

Agenda

Name of meeting	EXTRAORDINARY MEETING OF FULL COUNCIL
Date	WEDNESDAY 1 MAY 2024
Time	6.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Members of the committee	All Members of the council

Democratic Services Officer: Marie Bartlett
democratic.services@iow.gov.uk

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

To confirm as a true record the Minutes of the meeting held on 20 March 2024.

2. **Declarations of Interest**

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

Please note that the Monitoring Officer on 8 April 2022 granted all councillors a dispensation under section 33 (2) of the Localism Act 2011 to remain in the meeting room and to speak and to vote on the draft development plan (including Cabinet recommendations to the Council) relating to town and country planning for the Isle of Wight, notwithstanding the existence of any disclosable pecuniary interest(s). For the avoidance of any doubt, this dispensation is intended to be wide covering any item of business relating to the formulation/preparation and approval of the new Island Strategy (development plan).



Details of this and other Council committee meetings can be viewed on the Isle of Wight Council's [website](#). This information may be available in alternative formats on request. Please note the meeting will be audio 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 parents/carers should be aware that the public gallery is not a supervised area.

3. **Public Question Time**

Questions may be asked without notice but to guarantee a full reply at the meeting, a question must be put including the name and address of the questioner by delivery in writing or by electronic mail to Democratic Services democratic.services@iow.gov.uk, no later than two clear working days before the start of the meeting. Normally, Full Council is held on a Wednesday, therefore the deadline for written questions will be Friday, 26 April 2024.

4. **Report of the Chief Executive**

(a) Future Governance Report (Pages 13 - 78)

5. **Report of Cabinet Member for Planning, Coastal Protection and Flooding**

(a) Island Planning Strategy (Pages 79 - 134)

6. **Member Question Time of the Leader and Cabinet Member**

To receive a reply to a question asked during questions to the Leader or Cabinet Member, a question must be submitted in writing or by electronic mail to Democratic Services no later than 6pm on Thursday, 25 April 2024. A question may be asked at the meeting without prior notice but in these circumstances, there is no guarantee that a full reply will be given at the meeting.

CHRISTOPHER POTTER
Monitoring Officer
Tuesday, 23 April 2024

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, or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email justin.thorne@iow.gov.uk.

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 <http://www.iwight.com/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

Arrangements for Submitting Oral Questions at Meetings of Council and Cabinet:

The front desk “opens” for public wishing to attend the meeting half an hour before the meeting.

In the circumstances that a member of the public wishes to ask an oral question, they should approach the front desk and notify them of their intention. They will be given a form to complete which details their name, town/village of residence, email address and the topic of the question (not the question in full, unless they wish to provide this).

These forms will be numbered in the order they are handed back.

The time for registering questions will be for a 20 minute period (up to 10 minutes prior to the start of the meeting). After that time expires the forms will be collected and given to the Chairman of the meeting.

If time allows after dealing with any written questions, the Chairman will then ask those who have submitted a form to put their question. These will be in the order they were received. As the subject matter is known, the Chairman should be able to indicate which member will reply. If time permits the Chairman may accept further questions.

The option to ask a supplementary question will be at the Chairman’s discretion.

Once the defined period of time allowed for questions has passed (and assuming the Chairman has not extended this) then all remaining oral questions are left unanswered.

No oral question will receive a guaranteed written response, unless the member responding indicates as such.



Minutes

Name of meeting	FULL COUNCIL
Date and Time	WEDNESDAY 20 MARCH 2024 COMMENCING AT 6.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs C Critchison (Chairman), K Love (Vice-Chairman), D Adams, D Andre, J Bacon, M Beston, E Blake, G Brodie, V Churchman, I Dore, R Downer, W Drew, P Fuller, A Garratt, S Hendry, C Jarman, J Jones-Evans, P Jordan, J Lever, M Lilley, K Lucioni, J Medland, C Mosdell, J Nicholson, M Oliver, T Outlaw, L Peacey-Wilcox, M Price, R Quigley, C Quirk, Redrup, J Robertson, P Spink, I Stephens, N Stuart and I Ward
Apologies	Cllrs P Brading, S Ellis and R Redrup

79. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 28 February 2024 be approved.

80. **Declarations of Interest**

Councillor Paul Fuller - JP (Justice of the Peace), Non Pecuniary, declared an interest in minute number 87 as he was a member of the Local Pension Board.

81. **Public Question Time**

Written public questions were submitted by Ms H Wagstaff (PQ-06-24) and Mr S Richards (PQ-07-24).

Cllr A Whittaker asked for information regarding the painting of Shanklin lift and when the work would be started, The Leader advised that he would find out the date and provide a written response.

Cllr A Whittaker asked a supplementary question regarding the work to the clock tower, Fisherman's Cottage and toilets in the area, the Cabinet member advised the sale contract had fallen through for the spa site due to economic reasons, the area was being looked at and a proposal would be put forward.

82. **Chairman's Official Announcements**

The Chairman advised that she had presented recognition to the Mermaid Atlantic Team prior to the start of the meeting, they were great ambassadors to the Island and an inspiration to the younger generation.

She had also attended a number of other engagements which included:

- Band of Royal Marines Concert
- Citizenship ceremonies
- RNLI bicentenary celebrations

83. **Leaders Update Report**

The Leader introduced his report and highlighted the main points.

The Leader was asked to note that stakeholders for the soon to be announced education events should include employers and the business sector. The Leader advised he would make sure it was done.

A question was asked regarding the Household Support Fund which had only been awarded for six months, what did the Council propose to do to fund the next six months, the Leader advised the conditions of the scheme would need to be investigated, however he hoped that the Community fund would be accessed.

The Rural England Prosperity fund and how to direct businesses to claim for the fund was raised, the Cabinet Member for Economy, Regeneration, Culture and Leisure advised that fund details would be made available soon, a press release would be issued.

The Leader was asked if a briefing session could be arranged to advise on what would happen if there was a measles outbreak, it would be useful to understand learnings from covid. The Leader advised that he would ask for a session to be arranged by the Public Health team.

84. **Report of the Deputy Monitoring Officer**

84a **Approval of the Members' Allowance Scheme 2024 - 2025**

The Senior Governance Advisor advised that this was an annual report, the Independent Remuneration Panel had been consulted and would be consulted following the agreement by unions on any future uplift.

RESOLVED

- i. THAT the Isle of Wight Council Members' Allowance Scheme ('the Scheme') be approved to take effect on and from 1 April 2024, with the basic allowance for 2024/2025 being the existing amount for 2023/2024 of £9605.68 plus an annual indexation amount for 2024/2025 (if any are agreed nationally) under the terms of the Scheme.

- ii. THAT, before implementation of any adjustment to the 2024/2025 basic allowance the Independent Remuneration Panel be consulted.

84b **Appointment to Ryde Town Board**

The Chairman informed Council that the item was withdrawn.

Questions were raised regarding the appointments to the board and council was advised that the guidance could be found online.

85. **Report of Cabinet Member for Planning, Coastal Protection and Flooding**

85a **Island Planning Strategy**

The Cabinet Member for Planning, Coastal Protection and Flooding advised that this had taken seven years to get to this point, it was an essential tool when considering planning applications. Since 2021 further consultation had taken place and the proposed Strategy made commitments to discounts for affordable rented accommodation on the Island.

He advised that the Strategy reduced the current number of houses required to be built each year to 453, the deadline for the strategy was 2025.

A proposal to amend the recommendations was put:

That the Draft Island Planning Strategy (DIPS) is returned to cabinet with a request that cabinet considers the matters set out below and returns the DIPS not later than the end of April to Full Council with the said matters included in a revised DIPS or alternatively cabinet shall inform Full Council of the reasons why the said matters are in its opinion unsuitable to be included in a revised version of the DIPS.

The said matters referred to above are:

- i). Paragraph 6.15 is amended as in italic below,
The location of a potential development site within a settlement boundary is the first test in establishing the suitability of a site, in principle, for development. Once this principle is established more detailed issues covered by other policies in the Island Planning Strategy such as design, density and potential impact on the surrounding area and the environment are considered. If, on the planning balance, the development proposal is unacceptable in relation to these detailed issues it will be refused. *Therefore, in this respect, both a sites allocation in this Plan together with due consideration by the Planning Committee of other relevant policies (within this Plan and the NPPF) shall be required in order for planning permission to be given i.e. a sites allocation in this plan shall not alone constitute a material consideration in the decision of whether to give planning permission.*
- ii). Windfall sites should only be 'allowed' in wider rural area if they qualify with policy re rural exception, infill, first home exception, self and custom build, or new homes sites.
- iii). Para 7.78 DIPS should be deleted as inconsistent with definition of rural exception sites.

- iv). Allocated sites that are not policy compliant, or are contrary to a neighbourhood plan, or inconsistent with NPPF e.g. 'best and most versatile' agricultural land, should be removed from the DIPS.
- v). 'local need' should not be ID by use of the IoW Housing Needs Assessment as to do so would be inconsistent with policy and NPPF.

After a short adjournment to allow for hard copies of the proposed changes be made and circulated, the Cabinet Member for Planning, Coastal Protection and Flooding accepted the alternative recommendation wording.

There was some concern regarding the deadline for the proposed Strategy and that referring the matter back to Cabinet would delay further. Council were advised that a short delay could be accommodated.

Following further debate in accordance with the Council's Constitution (Part 4B – Procedure Rules Governing how Full Council, Cabinet, Committees, Sub Committees and Boards Operate section Voting) a named vote was requested by four councillors, the result of which was:

For (23)

Cllrs D Adams, M Beston, E Blake, V Churchman, W Drew, P Fuller, A Garratt, S Hendry, C Jarman, P Jordan, M Lilley, J Medland, C Mosdell, J Nicholson, M Oliver, T Outlaw, M Price, C Quirk, S Redrup, J Robertson, P Spink, N Stuart, I Ward

Against (9)

Cllrs D Andre, G Brodie, I Dore, R Downer, J Jones-Evans, J Lever, K Lucioni, L Peacey Wilcox, I Stephens

Abstain (3)

Cllr J Bacon, C Critchison, K Love

RESOLVED

That the DIPS is returned to cabinet with a request that cabinet considers the matters set out below and returns the DIPS not later than the end of April to Full Council with the said matters included in a revised DIPS or alternatively cabinet shall inform Full Council of the reasons why the said matters are in its opinion unsuitable to be included in a revised version of the DIPS.

The said matters referred to above are:

- i). Paragraph 6.15 is amended as in italic below,
The location of a potential development site within a settlement boundary is the first test in establishing the suitability of a site, in principle, for development. Once this principle is established more detailed issues covered by other policies in the Island Planning Strategy such as design, density and potential impact on the surrounding area and the environment are considered. If, on the planning balance, the development proposal is unacceptable in relation to these detailed issues it will be refused. *Therefore, in this respect, both a sites allocation in this Plan together with due consideration by the Planning Committee of other relevant policies (within this Plan and the NPPF) shall be required in order for planning permission to be given*

i.e. a sites allocation in this plan shall not alone constitute a material consideration in the decision of whether to give planning permission.

ii). Windfall sites should only be 'allowed' in wider rural area if they qualify with policy re rural exception, infill, first home exception, self and custom build, or new homes sites.

iii). Para 7.78 DIPS should be deleted as inconsistent with definition of rural exception sites.

iv). Allocated sites that are not policy compliant, or are contrary to a neighbourhood plan, or inconsistent with NPPF e.g. 'best and most versatile' agricultural land, should be removed from the DIPS.

v). 'local need' should not be ID by use of the IoW Housing Needs Assessment as to do so would be inconsistent with policy and NPPF.

86. Report of Cabinet Member for Children's Services, Education and Corporate Functions

86a Updates to Staff and Member Car Parking Policy

The Cabinet Member for Children's Services, Education and Corporate Functions advised that following a motion to Full Council in September 2023 a review of the Car Parking Policy had been undertaken.

The recommendations were duly seconded and a vote was taken the result of which was:

RESOLVED

That Full Council approve the proposed change to the staff and member car parking policy, to agree to amend the car parking policy to allow for free parking at County Hall and Westridge for staff and members who have Blue Badges.

87. Report of the Chairman of Pension Fund Committee

87a Amendment of Terms of Reference for the Local Pension Board

The Chairman of the Pension Fund Committee advised that this was a single word change in the Terms of Reference for the Local Pension Board.

The recommendation was duly seconded and a vote was taken, the result of which was:

RESOLVED

THAT council approve revision to the Local Pension Board Terms of Reference in the Council Constitution, to read 'one of the employer representatives **may** be an elected member of the council', as recommended by the Pension Fund Committee.

88. **Report of the Future Governance Working Group**

88a **Progress Update**

The Chairman of the Future Governance Working Group advised Council that risks had been identified and the Working Group understood these, work continued on a new version of the Constitution, engagement plans were included within the report. The group were awaiting financial information as agreed in the budget, the delivery would need to be cost neutral. Officers had advised that delivery of the new Governance system could be achieved by May 2024.

He proposed that an extraordinary meeting of Full Council be called on Wednesday, 1 May 2024 to consider a full report and the recommendation set out in the report, which was duly seconded.

Clarification was sought regarding the comments made by Councillors at the meeting and if they would be considered by the group, they were advised that comments would be fed into the group, via councillors on the working group or via the email address monitored by staff.

Concern was raised regarding the commencement date of May 2024, why work to such difficult timelines, it felt like it was being rushed and councillors would be happy to work to May 2025 to ensure it was properly in place. Questions were asked regarding how much tolerance would be given to mistakes made.

Councillors asked if consideration of a Health Scrutiny meeting could be included, as it was seen as important that health partners were held to account and maintain a connection with the public.

RESOLVED

- i. THAT an Extraordinary meeting of Full Council be arranged for Wednesday, 1 May 2024.
- ii. THAT the progress made to date, comment and make contribution to the considerations to be taken account of in the development of the proposals for a change in governance arrangements was noted.

89. **Motions Submitted under Part 4, Procedure Rule 9 of the Council's Constitution**

90. **By Councillor K Love**

Councillor K Love moved the following motion which was duly seconded:

That a Full Public Consultation takes place with all citizens of our Island, prior to making a final, Full Council decision, on the recommendations proposed for moving to a Committee Governance System of Decision-making

This consultation must include the operational detail, of the proposed recommendations, suggestions and implications. Further, that Full Council will have the opportunity to review, consider and adapt accordingly to the public consultation findings, prior to making any final decision.

This proposed Committee Governance Change is one of the most important political decisions to be tabled in many years. It has far reaching implications for our Island people, the way in which our council operates and makes important decisions. We must ensure that it is fit for purpose and meets the needs of a dynamic forward thinking council in a world where time pressures prevail.

It is therefore essential and best practice to engage with as many Island people as possible in order to consider all perspectives. This ensures equality of opportunity to participate and contributes to the decision making process, ensuring inclusion and diversity of public opinion. Data gathered from the consultation must be given careful consideration and be included enabling adjustments to the recommendations and driving the policy outcomes.

Politicians serve the people and the people need to be fully informed, in agreement and assured that good governance practice is being applied and that it is, fit for purpose, cost effective and not self serving.

This consultation is not something that should be rushed. If its worth doing, then lets do it right and be totally assured it will deliver the best outcomes for our Island people.

Following further debate in accordance with the Council's Constitution (Part 4B – Procedure Rules Governing how Full Council, Cabinet, Committees, Sub Committees and Boards Operate section Voting) a named vote was requested by four councillors, the result of which was:

For (12)

Cllrs D Andre, J Bacon, C Critchison, I Dore, P Fuller, J Jones-Evans, P Jordan, J Lever, K Love, K Lucioni, L Peacey Wilcox, I Stephens

Against (20)

Cllrs M Beston, G Brodie, E Blake, V Churchman, W Drew A Garratt, S Hendry, C Jarman, M Lilley, J Medland, C Mosdell, J Nicholson, M Oliver, T Outlaw, M Price, P Spink, N Stuart, C Quirk, J Robertson, I Ward

Abstain (2)

Cllrs R Downer, S Redrup

The motion fell.

91. **Member Questions to the Leader and to any other Cabinet Member**

Due to time constraints this item was not considered.

CHAIRMAN



Purpose: For Decision

Full Council Report

ISLE OF WIGHT COUNCIL

Meeting	FULL COUNCIL
Date	1 MAY 2024
Title	ISLE OF WIGHT COUNCIL GOVERNANCE ARRANGEMENTS
Report of	CHIEF EXECUTIVE

EXECUTIVE SUMMARY

1. At the Annual Meeting of the Council on 17 May 2023 the Council considered a motion by Councillor Brodie that a Future Governance Working Group (“the FGWG”) be established “to make recommendations to Full Council [in] January 2024 regarding moving to a Committee system of governance...”. The motion was referred to Cabinet by Full Council.
2. Cabinet recommended to Full Council at their meeting of 19 July 2023, that Councillor Brodie’s motion should be referred to the Audit and Governance Committee. Full Council considered and resolved at that meeting, to agree an amended motion from Councillor Brodie in the following terms:

“THAT Full Council agrees to establish a politically proportionate 'Future Governance Working Group' to make recommendations to Full Council January 2024 via the Audit and Governance Committee 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. The Future Governance Working Group shall consist of ten councillors, namely any 3 councillors from the Alliance Group, any 4 councillors from the Conservative Group, any 1 councillor from the Empowering Islanders Group, any 1 councillor from the Liberal Democrat Group, and any 1 non-aligned councillor, plus staff support. Its terms of reference are to develop a new Committee system of governance for the Isle of Wight Council and to make recommendations for its implementation to Full Council. In so doing, the Future Governance Working Group shall, 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 shall consider examples of best practice, to inform those recommendations.

3. The Future Governance Working Group, chaired by Cllr Brodie was established, met, and set up sub-groups of the Future Governance Working Group to inform their work and future recommendations to Full Council on the motion. These sub-groups considered:
 - i. Changes to a committee system elsewhere
 - ii. Views of our senior officers/colleagues and elsewhere
 - iii. Possible structures of a committee system
 - iv. Cabinet based alternatives to committees.
4. At the conclusion of the Future Governance Working Group's deliberations in November 2023, the Audit and Governance Committee at its meeting on 11th December 2023 received a report from Cllr Brodie as chair of the working group, in which it was determined that the working group would recommend to Full Council that it moves towards the introduction of a committee system with effect from May 2024.
5. Full Council at its meeting of 17 January 2024 resolved to note the recommendations of the Future Governance Working Group and that the working group would now work with the Monitoring Officer and senior officers on constitutional and other changes required with a progress report being provided to Full Council in March 2024.
6. As agreed, Full Council received a progress report, via the Audit and Governance Committee on 20th March 2024.
7. On 12th March 2024, Corporate Scrutiny Committee undertook a review of the proposed new governance arrangements and made observations, (see section on scrutiny committee's view section and appendices). The chair of the Future Governance Working Group responded to scrutiny on all the points raised.
8. This report sets out the options for the Council to consider for the future Governance of the Council, bearing in mind the work undertaken and recommendations made by the Future Governance Working Group.
9. There are in essence three available models of governance Councils can follow. These are:
 - a mayor and cabinet
 - a leader and cabinet
 - or the committee system of governance.
10. The options range from the status quo to other models of governance requiring a formal section 9KC resolution in accordance with the Local Government Act 2000.
11. The Council could seek to make a change to its current governance model either through a referendum or through a Council resolution. Should the Council approve a new model of governance, this report also seeks approval for the implementation date of any changes to the current governance model that Council may wish to approve.

RECOMMENDATIONS

That Full Council considers the governance options outlined in the report and resolves either to:

- A. Make no changes to the current governance arrangements and retain the executive model, with Leader and Cabinet form of governance (no change option) **OR**
- B. It considers a changed form of the current Leader and Cabinet model **OR** to cease operating the existing Leader and Cabinet model of Governance and
- C. It resolves to move to a Mayor and Cabinet **OR**
- D. It resolves to move to a Committee system of governance. This is the preferred option of the Future Governance Working Group, and if C or D it:
 - i. passes a resolution under Section 9KC of the Local Government Act 2000 (“9KC”) to make a change to its governance arrangements and move to the preferred option.
 - ii. agrees the date on which the change in governance arrangements will be implemented, which could be either:
 - a) the Annual Council meeting on 15th May 2024 **OR**
 - b) the Annual Council in May 2025.
 - iii. It agrees and adopts the frequency of meetings in the table at paragraph 90 (scenario 5 in **Appendix 3**)
 - iv. It considers the risks associated with a change in governance arrangements outlined in the risk section of this report and at **Appendix 4** of this report.
 - v. It instructs officers, as soon as practicable after passing the resolution to comply with the publication requirements under Section 9KC (b) and to secure that copies of a document setting out the provisions of the arrangements that are to have effect following the resolution are available at its principal office for inspection by members of the public, and published in one or more newspapers circulating in its area a notice with the information specified in Section 9KC (b).
 - vi. Notes that should Full Council pass a formal resolution under Section 9KC, to change the model of governance, a change cannot be made for 5 years, without a referendum.
 - vii. Instructs Audit and Governance Committee to conduct a review of the changed governance system, commencing within six months of implementation with a view to recommending improvements to Full Council as soon as practicable.

viii. Notes that should Full Council resolve to make any governance changes an updated constitution, will be brought to Full Council at the relevant annual council for approval.

ix. Notes that should any governance changes be approved that impact on members roles and responsibilities, an updated, interim Member remuneration scheme will be brought for approval at a relevant council meeting.

E. If the Council resolves to move to the preferred option, it further resolves that:

i. That the appointed Leader of the Council will chair the Policy, Resources and Finance Committee and It agrees and adopts the Committee system Framework at **Appendix 1, or**

ii. That the appointed Leader of the Council will be appointed to the Policy, Resources and Finance Committee and it will be chaired by a councillor appointed to that role and section 2 of Appendix 1, relating to the Leader's role is amended to reflect any necessary changes approved by Council.

BACKGROUND

12. The Local Government Act 2000 brought about fundamental changes to the way local authorities were governed and made decisions. Prior to implementation of this legislation, Full Council as parent body delegated powers to committees; sub committees and officers. The main decision-making committees were politically balanced.

13. The then government's White Paper, 'Modern Local Government: In touch with the People' (1998)', argued that separating executive functions would have advantages in terms of efficiency, transparency, and accountability.

14. It was argued that there would be better transparency because it would be clear to the public who was responsible for many of the more important decisions impacting them. This would be because decision-making would not, according to the White Paper, be dissipated within sometimes opaque committee structures. Formal scrutiny was to be central to this executive model as a check and balance to the extensive powers given to the executive.

15. The White Paper was followed by legislation. The Local Government Act 2000 introduced alternative forms of governance. All councils except small district councils with a population of 85k or below, had to adopt either the Leader and Cabinet, elected Mayor with a Cabinet or elected Mayor with office manager model. The new governance models allowed for certain non-executive functions, often the quasi-judicial functions to be discharged by politically balanced committees. These included for example, Planning, Licensing and Audit and Governance Committees.

16. In recent years there has been a reconsideration of the governance arrangements and further legislation have made changes. The Localism Act 2011 gives councils a wider choice in their governance arrangements and allows councils, amongst other models to implement a committee form of governance.

The current position

17. The Localism Act 2011 introduced statutory provisions into the Local Government Act 2000 (“LGA 2000”). Chapter 1, Section 9B permits councils to have the following models of governance:

- i. Cabinet (for legal purposes referred to as executive arrangements but more widely known as Cabinet) arrangements or,
- ii. A committee system, or
- iii. Prescribed arrangements

18. The above options, allow for the following:

- i. The Status quo, no change option – (**executive**) Leader and Cabinet.
- ii. Change to a hybrid form of (**executive**) Leader and Cabinet governance.
- iii. Change its form of (**executive**) to an elected Mayor and Cabinet.
- iv. Change its form of governance to a **Committee** System.
- v. Propose a novel and different form of governance to the Secretary of State. As there are no current proposals to put to the secretary of state, this is not a realistic option at this stage.

Executive arrangements

19. Section 9C of the LGA 2000 identifies the type of executive arrangements for councils. The executive model may consist of:

- (a) an elected mayor of the authority, and
- (b) two or more councillors of the authority appointed to the executive by the elected mayor.

20. Such an executive model is referred to in this Part as a **mayor and cabinet executive**.

21. **Or** the executive model may consist of:

- (a) a councillor (referred to in this part as the executive leader) elected as leader of the cabinet (executive) by the authority, and
- (b) two or more councillors of the authority appointed to the cabinet (executive) by the Leader. This is the model that the Council currently operates.

22. This model requires the Council to, in addition, operate cross-party, politically balanced committees. These include committees undertaking non-executive functions for example, Planning, Licensing, Audit and Governance and Appointments and Employment Committees.
23. The executive model of governance requires the operation of one or more scrutiny committees. Scrutiny acts as an important counterbalance to the powers of the executive and is made up of cross-party politically balanced committee/s. As well as having the power to Call In cabinet (executive) decisions for review by the cabinet, scrutiny can and does a lot of value-added work by adding capacity to the cabinet (executive), engaging the wider councillor community, engaging other stakeholders, and helping in the process of policy development.
24. Some Councils allow the Leader of the executive to delegate executive powers to individual Cabinet members so that these members can make individual decisions within their remit. Some councils have structured executive decision-making only by Cabinet collectively. Some councils have variations, where the Leader only can make individual decisions, often the larger Key decisions. These arrangements are often contained within constitutional rules; the Leader's scheme of delegations and supported by an officer scheme of delegations.

Status Quo - No Change Option

25. The Council could decide to make no changes to its current model of governance. This is the leader and cabinet model with scrutiny committees and other operating committees. This model has been in operation as the council's governance model since 2001. The system is considered by some, to have worked well during the periods of time where there was a one clear political party majority. However, in more recent times, the landscape for local politics has become much more fragmented. The elections in 2013 and 2021 returned a no overall control Council. There has been an increase in the number of independent candidates standing for election which has resulted in alliances being formed to secure overall control to serve as the administration. That situation has over the period of the last twelve months become more fragmented as councillors have moved away from membership of that alliance, with new groups being established, an increase in the number of Liberal Democrat councillors elected together with single representatives of aligned and non-aligned groups.
26. This means that while there is still an administration that operates the Leader and Cabinet model of governance, the no-overall control situation means that there are challenges for effective decision making under this model of governance. This is particularly apparent where recommendations are made by Cabinet to Full Council on matters reserved for Full Council, such as budget setting. A recent example is the significant political "noise" around the February 2024 Full Council budget setting meeting, which saw the Cabinet's recommended budget not being carried and superseded by the Conservative and Empowering Islanders' budget amendment. Similar happened in 2022. The nature of decision-making under this model and current circumstances is also such that there can be strong disagreement to cabinet decisions from other political or aligned groups which can impact negatively on decision making processes that are not considered to be efficient or cost effective.

27. Given the disparate number of groups (four in total plus one single aligned and one non-aligned councillor) this has also led to a sense of frustration for councillors who do not feel that they have sufficient opportunity to fully represent the views of their constituents and that which allows them to inform strategy and policy decisions for the Council from the current Leader and Cabinet model of governance. While there is opportunity to participate in all the other business committees, including that of policy and scrutiny, there is a belief that this is insufficient to have real opportunity to influence decisions that are important to the Island's communities.
28. It does need to be acknowledged though that no one governance model is necessarily better than the other. The Centre of Governance and Scrutiny outline the importance of values and culture in addressing some of the perceived failures of governance models. In their words: "*A focus on structure risks missing opportunities to think about cultures and values.*" [Centre for Public Scrutiny - Musical Chairs](#) .
29. Whilst the cultural and values points are acknowledged, and that the political make-up of the Council may change in the future along more traditional party lines, the Future Governance Working Group were broadly of the view that to continue with the existing model, given many of the problems outlined above, would only serve to exacerbate a difficult situation and negatively impact effective decision-making for the council. A more consensual approach, engaging councillors fully in various parts of the decision-making process would work better for the fragmented politics that currently and are likely to exist going forwards. Therefore, having carefully considered the benefits and disbenefits of the current Leader and Cabinet model and having acknowledged that any change in governance model would bind the Council for 5 years (without a referendum) the Future Governance Working Group did not support retention Leader Cabinet model of governance.

Hybrid Executive arrangements

30. It is permissible with the executive model of governance to design variations in the make-up of the executive. Some councils follow what has become to be known as hybrid executive models of the Executive and this can be achieved without the need for a formal resolution to change its governance model of Section 9KC as set out in the Local Government Act 2000.
31. This form of executive can be structured in various ways along a spectrum whilst keeping within the legal framework of the executive model. Changes would need to be carefully drafted into the Council's constitution to enable a chosen hybrid model to operate effectively. There are examples of different iterations and innovations from other councils as they have tried in their context, to address some of the perceived weaknesses of their executive model of governance. Like all governance models, this form of governance has its advantages and disadvantages.
32. An example of a Council considering implementing hybrid executive arrangements is Bromsgrove District Council. The Council is proposing to do this by introducing protocols to embed more collegiate working; introducing Cabinet Advisory Panels; improve communication with councillors; Introduce a Memorandum of Understanding between all political group leaders. The [Bromsgrove District Council](#) meeting papers provides more information on the approach being considered.

33. Other models allow for cross party committees (overview and scrutiny) to consider issues in detail and to recommend decisions to Cabinet which can in effect be rubber stamped by Cabinet. Other iterations allow for the involvement of non-executive councillors through Cabinet advisory bodies. The [Rethinking Council Governance](#) report of the Centre for Governance and Scrutiny makes reference to these considerations.
34. A hybrid Executive model would keep significant decision-making powers with the Cabinet or individual members of Cabinet, the detail depending on how the Council structured this model. Cross-party committees, whether scrutiny committees or cabinet advisory committees would not have the formal decision-making powers of the executive. They would act, in effect, as pre-decision-scrutiny committees and would recommend decisions to the executive who could decide to “ratify” these decisions. Whilst the research is relatively old (2012) the [Centre for Governance and Scrutiny](#) outline their scepticism on the effectiveness of this aspect of the model. They state:

“However, when committee decisions take the form of mere recommendations which are then “ratified” by a cabinet, or individual cabinet members, their force and influence will inevitably be diminished – particularly as committee sessions will often be held so close to the making of the decision as to make altering that decision difficult, without implementation delays.”

35. Hybrid executive models can be designed to allow for greater involvement of non-cabinet councillors in the debate and consideration of strategy and policy decisions. However, it remains that the final decision maker will be cabinet or individual cabinet members. As set out above, with many disparate political groups that make up the council, there are difficult challenges identified for effective, representative decision-making which can play out negatively in public meetings. There is the need for more consensual decision making to be secured. Therefore, whilst a hybrid model could be designed to mitigate some of the difficulties in decision making, this approach is not considered sufficient to address the concerns that exist for Isle of Wight councillors to be able to fully participate in important decision-making; to represent the views of their electorates and for especially contentious decisions to be dealt with effectively.

Elected Mayor and Cabinet Form of Executive

36. The Council may choose to change its form of executive arrangement, from the Leader and Cabinet model to that of elected Mayor and Cabinet.
37. Under Section 9C of new Part 1A of the Local Government Act 2000 this option consists of a directly elected Mayor, and a Cabinet composed of between two and nine councillors appointed by the elected Mayor. The decision to move to an elected Mayor form of executive can be made following a referendum that supports change but changes to the law now allow the Council to move to this model of governance by council resolution without a referendum. However, should the Council wish to progress this as an option then implementation of such a model will need to be post an election process and will fit best with Council elections scheduled for next May 2025.

38. The advantage of this model is that there is direct election of a political leader by the electorate and therefore there is a direct link to the leadership of place and the priorities that are important to the Island's communities. It affords very clear and focussed strategic leadership for setting a vision and direction for the Council and transparency and accountability for decision making. The mayor in this form of governance does not have additional executive powers granted to them and it has many similarities with the cabinet form of governance. In this model the key decision-making powers will rest with a select group of councillors and the elected Mayor. This model, in decision-making terms has a lot of similarities to the council's current leader and cabinet model. Given the perceived problems at the Isle of Wight Council with the executive model, primarily arising from the political make-up of the Council, such a model of governance would not address the issues the Isle of Wight Council has with its decision-making challenges.
39. More widely, the evidence suggests that this form of governance has not found support from the relevant electorate. The majority of referendums on creating elected mayors have resulted in 'no' votes. As of May 2023, 14 local authorities have elected mayors and cabinet models. Of the councils that the government required to run a referendum most were rejected by the electorate.¹ In 2005, the Isle of Wight also voted conclusively against the option of a directly elected mayor.

Committee model of Governance

40. The Committee form of governance means the arrangements made by a local authority, in accordance with:
- (a) Part 6 of the Local Government Act 1972, and
 - (b) Part IA of the Local Government Act 2000
41. In this model, Full Council agrees the Policy and Budget Framework and certain mandated decisions either because they need to be made by Full Council by law or out of local choice. Full Council acts as the most senior decision-making body and delegates powers to a number of Service Committees. These committees can be structured in many ways around council functions.
42. The officer/member relationship would continue as currently between officers and cabinet members, except that this would now be with chairs of politically proportionate committees. It is important to acknowledge that under this model of governance, individual councillors are unable, legally, to make formal binding decisions, this power will rest with the relevant committees; Full Council and officers through delegations (as now).
43. This report outlines the Future Governance Working Group's recommendations which propose that the service committees, if the committee form of governance model is adopted, follow very closely the current cabinet/portfolio responsibilities.
44. Committees that currently operate and which make non-executive decisions, for example regulatory committees will continue to operate under this model.

¹ House of commons library Research Briefing 26 July 2023 By Mark Sandford

45. Under this model there is no legal requirement to have an independent scrutiny committee or committees although the Council could as a matter of choice establish them. The [Centre for Governance and Scrutiny](#) advocate for separate scrutiny committees in this model of governance. However, separate scrutiny meetings would impact on the financial model and costs of change as scrutiny meetings would need to be administered and serviced. This is ultimately a matter of local choice whether to form a scrutiny committee or committees.
46. If no specific scrutiny committee is established, this model does allow for committees themselves to undertake scrutiny within their terms of reference. The Future Governance Working Group were of the view that due to the political proportionate nature of each of the committees that there would be sufficient opportunity for councillors to contribute their different points of view as part of the decision making process and would lead to better decisions being made as an outcome whilst recognising that there remained an important element of scrutiny to be undertaken in the delivery of those decisions and to accommodate an appropriate separate element of the meeting for this purpose.
47. More specifically, even in the committee form of governance the Council will retain responsibility for certain mandatory external statutory Scrutiny functions. These functions relating to health; crime and disorder and flood risk.
48. These mandatory obligations could be discharged through the relevant service committees as part of their remit. This is the model being recommended by the Future Governance Working Group and which has been drafted into the committee system framework at Appendix 1.
49. The committee form of governance allows greater participation from different political groups and the make-up of the committees follow political balance rules.
50. However, there are potential disadvantages in that the decision-making can be slower and the accountability for decision-making may be unclear. The Future Governance Working Group considered these issues in more detail and their deliberations are contained below.
51. Pulling this all together the Council has the following options:
 - i. To retain its current form of Executive governance. This is a no change option (no requirement for a 9KC resolution) or
 - ii. Consider changes to its current executive model whilst retaining the Executive model (no requirement for a 9KC resolution) or
 - iii. Resolve to move to a Mayor and Cabinet Executive
 - iv. Resolve to move to a committee form of governance composed of politically balanced memberships.

52. A number of Councils, ranging from Unitary to District Councils have used the powers under the Localism Act 2011 to move to the Committee system of governance designed around their particular local need (Island context is set out in paragraphs 25 and 26). It is necessary therefore, in determining any change to governance arrangements that careful examination is given to the options open to the Council in its decision-making arrangements that will reflect and best serve effective decision making for the Council. As set out earlier in this report, the changing nature in the make of this council, the existing arrangements are considered by elected members to no longer a model that serves the Council well.
53. It is suggested that councils are increasingly exploring new models of governance provided for by the Localism Act 2011, to reflect the changing landscape of local government each with its own strengths depending on the particular context of a council.
54. The Centre for Governance and Scrutiny state:

“With more councils under no overall control and more being regularly contestable (i.e., changing hands between parties regularly). Under these circumstances it seems to be the case that leader-cabinet councils look less attractive to some, and the promises made of the more “consensual” committee system model appear a better fit.” and

“We don’t believe, however, that any one governance model is intrinsically better than any other. Any of the prevailing models – Mayoral, committee, leader/cabinet or a hybrid form – can be made to work. Structures are important and can influence and inform behaviour. But culture – how people are predisposed to behave and think, depending on their roles – is arguably more critical. Without the right attitudes, values and behaviours being in place, a system which looks exceptional on paper could be found wanting in practice. Equally, a governance system which might be robust and effective in one council could be inadequate if transposed wholesale into another authority” [Re-thinking Council Governance refers.](#)

The Council’s internal consideration of possible change

55. The Future Governance Working Group was politically proportionate and therefore allowed a conduit through which the views of each representative group could contribute. Each sub-group established was led/supported by members of the Future Governance Working Group.
56. The Chair of the Future Governance Working Group reported that everyone on the working group had the opportunity to research examples of changes and decisions not to change elsewhere. More generally, the Chief Executive offered some valuable input through Cllr Quirk, the latter also spoke to retired officers elsewhere including another council. Cllrs Garratt and Churchman provided the framework for the recommended future structure of the Council. Cabinet-based alternatives were looked at but did not command majority support.
57. At its meeting in September 2023 there were update reports from the above subgroups and consideration was given to Cabinet alternatives to Committees including consideration of hybrid Cabinet systems.

58. At its 16 October 2023 meeting updates were provided on discussions between members of the Future Governance Working Group with senior officers and discussions with one other Local Authority.
59. One member provided an analysis of the advantages and disadvantages of the various models of governance having taken a view from various sources including from Council colleagues and the Local Government Association. A summary of these advantages and disadvantages is set out below:

Advantages:

- i. **Specialisation:** Committees allow Council members to specialise in the specific areas such as finance, planning or social services, leading to more informed decision making.
- ii. **Inclusivity:** Committees can involve a broader range of voices and perspectives as they often include members from different political parties and backgrounds.
- iii. **Oversight:** Committees provide oversight and scrutiny, helping to ensure transparency and accountability in local government.
- iv. **Expertise:** They allow for the development of expertise over time, as committee members become well-versed in their respective policy areas.
- v. **Efficient Workload:** Committees can handle a variety of issues simultaneously, making it possible for councils to manage their workload effectively.

Disadvantages:

- i. **Decision Delays:** The committee system can lead to slower decision-making processes, as issues may need to go through multiple committee stages before reaching a final decision. When decisions require approval from multiple committees, there is a greater potential for gridlock or disagreement, especially if committees have conflicting priorities or partisan divisions.
- ii. **Complexity:** A proliferation of committees can make the local government structure more complex, potentially leading to confusion for the public.
- iii. **Bureaucracy:** In some cases, committees can become bureaucratic, with lengthy meetings and administrative overheads. A committee system can be less efficient in managing resources and staff as different committees may duplicate efforts or lack co-ordination, leading to inefficiencies in the allocation of resources.
- iv. **Partisanship:** Despite the intention of inclusivity, committees can still be influenced by political party dynamics potentially leading to partisan decision-making.

- v. **Lack of Accountability:** The committee system might dilute accountability, as responsibility can be diffused among multiple committees, making it unclear who is ultimately responsible for specific decisions.
 - vi. **Difficulty in Achieving Consensus:** In a committee system, achieving consensus among committee members can be challenging, potentially leading to watered-down or compromised decisions that do not fully address pressing issues.
60. The risk section of this report considers how disadvantages may be mitigated and detailed in full in Appendix 4. At the conclusion of the Future Governance Working Group's deliberations having considered member views, its members voted to recommend to Full Council that the Council moves to a committee form of governance.
61. The Audit and Governance Committee at its meeting of [11 December 2023](#) received a report from Cllr Brodie as chair of the working group, outlining the Future Governance Working Group's deliberations. The clear recommendation from the Future Governance Working Group was to move to a committee form of governance. This was influenced by the context of the Council, given that it currently is and at the 2013 election was a no overall control council. This was articulated by Cllr Brodie in his report to the Audit and Governance Committee in December 2023.
62. The Council has set up an officer project group to structure and drive any changes to support Council to implement any mandated changes. The Group meets weekly and is sponsored by the Chief Executive and supported by specialist legal advisers.
63. Member input has continued through the Future Governance Working Group which has met on a fortnightly basis since 7 February 2024.
64. The Future Governance Working Group have worked with senior officers and specialist external legal experts to develop and shape a proposed Committee system of governance for the council. The architecture document outlining the design principles of any proposed new committee system is attached at appendix 1.

Design Principles of a possible Committee system

65. Service committees will be set up by virtue of Pat VI of the Local Government Act 1972 and Part 1A of the Local Government Act 2000. The legal requirement is that unless there is unanimity otherwise, the committees must be politically balanced, and their composition must reflect the overall political makeup of the Council.
66. The pace required to move to a new model of governance by 15 May 2024, should that be the wish of full council, does create some risks and the need for compromises to mitigate these risks are considered within the risk section of this report and are also set out in the risk matrix at appendix 4.(see section on Risk below and the risk matrix in appendix 4).

67. To prepare for a tight implementation of this model, specialist external legal advisors have supported the drafting to an amended constitution. The constitution does not technically need to be approved at this stage. The constitution is in an advanced preparation stage and will be ready for adoption at the Annual Council on 15 May 2024, should Full Council determine that a committee form of governance is to be adopted from that date. The amended constitution will operate with the minimal changes required to ensure a smooth and lawful transition to the new model. The constitution will therefore need a more comprehensive review commencing within 6 months of any new model becoming operational.

Service Committees

68. Committees under this model of governance will have decision-making powers within their terms of reference. These Committees will be set up by the parent body, Full Council and their composition and functions can be changed by Full Council.

69. These committees will only make decisions on issues within their terms of reference and delegations granted to them by Full Council. Decisions will need to be made within the budget and policy framework set out by the Full Council.

70. The Policy, Resources and Finance committee under this model will have an overarching responsibility and the most senior committee under this model of governance.

71. It must be acknowledged at the outset that if the Committee form of governance is chosen, with an implementation date of 15 May 2024, this will mean that a restricted approach would have to be adopted to the nature of changes made, and some compromise accepted as a result, compared to what might be achieved by a comprehensive review. Only necessary changes will be proposed to the constitution to make the model work and to enable compliant decision-making from the implementation date. Suggested changes have followed very closely the current cabinet portfolios, so each service committee follows these as closely as possible. It is proposed that should the committee form of governance be adopted a review process will commence within six months from implementation with a backwards look to apply any learning from the operation of the model and a forward look to see how the model can be improved and refined.

72. The committees proposed are as follows:

- i. Policy, Resources and Finance Committee
- ii. Children's Services, Education and Skills
- iii. Adult Social Care, Public Health, and Housing
- iv. Economy, Regeneration, Transport and Infrastructure
- v. Environment and Community Protection

73. The terms of reference for all the committees are contained in Appendix 1. Together with a mapping of the functions of the Council to the service committees.

74. As well as the above, the current committees will continue. These are: Planning, Licensing, Audit and Governance, Appointments and Employment, Appeals, (including sub-committees), Harbour Committee, Investigatory and Disciplinary Committee, IOW Pension Fund Committee and Local Pension Board.

Role of the Leader

75. If the Council intends to operate a committee system of governance, the Leader and Deputy Leader have no formal legal powers and duties vested in them under the Local Government Act 1972 or the Local Government Act 2000. However, in practice, all local authorities need to appoint a Leader and each Leader will hold the most significant elected councillor role within the Council. The Council's leader will be the political/elected head, the focus for policy direction and community development and the chief advocate and ambassador for the Island. Under a committee system, there is no legal requirement for a Leader.
76. It should be borne in mind that Full Council determines the number and scope of service committees and determines the political proportionality of those committees. Groups then appoint individuals to those seats as allocated. Full Council also elects chairs of committees save that in most Policy, Resources and Finance committee models, that committee is chaired by the Leader who is appointed by Full Council in the knowledge that they would also be the chair of the Policy, Resources and Finance Committee.
77. It is this, that provides the Leader with both the recognition and authority to discharge their role in a committee system, and a reason why that model is both used elsewhere to good effect and recommended by officers in this report as a suitable and effective form of governance for the Council.
78. The Future Governance Working Group having considered the point about the role of the Leader and its linkage to the Policy, Resources and Finance Committee and having taken advice from officers were unable to reach consensus that this was the model to be recommended. The Conservative and Empowering Islanders are of the view that the role of the leader and role of the chair of the Policy, Resources and Finance committee are fundamentally different, thus requiring different skillsets and which would also relieve the demands placed upon the role of the Leader. The Future Governance Working Group therefore have asked that Full Council considers the options for who chairs the Policy, Resources and Finance Committee.
79. Officers have undertaken to map decisions taken by Full Council and Cabinet between the period 1 February 2023 and 31 January 2024 to that of the proposed committees, together with the commencement of mapping the anticipated decisions that will need to be taken over the next twelve months, to allow as far as is possible to consider the required frequency of Committees. Whilst it was the intention to keep any proposal cost-neutral, it is important to acknowledge that there will be a certain level of learning by experience and a further review will inform structures and costs at future council meetings. The preferred approach to frequency of meetings is set out in paragraph 90 and referenced in recommendation D (IV).

80. Officers have also prepared an outline of the political proportionality arrangements with the proposed new committee structure which has been distributed to the Future Governance Working Group to allow for consideration as to the changes that this will bring to the political influence of decision making as well as to assess any risks associated with filling committee places.
81. The schedule of committee meetings for the whole year will ultimately be agreed by the Full Council at the Annual Council meeting.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

Economic Recovery and Reducing Poverty

82. There are no direct implications arising from this report on the council's approach to economic recovery and reducing poverty. Indirect impacts are linked to the reasons that the Council is considering a change, in that should a move to a committee system be agreed, there will be greater inclusivity for councillors in decision making process.

Impact on Young People and Future Generations

83. There are no direct implications arising from this report on the council's approach to young people and future generations. Indirect impacts may arise linked to the reasons that the Council is considering a change, in that should a move to a committee system be agreed, there will be greater inclusivity for councillors in the decision-making process.

Corporate Aims

84. At the heart of the council's corporate plan 2021 – 2025 are the core values of being community focussed; working together; being effective and efficient and being fair and transparent. The Council has been subject to a period of a no overall control administration and is made up of four representative parties or groups and one single aligned and one non-aligned. As set out earlier in this report, this is increasingly challenging for council decision making processes in that with a minority group leader and cabinet system in operation. It is considered that decisions are not being made that fully represents the aspirations of Island residents through involvement of their elected councillors in shaping and participating in decisions. It also has the effect that many councillors feel excluded and unable to fully represent the views of their electorates in key strategy and policy decisions that affect them.
85. It is acknowledged that the current Leader and Cabinet model does allow some wider councillor participation in decision-making. However, this is through non-executive committees, for example regulatory committees and through Scrutiny committees. The Executive under this model is responsible for most of the decisions within the Budget and Policy framework set by Full Council and these can be made without the involvement of wider councillor community i.e., those outside the Executive. The role of scrutiny can be limited in this model because they do not have direct decision-making powers. By proposing a change in the council's

governance arrangements from the current Leader and Cabinet model to that of a Committee system, the introduction of politically proportionate committees will not only allow for greater representation of those views, and real participation in decision making, it provides a means by which the range of skills, experience, and expertise that councillors bring can be fully utilised for the benefit of the Island.

86. No one form of governance can be considered to be better than another, each having its own set of pros and cons. The committee system will not automatically resolve the perceived ability for all councillors to shape decisions as these committees will be made on a politically balanced basis. This means that the majority on the group would carry decisions. However, the disparate political make-up at the Isle of Wight Council would benefit from greater participation of the various groups on decision-making committees.

CONSULTATION/ENGAGEMENT

87. As set out in the update report at the Full Council meeting on 20 March 2024, there is no formal statutory duty for the Council to undertake public consultation in proposing a change in governance arrangements. Engagement with members of the public, elected members of the Isle of Wight Council together with town, parish and community councils is however considered to be a valuable aspect of gathering information to add context. The engagement strategy activities have been undertaken and has included the delivery of:

- A dedicated inbox for anyone whether they be a member of the public, an elected member, partner organisation or a member of staff can provide feedback, ask questions, or present items for consideration. The future governance working group have been provided with the feedback received since inception to help with their thinking.
- Two briefing sessions have been held with town, parish, and community councils, designed to provide an overview of the options open to the Council in its governance arrangements, the proposals to introduce a committee system and opportunity for clarification on any aspect of the proposals.
- A public engagement event to raise awareness of the proposed move towards a committee system and how it is anticipated to be of benefit for the council, and what the key changes would be.
- Three briefing sessions for elected members prior to their extraordinary meeting on 1 May 2024 to raise awareness and better understanding the potential models of governance and considerations that will need to be taken account of in deciding whether to make a formal resolution to make a change to governance arrangements.
- Two briefing sessions for staff to raise awareness of the proposals and to consider the practical aspects of implementation if a decision is taken to proceed with a change in governance arrangements.
- A dedicated Council website page has been created to provide as much information as possible on the proposed changes, and which now includes a

series of frequently asked question, in light of the feedback and comments received on the work to date. An information leaflet has also been prepared and made available via press release and distribution to town, parish, and community councils to keep people informed.

88. It was also reported to Full Council in March 2024, that there is statutory duty for the Council in its role as employer, to consult with any employees affected by the changes, particularly where any proposed changes will alter their terms and conditions or contractual requirements of employment. Thus far, the considerations undertaken by the future governance working group have not presented any specific changes that would trigger the need for any such formal consultation to be initiated or indeed has identified the need for any redundancy procedures to be instigated. In the main, a change in governance arrangements in simple terms means that there is no direct impact other than a different approach to working arrangements and is a matter of cultural change. Should change be agreed, post implementation, there may well be further considerations to take account of and will be undertaken in line with council policy and procedures. The Council’s main recognised trade union has been made aware of the proposed changes and those staff directly affected by them have been kept informed of developments as they arose.

SCRUTINY COMMITTEE VIEW

89. Corporate Scrutiny considered the potential move to a Committee form of governance at its meeting on 12 March 2024. Corporate Scrutiny’s observations and the chair of the Future Governance Working Group’s comments are attached as appendix 2.
90. Observations arising from the consideration of this report at Audit and Governance on 29 April 2024 will be reported to Full Council on 1 May 2024 through separate cover.

FINANCIAL IMPLICATIONS

91. To assess the financial implications of the proposals, a unit cost methodology was applied to existing arrangements, and proposed arrangements. The unit costs were then multiplied by numbers of meetings across a range of scenarios to test the financial impact across key direct cost area’s such as democratic services, facilities, and officer support. The unit costs were compiled in conjunction with relevant staff discussions including some time recording. Details on the scenarios is included in appendix 3. The Future Governance Working Group after deliberation have recommended the adoption of scenario 5 contained within that appendix and which for ease is replicated below.

Scenario 5	Full Council	Policy, Resources & Finance	Childrens, Education & Skills	Adult Social Care, Public Health & Housing	Economy, Regeneration, Transport & Infrastructure	Environment & Community Protection	Total
Frequency per year	6	9	6	6	6	6	39

92. Although the financial margins in the model are of a less material value, there is a risk that after a certain point the ability to absorb any additionality becomes unachievable and an additional resource (commitment to additional staffing budget) would be required. This cannot be determined until full detail on meetings, timings, and support requirements becomes more definitive.
93. Within the model, councillor allowances are assumed to be contained within the existing budget envelope. Whilst it is acknowledged that the service committees will have chairs and vice-chairs, the role of a chair is different from the role of a Cabinet member who would have a greater personal responsibility so the financial value for the role may be less than a cabinet member. This area also remains a risk as roles and responsibilities are defined and ultimately recommendations made by the Independent Remuneration Panel.
94. There are potential for some one-off costs in relation to the proposal, in particular possible technical training (estimated at £4,000). Provision for this is to be allocated against the existing 2024/25 members training budget, other costs may become applicable depending on the complexity and pace of transition.
95. The intention is that any change of governance system from the current Cabinet model shall be cost neutral and therefore designed so that it can be contained within the current budget. If there are any additional resource requirements resulting from additional staffing costs for example, once the practical operational experience becomes available, this will need to be offset by an identified reduction in other budgets to deliver a fully funded new governance system.
96. If additional resource does result, liaison with the Section 151 officer would be required to determine the appropriate route of consideration, through possibly an in year 2024/25 budget amendment, or consideration as part of the 2025/26 budget setting process.
97. To deliver against Full Council's intention to seek a recommendation for a formal resolution to bring about a change in governance with effect from Annual Council 2024, it has been necessary to engage additional specialist governance officer support/advice to allow for the required constitutional changes to be made in readiness to meet the potential for an early implementation date. This capacity was not available internally without disruption to existing council business needs. This was commissioned from a recognised procurement framework and while it is not possible at the time of publication of this report, it is anticipated that the spend will be in the region of £25,000. Funding for this purpose was allocated from the Chief Executive's baseline budget for 2023/24.

LEGAL IMPLICATIONS

98. Statutory provisions to implement a different model of governance have been discussed extensively within the body of this report.
99. The Localism Act 2011 inserted Part 1A into the Local Government Act 2000 ("LGA 2000") and all the key provisions relating to the available governance models are found here.

100. Section 9B of the LGA 2002 outlines the permitted forms of governance for Councils. These are:

- i. “executive arrangements”; or
- ii. “a committee system”, or
- iii. “prescribed arrangements”.

101. Section 9K LGA 2000 provides that a local authority may change from one form of governance to another.

102. S.9KA LGA 2000 allows a local authority operating executive arrangements to vary those arrangements to provide for a different form of executive.

103. S.9KB LGA 2000 allows an authority operating executive arrangements to vary the arrangements so they differ from the existing arrangements but still provide for the same form of executive.

104. S.9KC LGA 2000 states that:

(1) A resolution of a local authority is required in order for the authority to make a change in governance arrangements.

(2) states that as soon as practicable after passing such a resolution a local authority must:

(a) secure that copies of a document setting out the provisions of the arrangements that are to have effect following the resolution are available at its principal office for inspection by members of the public, and

(b) publish in one or more newspapers circulating in its area a notice which—

- i. states that the authority has resolved to make a change in its governance arrangements,*
- ii. states the date on which the change is to have effect,*
- iii. describes the main features of the change,*
- iv. states that copies of a document setting out the provisions of the arrangements that are to have effect following the resolution are available at the authority's principal office for inspection by members of the public, and*
- v. specifies the address of the authority's principal office.*

105. This is a mandatory requirement in order to implement any agreed changed governance arrangements.

106. Should Full Council agree changes resulting in formal change under a Section 9KC resolution, officers will ensure that the Council complies with the statutory publicity requirements.

107. S.9L LGA 2000 deals with implementation of a change in governance arrangements and, in a case where a local authority intends to go from operating executive arrangements to operating a committee system.

108. S.9L(4) LGA 2000 limits the relevant time when the change can take effect to either:

- a) The first annual meeting of the local authority to be held after the resolution to make the change in governance has passed, or
- b) A later annual meeting of the local authority specified in that resolution.

109. The above section has the effect of only enabling a change in governance model to be implemented from the annual council meeting, although the resolution to make a change can be made at any Full Council meeting.

110. Further to Section 9KC. The local authority may not pass another resolution that makes a change in governance arrangements of a kind mentioned in subsection (3) ("Resolution B") before the end of the period of 5 years unless triggered by a referendum.

EQUALITY AND DIVERSITY

111. The Council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

112. The Council has considered any potential impacts through an equality impact assessment, shown at Appendix 5. The Council's assessment is that implementation of any of the options contained in the report does not, at this stage cause any disproportionate impact on any of the protected characteristics. However, the Council will monitor any new arrangements and review these as part of the post-implementation period.

OPTIONS

113. There are in effect the following options for Full Council which are outlined in the formal recommendations in this report. The body of the report outlines the relevant options together with strengths and weaknesses of each option.

Option 1: To retain its current form of executive Governance. This is a no change option (no requirement for a 9KC resolution) (see recommendation A) **or**

Option 2: Consider changes to its current executive model whilst retaining the executive model (no requirement for a 9KC resolution) (see recommendation B) **or**

Option 3: Resolve to move to a Mayor and Cabinet Executive (see recommendation C) **or**

Option 4: To move to a committee form of governance composed of politically balanced memberships (see recommendation D)

114. If Full Council agrees to move to a committee or mayor and cabinet form of governance, the options for implementation are:

Option 5: Implementation from Annual Council in May 2024 (see recommendation D (ii) a) or

Option 6: Implementation from Annual Council in May 2025 (see recommendation D (ii) b)

RISK MANAGEMENT

115. The risks for a change in governance arrangements for the council, are in the main considered to be those associated with the timescale for implementation should Full Council determine to proceed with a change to its governance arrangements. The decision to make such a change is, in the main a procedural one, and must be undertaken in accordance with the law and its stipulated requirements to determine a change to take effect. There must be a formal Section 9KC resolution, which demonstrates that there has been **an agreement by** councillors to instigate a change, having had due regard to the options open to them in making such a decision and for members to be satisfied that they have sufficiently considered them to make an informed decision based on the information available to them. There are also statutory duties in respect of publication of the new scheme proposals prior to any constitutional amendments being made to implement them.
116. The methodology adopted by the Future Governance Working Group, endorsed by Full Council, has been to consider a possible early implementation date of May 2024. Preparations have therefore been undertaken based on the minimum necessary legal requirements to enable such a change to take place. Full Council during its discussion and debate at both its meeting of 17 January 2024 and 20 March 2024 indicated that a move towards a committee system would resolve what is considered to be a weakness in its current governance arrangements. and in doing so, an urgent move to a change in approach to decision making from May 2024 will further improve that situation. However, some members did raise concerns about the risks arising from the speed of change.
117. It is acknowledged that there are risks associated with an urgent change in governance as there have not been opportunities to test any potential new governance arrangements through shadow arrangements. However, whilst this is not risk free the risks have been mitigated by procuring specialist legal support and capacity to advise the Council and to draft key documents such as the constitution and the changes to the model have been minimised so that the service committees will align to the cabinet portfolios as much as possible and minimal changes to the constitution will be made to enable the model to operate legally. A more comprehensive review of the constitution and the operation of the model will be considered in around six months after change is approved.
118. The main risk with the delivery of a change in governance arrangements for the Council by May 2024 remains that of organisational capacity to adequately prepare all the components necessary to assist in the smooth operation of a new set of governance arrangements which will be unfamiliar to many staff and councillors. Councillors will also need to be assured that they feel sufficiently

confident that they are or will be adequately prepared to fulfil their duties in the operation of a new system of governance. To mitigate this risk, a project plan was put in place and remains an operational roadmap to direct the required activities necessary to prepare as far as is reasonably practical for new arrangements to take effect, and additional capacity/expertise has been brought in to assist with the development of the required governance changes.

119. However there remains a risk with working at pace to deliver a change. Councillors should be satisfied that there will be limitations as to what can be achieved to deliver a new set of arrangements as is set out in this report. The new Constitution that will take effect will allow for the minimum requirements to be in place to facilitate the operation of a committee system. It will not however be a full re-write or address aspects of change/improvement that have already been identified. This will be addressed post any decision to make a change and will also be both a reflective review of the experience gained from operation and a forward-looking view as to potential changes that would be of benefit to the council.
120. Early introduction of a new model will mean that there has been limited opportunity to trial new arrangements and establish a clear understanding of the operational aspects of delivery. To mitigate this, a considerable amount of work has been undertaken to map and anticipate required future business decisions; frequency and length of meetings to conduct such business and the statutory and ordinary scrutiny duties that will be required to be performed, matched against available resources both from officer and councillor perspective. These can however only ever be indicative, until the practical and operational elements can be fully understood, unless shadow arrangements have been put in place to assist with the full understanding of resource and operational requirements.
121. There is a risk that in determining the required number of and length of meetings necessary to facilitate business needs within existing resources may not transpire into workable arrangements in practice. This will need to be kept under close review should an implementation date of May 2024 be determined.
122. There is also the potential for our public to be confused about the changes and what they will mean to them and how the Council is to be operated going forward. A communications and engagement plan is in place as set out earlier in this report to ensure that the changes are carefully communicated to members of the public, our partner organisations, and other stakeholders and that there is appropriate opportunity for engagement in the process.
123. Members will also need to consider what the implications are for not making a change to governance arrangements and opting for the status quo. It is evident that the current model of Executive Leader and Cabinet decision making is one that has its disadvantages in the current position of no-overall political control and as at present four separate representative groups and one single aligned and one non-aligned councillor. It can mean the outcome of decision-making voting will remain unpredictable where matters are for Full Council decision. The nature of decision-making under this model and current circumstances is also such that there can be strong disagreement to cabinet decisions from other political or aligned groups which serves to disrupt decision making processes and is draining on officer resources in their management, thus leading to decision-

making processes that are not considered to be efficient or cost effective. If the status quo is to be retained, then it will be necessary for councillors to determine ways in which cross chamber working can be secured to allow for greater participation and engagement of all elected councillors.

124. Evidence from other local authorities that have instigated such a governance model change have afforded a minimum period of twelve months from the point of passing a Section 9KC resolution to implementation to allow for all the considerations and preparations to take place efficiently and effectively. This allows for all members to be fully engaged in the preparation of the constitutional changes necessary for a change in governance arrangements; refresh elements that require improvement; member and officer familiarisation with new operating procedures through shadow committees.
125. This approach, however, does not guarantee that there will be no imperfections and constitutional amendments and improvement remain an on-going aspect of council. To achieve that ambition, it will be necessary to limit the number of constitutional changes it makes to those which are essential to the introduction of a committee system and to proceed with limited councillor engagement at the initial stage. Councillors will therefore need to accept that much of the current constitutional provisions will remain unchanged and that there will be no opportunity for full engagement in the design of the changes necessary. If a Section 9KC resolution is passed and a change date of May 2024 agreed, there will need to be the instigation of a formal review of constitutional provisions which will take account of experience in the operation of the new system as well as to address the “snagging” list of amendments that are already set to be reviewed.
126. A change to a committee system will introduce a system of decision making that will be new to many councillors and officers. There will be no opportunity to operate shadow committees and as such there is a likelihood that sufficient knowledge and experience cannot be gained by the point of implementation and there is potential for mistakes to be made. Training and information giving sessions will be undertaken as far as is reasonably possible prior to implementation for staff and officers and that will continue post implementation. This will be a learning experience in which there will need to be tolerance of potential unintended mistakes to be made. The committee calendar for the year will also need to be reviewed, with a new set of dates to be determined to accommodate a new committee structure. It is important therefore that there is understanding from everyone involved that current planned diary dates may by necessity be changed.
127. In the light of these issues, it has to be acknowledged that there are risks in implementing a change on 15 May 2024, but there are also advantages to early implementation in that the potential benefits of moving to what is seen as a more consensual and participatory decision-making process will start to be realised this year rather than being deferred for a further twelve months (or later). If the Council resolves in favour of Option 4, then securing these potential advantages in early course will therefore be a factor to weigh in the balance, against the risks, in making the further choice between Option 5 and Option 6.
128. A full risk matrix is set out in Appendix 4.

EVALUATION

129. This report has outlined a number of options available to the Council should it wish to change its model of governance. These range from making no change and continuing with the current Executive model of governance to more comprehensive change options outlined in the recommendations in this report.
130. The work to consider options for the governance was member led by the Future Governance Working Party supported by an officer project board composed of senior officers and specialist support, including external legal support. Scrutiny did consider the potential change in governance and made observations which have been considered and have been responded to by the Future Governance Working Party.
131. The body of the report has outlined the various available models; the advantages and disadvantages of each one and the risks associated with change. This has been assessed from various sources including what some other councils have done or are planning to do to change their governance models.
132. The recommended option from the Future Governance Party is that the Council moves to a committee form of governance. This in their broad view will enable more consensual participation from all councillors in important decision-making which the current model does not fully support. It is anticipated that this would address some of the problems arising from the fragmented political make-up of the current council.
133. As well as risks arising generally from change and more specifically from the level and scope of change a new model of governance will bring, there is also timing risk. Should Full Council determine that the change should be implemented from annual Council on 15 May 2024 that will bring additional risk. However, officers, supported by the Future Governance Working group, have suggested minimal changes to the constitution at this stage to enable the model to be implemented and the design principles of the service committees have followed very closely the current Cabinet portfolio responsibilities. There are also potential advantages to moving to an earlier implementation date because the current fragmented politics impacts on effective decision-making and a new model may address some of the concerns and problems of the current model of governance.
134. A later implementation in May 2025 has the advantages in that there will be more time for councillors and officers to run shadow arrangements, provide a more fundamental constitutional review and enable a backwards review and to apply lessons learn. This would be balanced with the disadvantages of running the current model as set out above.
135. It is outlined in the report that should the Council resolve to pass a Section 9KC resolution to move to a different form of governance, this can only be implemented lawfully from an Annual Council meeting and any such new model cannot be lawfully changed for 5 years, without a referendum supporting change.
136. The risks, legal implications and financial implications are covered comprehensively in the body of the report.

APPENDICES ATTACHED

- 137. Appendix 1- Committee system framework.
- 138. Appendix 2 – Corporate Scrutiny recommendations and response of the Chair of the Future Governance Working Group.
- 139. Appendix 3 – Financial Modelling
- 140. Appendix 4 - Risk matrix
- 141. Appendix 5 – Equality Impact Assessment

BACKGROUND PAPERS

- 142. [Bromsgrove District Council](#)
- 143. [Centre for Governance and Scrutiny](#)

Contact Point: Francis Fernandez, Senior Governance Officer, ☎ 821000 e-mail francis.fernandez@jow.gov.uk

CLAIRE SHAND
Director of Corporate Services

WENDY PERERA
Chief Executive, Isle of Wight Council

Appendix 1: IOW Governance Architecture: Committee System Framework

Design Principles

1. The design principles underlying the drafting of the constitutional changes have reflected the circumstances including the timing constraint set by the Council. The principles followed have as a result been both based on certain assumptions as to content and process but also set within an overall approach / framework as follows:
 - 1.1 Given the time constraint, the only constitutional changes being proposed at this point are those necessary to allow the adoption of a committee system of governance from May 2024. The decision-making process will need address the risks and the mitigation for those risks arising from a May 2024 implementation.
 - 1.2 As a result:
 - 1.2.1 existing arrangements that do not need be changed to achieve the overriding priority of the adoption of a committee system of governance in May 2024 are unaltered. This includes the non-executive committee's terms of reference and ancillary matters, the scheme of delegation including delegation levels and all non-executive protocols and procedures.
 - 1.2.2 there are constitutional matters previously raised and either already under review or pending consideration that will not be addressed by this current process.
 - 1.2.3 this current process should therefore be seen as the first stage of a larger piece of work to review the Constitution as a whole. That larger piece of work will need to review the new constitutional arrangements and fine tune them. Given the pace that has had to be adopted to deliver this and the limited engagement that has been possible over the details, it is inevitable that fine tuning (at least) will be required; and
 - 1.2.4 as already identified, certain aspects of the constitution that has been lifted and shifted have already been identified as warranting review and should also be reviewed in the larger piece of work.
 - 1.3 As a consequence, the process currently being undertaken to prepare a Committee system of governance for adoption in May 2024 should be seen as a first part of the review of the Council's constitutional settlement that not only accepts the need to review / fine tune the new arrangements but also take time to fully review all of the constitution and address those issues already identified for review that fall outside the changes currently being proposed.

Key Areas for Members

1. The Future Governance (members group) have identified 5 key areas that they wish to be updated upon. These are expressly addressed in this note. Namely:
 - 1.1 Democracy of Committees e.g., election of Chairs, procedural rules
 - 1.2 Terms of Reference of and Decision-Making by Committee, particularly those with statutory responsibilities
 - 1.3 Urgent/Key Decisions and Committee delegating. Local Choice functions
 - 1.4 Any particular role of proposed Policy, Finance & Resources Committee. How does it fit with the rest? Membership?
 - 1.5 Communications Protocol

Leadership

1. Full Council

- Is made up of all 39 of the Councillors to listen to and represent their wards and the people who live within them.
- Agrees the Constitution (i.e., how the Council operates)
- Sets the Scheme of Delegations (i.e., who can make which decisions)
- Undertakes those functions that by law only Full Council can undertake as well as any Local Choice Functions
- Is the forum where all Members steer the overall direction of the Council, set the boundaries within which all the themed committees have to operate (known as the 'budget and policy framework'), and keep oversight of decisions made across the whole system. In exceptional circumstances, can overturn decisions made by Committees.
- Appoints councillors to individual committees, appoints chairs of all committees, and elects the Leader of the Council and the Chairman of the Council.
- Agrees Policies which by law can only be agreed by full council.

2. Leader's Role

- The role of the Leader in a committee system of Governance is very different from that under Executive arrangements with a Leader and Cabinet model, where the Leader appoints their cabinet and determines their portfolios. A Leader under executive arrangements has significant decision-making powers and hence has both legal status and legal powers.
- The position under a committee system is different as the legal decision-making powers are vested in Full Council, Committees, Sub-Committees and officers acting under delegated powers. Nevertheless, the Leader in such a model of governance performs a number of vital roles.
- The Leader shall be recognised and derive their authority to give that political leadership in the following ways:
 - The Leader shall be appointed at the council's Annual Meeting as Leader and hence Chair of the Policy, Resources and Finance Committee.
 - Has the right to attend and speak at any meeting of a committee or sub-committee of the Council, provided that they will only be entitled to vote if appointed as a voting member of that committee or sub-committee.
 - The establishment of policy direction and the council's priorities and the facilitation of discussion thereon.
 - To be principal ambassador for the Council.
 - To represent the Council on any external body, as considered appropriate, and to make decisions and vote on behalf of the Council at meetings of such bodies.
 - Involvement in major emergencies: the Leader and Deputy Leader must be informed if an emergency is likely or has been declared under the Council's emergency planning or business continuity procedures.
 - To promote and uphold high standards of ethical conduct by Members and the Council's equalities policies.

3. Chairman's Role

- Ceremonial 'First Citizen' elected by Full Council representing the Council as a civic body in formal and informal public settings and promoting local causes.
- Chairs Full Council (has a casting vote if votes are tied)

4. Budget and Policy Framework (BPF)

- Required by Local Authorities (Committee System) (England Regs (2012) ("the 2012 Regs)
- Full Council approves the plan strategy or budget. All decisions then made as per BPF unless Full Council agree otherwise.
- P&R (as the overarching Committee) recommend to Full Council the relevant plans and budget in BPF.
- Full Council adopt the statutory minimum of the BPF namely:
 - Budget
 - Annual Library Plan
 - Crime and Disorder Reduction Strategy
 - Development plan and associated documents e.g., Local Plan
 - Licensing Authority Policy Statement
 - Local Transport Plan
 - Sustainable community strategy
 - Youth Justice Plan

Committees

5. Policy Resources and Finance Committee (PR&F)

- Overarching Service Committee
- Develops a Corporate Plan, budget, and other aspects of the Budget & Policy Framework, with input of the other Service Committees, for agreement / endorsement by Full Council and then can only work within those limits agreed by Council.
- Takes strategic decisions and sets the overall work programme for the Service Committees which are each responsible for delivering specific parts of the corporate planning framework.
- Membership is Chairs of all the Service Committees (Chair of Audit and Governance has standing invite) plus others to maintain political proportionality. Chaired by Leader of the Council. Deputy Leader also a member and Vice Chair. Leader may designate members of Policy, Resources and Finance Committee to lead on specific themes e.g., finance.

6. Service Committees

- Decision-making Committees organised by service (Full Council sets exact number, titles, and remits – which may be reviewed and changed at each year's Annual Meeting)
- Work within the Budget, Policy and Strategy Frameworks set by the Full Council
- Service Committees are:
 - Policy Resources and Finance
 - Children's, Education & Skills
 - Adult Social Care, Public Health, and Housing
 - Economy, Regeneration, Transport & Infrastructure
 - Environment and Community Protection
- In certain conditions Committees may establish a limited number of temporary, time-limited Sub- Committees for specific purposes, such as to develop policy on a specific issue.
- Council Procedure Rules will apply to Service Committees (as they currently do for non-executive committees) but with less formality / lighter touch (as now).

7. Other Committees

- A range of existing Committees continue to serve their current functions e.g., Planning, Licensing, Audit and Governance, Appointments and Employment, Appeals (including sub-committees), Harbour Committee, Investigatory and Disciplinary Committee, IOW Pension Fund Committee and Local Pension Board.
- Post implementation, some bodies may / may not need to be reshaped or rethought in order to fit within the new Committee System, such as Health & Wellbeing Board.

8. Sub-Committees

- Committees have the legal power to create sub-committees. The current proposals do not create any new / further sub-committees.

9. Scrutiny

- Whilst there is no legal requirement for separate Scrutiny Committee(s) under the Committee system as cross-party check and challenge (and cross-party policy development) is built into every decision-making Committee and Full Council, some statutory responsibilities remain.

- S19 Police and Justice Act 2006 provides the IOW Council must have a scrutiny committee within the meaning of S9JA Local Government Act 2000. Similar obligations arise under Section 244 National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- The Council, having adopted a committee system form of governance intends not to appoint any separate overview and scrutiny committee(s). Therefore, it has no call-in function.
- The statutory overview and scrutiny functions of the authority will be exercised by each Service Committee with regard to the services, functions and partnerships covered by that Committee including P&R Committee in respect of its functions, but P&R shall also undertake overview or scrutiny across Council services covered by more than one Committee.
- The statutory external scrutiny functions of the authority would be exercised by the relevant service committees, are as follows:
 - Health: Adult Social Care, Public Health, and Housing Committee
 - Crime and Disorder: Environment and community Protection Committee
 - Flood risk management: Environment and Community Protection Committee
- The Council's overview and scrutiny procedure rules and Standing Order 25 apply when committees are undertaking their overview and scrutiny function; and the facility for each committee to set up and appoint task-and-finish groups is retained and set out in the constitution.

Engagement and Communication

10. Public Engagement

- A critical ambition for the new governance system is for citizens, communities, and partners to be more effectively engaged, involved and listened to within the decision - making process.
- Decisions, and the processes used to reach decisions, should be easy for anybody to find and understand so that decision-makers are publicly accountable to everyone.
- This objective should be read as running through every single part of this framework.

11. Communications

- The Communications Protocol defines who can make official statements on behalf of the Council under the new Committee System. Typically, each political Group will have a nominated public spokesperson for each committee, but official Council statements are likely to be in the names of the Chairs of the relevant committees and/or the Leader.

Roles and Responsibilities

12. Schemes of Delegation

- All decisions previously made by the Executive will be made at the new Service Committees. Where decisions are made by Officers, the thresholds for this, and mechanisms for transparency and holding decision-makers to account, will be clear in the Constitution.

13. Statutory responsibilities for members

- It will still be a legal requirement that IOW has a Lead Member for Children's Services. This role is usually combined with Chairmanship of the relevant Committee(s), in this case Children's Services Committee. Individual Member decision making is not permitted under the Committee System.

14. Staffing, Relationships and Casework

- The Member Support function will need to be reviewed in line with the new model.
- Various new relationships and ways of working between Members and Officers must be forged.
- Member Casework support mechanisms may need to be reviewed.
- Under the proposed governance model, whilst there is no longer a legal need for a statutory scrutiny officer, there is a need for support for the scrutiny / function / activity now being carried out by the Service Committees.

15. Urgency

- The current scheme of executive and non-executive delegations will be lifted and shifted into the new scheme of delegations and only amended to reflect the new form of governance. Decisions previously made by the Executive will be made at the new Service Committees unless otherwise agreed. Where decisions are made by Officers, the thresholds for this, and mechanisms for transparency and holding decision-makers to account, will be clear in the Constitution.

DRAFT TERMS OF REFERENCE FOR SERVICE COMMITTEES

The Council intends to establish 5 Service Committees aligned with the functions of the Council:

1. Policy, Resources and Finance
2. Children's Services, Education and Skills
3. Adult Social Care, Public Health, and Housing
4. Economy, Regeneration, Transport, and Infrastructure
5. Environment and Community Protection

Matters Reserved to All Service Committees

Within the remit of each Service Committee and subject to decisions being:

- (i) within the approved budget (including any virement)
 - (ii) not contrary to the Budget and Policy Framework
 - (iii) In accordance with the priorities set out in the Council's Corporate Plan, and
 - (iv) any Capital Programme expenditure having been approved by P&R Committee
- the following matters are reserved to Policy Committees:

Policy Resources and Finance (PR&F)

1. To make recommendations as appropriate on matters reserved to Full Council for decision including the Budget and Policy Framework and the overall strategic direction of the Council.
2. To develop and recommend the Corporate Plan to Full Council to provide strategic policy direction and thereafter monitor performance against key indicators.
3. To coordinate the development of the annual budget (and MTFS Plan) to be recommended to Full Council and thereafter monitor financial performance.
4. Set the policy direction for:
 - a) those functions for which the Committee is responsible.
 - b) functions which cut across more than one committee area.
 - c) functions not otherwise specifically reserved to another policy committee.
 - d) matters referred to it for decision by a policy committee.
 - e) where other policy committees are not in agreement.
5. To be responsible for the authority's corporate assets and resources, in particular the financial, regeneration, land and property, and information assets and resources.
6. To ensure the corporate management of the Council, and the efficient and cost-effective delivery of its services to the public.
7. Oversight of the Council's corporate and support functions and activities.
8. To act as Trustee for the Council in respect of such charities as agreed from time to time.

9. To be responsible for any joint arrangements and partnership areas, relevant to the functions of the Committee in which the authority is involved.
10. To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible, and for functions which cut across more than one committee area.
11. To exercise Powers where relevant for Petitions, and scrutiny of other Public Service Providers, as for example set out in the Local Government and Public Involvement in Health Act 2007.
12. To be responsible for decision-making in matters which cut across the delegation of functions to Committees.
13. To exercise the Council's functions and responsibilities, in relation to any other companies in which the Council holds interests for example as shareholder or sole member.
14. To take decisions on policy matters in functions which have been delegated to another Committee but where a decision is required out of that Committee's normal cycle of meetings.
15. The Committee may take urgent decisions on behalf of Full Council, subject to the function not being reserved by statute to Full Council.
16. The Committee is responsible for delivering the services within the approved revenue and capital budget.

NOTE: The Leader may nominate any other member of Policy, Resources and Finance Committee to lead on and present both to Policy, Resources and Finance Committee and Full Council any Policy Framework Plan or the Budget.

Children's Education and Skills

1. To be the authority's Committee with responsibility for services that relate to the council's children's services functions including education, children's social care and children's health.
2. To be responsible for and take decisions relating to the statutory and non-statutory duties relating to the functions listed below, and to set the policy framework for those functions for which the Committee is responsible:
 - a) Children's education, including standards and school improvement.
 - b) Special educational needs and/or disabilities
 - c) Early Years
 - d) Youth Support Services
 - e) Youth Justice Services
 - f) Early Intervention
 - g) Children's social care including looked-after children, safeguarding and corporate parenting.
 - h) School place planning and admissions
 - i) Post 16 provision including those Not in Education, Employment or Training (NEETs)
 - j) Children's physical and mental health
 - k) Transitions for young people from children to adults' services
 - l) Work with the Youth Council and other bodies representing children, young people, parents, and carers.
3. To consider budget proposals as part of the annual budget setting process, consider any variations to the budget which are not delegated to officers and make recommendations to the Policy, Resources and Finance committee.
4. To be responsible for any joint arrangements and partnerships relevant to the functions of the committee in which the authority is involved.
5. To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible.
6. To provide a corporate framework for the scrutiny of Children's Services as set out in the Children Act 2004 and to ensure effective accountability for providing a focus on the needs of children across all services of the Council, and the integration of all public services provided to children by the Council, health, and other partners.
7. The Committee is responsible for delivering the services within the approved revenue and capital budget.

Adult Social Care, Public Health, and Housing

1. To be the authority's Adult Social Care Committee.
2. To be responsible for and take decisions relating to the statutory and non-statutory functions relating to the services listed below, and to set the policy framework for those functions for which the Committee is responsible:
 - a) Adult Social Care
 - b) Public Health
 - c) Housing
3. To consider budget proposals as part of the annual budget setting process, consider any variations to the budget which are not delegated to officers and make recommendations to the Policy, Resources and Finance committee.
4. To be responsible for any joint arrangements and partnerships relevant to the functions of the committee in which the authority is involved.
5. To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible.
6. Specifically, to undertake the health scrutiny functions of the local authority under Section 244 of the National Health Services Act 2006 as amended by Sections 190 and 191 of the Health & Social Care Act 2012.
7. To provide a corporate framework for the scrutiny of the services for which the committee is responsible.
8. The Committee is responsible for delivering the services within the approved revenue and capital budget.

Economy, Regeneration, Transport, and Infrastructure

1. To be responsible for and take decisions relating to the statutory and non-statutory functions relating to the services listed below, and to set the policy framework for those functions for which the Committee is responsible:
 - a) Economic Development and Regeneration
 - b) Skills development and training
 - c) Supporting business.
 - d) Strategic planning
 - e) Transport planning and highways authority responsibilities.
 - f) Highways PFI
 - g) Car Parking and Cowes Floating Bridge
 - f) Rights of Way
2. To consider budget proposals as part of the annual budget setting process, consider any variations to the budget which are not delegated to officers and make recommendations to the Policy, Resources and Finance committee.
3. To be responsible for any joint arrangements and partnerships relevant to the functions of the committee in which the authority is involved.
4. To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible.
5. To provide a corporate framework for the scrutiny of the services for which the committee is responsible.
6. The Committee is responsible for delivering the services within the approved revenue and capital budget.

Environment and Community Protection

1. To be responsible for and take decisions relating to the statutory and non-statutory functions relating to the services listed below, and to set the policy framework for those functions for which the Committee is responsible:
 - a) Matters relating to the IOW as a UNESCO Biosphere, Climate change and sustainability
 - b) Waste management and recycling
 - c) Coastal Protection and Flood Protection
 - d) Leisure, libraries, and culture
 - e) Public Spaces, parks, and beaches
 - f) Community protection, resilience and cohesion
 - g) Bereavement, registration, and coroner
2. To consider budget proposals as part of the annual budget setting process, consider any variations to the budget which are not delegated to officers and make recommendations to the Policy, Resources and Finance committee.

3. To be responsible for any joint arrangements and partnerships relevant to the functions of the committee in which the authority is involved.
4. To be responsible for the overview, service performance and improvement and scrutiny of all functions for which the Committee is responsible.
5. Specifically, to undertake the relevant crime and disorder scrutiny functions of the local authority under S19 Police and Justice Act 2006.
6. Specifically, to review and scrutinise the exercise of flood risk management functions by the lead local authority under Section 9FH of the Local Government Act 2000 (as amended by Schedule 2 to the Localism Act 2011).
7. To provide a corporate framework for the scrutiny of the services for which the committee is responsible.
8. The Committee is responsible for delivering the services within the approved revenue and capital budget.

Map of functions to new service committees

Policy & Resources	Childrens Services	Adult Social Care, public health & housing	Economy, Regeneration, transport & infrastructure	Environment & community protection
<ul style="list-style-type: none"> • Strategic oversight • County Deals & Devolution • Civic Affairs • Communications & Design • HR • Elections • Democratic Services • Legal Services • Finance • Business Centre • Benefits and Grants • Audit • Treasury Management • Property & Asset Management • Commercial Property • Investments • Leasing • Procurement and Contract Management • Business Intelligence • ICT • Emergency Planning 	<ul style="list-style-type: none"> • Adoption • Fostering • Disabled Children Support • Respite Care • Early Help • Care Leavers • Safeguarding • Short Breaks • Youth Service • Youth Council and Youth MP • Special Educational Needs • Alternative Education • Early Years Development • School Improvement • Schools • Home to School Transport 	<ul style="list-style-type: none"> • Integrated Care System • Community Care • Residential Care • Nursing Care • Home Care • Direct Payments • Day Care • Supported Living • Learning Disability Homes • Respite Care • Resettlement • Safeguarding • Domestic Abuse • Early Help Services • Obesity • Social Health • Substance Misuse • 0-19 Services • Homelessness • Rough Sleeping • Housing Related Support • Housing Renewal & Enforcement • Rough Sleeping • Disabled Facilities Grant 	<ul style="list-style-type: none"> • Parking Services • Floating Bridge • Harbours • Concessionary Fares • Subsidised Bus Services • Highway PFI Contract • Highways Authority • Economic Development • Regeneration Projects • Levelling Up, SLEP • Tourism 	<ul style="list-style-type: none"> • Leisure Centres • Sports Development • Libraries • Theatres/Museums • Archaeology • Records Office • Registrars • Allotment's • Playing fields/sports grounds • Planning Services • Local Development Framework • Trees & Landscape Protection • Building Control • Coastal Management • Flood Policy and LLFA • AONB • Countryside Management • Parks and Open Spaces • Beach Huts • Rights of Way • Biosphere • Climate Change • Bereavement Services • Coroner • Licensing • Environmental Health • Trading Standards • Community Safety • Waste Collection • Waste Disposal • Closed Landfill Sites • Littering and Fly tipping

APPENDIX 2

OUTCOMES AND RECOMMENDATIONS ARISING FROM CORPORATE SCRUTINY COMMITTEE HELD ON 12 MARCH 2024

Future Governance

THAT, whilst the committee supports the proposals to move to a committee-system of governance in principle, it has regard to the risks associated with the speed of implementation by May 2024.

THAT the committee requests that the Future Governance Working Group considers the following matters:

- a) The risks regarding the speed of implementation, and to provide frequent updates to the Corporate Scrutiny Committee as progress continues.
- b) A full financial analysis.
- c) Increasing the frequency of Full Council meetings.
- d) Increasing the frequency of service committee meetings, particularly where the committees would be taking on both decision-making and scrutiny functions.
- e) The inclusion of 'Regeneration' within the relevant service committee title.
- f) The function of scrutiny and whether separate scrutiny committees should be implemented.
- g) Reconsider the chairman of the Policy, Finance, and Resources Committee being the new leader of the council by default.
- h) The impact on affected staff, and to consult with those whose job roles would be affected.
- i) The representation from IWALC within the new governance system.

RESPONSE TO SCRUTINY FROM COUNCILLOR BRODIE 19 MARCH 2024 (IN RED)

The recommendations of Tuesday's Corporate Scrutiny Committee were considered by the politically proportionate Future Governance Working Group this afternoon. Our responses are annotated below:

a) THAT, whilst the committee supports the proposals to move to a committee-system of governance in principle, it has regard to the risks associated with the speed of implementation by May 2024.

This goes without saying. We do not treat this lightly.

b) THAT the committee requests that the Future Governance Working Group considers the following matters:

- i. The risks regarding the speed of implementation, and to provide frequent updates to the Corporate Scrutiny Committee as progress continues.

This will of course be done. Full Council has a comprehensive, current progress report for 20 March.

- ii. A full financial analysis.

This is awaited from the Finance Directorate. We recognise how important this is.

- iii. Increasing the frequency of Full Council meetings.

On Officer advice we will still recommend 5 per year.

- iv. Increasing the frequency of service committee meetings, particularly where the committees would be taking on both decision-making and scrutiny functions.

Although continuing to recommend quarterly meetings, there will be constitutional provision for extraordinary meetings when necessary. This would be kept under review post-implementation.

- v. The inclusion of 'Regeneration' within the relevant service committee title.

Agreed.

- vi. The function of scrutiny and whether separate scrutiny committees should be implemented.

All statutory scrutiny will be absorbed into the proposed and relevant service committees. There will be no need for formal scrutiny of executive decisions without an executive.

- vii. Reconsider the chairman of the Policy, Finance, and Resources Committee being the new leader of the council by default.

This will remain as our recommendation, though the Independent Remuneration Panel will be asked to consider an SRA for any member of the Council appointed to lead on Finance if not the Leader.

- viii. The impact on affected staff, and to consult with those whose job roles would be affected.

This is in hand as part of the Communications & Engagement Plan that was presented for your meeting.

- ix. The representation from IWALC within the new governance system.

We propose no changes for the Planning Committee and the Health & Wellbeing Board. Corporate Scrutiny Committee would of course be terminated.

I hope this is helpful.

Geoff
as Chair of the Future Governance Working Group.

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Existing Cabinet System	Full Council	Cabinet	Corporate Scrutiny Committee	Policy & Scrutiny Committee (Childrens Services Education & Skills)	Policy & Scrutiny Committee (Health & Social Care)	Policy & Scrutiny Committee (Neighbourhoods & Regeneration)	TOTAL
Frequency per year	6	10	11		4	5	40
Democratic Services	£3,254	£4,632	£6,166	£1,325	£1,325	£1,656	£18,357
Facilities Support	£498	£830	£693	£252	£252	£315	£2,840
Officer Support	£6,490	£8,730	£9,216	£2,530	£2,530	£3,163	£32,660
Member Responsibility Allowances							£158,455
							TOTAL: £212,313

£1,346

SCENARIO 1

Potential Committee System	Full Council	Policy, Finance & Resources Committee	Childrens Services Committee	Adult Social Care, Public Health & Housing Committee	Economy, Regeneration, Transport & Infrastructure Committee	Environment & Community Protection Committee	TOTAL
Frequency per year	5	9	4	4	4	4	30
Democratic Services	£2,712	£4,169	£1,697	£1,697	£1,697	£1,697	£13,667
Facilities Support	£415	£747	£332	£332	£332	£332	£2,490
Officer Support	£5,409	£14,777	£2,530	£2,530	£2,530	£2,530	£30,307
Member Responsibility Allowances							£158,455
							TOTAL: £204,919

£1,549

+ Additional Cost / - Saving -£7,393

SCENARIO 2

Potential Committee System	Full Council	Policy, Finance & Resources Committee	Childrens Services Committee	Adult Social Care, Public Health & Housing Committee	Economy, Regeneration, Transport & Infrastructure Committee	Environment & Community Protection Committee	TOTAL
Frequency per year	5	8	6	6	6	6	37
Democratic Services	£2,712	£3,705	£2,545	£2,545	£2,545	£2,545	£16,597
Facilities Support	£415	£664	£498	£498	£498	£498	£3,071
Officer Support	£5,409	£13,135	£3,796	£3,796	£3,796	£3,796	£33,726
Member Responsibility Allowances							£158,455
							TOTAL: £211,849

£1,443

+ Additional Cost / - Saving -£463

SCENARIO 3

Potential Committee System	Full Council	Policy, Finance & Resources Committee	Childrens Services Committee	Adult Social Care, Public Health & Housing Committee	Economy, Regeneration, Transport & Infrastructure Committee	Environment & Community Protection Committee	TOTAL
Frequency per year	5	8	6	7	6	7	39
Democratic Services	£2,712	£3,705	£2,545	£2,969	£2,545	£2,969	£17,445
Facilities Support	£415	£664	£498	£581	£498	£581	£3,237
Officer Support	£5,409	£13,135	£3,796	£4,428	£3,796	£4,428	£34,991
Member Responsibility Allowances							£158,455
							TOTAL: £214,129

£1,428

+ Additional Cost / - Saving £1,816

SCENARIO 4

Potential Committee System	Full Council	Policy, Finance & Resources Committee	Childrens Services Committee	Adult Social Care, Public Health & Housing Committee	Economy, Regeneration, Transport & Infrastructure Committee	Environment & Community Protection Committee	TOTAL
Frequency per year	5	8	5	7	5	7	37
Democratic Services	£2,712	£3,705	£2,121	£2,969	£2,121	£2,969	£16,597
Facilities Support	£415	£664	£415	£581	£415	£581	£3,071
Officer Support	£5,409	£13,135	£3,163	£4,428	£3,163	£4,428	£33,726
Member Responsibility Allowances							£158,455
							TOTAL: £211,849

£1,443

+ Additional Cost / - Saving -£463

SCENARIO 5

Potential Committee System	Full Council	Policy, Finance & Resources Committee	Childrens Services Committee	Adult Social Care, Public Health & Housing Committee	Economy, Regeneration, Transport & Infrastructure Committee	Environment & Community Protection Committee	TOTAL
Frequency per year	6	9	6	6	6	6	39
Democratic Services	£3,254	£4,169	£2,545	£2,545	£2,545	£2,545	£17,603
Facilities Support	£498	£747	£498	£498	£498	£498	£3,237
Officer Support	£6,490	£14,777	£3,796	£3,796	£3,796	£3,796	£36,449
Member Responsibility Allowances							£158,455
							TOTAL: £215,744

£1,469

+ Additional Cost / - Saving £3,432

Notes & Assumptions

Excludes ordinary & regulatory committees where there is no direct impact of proposed changes

The existing model is the original planned number of meetings plus the current diary provides for a further x4 meetings (one cabinet, two corporate scrutiny, and one service scrutiny)

The core meeting length is assumed at 3 hours

Member responsibility allowances to be reviewed on separate basis, assumed to be contained within existing budget envelope.

The model does not extend to the full indirect costs of the arrangements (for example call over, which draws on various officers across the council to prepare & review reports)

One-off or interim costs are not assumed in this comparison.

Unplanned additional meetings not in the scenarios will be an additional financial burden on the available resource

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APPENDIX 4: RISK MATRIX

Option 1: No change in governance arrangements		
Risk	Mitigation	Risk RAG
Opportunity lost to improve cross party collaboration to improve efficient decision making	<ul style="list-style-type: none"> Councillors expand the use of appropriate cross party working group activities for key priority areas. 	Likely /Medium
Opportunity lost to have more councillors involved in decision making	<ul style="list-style-type: none"> Councillors expand the use of appropriate cross party working group activities for key priority areas to inform the options to be decided upon. 	Likely /Medium
Negative impact on non-executive decision making in a minority administration causing inefficient decision making and use of available resources	<ul style="list-style-type: none"> Councillors consider how to improve cross-party working arrangements 	Likely /High

Option 2: To approve the change in governance from a cabinet to a committee system		
Risk	Mitigation	Risk RAG
The current council would be committing any incoming new administration in 2025 to a different form of governance, for the next 5 years, which it did not have the opportunity to choose.	<ul style="list-style-type: none"> Retain the current cabinet governance arrangements. Seek to make a change sooner than 5 years by way of a referendum but this would then lock in the new change for 10 years. Also, any subsequent change must then also be by way of a referendum. Ability to apply to the secretary of state to change the governance model. 	Likely /Low
Critical decision-making (e.g., budget setting, major contracts) efficiency may be impacted as a committee system involves more councillors, potentially leading to conflict, longer deliberations and slower decision-making processes.	<ul style="list-style-type: none"> Training and mentoring of councillors and officers to ensure committees carry out business effectively within the terms of reference. Committee work plans to be maintained so there is clarity on future decisions required. Ensure councillors are aware of the committee's responsibilities and deadlines for key decisions. Committees can refer key decisions to the Policy, Resources and Finance committee or Full Council if required. Ensure adequate officer delegations are in place to allow for urgent decisions. Improved relationships between officers and all councillors of the council Arrange 6-month review to assess impact 	Likely /High

Option 2: To approve the change in governance from a cabinet to a committee system

Risk	Mitigation	Risk RAG
<p>There is a risk that accountability and transparency may be negatively impacted as a committee system distributes decision-making authority, which can make accountability less apparent.</p>	<ul style="list-style-type: none"> • Ensure robust reporting mechanisms are in place with regular public updates and transparent decision records. • Ensure the agreed decision-making structure is mapped and understood by all councillors and staff. • Communications protocol in place and committee spokespersons clearly identified. • Arrange 6-month review to assess impact 	<p>Unlikely /Low</p>
<p>Committee recruitment, attendance and active participation may be challenging in a small council of 39 councillors and with small political groups leading to unfilled committee places and inability to make critical decisions</p>	<ul style="list-style-type: none"> • Ensure the commitment required within the role is fully identified and acknowledged to ensure the workload expectations are understood to reduce turnover of membership. • Ensure an appropriate quorum level is agreed for each committee. • Appropriate provision in the constitution to ensure places are filled. • Arrange 6-month review to assess impact. 	<p>Likely /Medium</p>
<p>The statutory scrutiny functions for health, flood risk management and crime and disorder will sit within specific service committees which may significantly increase the workload of these meetings.</p>	<ul style="list-style-type: none"> • Monitoring officer and committee chairs to structure committee meetings to ensure statutory scrutiny functions are covered appropriately. • Explore options of splitting meeting agendas into normal business then statutory scrutiny to ensure both functions are covered appropriately. • Chairs, councillors and officers work on timings of these meetings to ensure sufficient time and appropriate breaks. • Consider provision for daytime meetings. • Arrange 6-month review to assess impact 	<p>Likely /High</p>
<p>Single aligned and/or non-aligned or ungrouped councillors may find themselves excluded from committees through proportionality arrangements during committee appointments.</p>	<ul style="list-style-type: none"> • Work with group leaders to ensure the selection for committee appointments is inclusive. • Ungrouped councillors can join or form a group 	<p>Unlikely /Low</p>

Option 2: To approve the change in governance from a cabinet to a committee system		
Risk	Mitigation	Risk RAG
Critical decision-making will become more siloed within the separate committees with less strategic overview and involvement from other parts of the council	<ul style="list-style-type: none"> • Councillor to councillor briefings and sharing of key papers to ensure cross council understanding of linked areas of business. • Policy, Resources and Finance committee councillors (made up of the chairs of the other committees) work together on overarching strategy and ensure their committees understand the wider impacts of key decisions. • Senior officers work with committee chairs to ensure strategic impacts are understood. • Arrange 6-month review to assess impact 	Likely /Medium

Option 3: Committee system implementation from 15 May 2024		
Risk	Mitigation	Risk RAG
There is a risk that as this change has happened at pace a significant issue may have been missed impacting on delivery	<ul style="list-style-type: none"> • This risk needs to be accepted. • Arrange 6-month review to assess impact. <p>To support the change to date there has been commissioned external governance advice, dedicated internal resources and regular Future Governance Working Group meetings.</p>	Likely /High
There will be insufficient time to hold detailed councillor and officer training including mock committee meetings.	<ul style="list-style-type: none"> • This risk needs to be accepted 	Likely /High
The short timescale may mean that councillors feel inadequately supported to operate effectively under the committee system.	<ul style="list-style-type: none"> • This risk needs to be accepted. • Identify additional funding to secure trained support from within the council or external organisation. 	Likely /High
The short timescale may mean that officers feel inadequately supported to operate effectively under the committee system.	<ul style="list-style-type: none"> • This risk needs to be accepted. • Identify additional funding to secure trained support from within the council or external organisation. 	Likely /High
Councillors and officers will have short notice of committee dates, which might result in them being unable to attend some meetings.	<ul style="list-style-type: none"> • This risk needs to be accepted 	Likely /Medium

Option 3: Committee system implementation from 15 May 2024		
Councillor and officer workloads may be negatively impacted resulting in increased pressure and potentially longer working hours until the new system is embedded.	<ul style="list-style-type: none"> This risk is short term and needs to be accepted 	Likely /High
Councillors and officers will have a limited time (2 weeks) to prep until are the papers for the AGM and ensure all the committee posts are nominated.	<ul style="list-style-type: none"> This risk is short term and needs to be accepted. Prepare as much in advance of Annual Council meeting as possible. Work with group leaders to identify potential nominees in advance of the decision 	Likely / High
Officers may not have enough time in the 2 weeks between decision and implementation to set up all the required processes to run a committee system.	<ul style="list-style-type: none"> This risk is short term and needs to be accepted. Prepare as much in advance of Annual Council as possible. 	Likely /High
Committee meetings may take longer than usual as councillors and officers get used to the new system. This may mean the meetings will run out of time leading to additional meetings being added to the calendar impacting on resources and cost	<ul style="list-style-type: none"> This risk needs to be accepted. Allow additional time for the meetings when planning and advising on dates and times. Chairs will manage agendas appropriately whilst understanding of the new system builds 	Likely /High
The rapid pace of change may lead to confusion amongst councillors, officers and the public. This may increase the workload of key officers and the democratic services team.	<ul style="list-style-type: none"> This risk needs to be accepted 	Likely /High
The council would not be able to change its governance model for a period of 5 years from the 1 May 2024.	<ul style="list-style-type: none"> This risk needs to be accepted 	Unlikely /High
There may be a need for more decisions to be delegated to senior officers in a committee system if an urgent decision is required, especially whilst the new system embeds.	<ul style="list-style-type: none"> Training and mentoring of councillors and officers to ensure committees carry out business effectively within the terms of reference. Committee work plans to be maintained so there is clarity on future decisions required. Ensure the appropriate systems and processes are in place to enable authorised and appropriate office level decisions to be made swiftly. Ensure officers understand the decision-making structure 	Likely/ Medium

Option 4: Committee system implementation from 14 May 2025		
Risk	Mitigation	Risk RAG
The council would not be able to change its governance model for a period of 4 years (5 years from the date of decision).	<ul style="list-style-type: none"> This risk needs to be accepted 	Unlikely /Medium
Committee meetings may take longer than usual as councillors and officers get used to the new system. This may mean the meetings will run out of time leading to additional meetings being added to the calendar impacting on resources and cost	<ul style="list-style-type: none"> This risk needs to be accepted. Allow additional time for the meetings when planning and advising on dates and times. Chairs will manage agendas appropriately whilst understanding of the new system builds. Shadow arrangements can be put in place leading up to the change. 	Likely /High
There may be a need for more decisions to be delegated to senior officers in a committee system if an urgent decision is required, especially whilst the new system embeds.	<ul style="list-style-type: none"> Training and mentoring of councillors and officers to ensure committees carry out business effectively within the terms of reference. Committee work plans to be maintained so there is clarity on future decisions required. Ensure the appropriate systems and processes are in place to enable authorised and appropriate office level decisions to be made swiftly. Ensure officers understand the decision-making structure 	Likely /Medium

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Equality Impact Assessment – Future Governance

Assessor(s) Name and job title:

Claire Shand – Director of Corporate Services

Directorate and Team:

Strategy Directorate – Future Governance programme

Name, aim, objective and expected outcome of the programme/ activity:

Name: Future Governance (proposed change from a cabinet to committee system for the governance of the Isle of Wight Council)

Aims and objectives:

- Page 65
- 1.1. To bring to a full council meeting, by 1 May 2024 at the latest, a report outlining the options for the future governance model for the Isle of Wight Council. This would fulfil the requirement of the Full Council resolution of [June 2023](#), which set out an intention to receive a report with a recommendation to bring about a change in governance with effect on and from the Annual Council 2024.
 - 1.2. This report will include the option of a politically proportionate committee system which could be implemented from its annual meeting on 15th May 2024. This aim was agreed by Full Council on 17 January 2024 on the recommendation of the member led Future Governance Working Group. (see section 57 [link](#)).
 - 1.3. To have a plan to implement an alternative governance system should a recommendation for a change from the current cabinet system be agreed. This would form a Phase 2 of the project.

Expected outcome:

- 1.4. There will be an evidenced based report that outlines the potential options for future council governance and which will allow Full Council to make a lawful decision on whether to change its governance arrangements.
- 1.5. There will be a plan that covers the implementation, if a change in governance model is agreed, to allow a timely and smooth transition to new arrangements for staff, councillors and the public.
- 1.6. The public, councillors and staff will be kept informed of any potential changes and its impact on them and be given the opportunity to informally contribute feedback on proposals.

Background:

- 1.7. The Council currently operates executive arrangements, meaning there is a leader and cabinet with responsibility for making certain decisions. The executive can comprise of up to ten councillors including the leader but currently comprises of eight councillors including the Leader and each Cabinet member has an individual portfolio.
- 1.8. A politically proportionate councillor led working group chaired by Councillor Geoff Brodie met in September and October 2023 to review the future governance structure and the options open to the council should it wish to make a change. It's report was taken to the 17 January 2024 meeting of Full Council with the proposal to bring to a future Full Council meeting, by 1 May 2024 at the latest a report considering options including recommending a politically proportionate Committee system to be implemented by 15 May 2024. It was resolved that:
- Full Council note the framework recommendations made to the Audit and Governance Committee
 - the Future Governance Working Group work with the Monitoring Officer and Senior officers on constitutional changes
 - a progress report be provided to Full Council in March 2024
- 1.9. Section 9B of the Local Government Act 2000 (LGA 2000) sets out that a local authority in England must operate one of three forms of governance arrangement: executive, committee or hybrid. These are the options the extraordinary meeting report will need to consider in order to change its model of governance. Section 9L(4) LGA 2000 limits the relevant time when a governance change can take effect to a local authorities annual meeting. For the Isle of Wight Council this is at the annual council in May each year. This constraint means if a different model of governance is agreed in at the annual council at the annual council in May 2024, then implementation would have to be at that council meeting or a later annual council meeting.

Reason for Equality Impact Assessment

This is a proposal for a **change** to the governance system functions and is based on the assumption that the council agrees to move to a new form of governance.

The proposed change in the council's model of governance to a committee system is not considered to have a disproportionate impact on any particular protected characteristic group.

Due regard will be given to the public sector equality duties in determining the operational and practical arrangements of the new system from implementation and on an ongoing basis

PROTECTED CHARACTERISTIC – AGE (restrictions / difficulties both younger/older)

<p>Negative, positive or no impact (before mitigation/ intervention) and why?</p>	<p>We do not currently believe that the implementation of this programme has a direct or clear impact on or discriminates against any age groups. It is not proposed to change the operational timings of committee meetings. There may be additional evening/daytime meetings which will need to take into account any potential impacts on those participating in them. Overall, it is expected that there will be a comparable number of meetings and no change to the methods of communication for scheduling, publication of reports etc.</p>
<p>Does the proposal have the potential to cause unlawful discrimination (is it possible that the proposal may exclude/restrict this group from obtaining services or limit their participation in any aspect of public life?)</p>	<p>We do not have any clear evidence to demonstrate any age group would be less able to participate in evening or daytime meetings. We can safely assume that younger age groups may have conflicts with schooling/learning hours during the daytime, those of working age may work a multitude of hours in various shifts and those who are retired may not be keen for evening meetings while they have the day free. Public meetings are now able to be accessed via video link to either watch as the proceedings take place or as recordings after the event at a convenient time.</p>
<p>How will you advance the equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not</p>	<p>Consideration of all protected characteristics is an intrinsic part of the decision-making process of the council, with any potential impacts and their mitigation being an integral element of the decision-making considerations. Consideration of age will be given at all opportunities and appropriate decisions or actions will be taken if any age-related risk and/or need is identified. The council has actively sought to engage with members of the public through communication and engagement activities to ensure that citizens of all ages are aware of the new committee system and how to get involved digitally abled or not.</p>
<p>What concerns have been raised to date during consultation (or early discussions) and what action taken to date?</p>	<p>There has been a range of engagement activity undertaken, via press releases, information leaflets, a dedicated information page on the council's website and a number of briefing sessions for the public, staff, elected members, town, parish and community councils to keep everyone informed. There has also been a dedicated email address/opportunity for written submissions to be made. There</p>

	has been no negative feedback to date from public, staff, councillors or the Members Working Group on age related impacts.
What evidence, analysis or data has been used to substantiate your answer?	Engagement feedback from public, staff, councillors. Young people (aged 0 to 19 years) make up 19.1% of the population of the Island compared to 23.6% in England as a whole. The Island has fewer young working-age people (aged 20 to 44 years) compared to England; 23.6% compared to 32.3%. Older people, aged 70 years and over, make up 21.4% of the population of the Island compared to 13.6% nationally. 1.4% are in the 'oldest old' over 90 years population age group compared to 0.9% in England.
Are there any gaps in evidence to properly assess the impact? How will this be addressed?	We will monitor the success of these arrangements and review as part of the post-implantation review period.
How will you make communication accessible for this group?	There will be no change to the communication methods which are already inclusive and take into account accessibility requirements.
Page 6 What adjustments have been put in place to reduce/ advance the inequality? (Where it cannot be diminished, can this be legally justified?)	The current proposal is for committee meetings to take place on weekdays in the evenings and we will monitor the success of these arrangements and review as part of the post-implementation review period. The current recommendations for the length of committee meetings includes a guillotine clause at 3 hours. This may help councillors, staff and members of the public who are limited in time due to home commitments, learning, school, work, childcare etc.
PROTECTED CHARACTERISTIC – DISABILITY (a) Physical, b) Mental health - must respond to both a & b)	
Negative, positive or no impact (before mitigation/ intervention) and why?	We do not currently believe that the implementation of this programme has a direct or clear impact on or discriminates against people with disabilities. It is not proposed to change the operational timings of committee meetings. There may be additional evening/daytime meetings which will need to take into account any potential impacts on those participating in them. Overall, it is expected that there will be a comparable number of meetings and no change to the methods of communication for scheduling, publication of reports etc.

<p>Does the proposal have the potential to cause unlawful discrimination (is it possible that the proposal may exclude/restrict this group from obtaining services or limit their participation in any aspect of public life?)</p>	<p>No, the proposals will have no discernible impact on any individuals with disabilities. However, this will be monitored on an ongoing basis.</p>
<p>How will you advance the equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not</p>	<p>Consideration of all protected characteristics is an intrinsic part of the decision-making process of the council, with any potential impacts and their mitigation being an integral element of the decision-making considerations. Consideration of disability will be given at all opportunities and appropriate decisions or actions will be taken if any related risk and/or need is identified. The council has actively sought to engage with members of the public through communication and engagement activities to ensure that citizens of all ages are aware of the new committee system and how to get involved digitally abled or not.</p>
<p>What concerns have been raised to date during consultation (or early discussions) and what action taken to date?</p>	<p>There has been a range of engagement activity undertaken, via press releases, information leaflets, a dedicated information page on the council's website and a number of briefing sessions for the public, staff, elected members, town, parish and community councils to keep everyone informed. There has also been a dedicated email address/opportunity for written submissions to be made. There has been no negative feedback to date from public, staff, councillors or the Members Working Group on disability related impacts.</p>
<p>What evidence, analysis or data has been used to substantiate your answer?</p>	<p>Engagement feedback from public, staff, councillors. Responses from the 2021 Census question: "Do you have any long-term illness, health problems or disability which limits your daily activities or work you can do?" - Across the Island, 78.7% of people reported that they did not have any long-term illnesses which limited their daily activities or work. This is lower than the national average of 82.3%. - The percentage of people who said they had a long-term health problem or disability which limited their day-to-day activities a lot was 8.8%, compared to 7.5% nationally. This varied across the Island from its lowest at 5.0% in Carisbrooke East to the highest at 14.7% in Sandown North.</p>
<p>Are there any gaps in evidence to properly assess the impact? How will this be addressed?</p>	<p>We will monitor the success of these arrangements and review as part of the post-implantation review period.</p>

<p>How will you make communication accessible for this group?</p>	<p>There will be no change to the communication methods which are already inclusive and take into account accessibility requirements.</p>
<p>What adjustments have been put in place to reduce/ advance the inequality? (Where it cannot be diminished, can this be legally justified?)</p>	<p>The council already has some provisions in place. Documents and reports are available on-line and printed copies can be supplied. Documents may be requested in other languages, formats, and large print. Public meetings are live streamed.</p>
<p>PROTECTED CHARACTERISTIC – RACE (including ethnicity and nationality)</p>	
<p>Negative, positive or no impact (before mitigation/ intervention) and why?</p>	<p>We do not currently believe that the implementation of this programme has a direct or clear impact on or discriminates against people of different races. It is not proposed to change the operational timings of committee meetings. There may be additional evening/daytime meetings which will need to take into account any potential impacts on those participating in them. Overall, it is expected that there will be a comparable number of meetings and no change to the methods of communication for scheduling, publication of reports etc.</p>
<p>Does the proposal have the potential to cause unlawful discrimination (is it possible that the proposal may exclude/ restrict this group from obtaining services or limit their participation in any aspect of public life?)</p>	<p>No, the proposals have no discernible impact on the race protected characteristic.</p>
<p>How will you advance the equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not</p>	<p>Consideration will be given at all opportunities and appropriate decisions or actions will be taken if any needs are identified.</p>
<p>What concerns have been raised to date during consultation (or early discussions) and what action taken to date?</p>	<p>There has been a range of engagement activity undertaken, via press releases, information leaflets, a dedicated information page on the council's website and a number of briefing sessions for the public, staff, elected members, town, parish and community councils to keep everyone informed. There has also been a dedicated email address/opportunity for written submissions to be made. There has been no direct feedback to date from public, staff, councillors or the Members Working Group on race related impacts.</p>

<p>What evidence, analysis or data has been used to substantiate your answer?</p>	<p>Engagement feedback from public, staff, councillors. The Island's population is less diverse than England as a whole, with 97.0% of residents describing themselves as belonging to White ethnic groups compared to the national average of 81.0%. The diversity of the area's population is increasing. In 2021, 3.0% of the population described themselves as belonging to an ethnic minority group, up from 2.7% in the previous Census.</p>
<p>Are there any gaps in evidence to properly assess the impact? How will this be addressed?</p>	<p>We will monitor the success of these arrangements and review as part of the post-implantation review period.</p>
<p>How will you make communication accessible for this group?</p>	<p>There will be no change to the communication methods which are already inclusive and take into account accessibility requirements.</p>
<p>What adjustments have been put in place to reduce/ advance the inequality? (Where it cannot be diminished, can this be legally justified?)</p>	<p>We do not currently believe that the implementation of this programme has a direct or clear impact on the race protected characteristic.</p>
<p>PROTECTED CHARACTERISTIC – Religion or belief (different faith groups/ those without a faith)</p>	
<p>71 Negative, positive or no impact (before mitigation/ intervention) and why?</p>	<p>We do not currently believe that the implementation of this programme has a direct or clear impact on the religion or belief characteristic. It is not proposed to change the operational timings of committee meetings. There may be additional evening/daytime meetings which will need to take into account any potential impacts on those participating in them. Overall, it is expected that there will be a comparable number of meetings and no change to the methods of communication for scheduling, publication of reports etc.</p>
<p>Does the proposal have the potential to cause unlawful discrimination (is it possible that the proposal may exclude/ restrict this group from obtaining services or limit their participation in any aspect of public life?)</p>	<p>No the proposals have no discernible impact on this protected characteristic.</p>
<p>How will you advance the equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not</p>	<p>Consideration will be given at all opportunities and appropriate decisions or actions will be taken if any needs are identified.</p>

<p>What concerns have been raised to date during consultation (or early discussions) and what action taken to date?</p>	<p>There has been a range of engagement activity undertaken, via press releases, information leaflets, a dedicated information page on the council's website and a number of briefing sessions for the public, staff, elected members, town, parish and community councils to keep everyone informed. There has also been a dedicated email address/opportunity for written submissions to be made. There has been no direct feedback on this subject to date from public, staff, councillors or the Members Working Group.</p>
<p>What evidence, analysis or data has been used to substantiate your answer?</p>	<p>Engagement feedback from public, staff, councillors. The 2021 Census reports that slightly under half of Isle of Wight residents (49.6%) stated they had a religion, down from 62.2% in 2011; 43.9% no religion (up from 29.6% in 2011) and 6.5% did not say. Of those who stated they had a religion; Christianity was the dominant religion with 47.7% of Island residents reporting to be Christian. 0.4% reported Muslim as their religion; 0.4% Buddhist; 0.2% Hindu; and 0.1% Jewish.</p>
<p>Are there any gaps in evidence to properly assess the impact? How will this be addressed?</p>	<p>We will monitor the success of these arrangements and review as part of the post-implantation review period.</p>
<p>How will you make communication accessible for this group?</p>	<p>There will be no change to the communication methods which are already inclusive and take into account accessibility requirements.</p>
<p>What adjustments have been put in place to reduce/ advance the inequality? (Where it cannot be diminished, can this be legally justified?)</p>	<p>We do not currently believe that the implementation of this programme has a direct or clear impact on the religion or belief protected characteristic.</p>
<p>PROTECTED CHARACTERISTIC – Sex (Including Trans and non-binary – is your language inclusive of trans and non-binary people?)</p>	
<p>Negative, positive or no impact (before mitigation/ intervention) and why?</p>	<p>We do not currently believe that the implementation of this programme has a direct or clear impact on or discriminates.</p>
<p>Does the proposal have the potential to cause unlawful discrimination (is it possible that the proposal may exclude/ restrict this group from obtaining services or limit their participation in any aspect of public life?)</p>	<p>No the proposals have no discernible impact on this protected characteristic.</p>

How will you advance the equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not	Consideration will be given at all opportunities and appropriate decisions or actions will be taken if any needs are identified.
What concerns have been raised to date during consultation (or early discussions) and what action taken to date?	There has been a range of engagement activity undertaken, via press releases, information leaflets, a dedicated information page on the council's website and a number of briefing sessions for the public, staff, elected members, town, parish and community councils to keep everyone informed. There has also been a dedicated email address/opportunity for written submissions to be made. There has been no direct feedback on this subject to date from public, staff, councillors or the Members Working Group.
What evidence, analysis or data has been used to substantiate your answer?	Engagement feedback from public, staff, councillors.
Are there any gaps in evidence to properly assess the impact? How will this be addressed?	We will monitor the success of these arrangements and review as part of the post-implantation review period.
How will you make communication accessible for this group?	There will be no change to the communication methods which are already inclusive and take into account accessibility requirements.
What adjustments have been put in place to reduce/ advance the inequality? (Where it cannot be diminished, can this be legally justified?)	We do not currently believe that the implementation of this programme has a direct or clear impact on the religion or belief protected characteristic.
PROTECTED CHARACTERISTIC – Sexual orientation (is your language inclusive of LGB groups?)	
Negative, positive or no impact (before mitigation/ intervention) and why?	We do not currently believe that the implementation of this programme has a direct or clear impact on or discriminates.
Does the proposal have the potential to cause unlawful discrimination (is it possible that the proposal may exclude/ restrict this group from obtaining services or limit their participation in any aspect of public life?)	No the proposals have no discernible impact on this protected characteristic.

<p>How will you advance the equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not</p>	<p>Consideration will be given at all opportunities and appropriate decisions or actions will be taken if any needs are identified.</p>
<p>What concerns have been raised to date during consultation (or early discussions) and what action taken to date?</p>	<p>There has been a range of engagement activity undertaken, via press releases, information leaflets, a dedicated information page on the council's website and a number of briefing sessions for the public, staff, elected members, town, parish and community councils to keep everyone informed. There has also been a dedicated email address/opportunity for written submissions to be made. There has been no direct feedback on this subject to date from public, staff, councillors or the Members Working Group.</p>
<p>What evidence, analysis or data has been used to substantiate your answer?</p>	<p>Engagement feedback from public, staff, councillors.</p>
<p>Are there any gaps in evidence to properly assess the impact? How will this be addressed?</p>	<p>We will monitor the success of these arrangements and review as part of the post-implantation review period.</p>
<p>How will you make communication accessible for this group?</p>	<p>There will be no change to the communication methods which are already inclusive and take into account accessibility requirements.</p>
<p>What adjustments have been put in place to reduce/ advance the inequality? (Where it cannot be diminished, can this be legally justified?)</p>	<p>We do not currently believe that the implementation of this programme has a direct or clear impact on the religion or belief protected characteristic.</p>
<p>PROTECTED CHARACTERISTIC – Pregnancy and maternity</p>	
<p>Negative, positive or no impact (before mitigation/ intervention) and why?</p>	<p>We do not currently believe that the implementation of this programme has a direct or clear impact on or discriminates.</p>

<p>Does the proposal have the potential to cause unlawful discrimination (is it possible that the proposal may exclude/ restrict this group from obtaining services or limit their participation in any aspect of public life?)</p>	<p>No the proposals have no discernible impact on this protected characteristic.</p>
<p>How will you advance the equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not</p>	<p>Consideration will be given at all opportunities and appropriate decisions or actions will be taken if any needs are identified.</p>
<p>What concerns have been raised to date during consultation (or early discussions) and what action taken to date?</p>	<p>There has been a range of engagement activity undertaken, via press releases, information leaflets, a dedicated information page on the council's website and a number of briefing sessions for the public, staff, elected members, town, parish and community councils to keep everyone informed. There has also been a dedicated email address/opportunity for written submissions to be made. There has been no direct feedback on this subject to date from public, staff, councillors or the Members Working Group.</p>
<p>What evidence, analysis or data has been used to substantiate your answer?</p>	<p>Engagement feedback from public, staff, councillors.</p>
<p>Are there any gaps in evidence to properly assess the impact? How will this be addressed?</p>	<p>We will monitor the success of these arrangements and review as part of the post-implantation review period.</p>
<p>How will you make communication accessible for this group?</p>	<p>There will be no change to the communication methods which are already inclusive and take into account accessibility requirements.</p>
<p>What adjustments have been put in place to reduce/ advance the inequality? (Where it cannot be diminished, can this be legally justified?)</p>	<p>We do not currently believe that the implementation of this programme has a direct or clear impact on the religion or belief protected characteristic.</p>

PROTECTED CHARACTERISTIC – Marriage and Civil Partnership

<p>Negative, positive or no impact (before mitigation/ intervention) and why?</p>	<p>We do not currently believe that the implementation of this programme has a direct or clear impact on or discriminates.</p>
<p>Does the proposal have the potential to cause unlawful discrimination (is it possible that the proposal may exclude/ restrict this group from obtaining services or limit their participation in any aspect of public life?)</p>	<p>No the proposals have no discernible impact on this protected characteristic.</p>
<p>How will you advance the equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not</p>	<p>Consideration will be given at all opportunities and appropriate decisions or actions will be taken if any needs are identified.</p>
<p>What concerns have been raised to date during consultation (or early discussions) and what action taken to date?</p>	<p>There has been a range of engagement activity undertaken, via press releases, information leaflets, a dedicated information page on the council's website and a number of briefing sessions for the public, staff, elected members, town, parish and community councils to keep everyone informed. There has also been a dedicated email address/opportunity for written submissions to be made. There has been no direct feedback on this subject to date from public, staff, councillors or the Members Working Group.</p>
<p>What evidence, analysis or data has been used to substantiate your answer?</p>	<p>Engagement feedback from public, staff, councillors.</p>
<p>Are there any gaps in evidence to properly assess the impact? How will this be addressed?</p>	<p>We will monitor the success of these arrangements and review as part of the post-implantation review period.</p>
<p>How will you make communication accessible for this group?</p>	<p>There will be no change to the communication methods which are already inclusive and take into account accessibility requirements.</p>
<p>What adjustments have been put in place to reduce/ advance the inequality? (Where it cannot be diminished, can this be legally justified?)</p>	<p>We do not currently believe that the implementation of this programme has a direct or clear impact on the religion or belief protected characteristic.</p>

PROTECTED CHARACTERISTIC – Gender reassignment

<p>Negative, positive or no impact (before mitigation/ intervention) and why?</p>	<p>We do not currently believe that the implementation of this programme has a direct or clear impact on or discriminates.</p>
<p>Does the proposal have the potential to cause unlawful discrimination (is it possible that the proposal may exclude/ restrict this group from obtaining services or limit their participation in any aspect of public life?)</p>	<p>No the proposals have no discernible impact on this protected characteristic.</p>
<p>How will you advance the equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not</p>	<p>Consideration will be given at all opportunities and appropriate decisions or actions will be taken if any needs are identified.</p>
<p>What concerns have been raised to date during consultation (or early discussions) and what action taken to date?</p>	<p>There has been a range of engagement activity undertaken, via press releases, information leaflets, a dedicated information page on the council's website and a number of briefing sessions for the public, staff, elected members, town, parish and community councils to keep everyone informed. There has also been a dedicated email address/opportunity for written submissions to be made. There has been no direct feedback on this subject to date from public, staff, councillors or the Members Working Group.</p>
<p>What evidence, analysis or data has been used to substantiate your answer?</p>	<p>Engagement feedback from public, staff, councillors.</p>
<p>Are there any gaps in evidence to properly assess the impact? How will this be addressed?</p>	<p>We will monitor the success of these arrangements and review as part of the post-implantation review period.</p>
<p>How will you make communication accessible for this group?</p>	<p>There will be no change to the communication methods which are already inclusive and take into account accessibility requirements.</p>
<p>What adjustments have been put in place to reduce/ advance the inequality? (Where it cannot be diminished, can this be legally justified?)</p>	<p>We do not currently believe that the implementation of this programme has a direct or clear impact on the religion or belief protected characteristic.</p>

In order to identify the needs of the groups, you will need to review data, statistics, user feedback, population data, complaints data, staffing data (SAPHRreports@iow.gov.uk), community/client data, feedback from focus groups etc. When assessing the impact, the assessment should come from an evidence base and not through opinion or self-knowledge.

H. Review

How are you engaging people with a wide range of protected characteristics in the development, review and/or monitoring of the programme/activity?

- There has been public engagement on these proposals including press and social media releases with a dedicated email address (future.governance@iow.gov.uk) for feedback and an engagement session to provide information on the proposals.
- The work has been led by a politically proportionate councillor working group who have engaged with and reported back from their groups.
- There have been two Town, Parish and Community Council briefings (27 March 2024 and 4 April 2024) to engage with representatives from these groups and hear feedback on the proposals.
- The wider staff group have been asked for their feedback via the Chief Executive’s messages in the Vine and also direct “all staff” emails. Staff have also been invited to briefing sessions on 23 April and 25 April to provide information on the proposals.
- There have been three briefing sessions (24, 25 and 26 April) for elected members prior to their extraordinary Full Council meeting to afford opportunity to clarify and discuss queries on any matters contained within the report.
- There is an officer working group comprising senior managers from Democratic Services and Legal Services as well as other senior leads who may be impacted by the changes.

H. Sign-off

Head of Service sign off & date:

Name: Claire Shand – Director of Corporate Services
Date: 18/04/2024

Legal sign off & date:

Name: Judy Mason - Strategic Manager of Human Resources
Date: 18/04/2024



Full Council Report

ISLE OF WIGHT COUNCIL

Date	1 MAY 2024
Title	PUBLISHING THE ISLAND PLANNING STRATEGY FOR PUBLIC REPRESENTATION AND SUBMISSION TO THE PLANNING INSPECTORATE
Report of	CABINET MEMBER FOR PLANNING, COASTAL PROTECTION AND FLOODING

Executive Summary

1. A new local plan, the Island Planning Strategy, is being prepared to replace the Island Plan Core Strategy 2012. The current draft Island Planning Strategy has taken into account the significant level of public consultation undertaken to date. For the Island Planning Strategy to be adopted and be used in planning decisions it must go through formal stages as directed by statute.
2. The next stages for the draft Island Planning Strategy are:
 - (a) publish for the Regulation 19 period for representation
 - (b) receive the public representations
 - (c) submit the plan, the supporting evidence base and all the representations received to the Planning Inspectorate (PINS) for public examination
3. The Cabinet recommends to Full Council that it agrees to move to the formal stages of plan preparation. The Cabinet recognises that not all Councillors will agree with all aspects of the draft plan, but considers that the draft plan gives the Council the best opportunity to get a sound plan in place as quickly as possible.
4. The Cabinet appreciates that the draft Island Planning Strategy may not be viewed as the perfect plan, but it does consider that it is the best and most pragmatic plan available to the Council at this moment in time. It considers that the draft Island Planning Strategy, is a sound plan and is therefore capable of being published for representation under regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations 2012.
5. Once the draft plan has been through the formal stages and is adopted, the Council will have an up-to-date plan and therefore it will reset its five-year land supply and housing delivery test requirements. When the Council can demonstrate it has an up-

to-date local plan, can meet its five-year land supply and meet the housing delivery test minimum requirements it will not have to have due regard to the National Planning Policy Framework's tilted balance of the policy presumption in favour of sustainable development.

6. An adopted plan will also give the officers and councillors of the local planning authority more tools to positively shape development, including the delivery of 'island affordable housing' and a greater ability to refuse applications that do not accord with the new policies. It will also provide the basis for supplementary planning documents (SPDs) to be created, which can give further detail on what the Council expects from policy compliant proposals. Delaying the process of adopting the draft plan will place the island at greater risk of planning applications being submitted for sites that are considered unacceptable at a time when the local planning authority is in a weaker position due to it having to give regard to the tilted balance.
7. Following the decision of Full Council on 20 March 2024, Cabinet have considered the matters and are proposing changes to address some of those matters. Changes are also proposed to address the recommendations of Corporate Scrutiny Committee on 12 March 2024. All changes proposed to the version of the [Draft Island Planning Strategy that was considered by Full Council on 20 March 2024](#) are set out in Appendix 1.

Recommendation

8. Approve the recommendation from the Cabinet following its decision at its meeting on 18 April 2024 and to agree to publish the draft Island Planning Strategy, subject to the changes set out in Appendix 1, for the regulation 19 period of representation to start as soon as practicably possible and following the end of the period of representation to submit the required information to the Planning Inspectorate.

and
9. Delegate any final editorial and presentational changes to the Island Planning Strategy prior to publication and submission, to the Director of Communities in consultation with the Cabinet Member for Planning, Coastal Protection and Flooding, so long as they do not materially alter the intention of the version agreed by Full Council.







Background

10. Section 19(1B)-(1E) of the [Planning and Compulsory Purchase Act 2004](#) sets out that each local planning authority must identify their strategic planning priorities and have planning policies to address these.
11. Through the [National Planning Policy Framework](#), the Government has set out that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.

12. The Isle of Wight Council's current plan, the Island Plan Core Strategy, was adopted in 2012 (before the introduction of the National Planning Policy Framework). The Council began the process of preparing a new local plan, the Island Planning Strategy (IPS) in 2017, to give it the policies it needs to deal with the challenges, such as the delivery of affordable housing and climate change, it now faces.
13. Since 2018 the Council, as local planning authority (LPA), has determined planning applications under the statutory test having regard to the tilted balance of the policy presumption in favour of sustainable development as set out in the National Planning Policy Framework (NPPF). This is because the LPA has not been able to demonstrate a five-Year Land Supply (5YLS) and is below the Housing Delivery Test (HDT) threshold for delivery of new homes.
14. Adopting the IPS with a new, lower, housing number will reset the 5YLS and HDT calculations, and this is modelled to show that the Council will then be able to demonstrate a 5YLS and meet the minimum HDT threshold and therefore not have to have regard to the NPPF's tilted balance of the policy presumption in favour of sustainable development. Adopting a new plan will also allow the council to use the suite of new policies in planning decision making that cover multiple topics that align with corporate priorities.
15. The Local Government Association (LGA) undertook a peer review into Planning Services in 2022. One of the six recommendations from the review was:

R4 Urgently finalise and adopt the Island Plan. The local plan provides a degree of certainty for communities, businesses and investors, and a framework for guiding decisions on individual planning applications. Without one it is possible for the submission and acceptance of developments that are deemed not in the public interest and outside of the needs and priorities of local people, as outlined in a local plan.

	Draft IPS adopted	Draft IPS not progressed
Reset housing number for the island	✓	✗
Housing number 38% lower than the standard method	✓	✗
Demonstrate 5 year housing land supply (A)	✓	✗
Housing Delivery Test result over 75% (B)	✓	✗
Due to A & B above, no longer under the presumption in favour of sustainable development	✓	✗
Use IPS policies in decision making	✓	✗

Deeper discounting on affordable housing		
Align with LGA Peer Review recommendation		
Government requirement to update local plan by end of 2025		

The stages of local plan preparation

16. The Town and Country Planning (Local Planning) (England) Regulations prescribe the stages a local plan must go through. Because these stages are set out in regulations, each stage will often be referred to by the relevant regulation.

Regulation 18

Preparation of a local plan. Whilst the regulations do not prescribe it, the Council has undertaken public consultation at this stage, to ensure maximum public engagement in the preparation of the plan and has undertaken two rounds of public consultation.

Regulation 19

Publication of a local plan This report seeks authority to publish the draft plan for a period of public representation. The plan that is published for consultation at Regulation 19 stage should be the plan that the Council intends to submit to the Planning Inspectorate for examination. Should it be agreed to proceed to this stage, the plan will be published for six weeks and the public will be invited to comment on the plan.

Regulation 22

Submission of documents and information to the Secretary of State The draft plan, evidence and representations received at the regulation 19 stage will be submitted to an independent Planning Inspector, on behalf of the Secretary of State. The Council must submit what it considers to be a sound plan.

Regulation 24

Independent examination This will be undertaken by an independent Planning Inspector, on behalf of the Secretary of State. There is the opportunity for public participation in the examination for those who submitted representation at the regulation 19 stage.

Regulation 25

Publication of the recommendations of the appointed person. This is the Council receiving the Planning Inspector's report.

Regulation 26

Adoption of a local plan. The decision whether to adopt the local plan, based on the recommendations of the Planning Inspector is a decision for Full Council.

17. As set out above, at the regulation 19 stage the Council should publish what it believes is a sound plan. For a plan to be sound it must meet the tests of 'soundness' contained in paragraph 35 of the National Planning Policy Framework.

- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the areas objectively assessed [housing] needs; and is informed by agreements with other authorities, so that unmet [housing] need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this [National Planning Policy] Framework and other statements of national planning policy, where relevant.
18. The draft IPS has also been subject to an Integrated Sustainability Appraisal (ISA) and a Habitats Regulation Assessment (HRA). Both of these environmental based assessments reviewed all of the policies within the draft IPS which led to wording changes to increase scores on the ISA scoring matrix, strengthening policies and removing ambiguity.

Corporate Priorities and Strategic Context

Provision of affordable housing for Island Residents

- 19. Once adopted the IPS will be a key document in helping the Council plan for and deliver affordable housing for Island residents. It will set the thresholds for the amount of affordable housing a development site will need to provide. It also recognises that a new home that is classified as affordable under the NPPF does not, in practical terms, equal an affordable home in the context of the Island.
- 20. The IPS therefore proposes policies that allow for deeper discounting of new homes to make them Isle of Wight affordable (which evidence shows ranges from 70 to 60 per cent of market value, depending on the type of property) and ensures that local connection criteria are applied to all affordable properties.
- 21. The IPS also proposes land allocations for new homes, and all the proposed allocations are of sufficient scale to require onsite delivery of affordable homes. The adoption of the IPS will provide a greater level of certainty to developers and affordable housing providers that sites are available and expected to deliver affordable housing.
- 22. It is recognised that there is a chronic shortage of affordable properties on the island, especially those for affordable rent. By allocating land for new homes there will be greater certainty for delivery. At this moment in time the most effective and likely delivery mechanism for new affordable homes is through developers providing them on larger sites and paying for them through market houses. Whilst some may consider this is not ideal, permitting larger scale development is the only mechanism that has ensured delivery of affordable housing to the scale that

is required on the island.

- 23. If no allocations are made in the plan, then in all likelihood the delivery of affordable housing will reduce even further with no real certainty about where future supply will come from or how it will be paid for.

Responding to climate change and enhancing the biosphere

- 24. These targets have been set out in strategic policy CC1 of the Draft IPS that also includes explicit reference to the Climate & Environment Strategy as one of the key corporate documents that will underpin planning decisions on the island. Draft Policy CC1 also notes that making planning decisions in support of the net zero targets will support and help maintain the UNESCO Biosphere designation of the island. It is worthwhile to note that the Biosphere designation was obtained with the policies of the Core Strategy being adopted, including a housing figure of 520 new homes per year across the plan period. The Draft IPS also includes Draft Policy C11 that would require all new homes to be net zero carbon.



Economic Recovery and Reducing Poverty

- 25. If adopted the IPS will have a positive effect in reducing the numbers of residents, and especially children, who are living in poverty (particularly those living in

absolute poverty). The proposed policies of the IPS have been written to help secure the Council's aspirations as set out in a range of other plans and strategies. The land use policies of the IPS will directly and indirectly help deliver:

- the council's regeneration ambitions
- sustainable economic growth
- development of opportunities for investment
- skills development

Impact on Young People and Future Generations

26. Publishing the IPS for the regulation 19 period of representation is a key step towards adopting the IPS. Once adopted the IPS will have a time horizon of 15 years and will play a significant role in shaping the Island over that period and beyond. The way in which we plan for and manage development and growth now will have impacts on young people and future generations, and these impacts will be interrelated across the various domains of young people's lives from housing, employment or training, health and the environment.

Corporate Aims

27. The Corporate Plan 2021 - 2025 sets out the council's key areas for action, aspirations and key activities. Once adopted the IPS and its planning policies will play a key role in helping the Council achieve in its three key areas for action:

- A. Provision of affordable housing for Island residents
- B. Responding to climate change and enhancing the biosphere
- C. Economic recovery

28. The specific aspirations and key activities relevant to the IPS are:

- Champion the adoption of a new Island Plan based on housing targets evidenced to meet Island needs and compliant with legislation for adoption by September 2023
- (33) Accelerate the completion of the Island plan. The process to be followed will include meaningful engagement with residents and town, parish and community councils
- Complete all Island consultation on draft Island plan by and seek adoption through the formal process by September 2023.

29. The LGA peer review was asked 'whether the draft local plan is aligned to deliver the objectives of both the corporate plan and the council regeneration strategy'. The response to this was:

Yes, the draft local plan is aligned to deliver the objectives of both the corporate plan and the council regeneration strategy. The draft local plan provides a means to deliver the priorities of the corporate plan. The council also needs to recognise the presumption in favour of sustainable development and the threat of government intervention if the local plan is not adopted. Without an up-to-date

local plan there is a risk to delivering the corporate objectives.

30. There are also multiple aspirations that directly and indirectly link to the IPS and its policies, and these include:
- (16) Place the health and wellbeing of residents at the centre of all we do
 - (18) Promote the building of affordable supported social retirement housing to ensure residents maintain their independence for as long as possible
 - (22) Support Island wide digital connectivity to support Island businesses and residents
 - (23) Housing that is created must be housing fit for purpose. We will prioritise truly affordable housing for Island residents, meaning housing that is not just affordable to rent or buy but affordable to live in and maintain
 - (24) Wherever possible bring appropriate empty and derelict buildings back into use for affordable housing
 - (35) Complete key regeneration projects to drive employment, skills and inward investment
 - (38) Use available powers to deal with long term empty or derelict buildings that mar our seafront and town centre areas
 - (39) Focus on regeneration our High Street and visitor economy to assist post COVID-19 recovery and growth
 - (40) Promote people-oriented place planning for town centres
 - (41) Support and enhance our biosphere and AONB areas. Support the active management and development of biosphere status and secure dark sky status
 - (43) Commit to develop sustainable transport options with a focus on infrastructure to encourage active travel
 - (44) Promote the increased use of renewable energy in all sectors
 - (45) Embed both the biosphere and the climate change strategy into policy, including the Island plan.

Consultation and Engagement

31. The draft IPS has been through extensive public consultation, beyond that required by the regulations, and the next step is Full Council to consider the Cabinet recommendation to agree the draft IPS and agree to publish the draft plan for a period of public representation and to then submit the draft plan and representations received to the Planning Inspectorate.
32. It should be noted that there may be many people who feel that the comments they made, and changes suggested to the plan, during previous public consultations have been ignored. This is not case; all comments were considered but not all resulted in changes being made to the draft IPS. However, those people would be able to fully engage in the Regulation 19 period of public representation and make comments and suggest the changes to the draft IPS they think are necessary.
33. Any comments received during the Regulation 19 period are submitted, together with the draft plan and supporting evidence base, to the Secretary of State who will then appoint an independent Planning Inspector. The role of the Inspector will be to carry out an examination in public to review the submitted plan, evidence base and all comments made during the Regulation 19 period.

Scrutiny Committee

34. The [Policy and Scrutiny Committee for Neighbourhoods and Regeneration on 5 October 2023](#) received an update report on the Draft IPS.
35. A further [meeting of the Policy & Scrutiny Committee for Neighbourhoods and Regeneration on 12 December 2023](#) received a copy of the Draft IPS for review.
36. At the meeting on 12 December 2023, a number of recommendations were agreed by the Policy & Scrutiny Committee for Neighbourhoods and Regeneration. Seven recommendations were agreed at Policy & Scrutiny Committee for Neighbourhoods and Regeneration on 12 December 2023 and changes have been made to the draft IPS to address each of these recommendations and were set out in the report to Full Council on 20 March 2024.

Financial / Budget Implications

37. There are no direct financial / budget implications in agreeing to publish the IPS for the regulation 19 period of representation. The budget is already in place to cover the costs of the consultation and the examination process following submission. If a decision is made to not publish the Draft IPS for Regulation 19 and reconsider the content and form of a new local plan (option 2 in paragraph 50), there may be a level of abortive costs associated with the existing Draft IPS and evidence base. To date, since the preparation of the Draft IPS commenced in 2016, approximately £600,000 has been spent on the process.

Legal Implications

38. The process of preparing a local plan is set out in [Town and Country Planning \(Local Planning\) \(England\) Regulations](#). Regulation 19 sets out that prior to submitting a local plan to the Planning Inspectorate (on behalf of the Secretary of State) the local authority must undertake certain actions. The publication of the draft plan and accompanying documentation for a period of (public) representation is one of these actions.
39. It is the responsibility of the Cabinet to formulate the draft plan and make a recommendation to full council as to the final form of the plan. Full Council's role is to then either accept in full the Cabinet's recommendations in final form or refer the matter back to the Cabinet for further consideration.
40. A Regulation 19 version of the draft IPS was considered at the [Extraordinary Full Council meeting on 5 October 2022](#), but the decision made at that time by Full Council was not to take the draft IPS forward to the next stage.
41. At the [Full Council meeting on 16 November 2022](#) a motion was agreed that set out ten items of objection to the draft IPS version in front of it, and the matter was referred back to Cabinet for further consideration.
42. At the [Full Council meeting on 18 January 2023](#) and in light of potential changes to national planning policy/legislation, a motion was agreed that revised the timescale within which Cabinet was required to report back to Full Council.

43. At the [Full Council meeting on 20 March 2024](#) a decision was made to return the Draft Island Planning Strategy to Cabinet for them to consider five matters. Cabinet were requested to then return the Draft IPS back to Full Council with those five matters incorporated into a revised Draft IPS, or to set out reasons why Cabinet considered those matters to be unsuitable for inclusion.
44. If Full Council has different or new objections to the plan as presented, then it must inform the Executive Leader of those objections and give instructions requiring the Cabinet to reconsider it. The Cabinet may then submit a revised plan with reasons for consideration by Full Council or inform Full Council of Cabinet's disagreement to Full Council's objections, again with reasons.
45. Full Council cannot vote through a different version of the plan until the statutory cooling off process has been followed. It is only at a subsequent meeting of Full Council that it can overrule the Cabinet's recommendations and make a decision itself over the content of the plan so long as it takes into account the cabinet's reasons for disagreement with full council's objections.

Equality and Diversity

46. The draft IPS has been subject to a draft equality impact assessment (Appendix 2) and the results can be summarised that no negative impacts on the protected characteristics are expected from the policies within the document. The Island has an ageing population and a high percentage of people with mobility problems and a greater likelihood for health problems, which in turn is placing increased demands on services. Through its policies the council wants to ensure that future development contributes to creating environments that are accessible to all generations (and associated health issues) and by doing so improve residents' health and wellbeing.
47. Negative impacts are also not expected to arise from the act of consulting on the draft IPS, and the consultation will provide the opportunity for any issues relating to equality to be raised and considered during the examination in public. Should the IPS be found sound and be considered for adoption by Full Council it will be subject to a final equality impact assessment at that stage.

Property Implications

48. Once adopted the IPS will contain planning policies that may be relevant to future plans for Isle of Wight Council owned property and land.
49. A number of the proposed allocations are owned by the Council. If they remain as allocations and the Island Planning Strategy is adopted there will be budgetary and place making implications on the Council. The inclusion of Council owned sites is seen to be a commitment by the local authority to its regeneration aspirations and its place making agenda.

Options

50. The options available to Full Council are therefore to:

1. Approve the recommendation from the Cabinet following its decision at its meeting on 18 April 2024 and to agree to publish the draft Island Planning Strategy in appendix 1 for the regulation 19 period for representation as soon as practicably possible and following the end of the period for representation submit the required information to the Planning Inspectorate.

or

2. Not approve at this meeting to publish the draft Island Planning Strategy in appendix 1 for the regulation 19 period for representation at the earliest practical opportunity and following the end of the period for representation submit the required information to the Planning Inspectorate.

If option 1 is chosen, then a subsequent option is to:

3. Delegate any final editorial and presentational changes to the Island Planning Strategy prior to publication and submission to the Director of Communities in consultation with the Cabinet Member for Planning, Coastal Protection and Flooding, so long as they do not materially alter the intention of the version agreed by Full Council.

If option 2 is chosen, then the subsequent requirement is to:

4. Inform the Leader of the Cabinet of the objection(s) which Full Council has to the draft Island Planning Strategy recommended by the Cabinet and to instruct the Leader of the Cabinet to reconsider, in the light of those specified objections and any suggested changes and the reasoning for them, the draft Island Planning Strategy submitted to it and, within a timeframe that accords with the council constitution, to

(a) submit a revision of the draft plan as amended by the Cabinet, with the Cabinet's reasons for any amendments made to the draft plan back to Full Council.

or

(b) inform Full Council of any disagreement that the Cabinet has with any of the Full Council's objections and suggested changes and the reasons for Cabinet's reasons for any such disagreement.

Risk Management

51. Publishing the draft IPS for the regulation 19 period for representation is the next step to an independent Planning Inspector finding the plan sound and the Council adopting it. To minimise the risk of the plan being found unsound by the Planning Inspectorate the Council has prepared a draft IPS which is considered by staff to be sound and therefore capable of being submitted to the Planning Inspectorate, following the regulation 19 period for representation.

Consideration of previous Full Council and Scrutiny recommendations

52. Each of the ten items of objection within the Full Council motion of 16 November 2022 (see paragraph 41) have been carefully considered and staff recommended

changes to the draft IPS in response to three of them. Seven of the items did not result in changes being recommended by Officers to the draft IPS. These, and the staff reason(s) why for each, are as follows.

Item 1 – Housing Company and Council Owned Housing Sites

IPS to provide clear commitment to use IOW Council owned land, that is designated as suitable for housing, to being allocated to the IOW Council's Housing Company (who can work with Housing Associations or others as partners if they wish) to provide social homes affordable to Islanders.

Officer response to item 1: The Isle of Wight Council as a landowner has the ability to deliver this commitment immediately outside of the local plan preparation process. As such this is not considered necessary and could be unduly restrictive on the Council. **No change made to Draft IPS**

Item 2 – Affordable rented accommodation

For housing developments other than those receiving funding from Homes England (who have their own requirements for the balance of rented/shared ownership as a condition of loans or grants) the affordable housing delivered should be 80% affordable rented and 20% shared ownership.

Officer response to item 2: Affordable housing policy (H5) altered to reflect the need for more rental properties and setting out local connections. **Change made to Draft IPS**

Item 3 – Time limits on finalising legal agreements

To avoid developers delaying the signing off on legal agreements, a 6 month limit to be imposed on same. Failure to achieve sign-off within that period to result in planning permission being refused.

Officer response to item 3: Additions to policy G5 (which sets out the approach to taking into account an applicant's previous performance on delivering planning permissions) following confirmation of new powers from the Levelling Up and Regeneration Act (LURA) on delivery of planning permissions. **Change made to Draft IPS**

Item 4 – SHLAA Process

IPS to specify that the process for determining the Strategic Housing Land Availability Assessment (SHLAA) shall be transparent and open with the portfolio holder or their deputy attending all meetings with external parties and minutes to be taken. The respective Ward Member to be invited to attend all related internal meetings and external meetings with third parties. The Planning Protocols Working Group (PPWG) to define, for incorporation in the IPS, how recommendations by officers shall be progressed including member committee scrutiny and member committee scrutiny sign off.

Officer response to item 4: A local plan policy does not need to set the process for undertaking a piece of evidence, where national planning practice guidance already exists, and which sets out the process to be followed. The desire to review the IWC SHLAA methodology is recognised, and this can and will be done outside of the process of agreeing the draft IPS. **No change made to Draft IPS**

Item 5 – Priority allocation of housing reductions

IPS to give special consideration to capitalising on reduced housing targets in order to relieve pressure on green field sites by retaining some existing development boundaries.

Officer response to item 5: consideration has been given to this, and it was concluded that such an approach was unlikely to withstand scrutiny at a public examination (please also see the officer response to item 8). **No change made to Draft IPS**

Item 6 – IPS timescales

Revised IPS to be brought back to Full Council no later than April 2023 and in doing so to clarify the regulatory process forward and the legal implications should that revision not be progressed.

Officer response to item 6: The Full Council decision in January 2023 removed the requirement to meet this timeframe. **No change made to Draft IPS**

Item 7 – Local Energy Security

IPS to recognise the need for local energy security and to provide for a future feasibility study into the generation on IOW of geothermal energy.

Officer response to item 7: Changes to policy wording (C10 and C11) to reference local energy security and resilience. **Change made to the Draft IPS**

Item 8 – Contemporary and accurate data.

IPS to include contemporary and accurate data regarding housing needs, population growth, age profile demographics and related trends including ONS and other sources such as DWP and Health sector analysis. These key data points to inform the IPS calculations and in conjunction with recognising the exceptional circumstances of the IOW, to define a clear case for further reduced housing targets aligning with the IOW population growth and resident needs.

Officer response to item 8: KC and professional advice has been sought on this issue when considered against existing national planning policy and was circulated to all members in October 2022. At present, the position remains that there is not sufficient data or evidence to work up such a position that would stand up to scrutiny at examination. **No change made to Draft IPS**

Item 9 – Affordability

IPS to define the definition of Affordable Rented Housing based on not more than 1/3 of the net average local earnings.

Officer response to item 9: Policy AFF1 uses the Local Housing Allowance (or a series of % discounts from market value, whichever is lower) as the definition for affordable housing on the island. Local Housing Allowance (LHA) rates are used to calculate Housing Benefit for tenants renting from private landlords. **No change made to Draft IPS**

Item 10 – Zero Carbon

IPS to clarify a consistent and comparable basis to be used for calculation of the carbon impact of delivery, lifetime and site restoration of developments.

Officer response to item 10: It is recommended that local plan policy should not fix a particular piece of software or methodology to be used as many will be available, all providing the same output, and to be specific now may prevent better approaches in the future. **No change made to Draft IPS**

53. The draft IPS has also quite rightly been considered by the Policy & Scrutiny Committee for Neighbourhoods and Regeneration, who recommended a number of changes to be made. In the professional view of officers it was possible to incorporate changes to address all seven of these recommendations without increasing the risk of the plan being found unsound.
54. On 20 March 2024, Full Council resolved the following: *‘That the DIPS is returned to Cabinet with a request that cabinet considers the matters set out below and return the DIPS not later than the end of April to Full Council with the said matters included in a revised DIPS or alternatively Cabinet shall inform Full Council of the reasons why the said matters are in its opinion unsuitable to be included in a revised version of the DIPS.’* Each of the five matters have been reviewed and Appendix 1 to this report provides a detailed response to each. Three of the five items have resulted in proposed changes to the wording of the draft plan, with a fourth having already seen a change made following a previous request.
55. Further advice was sought from counsel on the five items and relevant extracts from this advice are included in the table in Appendix 1, with the full advice note included as Annex A to that appendix. For the avoidance of doubt, publication of this further advice note does not waive legal profession privilege in relation to any earlier/further advices that have not been published.
56. There is clearly also a risk of the Cabinet and/or Full Council not being able to agree a version of the plan to publish for representation and then submit. This would extend the period where the Council must have regard to the tilted balance of the policy presumption in favour of sustainable development under paragraph 11(d) of the National Planning Policy Framework (NPPF).
57. The Council’s annual monitoring reports and the Housing Delivery Test undertaken by the Department for Levelling Up and Housing and Communities (DLUHC) demonstrate that delivery over the last three years has been 66% and therefore, whilst the Council can demonstrate the required land supply position the presumption in favour of sustainable development remains applicable.
58. Under the current NPPF, to remove the presumption in favour of sustainable development, the Council must deliver a greater level of housing (above 75% of the required housing number using the Government Standard method which would equate to 525 homes per annum) and/ or adopt an up-to-date development plan and still deliver 75% or above of any new yearly target within that adopted plan. The proposed housing requirement in the Draft IPS is 453 homes per annum – 75% of this is 340 homes. The council has exceeded this figure in 8 of the last 10 years.
59. It would also mean that the certainty a local plan can give to developers, affordable housing providers and communities would also be delayed.
60. Should the draft plan go through all the formal stages and be adopted, it will crucially mean the Council has an up-to-date plan and that it will lower its five-year

land supply figure and consequently its housing delivery test figure. An up-to-date plan along with being able to demonstrate a five-year land supply and meeting the requirements of the housing delivery test will mean that the Council will no longer have to have regard to the tilted balance and the presumption in favour of sustainable development in its planning decisions.

Exceptional circumstances

61. By taking the approach of accepting the standard method housing number, but then assembling a robust evidence base that demonstrates why such a figure is not deliverable on the Island, (and in the case of the draft IPS including a housing requirement that is 38% less than the standard method) this helps to mitigate against the plan being found unsound. It is the view of officers, which is supported by KC advice, that this approach has a greater likelihood of success over not accepting the standard method and instead arguing 'exceptional circumstances'.
62. In late 2022 the government launched a consultation on changes to both the NPPF and the plan making system. In October 2023, the Levelling Up and Regeneration Act was passed as legislation. On 20 December 2023, the government published a new National Planning Policy Framework. The revised NPPF included a new footnote (25), which is reproduced below:

'Such particular demographic characteristics could, for example, include areas that are islands with no land bridge that have a significant proportion of elderly residents.'
63. This footnote is linked to paragraph 61 of the NPPF relating to whether the characteristics of an area may represent 'exceptional circumstances' which could justify using a different approach to calculating housing need than the standard method the government expect local planning authorities to use.
64. The NPPF remains unchanged (paragraph 61) in that any different approach to calculating housing need should also reflect current and future demographic trends, market signals and, as set out in Planning Practice Guidance, take account of historic under delivery.
65. It is recognised that the addition of footnote 25 could impact on the approaches set out in the IPS, including that to the calculation of housing need. As a result, further legal and demographic work was commissioned to provide independent external views on the implications of this new footnote on the Draft IPS.
66. The conclusion of both the legal and demographic work, as previously reported to and shared with Full Council, is unequivocal that the addition of footnote 25 to the NPPF does not justify a change of approach in relation to housing need and 'exceptional circumstances'. The demographic work concludes that should the exceptional circumstances route be pursued, there is a high probability that the housing need number generated would be in excess of the standard method, not below it. The Draft IPS currently includes a housing requirement that is 38% below the standard method.
67. It is noted that alternative legal and demographic work has been commissioned by a third party. At the time of writing this report, only the legal work has been shared with the council. It is Officers view that this legal work does not clearly

demonstrate that an alternative approach to calculating housing need for the island should definitely be taken, and nor does it demonstrate that such an alternative approach would be robust and defensible at examination. As the alternative demographic work has not been shared, no comment can be provided on this. It is noted that different demographic studies may suggest different outcomes when considering housing need, however a difference alone does not mean that such alternatives are robust and defensible at examination. Any third party who have commissioned work that they believe supports an alternative route for the draft local plan, or indeed alternative content, are able to make such representations at the Regulation 19 stage of the plan-making process.

Future national policy changes

68. Should the national policy landscape continue to evolve and change the Cabinet and/or the Council may decide it does not wish to proceed with the IPS as currently written and withdraw it from the formal process to prepare an alternative local plan. This withdrawal could happen at any of the formal stages listed in paragraph 14 from Regulation 19 up to and including Regulation 25. It may also consider adopting the IPS, if it is found sound, to effectively preserve its position and begin a review of the plan (or component parts of it) to take into account new national policy. However if the decision is made not to move forward with the Draft IPS to Regulation 19 and submission, then the ability to proceed with a local plan under the current plan-making system (which allows a lower housing requirement to be put forward) may be lost altogether.

Use of policy in decision making

69. Without an adopted IPS the Planning Committee and Planning Officers of the local planning authority will also have to continue to use the policies of the current Core Strategy (where they are not considered out-of-date), which was adopted in 2012, to determine planning applications. This means not being able to use the new policies of the IPS, which have been specifically designed to address key issues now being faced on the island such as affordability of new homes, tackling climate change and ensuring community engagement in the development process at the earliest opportunity.
70. Recent Planning Committee meetings have seen a sense of frustration over the inability to apply some of the Draft IPS policies, particularly that around deeper discounts for affordable housing. For example a recent application for 57 homes in Bembridge saw a 25% discount from market value secured, however draft policy AFF1 in the IPS sees discounts of up to 40% from market value. Once the Draft IPS is published under Regulation 19 the LPA (including Planning Committee) can start to apply limited weight to the draft policies within it when making decisions.
71. Not proceeding with the IPS and reviewing the approach to a new local plan is an option available (paragraph 50 option 2), however it has the potential to combine all the risks identified above and to introduce further new risks such as significant and currently unbudgeted costs associated with compiling a new evidence base (see paragraph 37). It could also impact on the Planning Policy Team delivering other (either programmed or required by law) documents such as the Waste and Minerals Plan Development Plan Document, the Local Nature Recovery Strategy and a number of documents related to the flood management strategy for the island.

72. Ultimately, however, it is for Full Council to decide whether to accept the recommendation from Cabinet and it would be the Planning Inspector who determines whether the plan is sound.

Evaluation

73. As a result of (a) Full Council decisions in November 2022 and March 2024, (b) the recommendations of Policy & Scrutiny Committee for Neighbourhoods and Regeneration in December 2023 and Corporate Scrutiny in March 2024, (c) taking into account previous public and stakeholder consultation in 2019 and 2021 and (d) ongoing evidence base updates, the draft IPS was revised, with some of the headline changes summarised below and reported in detail to Full Council on 20 March 2024:
- Following a further years' monitoring data, a reduction in the housing number to **453 dwellings per annum**, which is a 38 per cent reduction on the housing figure calculated by the Government's standard method of 730 dwellings per annum.
 - Affordable housing policy (H5) altered to reflect the need for more rental properties and setting out local connections (**addressing item 2 of the November 2022 Full Council motion**).
 - Additions to policy G5 (which sets out the approach to taking into account an applicant's previous performance on delivering planning permissions) following confirmation of new powers from the LURA on delivery of planning permissions (**addressing item 3 of the November 2022 Full Council motion**).
 - Collection of financial contributions towards primary healthcare facilities (such as new or extended doctors' surgeries) in areas where the existing healthcare facilities do not have the capacity to accommodate the impact of new residential development added to policy (G3) following partnership working with the Hampshire and Isle of Wight Integrated Care Board.
 - Requirement explicitly set out in policy (EV13 and EV14) to separate foul and surface water in new development so surface water doesn't connect to the sewer system to help alleviate flooding.
 - Changes to policy wording (C10 and C11) to reference local energy security and resilience (**addressing item 7 of the November 2022 Full Council motion**).
74. At the Policy & Scrutiny Committee for Neighbourhoods & Regeneration on 12 December 2023, and in subsequent follow up correspondence, there was discussion around the proposed allocation of sites in the draft IPS and the implications of this on future Planning Committee decisions. A view was raised that paragraph 6.15 of the Draft IPS removes the right of the Planning Committee to make a decision on whether an allocated site is suitable for development. This issue also appears as item (i) on the Full Council decision of 20 March 2024.
75. Policy G2 of the Draft IPS sets out the spatial strategy for the island and where the priority locations for housing development and growth are. Paragraph 6.15 is part

of the supporting text for that policy and, as originally drafted, is reproduced below:

'6.15 The location of a potential development site within a settlement boundary is the first test in establishing the suitability of a site, in principle, for development. Once this principle is established more detailed issues covered by other policies in the Island Planning Strategy such as design, density and potential impact on the surrounding area and the environment are considered. If, on the planning balance, the development proposal is unacceptable in relation to these detailed issues it will be refused.'

76. Policy H2 and Appendix 2 of the Draft IPS set out which sites would be allocated, and the expectations that any applications coming forward on those sites would have to meet a wide range of site specific and other policy requirements.
77. All of the proposed allocations in the Draft IPS (set out in policy H2 and Appendix 2) align with the spatial strategy set out in Policy G2. As such, the basic locational principle of development on these allocated sites would be considered policy compliant post adoption of the plan. Planning Committee would still be entitled to come to a different view, however a reason for refusal based on the location of a site may be considered unreasonable if that location aligns with the spatial strategy set out in adopted policy. Notwithstanding the above, for clarity paragraph 6.15 is proposed to be revised and the new wording is set out in Appendix 1.
78. It should be noted that the allocation of sites can only be confirmed through the adoption of the local plan once it has passed through public examination. The evidence base supporting the IPS, including the SHLAA, Integrated Sustainability Appraisal and Housing Evidence Papers that all help set out the spatial strategy and allocations process, will all form part of that examination in public. From the first regulation 18 consultation in 2018 to the version of the draft IPS attached as Appendix 1 to this report, the emerging IPS has always included proposed allocations that align with the spatial strategy set out within draft policy.
79. The eventual adoption of the plan would allow the local planning authority to use the full weight of new planning policies in its decision-making, to give greater influence over those issues of Island-wide significance such as housing delivery, the affordability of new homes, greater protections to our environment and agricultural land and to greater standards of design.
80. **The choice for Full Council is a binary one – option 1 or option 2 (paragraph 50).**
81. Agreeing option 1 would not tie the Council to the draft plan, but would instigate the formal stages of its preparation. It would result in publishing the draft plan for anyone to make representations on, which will then be considered by the Planning Inspectorate. The Council can, at any point prior to the adoption of the draft plan withdraw it from the formal stages.
82. Whilst each Councillor will have a view over the content of the draft plan, submitting the current draft will provide certainty to all stakeholders in terms of the process and likely timescales. It will enable those who support the draft plan and those who object to it to make their representations and provide their own evidence to support why they consider changes (no matter how big or small) should be made to the draft plan in order to make it sound.

83. Should the draft plan go through all the formal stages and be adopted, it will crucially mean the Council has an up-to-date plan and that it will lower its five-year land supply figure and consequently its housing delivery test figure. An up-to-date plan along with being able to demonstrate a five-year land supply and meeting the requirements of the housing delivery test will mean that the Council will no longer have to have regard to the tilted balance and the presumption in favour of sustainable development in its planning decisions.
84. The adoption of the plan would also allow the local planning authority to use the new planning policies in its decision-making, to give greater influence over those issues of Island-wide significance such as housing delivery, the affordability of new homes, greater protections to our environment and agricultural land and to greater standards of design.
85. Option 1 would also allow some of the limited resource of the Planning Service to focus on other planning policy work for a period of time following submission, which could include reviewing and updating relevant Supplementary Planning Documents, assisting town, parish and community councils in community-led plan preparation, commencing preparatory work on a Waste and Minerals DPD and looking to take forward more of the recommendations of the LGA Peer Review.
86. If Option 2 is chosen on the basis of arguing exceptional circumstances to attempt to plan for a significantly lower housing number, then a new plan and new evidence base would be required. Any such new plan and supporting evidence base would then have to be subject to at least one period of Regulation 18 public consultation prior to a Regulation 19 version of that plan being brought to Full Council.
87. The current NPPF makes provision for local planning authorities to either plan for a lower housing requirement than the standard method number (as the Draft IPS is doing) or make a case for exceptional circumstances and calculate a different housing number. There is no guarantee that future changes to the plan making system will retain these provisions. Traditionally, 'submission' of a plan is the key trigger to continuing under the NPPF at that time and not having to align with a new one. Therefore if Option 2 is chosen and the council does not submit its draft local plan, it may have to then prepare an alternative under the as yet unknown parameters of a reformed plan making system, which could include mandatory housing numbers with no flexibility for a different approach.
88. The benefits of option 1 are considered to outweigh the risks and delays that could be associated with option 2.

Appendices Attached

89. The report is supported by the following Appendices:
90. Appendix 1: Schedule of changes to the draft Island Planning Strategy made in response to the Corporate Scrutiny recommendations of 12 March 2024 and the Full Council resolution of 20 March 2024 (including further counsel advice as Annex A);
91. Appendix 2: Draft Equalities Impact Assessment

Background Papers

92. [Extraordinary Full Council meeting on 5 October 2022](#)
93. [Full Council meeting on 16 November 2022](#)
94. [Full Council meeting on 18 January 2023](#)
95. [Full Council meeting on 7 May 2023](#)
96. [Policy & Scrutiny Committee for Neighbourhoods and Regeneration on 5 October 2023](#)
97. [Policy & Scrutiny Committee for Neighbourhoods and Regeneration on 12 December 2023](#)
98. [Cabinet meeting on 14 March 2024](#)
99. [Full Council meeting on 20 March 2024](#)
100. [Cabinet meeting on 18 April 2024](#)
101. [Emerging Island Planning Strategy](#)

Contact Point: James Brewer, Planning Policy Manager ☎ 821000 extension 8567 e-mail james.brewer@iow.gov.uk

COLIN ROWLAND
Strategic Director, Community Services

COUNCILLOR PAUL FULLER
*Cabinet Member for Planning, Coastal
Protection and Flooding*

A: Changes to the Draft Island Planning Strategy as a result of Corporate Scrutiny Committee recommendations of 12 March 2024

On 12 March 2024, Corporate Scrutiny Committee resolved the following:

'That the Cabinet Member for Planning, Coastal Protection and Flooding reconsiders the timeliness of signing off Section 106 agreements and aspects relating to the use of council owned sites for socially affordable homes for rent.'

The following changes are proposed to address these two points:

1. Addition of the following sentence within Appendix 3 of the Draft IPS (Site specific requirements) to all IOW Council owned allocations (HA002, HA031 (part), HA037, HA044, HA080 & HA084):

'As the site is owned by the Isle of Wight Council, the council should seek to bring forward the land through an appropriate council housing delivery vehicle that maximises the number of social homes affordable to island residents.'

2. Revision to paragraph 6.38 that supports policy G5 'Ensuring planning permissions are delivered' to read (new text underlined):

6.38 To help ensure that proposals for development are implemented in a timely manner, the council will consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. Any delays will take account of the preparation of S106 legal agreements. The local planning authority considers that where a planning obligation, such as a Section 106 agreement, is required it should be completed in a timely manner. Should Planning Committee resolve to approve a planning application and the obligation has not been completed within six months of the resolution, the decision may be referred back to Planning Committee for reconsideration.

B: Changes to the Draft Island Planning Strategy as a result of Full Council 20 March 2024

On 20 March 2024, Full Council resolved the following:

'That the DIPS is returned to cabinet with a request that cabinet considers the matters set out below and returns the DIPS not later than the end of April to Full Council with the said matters included in a revised DIPS or alternatively cabinet shall inform Full Council of the reasons why the said matters are in its opinion unsuitable to be included in a revised version of the DIPS.'

The table below sets out (a) the five matters agreed in the Full Council motion, (b) comments/requests for clarification sent to Cllr Spink on 21 March 2024, (c) further clarifications provided by Cllr Spink on 2 April 2024, (d) commentary from Michael Bedford KC (further advice was sought following the Full Council motion, a copy of which is attached as Annex A to this Appendix) and (e) any proposed changes to the Draft IPS.

(a) Matters to be discussed	(b) Comment / clarification request to Cllr Spink	(c) Further clarification from Cllr Spink (2.4.24)	(d) Commentary from Michael Bedford advice (2.4.24)	(e) Agreed change or reason why unsuitable
<p>i). Paragraph 6.15 is amended as in red below, The location of a potential development site within a settlement boundary is the first test in establishing the suitability of a site, in principle, for development.</p> <p>Once this principle is established more detailed issues covered by other policies in the Island Planning Strategy such as design, density and potential impact on the surrounding area and the environment are considered.</p> <p>If, on the planning balance, the development proposal is unacceptable in relation to these detailed issues it will be refused.</p> <p>Therefore, in this respect, both a sites allocation in this Plan together with due consideration by the Planning Committee of other relevant policies (within this Plan and the NPPF) shall be</p>	<p>For the avoidance of doubt the whole draft is not accepted in current form and will be considered.</p> <p>We will revert via cabinet process with comment or drafting options.</p>	<p>Overview:</p> <p>The proposed amendments represent the democratic will of Full Council, including the Executive Leader and the Cabinet Member for Planning, both of whom accepted the amendment to their motion and voted in support. In the circumstances cabinet should accept the amendments. The comments below are made in light of the above.</p> <p>Para 6.15 DIPS</p> <p>If para 6.15 is not amended the principle of development re allocated sites will be determined by the allocation process and the adoption of the DIPS. At the last meeting of Cabinet, the Leader, in the presence of the Cabinet Member for Planning, said that it was not the intention of the council to restrict planning committee in this</p>	<p><i>Extract paragraph 23: ‘...the first element is saying that the decision maker (i.e. the Planning Committee) dealing with a proposal on an allocated site will also need to give “due consideration” to other relevant policies, both in the IPS and in the NPPF, before granting permission.</i></p> <p><i>This is an unnecessary change in relation to the policies of the IPS because Policy H2(d) already requires that, for allocated housing sites, proposals must show how the development will be delivered in accordance with “all other relevant policy requirements set out in this plan”.</i></p> <p><i>Extract paragraph 26: ‘The suggested wording is also inappropriate in so far as it suggests that the fact that a site is allocated “shall not alone constitute a material consideration”.</i></p>	<p>Proposed change (new text in red):</p> <p>Following further correspondence with Cllr Lilley on behalf of the Liberal Democrat group, paragraph 6.15 is proposed to be replaced with the wording below for clarity:</p> <p><i>6.15: It is important to set out that any planning application submitted including those on allocated sites, should consider all relevant policies of the Development Plan, the NPPF and any relevant legislation. While the plan has sought to avoid a lot of cross-referencing within policies, it is acknowledged that many of the policies in the plan are interlinked and therefore no one policy should be considered in isolation. If, on the planning balance, the development</i></p>

<p>required in order for planning permission to be given</p> <p>i.e. a sites allocation in this plan shall not alone constitute a material consideration in the decision of whether to give planning permission.</p>		<p>way. He further stated that that planning committee should be the decision maker.</p>	<p><i>Clearly, the allocation has to be a material consideration, because that is the very purpose of a site allocation policy.'</i></p>	<p><u>proposal, including all allocated sites, is unacceptable it will be refused.</u></p>
<p>ii). Windfall sites should only be 'allowed' in wider rural area if they qualify with policy re rural exception, infill, first home exception, self and custom build, or new homes sites.</p> <p>Page 101</p>	<p>The statement provided is not considered contentious. It is believed this is sufficiently covered within the draft IPS</p> <p>P1.10 and 1.11 already confirms that all planning applications will be determined in accordance with the development plan unless material considerations state otherwise, as per section 38 (6) of the planning and compulsory purchase act "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."</p>	<p>The DIPS treats windfall sites in a category of their own. Development in the wider rural area should be limited to the categories specified in the proposed amendment.</p>	<p><i>Paragraph 31: 'Policy G2 does not refer to self-build and custom-build dwellings outside of settlement boundaries but Policy H10 does make provision for such development "if they meet a specific local need that has been identified." Irrespective of responding to Full Council's concerns, it would be sensible to address this apparent inconsistency of approach, presumably by adding a reference to Policy H10 as one of the exceptions listed in Policy G2.'</i></p> <p><i>Extract paragraph 32: '...it is not easy to see what further restriction Full Council wishes to see because any windfall site in the wider rural area (i.e. outside of the settlement boundaries) will already have to satisfy the local need requirement and the criteria set out in the listed exceptions policies.'</i></p>	<p>Proposed change (additional text <u>in red</u>):</p> <p>Policy G2 proposed wording addition in red to link to 'windfall sites'. Further revision for consistency to include reference to policy H10.</p> <p><i>Outside the defined settlement boundaries, including at Sustainable Rural Settlements, proposals for housing development, <u>which includes windfall sites</u>, will only be supported if they meet a specific local need that has been identified and they accord with either H4 - Infill Opportunities outside Settlement Boundaries, H6 Housing in the Countryside, H7 Rural & First Home Exception Sites, H9 New Housing on Previously Developed Land <u>or H10 Self and Custom Build.</u></i></p>
<p>iii). Para 7.78 DIPS should be deleted as inconsistent</p>	<p>Could you clarify what you consider the inconsistency with the definition of rural</p>	<p>The NPPF glossary describes rural exception sites as: "Small sites (my</p>	<p><i>Paragraph 40:</i></p>	<p>No proposed deletion. Minor word addition <u>in red</u> to 7.78 for clarity.</p>

<p>with definition of rural exception sites.</p>	<p>exception sites with the paragraph IPS 7.78 is?</p> <p>What is the outcome that you are seeking with the deletion of the supporting paragraph please?</p>	<p>emphasis) used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding".</p> <p>Paragraph 7.78 DIPS allows for large developments to be treated as rural exception sites. This would, for example, allow more developments of similar size to Burt Close, Shalfleet, (70 houses i.e. 7x definition of a major development). This is contrary to the DIPS, para 82 NPPF, and the wishes of the Parish Council and residents.</p> <p>The outcome that I am seeking is for rural exception sites on the Island to comply with the DIPS, para 82 NPPF, and the wishes of the Parish Council and residents.</p>	<p><i>I note that the NPPF definition of a rural exception site has chosen not to specify a quantitative limit for what will be a "small site", whether by site area or by dwelling capacity. The IPS glossary (understandably) takes the same approach. This would suggest it is a matter for judgment, depending on the particular local context.</i></p> <p><i>Paragraph 43: In addition, para 7.78 of the reasoned justification does not override the policy requirement that a rural exception site needs to be proportionate to the scale of the settlement or rural area in question. It also refers to sites of "up to 20 dwellings in total" rather than using that figure as a minimum threshold below which any and every site would be a "small site". I would accept that a scheme for 20 or so dwellings might be disproportionate to some of the smaller settlements within Policy G2, such as Wellow or Newchurch.</i></p> <p><i>To reflect this, and to avoid it being suggested that para 7.78 is seeking to oust or supplant the test in Policy H7, it would be open to the Council to add the word</i></p>	<p>Paragraph 7.78: 'For the purposes of this policy the council considers small sites to be <u>generally</u> sites with a net gain of up to 20 dwellings in total (including market housing). In circumstances where there is a significant specific local need that has been identified and lack of supply of affordable housing, this figure could be increased if the proposal was proportionate to the scale of the settlement or rural area it was serving. Where this is proposed the council strongly advocates the use of its pre-application advice service, to ensure that all parties are clear about the issues at the earliest possible point in the process.'</p>
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			<p><i>“generally” to the first sentence, so that it reads “...the council considers small sites to be generally sites with a net gain of...”. However, such an addition could be seen as strictly unnecessary, given the existing reference to “up to 20 dwellings”.</i></p>	
<p>iv). Allocated sites that are not policy compliant, or are contrary to a neighbourhood plan, or inconsistent with NPPF e.g. ‘best and most versatile’ agricultural land, should be removed from the DIPS.</p>	<p>Which proposed allocated sites in the IPS do you consider are contrary to neighbourhood plan, or inconsistent with NPPF?</p> <p>For each identified, how do you consider them contrary to the neighbourhood plan, or inconsistent with NPPF?</p> <p>Have you alternative allocation in mind to replace them?</p>	<p>Please indicate agreement in principle with the following submission:</p> <p>Allocated sites should be policy, neighbourhood plan and NPPF compliant.</p> <p>Once the above is agreed I will assist as requested; however, if the allocation process has been properly carried out (which may, or may not, be the case) the information requested should already be known by those asking the question.</p>	<p><i>Extract paragraph 44: However, no specific sites have been identified, which makes it difficult to engage with this concern, other than at a high level.</i></p> <p><i>Extract paragraph 45: As already discussed, site allocations establish the principle of development but do not override other relevant IPS policies.</i></p> <p><i>Extract paragraph 46: I note that there are some ‘made’ Neighbourhood Plans covering some of the settlements on the Island. I have not reviewed those Neighbourhood Plans and so do not know whether any of the allocations are inconsistent with them.</i></p> <p><i>Even if that were to be the case, the legal position is that where two parts of the development plan conflict, priority is to be given to the most recent part of</i></p>	<p>No proposed change.</p>

			<p><i>the development plan: s.38(5) PCPA 2004. Thus, an allocation in the IPS would prevail over any earlier policies in a Neighbourhood Plan.</i></p> <p><i>Extract paragraph 47: 'Whilst some NPPF policies set out strict tests.....other policies simply require matters to be brought into account (such as where there may be a loss of best and most versatile agricultural land, which would need to be "recognised", as explained in para 180(b) of the NPPF). I assume those policies have already been considered by the Council in selecting its proposed allocations. For the most part, they call for a planning balance to be drawn across a range of relevant factors rather than a prescriptive preclusion of particular sites or developments. Unless the Council now considers that it cannot justify an allocation, having regard to relevant policies in the NPPF, I see no good reason to remove those allocations.'</i></p>	
<p>v). 'local need' should not be ID [identified] by use of the loW Housing Needs Assessment as to do so would be inconsistent with policy and NPPF.</p>	<p>Can you please set out why this is inconsistent with:</p> <ol style="list-style-type: none"> 1. the policy (and which policy) and 2. NPPF for our consideration 	<p>The DIPS seeks to concentrate the majority of the housing number assessed by the standard method within settlement boundaries. Although development in the 'wider</p>	<p><i>Extract paragraph 52: 'If the concern is not so much with the approach in Policy AFF1, but relates to reliance on the most recent LHNA (which was undertaken in 2022) as one</i></p>	<p>No proposed change.</p> <p>The IPS glossary contains the following definition, which Cllr Spink has previously requested:</p>

		<p>rural area' may be counted against the housing requirement, development is only supported where there is shown to be an 'identified specific local need' (i.e. a local community need within the parish in which the application site is situated). The housing need assessments produced by 'Hearn' are based on the figure produced by the standard method and do not establish an additional need of the local community within the parish).</p>	<p><i>of the data sources that Policy H5 identifies can be used to inform an alternative mix of affordable housing to the target mix in Policy H5 (which is 80% for social / affordable rent and 20% for other affordable housing products), I am not aware of any reason why the LHNA should not be used for this purpose.</i></p> <p><i>The LHNA was carried out for the Council by consultants using relevant guidance in the NPPF and the PPG to look at the nature and extent of affordable housing needs. In the absence of any specific criticisms of the contents of the LHNA, I see no reason why the Council should not use it to help make decisions arising under Policy H5.'</i></p>	<p>Specific local need that has been identified - a local community need within the Parish in which the application land is sited that has been identified by a local housing needs assessment and/or surveys.</p> <p>Policy AFF1 contains the following text:</p> <p>Where local data is available for a settlement in a parish level housing needs survey, the make-up of the on-site affordable housing is expected to fully take this into account to help inform the type and mix of affordable homes secured through policies H5 and H8. Where this is not available it is expected that undertaking a local housing survey will be explored in agreement with the council and parish, town or community council and with the agreement of all parties, could be funded by the developer</p>
		<p><u>Additional Points for Consideration.</u></p> <p>G2 DIPS includes Calbourne, Shalfleet, and Wellow as 'sustainable rural settlements'. Planning applications in the above areas have been</p>		<p>No proposed change</p> <p>These 'additional points for consideration' did not form part of the Full Council motion agreed on 20 March 2024 and therefore have not been considered.</p>

<p>Page 106</p>		<p>found by the IoW Planning Authority, and by the Planning Inspector, not to be sustainable. Accordingly, it is wrong in principle for these areas to be listed as sustainable rural settlements.</p> <p>The Cabinet Member's report for Full Council was, and is, misleading for the reasons set out below. Paragraphs 59-64 refer to 'exceptional circumstances' and rely on the Advice of KC, and 'demographic work', both of which were commissioned by the council. No reference is made, however, to the existence or contents of the Advice obtained by the local West Wight Community, which severely criticised the 'Council's Advice and Demographic report'. Reports for Full Council should be balanced and fair, thus enabling a reasoned decision to be taken. It is wrong for Full Council only to be informed of one possible view.</p>		
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RE THE ISLAND PLANNING STRATEGY LOCAL PLAN

FURTHER ADVICE (4)

INTRODUCTION

1. I am asked to advise the Isle of Wight Council (“the Council”) on some further matters concerning the preparation of the Island Planning Strategy Local Plan (“the IPS”). The IPS, as prepared by the Council’s Cabinet, was presented to Full Council at its meeting on 20 March 2024 with a recommendation from Cabinet that the IPS be approved for publication under Regulation 19 of the Local Planning (England) Regulations 2012 (SI 2012/767), for representations to be made, as a prelude to its submission for independent examination.
2. However, Full Council raised some issues that they required Cabinet to consider and then make changes to the IPS or, if Cabinet considered the changes (or any of them) to be unsuitable for inclusion in the IPS, to explain why no such changes were being proposed, prior to the IPS being further considered by Full Council no later than the end of April 2024.
3. At the present time, there are no published draft Minutes of the Full Council decision, but I have been provided with officers’ understanding of the issues that Full Council has raised.
4. Full Council was also provided at its meeting on 20 March 2024 with an Advice Note dated 15 February 2024 from Lambert Smith Hampton (“the LSH Advice Note”) on housing need matters, in the light of changes made to the National Planning Policy Framework (“NPPF”) with regard to guidance on when it may be appropriate to depart from the Standard Method to calculate an area’s Local Housing Need (“LHN”). I am asked to advise on whether the LSH Advice Note provides an adequate basis to support the conclusions

expressed in my Further Advice (3) dated 27 December 2023 that the changes to the NPPF did not justify changing the Council's approach to the identification of LHN for the purposes of the IPS.

RELEVANT CONTEXT

5. The Council's current Local Plan is the Island Plan Core Strategy, which was adopted in March 2012, shortly before the publication of the first version of the NPPF. The Core Strategy has a plan period to 31 March 2027. Since 2018 the Council has been working on the preparation of the IPS to replace the Core Strategy. The Council's most recent Local Development Scheme ("LDS"), which was updated in February 2024, envisages that the IPS will be submitted for independent examination in August 2024, which would potentially allow it to be adopted by October 2025. However, that timetable assumed that Full Council would have endorsed the IPS (as recommended by Cabinet) at its meeting on 20 March 2024. The fact that this did not happen may cause some slippage in the timetable to adoption.

6. Paragraph 15 of the NPPF expects that *"The planning system should be genuinely plan-led"* and that *"Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings."* Whilst the issue of whether a development plan is up-to-date (or not) is not simply (or even mainly) a matter of chronology, it is almost inevitable that a plan prepared well over a decade ago is unlikely to fully reflect the Island's current needs or to address the issues facing the Island in a way that reflects current policy aims and ambitions. It is also the case that the lack of a 5 year housing land supply on the Island in recent years (or failure to meet the Housing Delivery Test) has meant that the Council has not been able to apply all of the policies of the Core Strategy and many have been displaced by the NPPF's presumption in favour of sustainable development (as set out in para 11 of the NPPF). There is therefore merit in the Council achieving an up-to-date new Local Plan as soon as practicable so that a policy framework can be put in place that will

allow decisions to be genuinely plan-led, addressing current needs and priorities, and reflecting local aspirations.

7. In order for the IPS to be adopted, it will need to undergo independent examination, and the examining Inspector will need to conclude that the contents of the IPS are “*sound*” (or that the IPS can be modified so as to ensure that it is “*sound*”). Soundness will be tested by the Inspector having regard to the tests set out in paragraph 35 of the NPPF. These address whether the IPS is positively prepared, justified, effective, and consistent with national policy.
8. Thus, whilst the Council has a wide discretion in formulating the contents of the IPS, and for many planning issues there may be a number of different ways in which a desirable objective can be achieved, so allowing scope for different planning judgments on those issues, the contents of the IPS will need to meet the soundness tests to the satisfaction of the independent examining Inspector if it is to be successfully adopted. In assessing potential changes to the current draft of the IPS it is therefore necessary to consider whether those changes would improve (or would hinder) the prospects of the IPS being found to be sound. Changes that would make it harder to satisfy one or more of the soundness tests will be difficult to justify, given the timescale and resource implications of the IPS being found to be unsound and unable to be adopted.
9. Regulation 8 of the LPER 2012 draws a distinction between the “*policies*” of a local plan and the “*reasoned justification*” for those policies. Regulation 8(2) LPER 2012 requires that a local plan “*must contain a reasoned justification of the policies contained in it.*” The LPER 2012 do not prescribe how the distinction between policies and their reasoned justification should be shown in a local plan, but it is conventional to set out the policies themselves in one form (such as in upper case text or in text boxes) and the reasoned justification in a different form (such as supporting paragraphs of narrative, either preceding or following the policy to which they relate. The IPS adopts the approach of having the policies in text boxes (with each policy having an

alphabetic and numeric reference followed by a title) followed by paragraphs of text to explain the purpose of and context for the policy.

10. The LPER 2012 do not generally define the content of what can be included in a “policy”, but Regulation 2(1) LPER 2012 does give a specific definition of a “site allocation policy”, which means “a policy which allocates a site for a particular use or development”. Regulation 5(1)(b)(iv) LPER 2012 also explains the purpose of a site allocation policy and of a development management policy, which is that they “are intended to guide the determination of applications for planning permission.” There is no definition of a development management policy, but it is clear that it is a policy that will apply to the decision-making stage on individual planning applications.
11. The IPS includes some site allocation policies in relation to specific sites for housing and employment development, including in Policies H2, KPS1 and KPS2.
12. S.19(1B) and s.19(1C) Planning & Compulsory Purchase Act 2004 require a local planning authority to identify its strategic priorities for the development and use of land in its area and to have policies to address those priorities in its development plan documents. Such policies are generally referred to as strategic policies and the IPS has chosen to use a positive tick mark to indicate which of its policies are strategic policies.
13. The Court of Appeal held in R (Cherkley Campaign Ltd) v Mole Valley District Council [2014] EWCA Civ 567 (per Richards LJ at paras 16 and 17) that the reasoned justification in a local plan is not part of a policy, that it cannot contain policy or “trump” policy, and it cannot contain requirements or criteria that are not to be found in the policy itself (or if such text is included it cannot be applied so as to prevent a proposal which accords with the policy from being in accordance with the development plan). Its purpose is to explain the policies and it may therefore be relevant to the proper interpretation of a policy. Thus, if a local planning authority wishes to set out criteria or requirements that are intended to be used to guide the determination of

planning applications, those matters should be set out in a policy and not relegated to the reasoned justification.

14. Having regard to these matters of general context, I now turn to the specific issues raised in my Instructions.

ASSESSMENT: ALLOCATED SITES AND SETTLEMENT BOUNDARIES

15. Policy G2 of the IPS is a strategic policy concerned with *“Priority Locations for Housing Development and Growth”*. It identifies that *“The focus for sustainable housing growth is within the settlement boundaries of the island’s Primary and Secondary settlements and the Rural Service Centres”*. These settlements and centres are identified by name. Policy G2 also provides:

“Outside the defined settlement boundaries, including at Sustainable Rural Settlements, proposals for housing development will only be supported if they meet a specific local need that has been identified and they accord with either H4- Infill Opportunities outside Settlement Boundaries, H6- Housing in the Countryside, H7 Rural & First Home Exception Sites or H9 New Housing on Previously Developed Land.”

16. Policy G2 also lists the Sustainable Rural Settlements by name. Policy G2 deals with *“Development proposals for non-allocated sites”* by requiring that they:

“1. Be located within the settlement boundaries of the Primary Settlements, Secondary Settlements and Rural Service Centres (as shown on the Policies Map); and

2. Clearly contribute to delivering the Island’s identified housing need, economic aspirations or achieving Island-wide regeneration aspirations; and

3. Make as much use as possible of previously developed land in line with H9; and

4. Deliver all policy requirements of the Island Planning Strategy.”

17. The draft submission Policies Map has not yet been published but I assume it will delineate the settlement boundaries for each of the Primary Settlements, Secondary Settlements, and Rural Service Centres. It appears from the supporting text in para 6.14 of the IPS that the allocated sites have been incorporated into the settlement boundaries of the settlements to which they relate.

18. Policy H2 is a non-strategic policy which addresses “*Sites Allocated for Housing*”. It provides:

“The sites listed in Appendices 1 and 2, and shown on the Policies Map, are allocated for residential or residential-led mixed use development. Proposals for these sites should demonstrate how they will deliver an appropriately phased development in accordance with:

- a) site specific allocation Policies KPS1 & KPS2;*
- b) where relevant, the site specific allocation requirements set out in Appendix 3;*
- c) the generic allocation requirements set out in Policy H3;*
- d) all other relevant policy requirements set out in this plan.*

The yield identified in Appendices 1 and 2 are for indicative purposes only and the final number of homes or other development provided will be determined through the planning application process. Not every allocation has site specific requirements, and these sites will be expected to deliver a scheme that aligns with Policy H3.”

19. Policy KPS1 is concerned with the former prison site at Camp Hill and Policy KPS2 is concerned with a site at Newport Harbour. Policy H3 sets out general requirements for residential or housing-led mixed use developments.

20. Para 6.15 of the supporting text states:

“The location of a potential development site within a settlement boundary is the first test in establishing the suitability of a site, in principle, for development. Once this principle is established more detailed issues covered by other policies in the Island Planning Strategy such as design, density and potential impact on the surrounding area and the environment are considered. If, on the planning balance, the development proposal is unacceptable in relation to these detailed issues it will be refused.”

21. I understand that Full Council wishes Cabinet to consider supplementing this text with the following:

“Therefore, in this respect, both a sites allocation in this Plan together with due consideration by the Planning Committee of other relevant policies (within this Plan and the NPPF) shall be required in order for planning permission to be given i.e. a sites allocation in this plan shall not alone constitute a material consideration in the decision of whether to give planning permission.”

22. This additional wording appears to focus on site allocations rather than on any unallocated sites, albeit both categories are dealt with by Policy G2. By setting out what *“shall be required”* before a positive planning decision can be made and specifying what *“shall not alone”* be considered when making planning decisions, it is clearly seeking to impose additional requirements on the operation of Policy G2. This is not a proper purpose for text within the reasoned justification, having regard to the Cherkley case. Thus, if the additional text were to come forward, that would need to be done by making additions to Policy G2 itself.

23. However, turning to the substance of the two changes sought, the first element is saying that the decision maker (i.e. the Planning Committee) dealing with a proposal on an allocated site will also need to give *“due consideration”* to other relevant policies, both in the IPS and in the NPPF, before granting permission. This is an unnecessary change in relation to the

policies of the IPS because Policy H2(d) already requires that, for allocated housing sites, proposals must show how the development will be delivered in accordance with *“all other relevant policy requirements set out in this plan”*. Whilst there is no similar direct reference to the NPPF, Policy G1 does state that *“Planning applications that accord with the policies in the Island Planning Strategy (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.”* Not only does this reflect the statutory presumption in s.38(6) PCPA 2004, its reference to other material considerations is clearly wide enough to embrace the NPPF. Para 2 of the NPPF states that it is a material consideration to be taken into account when making planning decisions.

24. Thus, properly understood, Policy G2 already requires (in conjunction with Policies H2 and G1) the decision maker to base a decision concerning an allocated site on not only the fact of the allocation but also on the requirements of other IPS policies and any relevant policies in the NPPF. The IPS clearly has to be read as a whole. The first element of the change sought is therefore unnecessary. The second element of the change sought is effectively the converse of the first element. It is also unnecessary because it obviously follows that if other policies have to be satisfied, the site allocation will not be the only consideration when making an individual decision.

25. Whilst the suggested text does not appear to be directed at non-allocated sites, it is also to be noted that, for such sites, Policy G2(4) already requires that they *“Deliver all policy requirements of the Island Planning Strategy”*. This ensures that merely being located within a settlement boundary will not suffice for a non-allocated site and all other policy requirements will need to be addressed.

26. The suggested wording is also inappropriate in so far as it suggests that the fact that a site is allocated *“shall not alone constitute a material consideration”*. Clearly, the allocation has to be a material consideration, because that is the very purpose of a site allocation policy. It is to *“guide”* (but not dictate) the determination of planning applications, in accordance with

Regulation 5 LPER 2012. If by this additional wording is meant that the allocation shall not be the “only” material consideration, this would not be a particular problem in itself but I repeat the point that such wording is unnecessary because that position is already set out in the policies themselves.

27. If it was desired to add anything to the reasoned justification to make that point quite clear, this could be done by adding words such as “(see in particular Policy H2(d) as regards allocated sites and Policy G2(4) as regards non-allocated sites)” after the words “are considered” in the second sentence of para 6.15 of the reasoned justification. However, such an addition would only be for the avoidance of doubt because para 1.11 of the reasoned justification is already explicit that:

“It is important to set out that any planning application submitted should consider all relevant policies of the Island Planning Strategy. While the plan has sought to avoid a lot of cross-referencing within policies, it is acknowledged that many of the policies in the plan are interlinked and therefore no one policy should be considered in isolation.”

28. I therefore consider that there is no need to add any further wording to this part of the IPS to explain the stance that is taken in relation to site allocations. It would not be appropriate to add the suggested wording to the reasoned justification because they are concerned with requirements for decision-making under the IPS and those requirements are already articulated in the policies themselves.

ASSESSMENT: WINDFALL SITES

29. Full Council wishes Cabinet to consider restricting windfall sites in the wider rural area to cases which satisfy IPS policies on rural exceptions, infills, first homes, self/custom build, and new homes. The glossary to the IPS defines “Windfall sites” as “Sites of under 10 units not specifically identified in the development plan”. It is unclear whether Full Council had the 10 unit limit in

mind or was concerned with all non-allocated sites (other than sites with planning permission, which would be existing commitments). I have therefore assumed that the concern does not only apply to windfall sites of under 10 units but to all sizes of site. I have assumed that the wider rural area is intended to be a reference to all parts of the IPS area that lie outside of settlement boundaries.

30. As noted above, Policy G2 sets out clear restrictions on housing development outside of settlement boundaries. Such development, regardless of size, has to satisfy two criteria: (i) the development must meet *“a specific local need that has been identified”* and (ii) the development must satisfy one of the exceptions in Policies H4, H6, H7, or H9. These cover infill opportunities (Policy H4), single homes (a) for rural workers, (b) re-using a rural building, (c) re-using a heritage asset, or (d) providing exceptional design (Policy H6), development of rural exception sites or First Homes exception sites (Policy H7), or development of housing on previously developed land, meeting specified criteria where the site is outside of settlement boundaries (Policy H9). The glossary to the IPS defines a specific local need that has been identified as *“a local community need within the Parish in which the application land is sited that has been identified by a local housing needs assessment and/or surveys.”*

31. Policy G2 does not refer to self-build and custom-build dwellings outside of settlement boundaries but Policy H10 does make provision for such development *“if they meet a specific local need that has been identified.”* Irrespective of responding to Full Council’s concerns, it would be sensible to address this apparent inconsistency of approach, presumably by adding a reference to Policy H10 as one of the exceptions listed in Policy G2.

32. If this was done, it is not easy to see what further restriction Full Council wishes to see because any windfall site in the wider rural area (i.e. outside of the settlement boundaries) will already have to satisfy the local need requirement and the criteria set out in the listed exceptions policies.

33. If the concern is that only windfall sites of less than 10 units should be permitted to come forward via this route (so applying the “*windfall*” definition in the IPS glossary), it is hard to see how this would be a justified ceiling. Policy G2 already requires that a specific local need is identified for the development and the glossary explains how that is to be done at parish level. If a local housing need assessment or survey shows that the scale of local need is for 10 units or more, it is difficult to see what the planning rationale would be for limiting the proposal to no more than 9 units, having regard to the safeguards already built into the listed exceptions policies.
34. The listed exceptions already include criteria which would regulate the scale of development coming forward. Policy H4 requires that “*the development is generally expected to be between one and three dwellings*” and that “*Any proposal which fails to respect the character of the area will be refused*”. Policy H6 is limited to “*Single new homes in the countryside*”. Policy H7 does not have a size limit but requires Rural Exception Sites to be “*proportionate to the scale of the settlement or rural area they are meeting an identified specific local need for*” and requires First Homes Exception Sites to be “*proportionate in size*”. Policy H9 requires (on sites outside of settlement boundaries) that “*the scale and built form of any replacement reflects the scale and built form of existing buildings on site being replaced*” or if there are no buildings that the “*development does not detract from the character and setting of the area.*” Policy H10 (assuming it is brought into the exceptions in Policy G2) also requires a specific local need to be identified, and whilst it does envisage that schemes of 10 or more units could come forward, it requires a cohesive design, via a plot passport or a design code, in such cases. The Council would be able to use these tools to resist development that was out of scale. In addition, Policy C1(c) requires all development to “*respect the character of the area*”, which provides a further safeguard against self-build/custom-build proposals that are of an excessive scale for their locality.
35. Consequently, I do not consider a specific numerical limit is a necessary restriction to be added to the policy approach to windfalls in the wider rural area. Any limit would run the risk of being arbitrary, especially in the context

that it would only apply in cases where there was specific local evidence of a higher level of need than that limit would allow and the development was not of a scale that it was out of character for the locality. Applying such a limit so as to exclude identified needs from being met in such circumstances would be likely to be regarded by an Inspector as not positively prepared, and not justified by the evidence, and so at risk of being found to be unsound.

ASSESSMENT: SIZE OF RURAL EXCEPTION SITES

36. As noted above, Policy H7 requires that Rural Exception Sites “*should be proportionate to the scale of the settlement or rural area they are meeting an identified specific local need for*” but no numeric limit is set by the Policy.

37. The glossary in the NPPF defines rural exception sites as “*Small sites used for affordable housing in perpetuity where sites would not normally be used for housing...*” but does not seek to circumscribe what might qualify as a “*small*” site. The IPS glossary uses the same definition.

38. Para 7.78 of the reasoned justification of the IPS, supporting Policy H7, states:

“For the purposes of this policy, the council considers small sites to be sites with a net gain of up to 20 dwellings in total (including market housing). In circumstances where there is a significant specific local need that has been identified and a lack of supply of affordable housing, this figure could be increased if the proposal was proportionate to the scale of the settlement or rural area it was serving. Where this is proposed the council strongly advocates the use of its pre-application advice service, to ensure that all parties are clear about the issues at the earliest possible point in the process.”

39. Full Council has asked Cabinet to consider deleting para 7.78 of the reasoned justification on the basis that it is inconsistent with the definition of a rural exception site. I take it that Full Council’s concern is that a scheme of 20 units

(or potentially more) is incapable of being consistent with the need for a “*small site*”.

40. I note that the NPPF definition of a rural exception site has chosen not to specify a quantitative limit for what will be a “*small site*”, whether by site area or by dwelling capacity. The IPS glossary (understandably) takes the same approach. This would suggest it is a matter for judgment, depending on the particular local context.

41. Policy H7 applies to all land outside of settlement boundaries, being land where (in accordance with Policy G2) housing development would not normally be permitted (unless one or more of the exception policies is satisfied and there is a local need).

42. Thus, in principle, Policy H7 could (if there was evidenced local need identified) be applied to land outside of the settlement boundaries of a Rural Service Centre (such as Brading or Wroxall) or to land within or adjacent to a Sustainable Rural Settlement (such as Shalfleet or Whitwell), noting that Sustainable Rural Settlements do not have their own settlement boundaries. According to Census 2021, Brading has a population of 1,906 persons, Wroxall 1,709 persons, Shalfleet 661 persons and Whitwell 660 persons. Whilst it is a matter of planning judgment, even for the smaller of these settlements, a development of an additional 20 or so dwellings, which is likely to be achievable on a site of less than 1 hectare, could be reasonably regarded as a “*small site*”, noting the safeguard in Policy H7 that development would in any event need to be “*proportionate to the scale of the settlement*”.

43. In addition, para 7.78 of the reasoned justification does not override the policy requirement that a rural exception site needs to be proportionate to the scale of the settlement or rural area in question. It also refers to sites of “up to 20 dwellings in total” rather than using that figure as a minimum threshold below which any and every site would be a “*small site*”. I would accept that a scheme for 20 or so dwellings might be disproportionate to some of the smaller settlements within Policy G2, such as Wellow or Newchurch. To

reflect this, and to avoid it being suggested that para 7.78 is seeking to oust or supplant the test in Policy H7, it would be open to the Council add to word “*generally*” to the first sentence, so that it reads “...*the council considers small sites to be generally sites with a net gain of...*”. However, such an addition could be seen as strictly unnecessary, given the existing reference to “*up to 20 dwellings*”.

ASSESSMENT: REMOVAL OF ALLOCATED SITES FROM THE IPS

44. Full Council has expressed a concern that some of the allocated sites are not compliant with IPS policies, or are contrary to neighbourhood plans, or are inconsistent with NPPF policies (such as on best and most versatile agricultural land), and that Cabinet should therefore consider their removal from the IPS. However, no specific sites have been identified, which makes it difficult to engage with this concern, other than at a high level.

45. As already discussed, site allocations establish the principle of development but do not override other relevant IPS policies. If there are development management policies that would make it difficult, in practice, to see how an allocated site could ever come forward in a way which satisfied their detailed criteria, that would be a matter that would bear on the principle of development, and it would not be desirable for the IPS to put forward such a position. An allocation which is unlikely to be achievable would not be an effective policy in terms of the soundness tests. However, policies which do not challenge the principle of the allocation, but which do seek to influence and regulate how the detailed development comes forward are not objectionable. It may well be that on some allocated sites, some parts of the site are not appropriate for built development because of environmental constraints, but unless those constraints throw into question the achievability of the allocation broadly in line with the capacity assumed in the Council's housing trajectory, this would not be a good reason for rejecting the allocation.

46. I note that there are some ‘made’ Neighbourhood Plans covering some of the settlements on the Island. I have not reviewed those Neighbourhood Plans

and so do not know whether any of the allocations are inconsistent with them. Even if that were to be the case, the legal position is that where two parts of the development plan conflict, priority is to be given to the most recent part of the development plan: s.38(5) PCPA 2004. Thus, an allocation in the IPS would prevail over any earlier policies in a Neighbourhood Plan. That said, it would be usual to expect any such conflicts to be identified during the preparation of the IPS so that a view can be taken on whether, as a matter of planning judgment, it is appropriate for the IPS to override the earlier Neighbourhood Plan. Regulation 8(5) LPER 2012 contains a mechanism to allow this to be done by identifying which policies of a new local plan are intended to supersede earlier policies of the development plan.

47. As regards any inconsistencies with the policies in the NPPF, it is obviously the case that the NPPF is not site-specific. It may have policies which apply to specific areas of land within the plan area (such as its policies for National Landscapes (previously AONBs) or its policies for the Heritage Coast). Other policies in the NPPF are more generic (such as its policies on heritage assets or on irreplaceable habitats). Whilst some NPPF policies set out strict tests (such as on the loss of irreplaceable habitats, which is only justified where there are “*wholly exceptional reasons*”, as explained in para 186(c) of the NPPF), other policies simply require matters to be brought into account (such as where there may be a loss of best and most versatile agricultural land, which would need to be “*recognised*”, as explained in para 180(b) of the NPPF). I assume those policies have already been considered by the Council in selecting its proposed allocations. For the most part, they call for a planning balance to be drawn across a range of relevant factors rather than a prescriptive preclusion of particular sites or developments. Unless the Council now considers that it cannot justify an allocation, having regard to relevant policies in the NPPF, I see no good reason to remove those allocations.

ASSESSMENT: THE IDENTIFICATION OF LOCAL NEED

48. Full Council has asked Cabinet to consider how local housing need is identified and has suggested that it should not be identified by use of the Local Housing Needs Assessment (“LHNA”) because that would be inconsistent with policy and with the NPPF.
49. There is some uncertainty as to the extent of this concern. The concept of LHN has a particular meaning in the NPPF, much of which is related to the use of the Standard Method (“SM”) (as set out in the Planning Practice Guidance (“PPG”). This issue is addressed in my initial Advice dated 22 December 2021, my Further Advice (2) dated 24 October 2022, and my Further Advice (3) dated 27 December 2023. To the extent that Full Council’s concern is that the identification of LHN is inconsistent with the NPPF, this is misconceived. The Council has identified LHN by use of the SM, in line with the NPPF and the PPG.
50. The IPS does not, in fact, set out the scale of the current LHN (paras 3.15 and 7.59 report the position as at 2022 when the LHN was 665 dwellings per annum) but para 7.5 of the reasoned justification notes that it is a figure which the Council *“believes it is undeliverable by the island housing market... The plan therefore identifies a more island realistic housing requirement of 453 dwellings per annum which it believes is at the upper limits of what is deliverable by the island housing market across the whole plan period.”* On a point of detail, it is likely that the LHN, derived by use of the SM, has increased slightly since my Further Advice (3) dated 27 December 2023, because new affordability ratios were published on 25 March 2024, which show worsening affordability on the Island in 2023 compared to 2022. This would not, however, change the rationale set out in para 7.5 of the IPS for setting the housing requirement below the level of LHN.
51. However, it does not appear that the calculation of the LHN is at the heart of Full Council’s concern. The concern may relate more to the issue of affordable housing, where Policy AFF1 sets out a definition of affordable housing which expects greater discounts from market sales or market rents

than the minimum discounts referred to in the definition of affordable housing in the glossary of the NPPF. That definition is then used in the affordable housing policy (Policy H5). However, the NPPF definition of affordable housing does not set out maximum discounts. In relation to affordable housing for rent, it refers to a level “*at least 20% below local market rents*”. In relation to discounted market sales housing, it refers to a discount of “*at least 20% below local market value*”. In relation to other affordable routes to home ownership, it refers to “*a price equivalent to at least 20% below market value*”. In all of these cases, the NPPF does not preclude greater discounts from being provided. Thus, if the Council has locally derived evidence which shows that greater discounts are required to make housing affordable to those persons on the Island who have a qualifying housing need, the NPPF does not preclude a policy definition that requires such greater discounts. The reasoned justification for Policy AFF1 (which precedes the Policy) suggests that the Council does have such local evidence. Whilst this is, no doubt, a matter that will be tested as part of the examination of the IPS, I see no reason why the Council should withdraw Policy AFF1 or its approach of seeking greater discounts for affordable housing. If affordable housing was only required to provide the lower discounts referred to in the NPPF definition and, if as a result such housing was not affordable to those with qualifying housing needs, then Policy H5 would not be effective because it would not deliver affordable housing to those in need, and a policy that was not effective would not be sound.

52. If the concern is not so much with the approach in Policy AFF1, but relates to reliance on the most recent LHNA (which was undertaken in 2022) as one of the data sources that Policy H5 identifies can be used to inform an alternative mix of affordable housing to the target mix in Policy H5 (which is 80% for social/affordable rent and 20% for other affordable housing products), I am not aware of any reason why the LHNA should not be used for this purpose. The LHNA was carried out for the Council by consultants using relevant guidance in the NPPF and the PPG to look at the nature and extent of affordable housing needs. In the absence of any specific criticisms of the contents of the LHNA, I see no reason why the Council should not use it to

help make decisions arising under Policy H5. The LHNA also presented figures on the LHN derived by use of the SM but (as the IPS explains) the LHN has not been used by the Council to set its housing requirement, so this aspect of the LHNA is of only background relevance.

ASSESSMENT: THE LSH ADVICE NOTE

53. The LSH Advice Note (dated 15 February 2024) looks at a range of demographic data and market signals information subsequent to the publication of the 2014-based Sub National Population Projections (“SNPP”) and the 2014-based Household Projections (“HHP”), which are used to inform the SM calculation of LHN, to see whether that material might demonstrate that there are “*exceptional circumstances*” to justify the use of an alternative approach to the identification of LHN. The LSH Advice Note concludes that the material does not provide evidence of “*exceptional circumstances*”. The LSH Advice Note also goes on to consider, at a high level, whether an alternative approach, which took account of demographic trends and market signals, and also allowed for past under-delivery of housing on the Island, would be likely to result in a figure for LHN that was above or below the housing requirement in the IPS. Whilst that second exercise was high level and did not set out any detailed figures, it concluded that an alternative was likely to be higher than the IPS housing requirement.

54. I am aware that the LSH Advice Note has been criticised in an Advice dated 1 March 2024 from Mr Charles Streeten, an established planning barrister, on the basis that it takes too strict a view of what might amount to “*exceptional circumstances*”, does not consider the factors it discusses in combination to see whether collectively they amount to “*exceptional circumstances*”, and omits to consider certain other factors. Mr Streeten also expresses the view that some of those factors, including the proportion of residents aged over 65, the “*volatility*” of rates of net migration, the low cost of housing on the Island (both for sale and for rent), and potentially levels of overcrowding and levels of unmet affordable housing need, could constitute or contribute to the demonstration of “*exceptional circumstances*”. Mr Streeten does not seek to

address what a LHN figure would be if derived by an alternative approach to the SM but he does recognise (at para 14 of his Advice) that it might be higher or lower than the SM figure.

55. In considering these criticisms, it is important not to lose sight of the fact that the presence of “*exceptional circumstances*” (if shown to be justified) is not an end in itself. Where there are shown to be “*exceptional circumstances*”, it is then permissible (in line with para 61 of the NPPF) to use an alternative approach to the SM to identify an area’s LHN. However, that does not carry with it any implication that a LHN so derived will be lower than the LHN resulting from the SM. Nor does it carry any implication that a LHN so derived will be at a level that is similar to or lower than the housing requirement proposed in the IPS. In fairness, Mr Streeten recognises this point at para 13 of his Advice when he states “...*reliance on an alternative approach is only likely to make a difference if that alternative methodology justifies a LHN figure below approx. 450 [dwellings per annum].*”

56. I do not read the LSH Advice Note as seeking to apply a different test of “*exceptional circumstances*” to that set out in the NPPF. However, this is somewhat besides the point. What matters is whether, as a matter of planning judgment, formed initially by the Council in preparing the IPS but then potentially tested by an Inspector at examination of the IPS, the demographic data and market signals information presented in the LSH Advice Note demonstrate “*exceptional circumstances*”. As the plan-making authority, it is for the Council to apply that test, having regard to the terms of the NPPF and the material presented by LSH.

57. I would agree with Mr Streeten that it is necessary to look at matters comprehensively and that a combination of unexceptional matters, when viewed individually, might collectively amount to “*exceptional circumstances*”. I also agree that looking at absolute figures is relevant as well as looking at relative comparisons with other local authority areas. How they are evaluated, and whether any of the information is more (or less) important or weighty than any other element, is a matter for planning judgment.

58. With regard to the proportion of elderly residents, the LSH Advice Note shows (in Tables 4 and 5) that the Island does have a high proportion of residents aged over 65, albeit that some other areas on the South Coast, including the New Forest and Dorset, have higher proportions. The LSH Advice Note does not directly address how this factor might influence the scale of housing need (differently to what is already embedded in the SM), but I note that LSH were provided with a copy of my Further Advice (3), where I posed that question (at para 21) having set out my own views (at para 20). I have inferred from the fact that para 2.1.11 of the LSH Advice Note sets out that its purpose includes addressing the points raised in my Further Advice (3) that LSH are in general agreement with my view that the age structure of the Island's population is already adequately accounted for in the SM. However, it would be prudent to ask LSH to confirm that this is indeed their position.

59. With regard to the “*volatility*” in the levels of net migration on an annual basis (as shown in Table 8 and Figure 8 of the LSH Advice Note), the variance around the years affected by the Covid pandemic would not seem to be remarkable, given the disruption to ‘normal’ patterns of behaviour that occurred during those years. It would seem from Figure 6 that the 2014-based SNPP have assumed a ‘flatter’ pattern of net migration, of about 1,000 persons per annum, than has occurred in fact, and that even with the reduced levels of net migration during the pandemic affected years, actual net migration (as shown in Figure 8) has been somewhat higher than the SNPP projections. It is hard to see any reason why this divergence would point to a reduced LHN compared to the SM (let alone compared to the housing requirement in the IPS).

60. With regard to levels of affordability, Figure 12 shows that in general terms changes in affordability on the Island are following a similar pattern to changes in both the South East and in England. Whilst the Island is more affordable in absolute terms than some other areas, including some (but not all) coastal areas in the South East (as shown by Tables 12 and 13), its affordability ratio (relative to median earnings) is poor (and has recently

worsened in the latest ONS data for 2023). It is hard to see why a poor affordability ratio would point to a reduced LHN compared to the SM (let alone compared to the housing requirement in the IPS).

61. With regard to over-crowding and unmet affordable housing need, these are matters considered in more detail in the LHNA. Figure 14 of the LSH Advice Note shows that there is considerable unmet affordable housing need on the Island. It is hard to see why this would point to a reduced LHN compared to the SM (let alone compared to the housing requirement in the IPS).

62. Whilst the Council will need to form its own view on what are ultimately matters of planning judgment, it is my view that the LSH Advice Note does support the Council's approach of not seeking to pursue an argument that there are "*exceptional circumstances*" to justify departing from the SM in calculating the Island's LHN. Nor is there any reason to consider that an alternative exercise would produce a LHN that was lower than the SM figure or lower than the housing requirement in the IPS.

2 April 2024

MICHAEL BEDFORD KC

Cornerstone Barristers

2-3 Gray's Inn Square

London WC1R 5JH

**RE THE ISLAND PLANNING
STRATEGY LOCAL PLAN**

FURTHER ADVICE (4)

Justin Thorne

**Strategic Manager of Legal Services &
Deputy Monitoring Officer**

Isle of Wight Council

County Hall

Newport

Isle of Wight

PO30 1UD

Equality Impact Assessment: Draft Island Planning Strategy

Before carrying out an Equalities Impact Assessment (EIA), you should familiarise yourself with the [guidance](#). This document should be in **plain English**, include **Stakeholder** involvement and be able to stand up to **scrutiny** (local and/or court) if/when challenged to ensure we have met the councils public sector equality duty.

An Equality Impact Assessment (EIA) should be completed when you are considering:

- developing, reviewing or removing policies
- developing, reviewing or removing strategies
- developing, reviewing or removing services
- developing, reviewing or removing a council function/system
- commencing any project/programme

Assessor(s) Name and job title:

James Brewer, Planning Policy Manager

Directorate and Team/School Name:

Communities

Name, aim, objective and expected outcome of the programme/ activity:

Name: Draft Island Planning Strategy

Aim: The Isle of Wight Council sets out a clear vision for the future of the Island through its Corporate Plan and Regeneration Strategy, and the aim of the Island Planning Strategy is to set out in land use terms how the council will achieve its vision.

Objective: The objective of the plan is to set out a series of policies that can be used by developers when preparing planning proposals and guide the Local Planning Authority when determining planning applications across the Island and away from operating under the National Planning Policy Framework's 'presumption in favour of sustainable development'.

Expected outcome: The expected outcome of the plan is that it will pass through the required stages including consultation and an independent examination before being formally adopted by the Isle of Wight Council. Once adopted the statutory development plan can give certainty to local communities over how their area is expected to change over the life of the plan.

Reason for Equality Impact Assessment (tick as appropriate)

This is a **new** policy/strategy/service/system function proposal



Equality and Diversity considerations

Describe the ways in which the groups below may be impacted by your activity (**prior to mitigation**). The impact may be negative, positive or no impact.

Protected Characteristic	Negative, positive or no impact (before mitigation/intervention) and why?	Does the proposal have the potential to cause unlawful discrimination (is it possible that the proposal may exclude/restrict this group from obtaining services or limit their participation in any aspect of public life?)	How will you advance the equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not.	What concerns have been raised to date during consultation (or early discussions) and what action taken to date?	What evidence, analysis or data has been used to substantiate your answer?	Are there any gaps in evidence to properly assess the impact? How will this be addressed?	How will you make communication accessible for this group?	What adjustments have been put in place to reduce/advance the inequality? <i>(Where it cannot be diminished, can this be legally justified?)</i>
<p>Page 130</p> <p>Age (restrictions/difficulties both younger/older)</p>	<p>Positive</p>	<p>The draft Island Planning Strategy is required to be in general conformity with national planning policy and guidance.</p> <p>The plan is a series of policies against which development proposals will be considered. It will be the proposals themselves that introduce new development that may have an impact on the protected characteristic, rather the plan itself.</p> <p>However, there are aspects of the plan that could make proposals contribute to the opportunities for equality for this group and for this reason these have been noted. This is in respect of facilitating independent living.</p>						

<p>Disability a) Physical b) Mental health (must respond to both a & b)</p>	<p>Positive</p>	<p>The draft Island Planning Strategy is required to be in general conformity with national planning policy and guidance.</p> <p>The plan is a series of policies against which development proposals will be considered. It will be the proposals themselves that introduce new development that may have an impact on the protected characteristic, rather the plan itself.</p> <p>However, there are aspects of the plan that could make proposals contribute to the opportunities for equality for this group and for this reason these have been noted. This is in respect of facilitating independent living.</p>
<p>Race (including ethnicity and nationality) Page 131</p>	<p>Positive</p>	<p>The draft Island Planning Strategy is required to be in general conformity with national planning policy and guidance.</p> <p>The plan is a series of policies against which development proposals will be considered. It will be the proposals themselves that introduce new development that may have an impact on the protected characteristic, rather the plan itself.</p> <p>However, there are aspects of the plan that could make proposals contribute to the opportunities for equality for this group and for this reason these have been noted. This is in respect of planning for Gypsy, Traveller and Travelling Showpeople sites and pitches.</p>
<p>Religion or belief (different faith groups/those without a faith)</p>	<p>No impact</p>	<p>The draft Island Planning Strategy is required to be in general conformity with national planning policy and guidance.</p> <p>The plan is a series of policies against which development proposals will be considered. It will be the proposals themselves that introduce new development that may have an impact on the protected characteristic, rather the plan itself.</p>
<p>Sex (Including Trans and non-binary – is your language inclusive of trans and non-binary people?)</p>	<p>No impact</p>	<p>The draft Island Planning Strategy is required to be in general conformity with national planning policy and guidance.</p> <p>The plan is a series of policies against which development proposals will be considered. It will be the proposals themselves that introduce new development that may have an impact on the protected characteristic, rather the plan itself.</p>
<p>Sexual orientation</p>	<p>No impact</p>	<p>The draft Island Planning Strategy is required to be in general conformity with national planning policy and guidance.</p>

(is your language inclusive of LGB groups?)		The plan is a series of policies against which development proposals will be considered. It will be the proposals themselves that introduce new development that may have an impact on the protected characteristic, rather the plan itself.
Pregnancy and maternity	No impact	<p>The draft Island Planning Strategy is required to be in general conformity with national planning policy and guidance.</p> <p>The plan is a series of policies against which development proposals will be considered. It will be the proposals themselves that introduce new development that may have an impact on the protected characteristic, rather the plan itself.</p>
Marriage and Civil Partnership	No impact	<p>The draft Island Planning Strategy is required to be in general conformity with national planning policy and guidance.</p> <p>The plan is a series of policies against which development proposals will be considered. It will be the proposals themselves that introduce new development that may have an impact on the protected characteristic, rather the plan itself.</p>
Gender reassignment	No impact	<p>The draft Island Planning Strategy is required to be in general conformity with national planning policy and guidance.</p> <p>The plan is a series of policies against which development proposals will be considered. It will be the proposals themselves that introduce new development that may have an impact on the protected characteristic, rather the plan itself.</p>

In order to identify the needs of the groups, you will need to review data, statistics, user feedback, population data, complaints data, staffing data (SAPHRreports@iow.gov.uk), community/client data, feedback from focus groups etc. When assessing the impact, the assessment should come from an evidence base and not through opinion or self-knowledge.

H. Review

How are you engaging people with a wide range of protected characteristics in the development, review and/or monitoring of the programme/ activity?

The draft Island Planning Strategy has been subject to an equalities impact assessment which demonstrates that no negative impacts on the protected characteristics are expected from the document. Negative impacts are also not expected to arise from the act of publishing the draft Island Planning Strategy, and publication for a period of public representation will provide the opportunity for any issues relating to equality to be raised.

It is intended that the consultation on the submission version of the Draft Island Planning Strategy will run for a statutory period of 6 weeks during June and July 2024.

The Island has an ageing population and a high percentage of people with mobility problems, which in turn is placing increased demands on services. Through its policies the council wants to ensure that future development contributes to creating environments that are accessible to all generations (and associated health issues) and by doing so improve residents' health and wellbeing.

There are specific aspects of Gypsies and Travellers cultural traditions and preferences which need specific consideration, such as the preference for living in a caravan or working from home and the need to provide space suitable for both sustained periods of settled living whilst also facilitating a nomadic lifestyle.

Date of next review: Summer 2024 after the period of public representation has finished

H. Sign-off

Head of Service/Director/Headteacher sign off & date:

Name: *Ollie Boulter*

Date: 19 April 2024

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