Consultation to be undertaken if decision is made to make changes to the scheme for 8 weeks. Each claimant will be written to advising them of the changes, advice sent through the anti-poverty meetings, online survey via questionnaire explaining the proposals and likely impact – paper survey on request, People Matter consulted, Age Friendly Group provided with details, letter to the Parish Councils, Letter sent to the police commissioner and fire authority. www.iwight.com Press releases. Face to face communication at customer service points. The council's Facebook and Twitter sites (weekly promotions). Information on the front page of iwight.com</p>	<p>Open</p>

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Review of Polling Places and Districts</b></p> <p>Review of Polling Places and Districts</p>	<p>Full Council</p> <p>Cabinet Member for Children's Services, Education and Corporate Functions</p> <p>Date 1<sup>st</sup> added: 5 September 2023</p>	<p>17 Jan 2024</p>		<p>Direct contact with Elected Members, previous Independent Candidates, Local Political Parties, Parish &amp; Town Councils and those with a speciality in access for persons with a disability.</p> <p>Members of the public via Press release, etc.</p>	<p>Open</p>
<p><b>Approval of the Statement of Licensing Policy January 2024 - January 2029</b></p> <p>To approve the Statement of Licensing Policy for the next five years.</p>	<p>Full Council</p> <p>Cabinet Member for Regulatory Services, Community Protection and ICT</p> <p>Date 1<sup>st</sup> added: 4 October 2023</p>	<p>17 Jan 2024</p>		<p>Public Consultation</p>	<p>Open</p>
<p><b>Pay Policy</b></p>	<p>Full Council</p> <p>Deputy Leader Cabinet Member for Housing and Finance</p> <p>Date 1<sup>st</sup> added: 4 October 2023</p>	<p>17 Jan 2024</p>			<p>Open</p>

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<b>Future Governance Report</b>	Full Council	17 Jan 2024		Internal	Open
To consider moving to a Committee system for Council decision-making from May 2024	Full Council	17 Jan 2024		External Public	
<b>Acquisition of land at Pyle Street, Newport</b>	Date 1 <sup>st</sup> added: 7 November 2023	19 Jan 2024			Part exempt The report will detail the terms of a property deal that will have not been completed. As such, it would not be appropriate for some of the detail to be in the public domain before the purchase is completed.
Purchase of land at Pyle Street, Newport	Deputy Leader Cabinet Member for Housing and Finance				
<b>The adoption of the Newport Harbour Masterplan Supplementary Planning Document</b>	Cabinet	8 Feb 2024			Open
Whether to adopt the draft Newport Harbour Masterplan as a supplementary planning document	Cabinet Member for Planning, Coastal Protection and Flooding				
Date 1 <sup>st</sup> added: 7 September 2022					

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Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<b>Determination of School Admission Arrangements for 2025/26</b>	Cabinet Cabinet Member for Children's Services, Education and Corporate Functions Date 1 <sup>st</sup> added: 5 July 2023	8 Feb 2024			Open
To determine the Isle of Wight Council's school admissions arrangements for 2025/2026.					
<b>Budget and Council Tax Setting 2024-2025 and Future Years' Forecasts</b>	Cabinet Full Council Deputy Leader Cabinet Member for Housing and Finance Date 1 <sup>st</sup> added: 4 October 2023	8 Feb 2024			Open
Budget and Council Tax setting		28 Feb 2024			
<b>QPMR Q3 - 2023/24</b>	Cabinet Deputy Leader Cabinet Member for Housing and Finance Date 1 <sup>st</sup> added: 13 October 2023	8 Feb 2024			Open
To provide a summary of progress against Corporate Plan activities and measures for the period October 2023 to December 2023. To inform Cabinet of areas of particular success, issues requiring attention and remedial activity in place to deal with these. To provide a report on the financial position of the council for the same period					

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Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>District 4 TRO review - Alverstone, Arreton, Lake, Newchurch, Sandown and Shanklin</b></p> <p>TRO proposals and public feedback</p>	<p>Cabinet</p> <p>Leader (with responsibility Transport and Infrastructure, Highways PFI and Transport Strategy, Strategic Oversight and External Partnerships)</p> <p>Date 1<sup>st</sup> added: 7 November 2023</p>	<p>8 Feb 2024</p>		<p>Town and Parish Councils Ward Councillors Public</p>	<p>Open</p>
<p><b>LEP Integration of functions into Upper Tier Local Authorities</b></p> <p>New arrangements following the government arrangements on changes to LEP functions</p>	<p>Cabinet</p> <p>Cabinet Member for Economy, Regeneration, Culture and Leisure</p> <p>Date 1<sup>st</sup> added: 6 December 2023</p>	<p>8 Feb 2024</p>		<p>Upper Tier local authorities DHLUC Solent Partners</p>	<p>Open</p>

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Adoption of three LCWIPs (East Cowes &amp; Whippingham; Cowes, Gurnard &amp; Northwood; Brading, Bembridge &amp; St Helens) as a Supplementary Planning Documents (SPD)</b></p> <p>Following a period of public consultation, Cabinet to be asked to adopt three separate Local Cycling and Walking Infrastructure Plans (LCWIP) for East Cowes &amp; Whippingham; Cowes, Gurnard &amp; Northwood; and Brading, Bembridge &amp; St Helens as Supplementary Planning Documents (SPD) that post adoption can be used as a material consideration in planning decisions.</p>	<p>Cabinet</p> <p>Cabinet Member for Economy, Regeneration, Culture and Leisure Date 1<sup>st</sup> added: 1 March 2023</p>	<p>14 Mar 2024</p>		<p>Prior to the cabinet decision, a formal 6 week public consultation in the LCWIPs will have taken place in line with Planning legislation for the adoption of SPDs, including consultation with a number of statutory consultees</p>	<p>Open</p>
<p><b>Determine School Academic Year/Term Dates for 2025/2026</b></p> <p>To seek approval from the Cabinet on the determination of the pattern of school term and holiday dates for the school year 2025/2026.</p>	<p>Cabinet</p> <p>Cabinet Member for Children's Services, Education and Corporate Functions Date 1<sup>st</sup> added: 5 July 2023</p>	<p>14 Mar 2024</p>			<p>Open</p>

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Director of Public Health Annual Report - Childhood Obesity - Call to Action</b></p> <p>To note the Annual Report of the Director of Public Health 2023/24 and to endorse any recommendations with the report.</p>	<p>Cabinet</p> <p>Cabinet Member for Adult Social Care and Public Health</p> <p>Date 1<sup>st</sup> added: 5 September 2023</p>	<p>14 Mar 2024</p>		<p>N/A</p>	<p>Open</p>
<p><b>District 6 TRO Review - Brighstone, Freshwater, Rookley, Shalfleet, Shorwell, Totland and Yarmouth</b></p> <p>TRO proposals and public feedback</p>	<p>Cabinet</p> <p>Leader (with responsibility Transport and Infrastructure, Highways PFI and Transport Strategy, Strategic Oversight and External Partnerships)</p> <p>Date 1<sup>st</sup> added: 7 November 2023</p>	<p>14 Mar 2024</p>		<p>Town and Parish Councils Ward Councillors Public</p>	<p>Open</p>
<p><b>Childcare Sufficiency Assessment 2024-25</b></p> <p>The purpose of the report is to provide an overview of Early Years childcare sufficiency on the Isle of Wight. The LA has a statutory duty to ensure there are sufficient Early Years childcare places that are accessible to parents. This duty is presented through this report to elected council members and is made available to parents.</p>	<p>Cabinet</p> <p>Cabinet Member for Children's Services, Education and Corporate Functions</p> <p>Date 1<sup>st</sup> added: 6 December 2023</p>	<p>14 Mar 2024</p>			<p>Open</p>

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Concessionary Travel Reimbursement 2024-25</b></p> <p>The report will set out the concessionary travel arrangements on local bus services for year 2024/25, the recommended rate per concessionary journey and the associated implications.</p>	<p>Cabinet</p> <p>Leader (with responsibility Transport and Infrastructure, Highways PFI and Transport Strategy, Strategic Oversight and External Partnerships)</p> <p>Date 1<sup>st</sup> added: 6 December 2023</p>	<p>14 Mar 2024</p>		<p>Negotiations with local bus operator/s via a commissioned consultant.</p>	<p>Part exempt</p> <p>The appended technical report from the commissioned consultant outlining the concessionary travel negotiations, calculations and recommended rate, will be exempt as it will contain financial information which is commercially sensitive to the local bus operator.</p>
<p><b>Post 16 Transport Policy Statement 2024</b></p> <p>To seek Cabinet approval for the Post 16 Transport Policy Statement which applies to the 2024 academic year. The Post 16 policy statement must be published annually by 31 May each year.</p>	<p>Cabinet</p> <p>Cabinet Member for Children's Services, Education and Corporate Functions</p> <p>Date 1<sup>st</sup> added: 5 July 2023</p>	<p>9 May 2024</p>			<p>Open</p>



Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Better Care Fund (BCF) 2023 – 2025 Midway Update</b></p> <p>The Better Care Fund (BCF) programme supports the Isle of Wight Council (IWC) and Integrated Care Board (ICB) to successfully deliver integrated working that best supports Island residents. The requirements of the BCF are set by NHS England (NHSE), including details on financial and contractual arrangements. The BCF has historically been a 1 year plan but the DHSC changed the BCF to a 2 year plan for 2023 to 2025. The Cabinet is asked to note the 2023/25 BCF midway Update</p>	<p>Cabinet</p> <p>Cabinet Member for Adult Social Care and Public Health</p> <p>Date 1<sup>st</sup> added: 13 October 2023</p>	<p>9 May 2024</p>			<p>Open</p>

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## Corporate Scrutiny Committee - Workplan 2022-25

The committee is responsible for Scrutiny functions in respect of decisions and activities within the remit of the council, the Cabinet, Cabinet members, officers, and any functions not otherwise expressly delegated to another Scrutiny committee

Date	Agenda Items	Description & Background	Lead Officer/Cabinet Member
9 January 2024	<b>Draft budget proposals 2024-25</b>	To discuss what is known so far and review the planned approach to the 2024-25 budget.	Leader / Cabinet Members / Section 151 Officer
	<b>Pre Decision Scrutiny - Future Governance</b>	To consider a report from the Future Governance Working Group regarding the potential for the Isle of Wight Council to move to a Committee system of governance.	
	<b>Flood Response</b>	To consider evidence of joined up working and hear proposals to ensure genuine improvements are made for the future.	Cabinet Member for Regulatory Services, Community Protection, and ICT Cabinet Member for Planning, Coastal Protection and Flooding
	<b>Confidentiality</b>	To consider a report on confidentiality in terms of the councils decision making process and the council's protective marking policy.	Chief Executive
6 February 2024	<b>Budget proposals for 2024-25</b>	To comment on the draft budget proposals ahead of Full Council	Leader / Cabinet Members / Section 151 Officer
	<b>Pre Decision Scrutiny - The adoption of the Newport Harbour Masterplan Supplementary Planning Document</b>	To consider the draft Newport Harbour Masterplan as a supplementary planning document prior to decision at Cabinet	Cabinet Member for Economy, Regeneration, Culture and Leisure

	<b>IW Community Safety Partnership Annual Report 2022-23</b>	To consider the annual report of the partnership in accordance with the Committee's statutory function to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.	Cabinet Member for Regulatory Services, Community Protection, and ICT
	<b>Quarterly Performance Monitoring Report Quarter 3 2023-24</b>	To consider the Council's performance measures for Quarter 3 of 2023-24	Cabinet Member for Children's Services, Education and Corporate Functions
<b>12 March 2024</b>	<b>Scrutiny Annual Report</b>	To review the work of Scrutiny and make recommendations for improvements where appropriate.	Chairman of the Corporate Scrutiny Committee / Scrutiny Officer
	<b>Perpetrator Programme</b>	To receive a report on the lines of enquiry agreed by the committee.	Cabinet Member for Regulatory Services, Community Protection, and ICT
	<b>Policy Framework Annual Review</b>	To review the Council's list of policies to ensure that they are being reviewed and refreshed timely and effectively.	Cabinet Member for Children's Services, Education and Corporate Functions
	<b>Performance Management Framework</b>	To monitor the progress made following a refresh of the framework	Cabinet Member for Children's Services, Education and Corporate Functions
<b>7 May 2024</b>			
<b>June 2024</b>	<b>Quarterly Performance Monitoring Report Quarter 4 2023-24</b>	To consider the Council's performance measures for Quarter 4 of 2023-24	Cabinet Member for Children's Services, Education and Corporate Functions
<b>July 2024</b>			
<b>September 2024</b>	<b>Corporate Complaints Annual Report 2023-24</b>	To consider the annual complaints report to ensure that this is helping to drive service improvement through lessons learnt.	Cabinet Member for Children's Services, Education and Corporate Functions
<b>October 2024</b>			

<b>November 2024</b>	<b>IW Community Safety Partnership Annual Report 2023-24</b>	To consider the annual report of the partnership in accordance with the Committee's statutory function to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.	Cabinet Member for Regulatory Services, Community Protection, and ICT
	<b>Budget Assumptions</b>	To review the budget assumptions that were predicted in the 2024/25 budget setting process against what they are currently.	Deputy Leader Cabinet Member for Housing and Finance
<b>January 2025</b>	<b>Draft budget proposals 2025-26</b>	To comment on outline budget proposals.	Leader / Cabinet Members / Section 151 Officer
<b>February 2025</b>	<b>Draft budget proposals 2025-26</b>	To comment on draft budget proposals	Leader / Cabinet Members / Section 151 Officer
<b>March 2025</b>	<b>Scrutiny Annual Report</b>	To review the work of Scrutiny and make recommendations for improvements where appropriate.	Chairman of the Corporate Scrutiny Committee / Scrutiny Officer
	<b>Policy Framework Annual Review</b>	To review the Council's list of policies to ensure that they are being reviewed and refreshed timely and effectively.	Cabinet Member for Children's Services, Education and Corporate Functions

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## Agenda Item Introduction

Committee	<b>CORPORATE SCRUTINY COMMITTEE</b>
Date	<b>9 JANUARY 2024</b>
Topic	<b>BUDGET PROPOSALS 2024-25</b>

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### 1. Background

- 1.1 Having a sound budget is essential to ensure effective financial control and the preparation of the annual budget is a key activity. The central financial issue at many councils is that there are limits and constraints on most of the sources of funding open to local councils. This makes finance the key constraint on the Isle of Wight Council's ability to provide more and better services to the community.
- 1.2 Scrutiny is one of the few ways that councils can assure themselves that their budget is robust and sustainable, and that it considers the needs of residents. Scrutiny can provide an independent perspective, drawing directly on the insights of local people, and can challenge assumptions and preconceptions. It can also provide a mechanism to ensure understanding of the tough choices that the Isle of Wight Council is having to make.
- 1.3 The committee is to hear and discuss what is known so far from the Section 151 Officer and review the planned approach to the 2024-25 budget.

### 2. Focus for Scrutiny

- 2.1 To consider financial assumptions, examine risks, clarify impacts of budget reductions and challenge priorities.
- 2.2 To consider whether Cabinet has an effective plan for the implementation of a reduced budget for the next financial year and any steps that the council is taking to respond to the financial situation over the next 12 to 18 months.

### 3. Approach

- 3.1 To receive a verbal presentation from the Section 151 Officer.

Contact Point: Melanie White, Statutory Scrutiny Officer,  
(01983) 821000 ext 8876, e-mail [melanie.white@iow.gov.uk](mailto:melanie.white@iow.gov.uk)

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## Agenda Item Introduction

Committee	<b>CORPORATE SCRUTINY COMMITTEE</b>
Date	<b>9 JANUARY 2024</b>
Topic	<b>PRE-DECISION SCRUTINY – FUTURE GOVERNANCE</b>

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### 1. Background

- 1.1 At Full Council in May 2023 Cllr Geoff Brodie put forward a motion that 'Full Council agrees to establish a politically proportionate 'Future Governance Working Group' to make recommendations to Full Council January 2024 regarding moving to a Committee system of governance (including the future Committee structure, decision-making powers, etc.). The intention being to recommend for approval a formal resolution to that meeting to bring about such a change in governance with effect on and from the Annual Council 2024.'
- 1.2 Full Council in July 2023 agreed to establish a politically proportionate 'Future Governance Working Group' to make recommendations to Full Council in January 2024, via the Audit and Governance Committee, regarding the motion.
- 1.3 The Future Governance Working Group should, amongst other things, consider how other local authorities have made a transition back to the Committee system of governance model and what lessons can be learnt from that experience, and should consider examples of best practice, to inform those recommendations.

### 2. Focus for Scrutiny

- 2.1 The role of the committee is not to act as a 'shadow Cabinet'. Its function is to ensure that the principles of decision making have been complied with:
  - taking into account all relevant considerations and ignoring those which are irrelevant
  - compliance with finance, contract and all other procedure rules
  - due consultation and proper advice is taken, and alternative options considered before decisions are reached
  - impartiality and an absence of bias or pre-determination
  - any interests are properly declared
  - decisions are properly recorded and published
  - decisions are proportionate to the desired outcome

- respect for human rights and equality impacts
- a presumption in favour of transparency and openness
- clarity of aims and desired outcomes
- due consideration of all available options
- reasons are given for decisions

3. Outcome(s)

- 3.1 Does the committee support the proposed recommendations, or wish to report any comment to Cabinet?

4. Approach

- 4.1 To consider a report from the Future Governance Working Group regarding the potential for the Isle of Wight Council to move to a Committee system of governance.

5. Document(s) Attached

- 5.1 Report from the Future Governance Working Group  
5.2 Appendix 1 - Rules requiring review  
5.3 Appendix 2 - Recommended structure notes

Contact Point: Melanie White, Statutory Scrutiny Officer,  
(01983) 821000 ext 8876, e-mail [melanie.white@iow.gov.uk](mailto:melanie.white@iow.gov.uk)



# Committee Report

## ISLE OF WIGHT COUNCIL

Meeting	<b>AUDIT AND GOVERNANCE COMMITTEE</b>
Date	<b>11 DECEMBER 2023</b>
Title	<b>A CHANGED DECISION-MAKING STRUCTURE FOR A CHANGING CULTURE</b>
Report of	<b>CLLR GEOFF BRODIE, ON BEHALF OF THE FUTURE GOVERNANCE WORKING GROUP</b>

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## INTRODUCTION

1. With a second 'no overall control' administration after the last three IW Council elections, it was becoming clear to some that one-party/group Cabinet decision-making does not reflect the wishes of the Island electorate who appear to want councillors to work together. Many councillors are of the view that this will be the position at future elections, at least in the short to medium term.
2. The current administration's Cabinet consists of 8 councillors from a 'ruling group' of 13, from a 39-member Council, propped up by just about enough members of other groups (and none) to hold the leadership when it matters.
3. This is hardly democratic or stable. It leads to significant cultural difficulties with more than half the Council excluded from the decision-making of the Council; something that could be avoided with a politically-proportionate Committee system.
4. To address this, at the July 2023 Full Council a Motion proposed by Cllr Geoff Brodie for the IW Council to consider moving to a Committee system of decision-making at its January 2024 meeting was agreed unanimously.
5. Consequently and in accordance with the agreed Motion a politically-proportionate working group was established which met fortnightly during September and October. The group consisted of 4 Conservatives, 3 Alliance (including 2 Independents and 1 Green), 1 Liberal Democrat, 1 Empowering Islander and 1 unaligned.

6. At its first meeting Cllr Brodie was elected as the group chair and its mandate from Full Council was agreed in summary as:
  - Make recommendations to Full Council (Jan 2024) regarding moving to a Committee system, including structure, decision-making powers, etc.
  - The intention being to recommend a Committee system for approval and to bring about change on and from 2024 Annual Council.
  - Consider how other Local Authorities have done this and what lessons were learnt.
  - Consider examples of best practice.
7. It was also agreed between Cllr Brodie and the Chair of the Audit & Governance Committee, Cllr Andrew Garratt that a Report from the Group should be submitted to his December Committee meeting for information only and then referred to January Full Council.

## **METHODOLOGY**

8. At the first working group meeting the following study groups were established with a brief to feedback to the wider group regularly and definitively by the end of October. The study groups of 2/3 cross-party members looked at:
  - Changes to a Committee system elsewhere
  - Views of our senior officers/colleagues and elsewhere
  - Possible structures of a Committee system
  - Cabinet-based alternatives to Committees
9. We also had a media release inviting comments from Islanders, with encouragement to participate from Cllrs Brodie and Garratt.

## **FEEDBACK & CONSIDERATION**

10. The study groups reported back to the parent group throughout September and October. This helped inform members in reaching their decision.
11. For example, everyone on the working group had the opportunity to research examples of changes – and decisions not to change - elsewhere. The Chief Executive offered some valuable input via Cllr Quirk, who also spoke to retired officers elsewhere. Cllr Lucioni provided feedback from some of our own officers and from the LGA. Cllrs Garratt and Churchman provided the framework for the recommended future structure of our Council. Cabinet-based alternatives were looked at but did not command majority support.

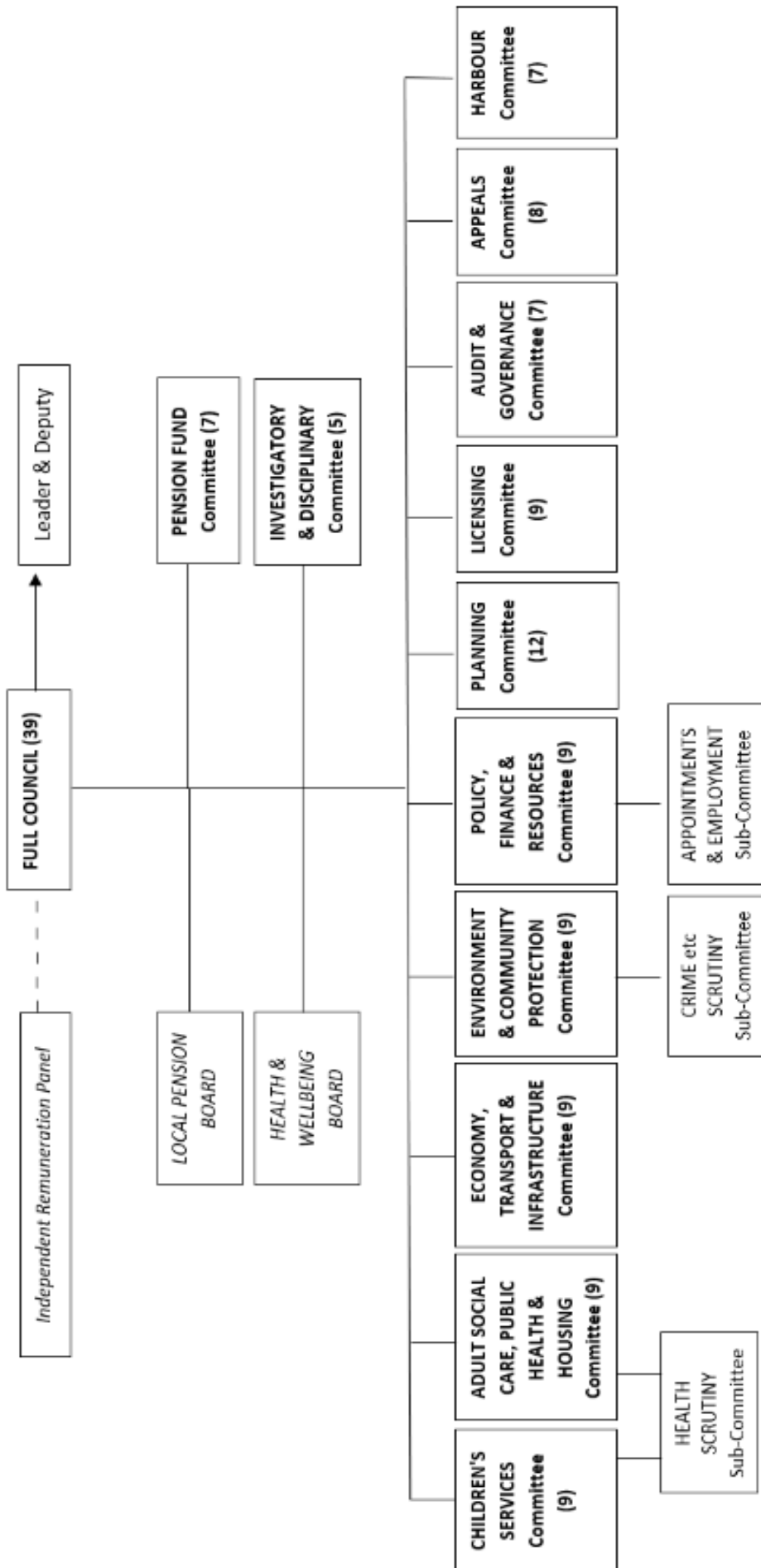
12. There was also some very limited feedback from islanders, which was almost entirely in support of change to a Committee system.

## **GROUP DECISION**

13. After due consideration of the pros and cons of change, at a meeting in late October the group agreed unanimously (with one abstention) the following should inform the composition of this Report: *That the working party will recommend a move to a Committee system in principle from May 2024*
14. Cllr Brodie then drafted this Report, which was presented to group members for comment, criticism and editing in mid-November and then agreed at its final group meeting on 27 November.

## **RECOMMENDATIONS TO JANUARY 2024 FULL COUNCIL**

15. That the Isle of Wight Council will move to a politically-proportionate Committee-system from its annual meeting on 15th May 2024.
16. That the existing politically-proportionate Future Governance Working Group should now work with the Monitoring Officer and other relevant senior officers to agree proposals for constitutional change to enable this transition. There should be a progress report to March 2024 Full Council.
17. Rule changes that need to be addressed are listed at Appendix 1.
18. That the preferred Committee-system structure should match or bear a close relationship to the following:



## **THANKS**

19. My thanks to all the members of the working group. In particular Cllr Bacon and Cllr Quirk who were able to attend all the sessions and always posed important challenge. The others – Cllrs Churchman, Ellis, Garratt, Jarman, Lever, Lucioni, Mosdell and Ward – all made a valuable contribution. The Monitoring Officer, Mr Chris Potter also provided helpful information at the start of the process.
20. Also our thanks to all colleagues, staff (both internal and external) and members of the public who offered us their views and suggestions. Our public consultation did not set the Island on fire, but this consideration is by its very nature quite arcane.

## **APPENDICES**

21. Appendix 1 - Rules requiring review
22. Appendix 2 - Recommended structure notes

**Cllr Geoff Brodie, on behalf of the Future Governance Working Group**

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## **APPENDIX 1 - RULES REQUIRING REVIEW**

*(not exhaustive)*

- Election of Leader and Deputy by Full Council
- Election of Service Committee Chairs and Vice Chairs by Full Council
- Responsibility for Executive decisions
- Urgent decisions
- Terms of reference for service committees etc
- Meetings – frequency and time length
- Quorums
- Membership of HWB and other Boards etc
- Membership of Policy, Finance & Resources Committee
- Local Choice decisions
- Functions of Service Committee Chairs
- Review Procedural Rules for Full Council and Service Committees
- Communications Protocol

**Also** – there will need to be a review of Special Responsibilities Allowances by the Independent Remuneration Panel

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## APPENDIX 2 – Notes re. recommended structure

### Service Committees

**Five** service committees are proposed as set out below with indicative responsibilities (not exhaustively listed).

Specific functions could be delivered through sub-committees, which could be constitutionally specified. Some services could also be delivered through two committees working jointly.

#### 1) *Children's Services*

- services for children and young people that provide for their care, well-being, education and health
- functions relating to children in need and child protection
- functions and powers relating to the provision of education, including Special Educational Needs and Disabilities
- supporting schools in raising educational attainment
- overseeing the council's role as a corporate parent
- domestic violence support jointly with Adult Social Care and Well-being

#### 2) *Adult Social Care, Public Health & Housing*

- adult social care services
- adult safeguarding, and adult mental and physical health
- supporting people with learning disabilities
- domestic violence support jointly with Children's Committee
- overseeing the delivery of public health functions not otherwise delegated to another committee
- housing management and delivery including homelessness prevention and housing acquisition

#### 3) *Economy, Transport & Infrastructure*

- economic development across all sectors and for rural and urban areas
- regeneration of unused and under-used assets that sustainably grows and extends the Island economy, in line with the council's housing priorities and cultural aspirations
- workforce skills development and training
- supporting development and growth of newly established businesses
- strategic planning
- highway authority and highways PFI
- rights of way

#### 4) *Environment & Community Protection*

- matters relating to the Isle of Wight as a UNESCO Biosphere, to climate change and sustainability
- waste management and recycling
- coastal protection and flood protection
- leisure, library and cultural services
- public spaces including parks, beaches and rights of way
- community resilience and cohesion

#### 5) *Policy, Finance and Resources*

- providing strategic policy direction through a Corporate Plan developed by it for recommendation to Full Council for adoption, and thereafter monitor performance against key indicators
- to coordinate development of an annual Budget (and medium term financial plan) which it then recommends to Full Council, and thereafter monitor financial performance
- oversight of employment matters, where appropriate
- determine policy on any matter not otherwise delegated to another committee, referred to it by any other committee, or where other committees are not in agreement
- committee to be chaired by Leader with Deputy as Vice Chair. The other 4 service committee chairs to be members, subject to political proportionality.

#### **Scrutiny**

Sections 9JA and 9JB of the Local Government Act 2000 (as amended) relate to overview and scrutiny arrangements under a committee system local authority.

A scrutiny sub-committee will be necessary for scrutiny relating to crime and disorder (section 19 of the Police and Justice Act 2006), health (section 244 of the National Health Service Act 2006), flooding (section 9JB of the Local Government Act 2000).

#### **Remaining committees and boards**

The remaining committees and boards would be:

- Appeals Committee, including sub-committee arrangements
- Appointments and Employment – as a sub-committee of Policy, Finance & Resources Committee
- Audit and Governance Committee
- Harbour Committee
- Investigatory and Disciplinary Committee
- Isle of Wight Pension Fund Committee
- Licensing Committee, including sub-committee arrangements
- Planning Committee
- Health and Wellbeing Board – membership to be constitutionally prescribed, as now
- Local Pension Board

In total we are proposing 100 full Committee places. There are currently 95.

## Agenda Item Introduction

Committee **CORPORATE SCRUTINY COMMITTEE**

Date **9 JANUARY 2024**

Topic **FLOOD RESPONSE**

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### 1. Background

- 1.1 Following on from an informal meeting that took place on 12 December 2023 where representatives attended from the Isle of Wight Council, Island Roads, Environment Agency, and Southern Water the committee are to review and understand the response to the recent flooding that has taken place on the Island.
- 1.2 The committee will consider evidence of joined up working and hear proposals to ensure genuine improvements are made for the future.

### 2. Focus for Scrutiny

- 2.1 What is the role of the Lead Local Flood Authority and what projects/schemes are being worked towards?
- 2.2 What is the role that councillors, local communities and individuals can play in flood prevention and flood risk management?
- 2.3 How can the committee assist in communicating out to the wider public to support in combatting future flooding?
- 2.4 What actions are being taken to bolster relationships amongst the different agencies and organisations with a joint approach to flood prevention and flood risk management?

### 3. Approach

- 3.1 The committee to receive a presentation from the Lead Local Flood Authority.

### 4. Document(s) Attached

- 4.1 Appendix 1 - Flooding Presentation

Contact Point: Melanie White, Statutory Scrutiny Officer,  
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Isle of Wight  
Council

# Corporate Scrutiny

Flooding – 9 January 2024

# Key questions

**Q1:** How is the IWC, in its role as LLFA, responding to the flood events of late October / early November 2023?

**Q2:** When is the Isle of Wight Local Flood Risk Management Strategy going to be reviewed and updated?

**Q3:** How are the Isle of Wight Council, Southern Water, Island Roads and the Environment Agency working together to address flooding on the Isle of Wight?



# Topics to cover

1. Recap - the role of the Isle of Wight Council as LLFA
2. Resourcing of the LLFA
3. LLFA work programme
4. Joint working with other organisations
5. Questions / contacts / information

# 1. Recap – the role of the IWC as LLFA

- The Isle of Wight Council is the Lead Local Flood Authority (LLFA) for the island – a ‘different hat’ to the IWC as Local Planning Authority (LPA);
- In 2010, a wide range of duties and responsibilities under the Flood and Water Management Act passed from the Environment Agency to IWC as LLFA;
- Key responsibilities include carrying out investigations into serious flooding events, preparing various flood risk documentation, ensuring compliance with the Land Drainage Act and processing Ordinary Watercourse consent applications

## 2. Resourcing of the LLFA

- Responsibilities and duties of the LLFA currently sit within Planning Services;
- Since 2017 and up until October 2022, there was no dedicated LLFA resource within Planning Services to undertake this work;

In October 2022, a Drainage & Flood Risk Management Officer was appointed to help support ongoing LLFA work as well as provide drainage advice on planning applications & enforcement cases and respond to increasing numbers of flooding enquiries

- The number of flood events and flood-related enquiries / cases has increased significantly over the past 2- 3 years – often complex

# 3. LLFA work programme

There are a variety of ongoing LLFA workstreams, including:

- Review and update of the Flood Risk Management Strategy (IWC & JBA consultants) (Q2);
  - *Work commenced late 2022, first draft completed and run past RMAs – next stage public consultation – on hold at present\**
- Preparation of the first IOW 'Asset register' (IWC & JBA consultants);
  - *Work complete and being used to help log / capture flood information as cases responded to*
- Preparation of a SuDS Supplementary Planning Document (SPD) (IWC & JBA consultants);
  - *Draft SPD completed – next stage public consultation – on hold at present\**
- Section 19 investigation follow up work;
  - *Binstead – FCERM / Locally Levy; Bembridge – PFR scheme; Monktonmead - EA*
- Ongoing liaison with landowners over riparian responsibilities under the Land Drainage Act 1991;
- Handling of Ordinary Watercourse Consent (OWC) applications;
- Reacting to flood enquiries and events;
- Update meetings with Town, Parish & Community Councils
- *Running evidence gathering exercise for Oct/Nov 23 flood events prior to any S19 investigations (Q1)*
- *Reviewing Draft FRMS / SuDS SPD after Oct/Nov 23 flood events\* (Q1)*
- *Supporting One Council response on handling of government flood grants after Oct/Nov 23 flood events (Q1)*

**Note: Most of this work is currently undertaken / managed by planning officers**

# 4. Joint working with other organisations

- (Q3) The IWC as LLFA works closely with a number of other 'risk management' authorities including:
  - **Environment Agency** (main rivers, coastal defences)
  - **Southern Water** (storm overflows, combined sewer system, WwTWs)
  - **Island Roads / Highway Authority** (road gullies, highway drainage)
  - **Landowners across the island** (watercourse management)
- Some ongoing multi-agency projects:
  - Storm Overflow Pathfinder Project;
  - Section 19 investigation follow up (e.g. Binstead surface water management project, 5-year PFR scheme);
  - SuDS into public realm improvements;
  - Highway SuDS programme of works

# 5. Questions / contact / more information

- James Brewer, Planning Policy Team Leader: [james.brewer@iow.gov.uk](mailto:james.brewer@iow.gov.uk)
- Neil Youngs, Drainage & Flood Risk Management Officer: [neil.youngs@iow.gov.uk](mailto:neil.youngs@iow.gov.uk)
  
- [Flood risk and investigation \(iow.gov.uk\)](http://iow.gov.uk)
- [Ordinary watercourses and consent \(iow.gov.uk\)](http://iow.gov.uk)
  
- [2821-Flood-Investigation-Protocol-March-2015.pdf \(iow.gov.uk\)](http://iow.gov.uk)
  
- [Pathfinder projects \(southernwater.co.uk\)](http://southernwater.co.uk)
  
- [Statutory Main River Map \(arcgis.com\)](http://arcgis.com)



**Isle of Wight  
Council**

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Purpose: For Information

## Agenda Item Introduction

Committee **CORPORATE SCRUTINY COMMITTEE**

Date **9 JANUARY 2024**

Topic **CONFIDENTIALITY**

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### 1. Background

- 1.1 The committee wish to receive a report on confidentiality in terms of the council's decision-making process, specifically referencing commercial confidentiality when it comes to the disposal of council assets, and to understand in greater detail the process and what information can and can't be disclosed.
- 1.2 To understand how protective marking is used internally in reference to the council's protective marking policy, and the legal context to be explained around sensitive, private, and confidential marking.

### 2. Focus for Scrutiny

- In what circumstances can confidential/part exempt information be shared wider?
- Who determines when and what information is to be treated as confidential/part exempt?
- What is the legal context behind confidentiality and access to information?

### 3. Approach

- 3.1 A committee report to be provided on councillor's access to information.

### 4. Document(s) Attached

- 4.1 Appendix 1 – Access to Information – Rights of Councillors Report

Contact Point: Melanie White, Statutory Scrutiny Officer,  
(01983) 821000 ext 8876, e-mail [melanie.white@iow.gov.uk](mailto:melanie.white@iow.gov.uk)

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# Scrutiny Report

## ISLE OF WIGHT COUNCIL

Meeting	<b>CORPORATE SCRUTINY COMMITTEE</b>
Date	<b>9 JANUARY 2024</b>
Title	<b>ACCESS TO INFORMATION – RIGHTS OF COUNCILLORS</b>
Report of	<b>MONITORING OFFICER</b>

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## Executive Summary

1. The purpose of this report is to explain what legal rights councillors may have in their capacity as councillors to access to information, and if so to what extent and when such information may be requested.
2. In particular, explanation has been requested regarding ‘confidential information’ and ‘exempt information’ held by or on behalf of the Cabinet.

## Recommendation

- |                              |
|------------------------------|
| 3. That the report be noted. |
|------------------------------|

## Background

### *Legal parameters*

4. Although democratically elected to administer its local government area, a local authority is not a sovereign body i.e. it cannot simply do what it wants.
5. The local authority is a separate legal “person” from its councillors. It is a corporate body created by statute - hence the expression of a local authority being ‘a creature of statute’.
6. The basic public administrative law principle is that no local authority can do anything except that which is provided for by law. In other words, in contrast with central government which can do anything which is not prohibited by law, local authorities are dependent upon the existence of laws before they can have authority to act.

7. Therefore, no local authority can, by itself, increase its own statutory authority (no matter how well-intentioned or otherwise) and must act within the legal constraints set i.e. it must act within its powers ('intra vires') and not beyond its powers ('ultra vires').

### *Functions*

8. The activities entrusted to local authorities by Parliament through legislation are described as its "functions".
9. The word "functions" embraces all the 'duties and powers' of a local authority. A duty is something that must be done. A power is something that may, but does not have to, be done.
10. But not all activities are its functions. This follows from the restrictions in remit placed upon local authorities due to being a creature of statute.
11. It is therefore necessary to first identify a statutory function given to the local authority, and only then to ascertain who is to be responsible for exercising that identified statutory function, and to what extent.
12. Whether the identified statutory function is categorised as a power (as distinct from a duty), or is categorised as a duty (as distinct from a power), there are certain general statutory subsidiary powers (see section 111 of the Local Government Act 1972 [Local Government Act 1972 \(legislation.gov.uk\)](https://legislation.gov.uk)).
13. It is crucial not to inflate any such subsidiary power itself into the category of a statutory function. These subsidiary powers are not freestanding functions, and are dependent upon the existence of one or more identified statutory functions.
14. To ascertain whether a particular activity falls within the lawful functions of a local authority, it is therefore first necessary to identify the particular function, and then, to ask whether the activity in question is incidental to it. An activity is not incidental merely because it is convenient or desirable or profitable.
15. But, within certain statutory limitations, the Council has power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its statutory functions.

### *Allocation of functions and responsibilities*

16. Who is responsible for undertaking what functions of the local authority (as well as for exercising any proper subsidiary powers) needs to be established and understood.

### **Access to Information**

17. Because a local authority is a creation of statute, and is separate from its membership, an elected councillor is not the council and therefore no councillor simply due to their status of a councillor can demand access to all information held by the local authority at any time.

18. Functions and responsibilities are allocated by the local authority in accordance with the law.
19. This basic public administrative law point needs to be accepted as it is the starting point to understanding access to information for councillors.
20. To gain access to information there must be established a “need” to know or the existence of statutory rights to access information.

#### *Information*

21. Information includes an expression of opinion, any recommendations and any decision made.

#### *Confidential information*

22. The term “confidential information” is sometimes used widely in its lay meaning.
23. In reality, “confidential information” has been given a statutory definition in legislation which gives it a tighter meaning.
24. For example, under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, regulation 2 defines “confidential information” as
  - (a) information provided to the local authority by a government department on terms (however expressed) which forbid the disclosure of the information to the public; or
  - (b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court,and in either case, a reference to the obligation of confidence is to be construed accordingly.

#### *Exempt information*

25. The term “exempt information” is often informally referred to as confidential information.
26. But the term “exempt information” has a specific statutory meaning given under section 100I of the Local Government Act 1972 [Local Government Act 1972 \(legislation.gov.uk\)](http://legislation.gov.uk) and Schedule 12A to that Act [Local Government Act 1972 \(legislation.gov.uk\)](http://legislation.gov.uk). Please see Part 5 Section 2 (‘Access to Information Rules’) in the Council’s Constitution [PART 5 - Access to Information Rules.pdf \(modern.gov.co.uk\)](http://modern.gov.co.uk).

#### *Common law “need to know”*

27. Councillors are not permitted to simply go on a ‘fishing expedition’ through their local authority’s files. If a councillor’s motive for seeing information is indirect, improper or ulterior this may be raised as a bar.

28. If a councillor is a member of the particular body (such as a committee), they have the right to inspect documents relating to the business of that body (subject to any statutory constraints).
29. If a councillor is not a member of the particular body, the councillor would have to show good cause why sight of them is necessary to perform their duties. This is known as the common law “need to know” test – please see Part 5 Section 1 ‘Protocol for Councillors Rights to Information’ [PART 5 - Protocol for Councillors Rights to Information.pdf \(moderngov.co.uk\)](#)

#### *Statutory rights for councillors to information*

30. The local authority presently operates the Leader and Cabinet Executive model of local authority governance. This means that there is an allocation of functions between ‘council functions’ and ‘executive functions’ see, for example, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended [The Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000 \(legislation.gov.uk\)](#).

#### *Council functions – All councillors - Proactive*

31. In addition to the ordinary qualified rights of access to information enjoyed by the public, all councillors have certain qualified rights under section 100F of the Local Government Act 1972.
32. The general rule is that any document which is in the possession or under the control of the local authority AND contains material relating to any business to be transacted at a meeting of the council or a committee or sub-committee, shall be open to inspection by any member of the council.
33. This general rule includes certain exempt information but only in two scenarios:
  - (a) information relating to the financial or business affairs of any particular person (including the authority holding that information) but which is not information which relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract (in other words, proposed contract terms whilst negotiations are ongoing are NOT disclosable to all councillors under section 100F). [This is paragraph 3 of Part I to Schedule 12A to the Local Government Act 1972].
  - (b) to the extent that it is information which reveals that the local authority proposes (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (ii) to make an order or direction under any enactment. [This is paragraph 6 of Part I to Schedule 12A to the Local Government Act 1972].
34. This does not entitle any councillor to release such exempt information to the public, and councillors, being public servants, may be criminally liable for the indictable offence of misconduct in a public office if they unlawfully disclose information.

35. So, unless the exempt information comes within these two limited scenarios, there is no entitlement under section 100F of the Local Government Act 1972 for all councillors to gain access to exempt information.
36. This is a statutory regime and so it is not for any local authority to seek to extend statutory rights beyond that which Parliament has authorised.
37. The Monitoring Officer is the local authority's "proper officer" who decides, following the report author fully briefing them, whether in their opinion the meeting or part of the meeting is likely not to be open to the public or it appears to the proper officer that the document discloses exempt information – please see section 100B (1) [Local Government Act 1972 \(legislation.gov.uk\)](#) and section 100F (2) of the Local Government Act 1972 [Local Government Act 1972 \(legislation.gov.uk\)](#).
38. Councillors are reminded that exempt reports are marked "Not for publication" and with the description, in terms of Schedule 12A to this Act, of the exempt information by virtue of which the council are likely to exclude the public during the item to which the report relates – please see section 100B (5) of the Local Government Act 1972.

*Executive functions – All councillors – Proactive/Reactive*

39. In addition to the ordinary qualified rights of access to information enjoyed by the public, all councillors have certain qualified rights under regulation 16 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
40. It is important to realise that regulation 16 is divided up between certain rights to access documents before a public meeting, and certain rights to access documents after the decision has been made.

Regulation 16 (1) – Public meeting - Proactive

41. The general rule is that any document which is in the possession or under the control of the executive AND contains material relating to any business to be transacted at a public meeting, shall be open to inspection by any member of the council, usually at least 5 clear days before that public meeting.
42. Please see paragraph 34 above for the same two scenarios in which exempt information may be accessed by all councillors. Again attention is drawn to the fact that there is no entitlement for all councillors to gain access to proposed contract terms whilst negotiations are ongoing. Also that it is not public inspection.

Regulation 16 (3) – After private meeting/ individual decision - Reactive

43. These qualified rights relate to "after the event" and so cannot be used proactively.
44. The general rule is that where any document is in the possession or under the control of the executive AND contains material relating to:
  - (i) any business transacted at a private meeting;
  - (ii) any decision made by an individual member in accordance with executive arrangements; or

- (iii) any decision made by an officer in accordance with executive arrangements such document must be made available for inspection by any member of the local authority when the meeting concludes or where an executive decision is made by an individual member or an officer immediately after the decision has been made or in any event within 24 hours.
45. Please see paragraph 34 above for the same two scenarios in which exempt information may be accessed by all councillors after the event. Again attention is drawn to the fact that there is no entitlement for all councillors to gain access to proposed contract terms whilst negotiations are ongoing. Also that it is not public inspection.
  46. The Monitoring Officer is the local authority's "proper officer" who decides, following the report author fully briefing them, whether in their opinion the meeting or part of the meeting is likely to be private or it appears to them that the document discloses exempt information (please see regulation 7 (2) and 16 (5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 [The Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012 \(legislation.gov.uk\)](#)).
  47. Exempt reports are marked "Not for publication" and marked that it contains confidential information or exempt information, giving the description, in terms of Schedule 12A to Local Government Act 1972, of the exempt information by virtue of which the decision-making body discharging the executive function are likely to exclude the public during the item to which the report relates – please see regulation 7 (5) [The Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012 \(legislation.gov.uk\)](#).

*Executive functions – Certain relevant overview and scrutiny members - Reactive*

48. In addition to the ordinary qualified rights of access to information enjoyed by the public, certain overview and scrutiny members have qualified rights under regulation 17 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
49. It is vital to understand that any such rights under regulation 17 are "after the event" and cannot be used proactively to obtain information before the business is transacted or the decision is made. This is a statutory regime and so no local authority can grant rights additional to those authorised by Parliament.
50. The general rule is that any document which is in the possession or under the control of the executive AND contains material relating to:
  - (i) any business transacted at a meeting of a decision-making body of the local authority;
  - (ii) any decision that has been made by an individual member of the executive; or
  - (iii) any decision that has been made by an officer in accordance with executive arrangements,
 AND a copy of which document a member of the overview and scrutiny committee has requested, the executive must provide that document as soon as reasonably practicable, and in any case no later than 10 clear days after the executive receives the request (unless the executive refuses such request under regulation 17 (4)).



51. The exception to this is that the qualified right under regulation 17 (2) does not include confidential information or exempt information unless that information is relevant to -
- (i) an action or decision that that member is reviewing or scrutinising; or
  - (ii) any review contained in any programme of work of such a committee or sub-committee of such committee. (please see regulation 17 (3) [The Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012 \(legislation.gov.uk\)](#))
52. Whether to comply with the specific request is for the executive to determine. If the request is refused, the executive must supply the relevant overview and scrutiny committee with a written statement, setting out its reasons for such a decision (please see regulation 17 (4) [The Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012 \(legislation.gov.uk\)](#)).
53. There is no right of appeal against a refusal of a request under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 [The Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012 \(legislation.gov.uk\)](#).
54. For the avoidance of any doubt, it should be observed that the regulations expressly state that nothing in the 2012 regulations is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence – please see regulation 20 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 [The Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012 \(legislation.gov.uk\)](#).
55. Councillors are, therefore, requested to note this report.

Contact Point: Christopher Potter, Monitoring Officer and  
Service Director Legal and Governance, ☎ 821000 e-mail [christopher.potter@iow.gov.uk](mailto:christopher.potter@iow.gov.uk)

CLAIRE SHAND  
*Director of Corporate Services*

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