



Minutes of the Meeting of the COWES TOWN COUNCIL held in St. Mary's Church Hall, Cowes on Thursday, 6<sup>th</sup> September 2012 at 7.00 p.m.

Present: Councillor Walters (Town Mayor) (Chairman)  
Councillors Banks, Brown, Ellis, Fuller, Hammond, Jones, McGregor, Mazillius, Robinson, Sanderson and Wells.

### **PRESENTATION – LICENSING POLICY**

The Town Mayor introduced and welcomed Sergeant Mark Voller (Police Licensing Officer) to the meeting who had attended to explain the licensing policy and issues that needed to be considered when commenting on applications.

Sgt. Voller stated that the Licensing Act was permissive, allowing individuals or businesses to carry on licensable activities unless there were sufficient grounds for refusal. Licences may permit various *licensable activities*- the main ones being the *sale* of alcohol, the provision of entertainment and the provision of hot food and drink to the public (this applied between 2300-0500 hours only)

The consumption of alcohol was not a licensable activity.

A licensed *premises* could be any place where such activities were authorised to take place (including open spaces.)

A *responsible authority* or *any other person* may respond to a premises licence application, including any application to *vary* an existing premises licence. The legal consultation period is 28 days from the date of application, although (exceptionally) later submissions may be accepted with the agreement of the local authority and applicant. The Council may reject representations which are vexatious or trivial.

Representations regarding licensed premises must relate to one or more of the four *licensing objectives*. These are:

- Prevention of crime and disorder;
- Prevention of public nuisance;
- Promotion of public safety;
- Protection of children from harm.

Representations not linked to the above objectives may be discounted by the licensing authority.

Sgt. Voller then explained about Licensing Committee Hearings. He stated that a hearing was not necessary where the terms of a licence were agreed by all parties in advance

However, where a licence was contested, a hearing would be held before the Licensing Determinations Sub-Committee. The Committee would decide the application after hearing representations from the applicant and objectors.

Anyone dissatisfied with a decision of the Licensing Committee could appeal to the I.W. Magistrates' Court within 21 days.

A Temporary Event Notice (TEN) was not an application, but a *notice*, asserting that certain licensable activities would be carried out at a specified time and place. There was no necessity for a 'special event' to be involved. A TEN could be used to 'top up' licensed hours or activities at a licensed premises, or it could allow licensable activities in an unlicensed place. No more than 499 people may be present where a TEN was in force.

The only parties entitled to object to a TEN were local authority environmental health officers and the police; objections had to relate to one or more of the four licensing objectives and objections had to be made within 3 days of receipt of the notice.

As a courtesy the local authority may inform Town/Parish Councils of TEN's, but there was no requirement to do so.

Sgt. Voller concluded by explaining Licence Reviews. He stated that a review may be called at *any time by any person* regardless of where they live or how they might be affected by the premises. The grounds for review had to be based on one or more of the licensing objectives and could not be trivial or vexatious. Once a review was called the local authority would inform the public and all responsible authorities, who may decide to make representation.

As with hearings to decide applications, the licensing Committee, would hear evidence in a semi-formal manner, but in accordance with rules. The licensing committee could decide to take no action or they could revoke or suspend a licence, remove licensable activities or they could add or vary licence conditions.

Any party could appeal a decision of the Committee within 21 days, after which the review would be re-heard by magistrates.

The Police also had powers (section 161 Licensing Act 2003) to close licensed premises (including temporary events) where there was *disorder* or *noise* amounting to a public nuisance.

The Police could also seek closure of premises where alcohol was sold without a licence or where licence conditions were not being complied with. They also had powers to close premises temporarily where alcohol was sold to a child on at least two occasions in a three month period (ie an offence of *persistent* sale of alcohol to children).

Councillor Banks the Deputy Town Mayor thanked Sgt. Voller for attending to give such an informative presentation; a number of issues had certainly been clarified for the Town Council which would enable them to make a much more positive contribution when considering future licensing applications.

### **6653 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Matthews and Peacey-Wilcox. Councillor Sanderson had apologised that he would be late attending.

### **6654 QUESTIONS FROM MEMBERS OF THE PUBLIC**

A member of the public referred to two issues at local schools; the proposed behavioural unit at Love Lane School and to the reduction in playing fields space at Lanesend Primary School. She understood that a further public meeting would be held in respect of the proposed behavioural unit at Love Lane School but after giving a very detailed submission in respect of Lanesend Primary School questioned what action the Town Council might take on this issue

Councillor Mazillius referred to his report; he stated that he had been assured that the allotted space of 8,500 sq. m. was sufficient under the legislation; this area would be fenced for the school although the remainder of the playing field would be safeguarded for community and school use if necessary.

It was agreed that the Town Council would consider this matter further at their next meeting. (Councillor Sanderson entered the meeting at 7.48p.m.)

## 6655 REPORTS FROM ISLE OF WIGHT COUNCILLORS

**Councillor Brown had apologised for his absence – a written report was received too late for the meeting but was subsequently circulated to all members.**

**Cllr Fuller had submitted a written report referring to the following:**

- a) That the surface dressing contractors had accepted liability for the failure of the binder on certain Island roads, including Newport Road and they would undertake remedial works after the summer season.
- b) That the IW Council had agreed to proceed with the Island's Highways PFI under the Vinci Meridium Consortium. Although there would inevitably be considerable disruption over the next seven years the PFI would provide much needed investment into the Island's roads.
- c) That Cowes Medical Centre had investigated whether it would be feasible for them to undertake blood tests locally; they had identified a number of issues that could prove problematic and because of imminent changes at St. Mary's Hospital had decided no further action would be taken.
- d) That members of the public who receive speculative 'cold calls' should contact Trading Standards.
- e) That Hampshire Constabulary had introduced new powers giving I.W. Council Community Support Officers powers to issue fixed penalties for cyclists using footpaths. Other powers CSO's now had included the confiscation of alcohol in restricted areas and the confiscation of alcohol/tobacco in the possession of those under eighteen.
- f) That following his approach to the I.W. Youth Council a Youth Councillor had been nominated to join the Town Council's Town Improvements and Northwood Recreation Ground Committees.
- g) That the opening of the new Cowes Enterprise College had slipped by 6 weeks.
- h) That Adrian Searle would be at Cowes Library on Thursday 6<sup>th</sup> September to talk and sign copies of his new book 'The Spy Beside the Sea'
- i) That the Marine and Coastal Access Act 2009 provides for a coastal trail to be established around the whole English coast; there was currently a consultation to determine whether the Isle of Wight should be included under the terms of the Act. The consultation period ended on 16<sup>th</sup> November.
- j) That he had dealt with a variety of other miscellaneous incidents in the last month.

A member questioned whether the appointment of a Youth Councillor to Town Council Committees had formally been approved; an item would be included for the next meeting to regularise the position.

**Councillor Mazillius had submitted a written report referring to the following:**

- a. That the Highways PFI project had been given the final Treasury and Department of Transport approval for work to commence on 1<sup>st</sup> April 2013.
- b. That a self-service system for the payment of Council Tax and other Council charges was now available in Ryde and Newport libraries; it was expected to be available in Cowes from November.

- c. That a series of neatly painted arrows had appeared on the Recreation Ground footpath from the Upper Moor Green Road entrance. He was checking the purpose of these because they appeared to be too neatly painted to be the work of vandals! Also, contractors' vehicles had damaged grass verges in Upper Moor Green Road; the local Highways Superintendent had been asked to look into the damage and seek compensation from the vehicle owners concerned. The road had also suffered from an inordinate number of potholes, exacerbated by these contractors' vehicles. He had requested that these were repaired as soon as possible.
- d. That Council had been criticised in a recent County Press report concerning the amount of outdoor sports space available at Lanesend Primary School. He had checked the figures and based on the Government's own recommendations, the space allotted was sufficient for a school with a roll of up to 420 pupils, whilst the current roll at Lanesend was 223. Further the additional green space would be kept for community use such as football and would be available to the school for any additional requirements they might have. In respect of the proposed BESD unit on the old Love Lane site both he and Councillor Peacey-Wilcox had been pressing for arrangements to be made for a further public meeting to be held.
- e. That local Community Support Officers (CSO) had been given additional and welcome practical legal powers by Hampshire Constabulary based on the provisions of the Police Act 2002 to help make the community safer. The CSOs can now stop people cycling on footpaths and issue fixed penalty notices of £30 for the offence; confiscate alcohol from under 18 year olds and where drinking is banned in public places and confiscate tobacco from under 16s.  
In addition CSOs could now direct traffic and they could demand names and addresses of offenders. This would enable the local police to concentrate on more serious crime.
- f. Following the supply of additional information by the applicants, the proposed asphalt plant together with associated ancillary facilities including a mobile cold recycling plant, mobile crusher, weighbridge, offices, lorry park, storage bays, workshop and access has been re-advertised with a consultation period ending 21<sup>st</sup> September. A delay had been caused by the Government considering a request from objectors that a full Environmental Impact Study be obtained; they had decided that sufficient information would be available for an informed decision to be made. However, he envisaged further substantial comments would be received; this could delay until November any final planning report.
- g. That the current National Council Tax Benefit Scheme was due to be abolished from 1<sup>st</sup> April. The scheme provided support to residents on low incomes by reducing the amount of Council Tax they were required to pay, in many cases down to nil. The Island has some 15,300 claimants who received about £13.5m of benefit. This would be replaced on 1<sup>st</sup> April 2013 by a new local scheme which would take into account the reduction by central government of 10% in funding for the scheme. This reduction would leave a gap of £1.9m between the likely level of grant funding and the likely cost of the existing level of support. The reduction would not apply to pensioners; they totalled approximately 50% of those in receipt of the benefit. Options being considered to address the funding gap were:- raise Council Tax to meet the gap; reduce spend on services to meet the gap; require some of the residents who were in receipt of the benefit to contribute to the tax on their property at eg a rate of 20% of the whole bill; or a combination of the above.  
The Leader of the IW Council had formally written to the Government suggesting that in view of the complexities of the proposals and their fiscal impact, that the scheme was put back until April 2014; this suggestion had also been made by several other Councils. To date there had been no Government reaction.
- h. That, at his request, he would be leaving the Cabinet at the end of November to make way for a younger long-term successor for the Adult Social Care and Housing portfolio.
- i. He could also confirm that comments suggesting the Adult Social Care budget had been reduced in real terms were inaccurate; indeed, over the next three financial years care provision would see a net increase of £7.095m (a 19.8% increase on the 2011/12 budget).

**Councillor Peacey-Wilcox had submitted a written report referring to:**

- a) That the town had appeared to be quieter this year during AAM Cowes Week.
- b) That Government funding was still available for the Outer Harbour Breakwater; the Cowes Harbour Commission were seeking local support for the project.
- c) That due to continuing bad weather, the opening of the Cowes Enterprise College would be postponed until half term in October.
- d) That Medina slipway would be closed from 1<sup>st</sup> October until 31<sup>st</sup> March 2013 for Southern Water to undertake work to renew the existing rising main between Cowes to East Cowes..
- e) That she was working with Lanesend School and the I.W. Council to secure a satisfactory outcome in respect of the potential loss of part of their playing fields.
- f) That there had been two accidents in 2 weeks at the Mill Hill/Victoria Roads junction; the IW Council had undertaken considerable research into accidents at this junction and concluded that 90% were attributed to local driver error.

**6656 REPORT FROM SAFER NEIGHBOURHOOD OFFICER**

**Sergeant Mike Sizer had apologised for his absence; he was working at the Bestival all week and none of his team were on duty to attend. He had submitted a written report as follows:**

- a) The police had experienced a very busy but successful 2 months since the last meeting and the team had been heavily involved in events here in Cowes and East Cowes, as well as seconded elsewhere on the Island and to the Olympics. It had been an unforgettable, hectic and enjoyable summer.
- b) In between event commitments normal police work had to go on and they had organised drugs warrants in Coronation Road and Bridge Road, worked with their partners in Spectrum Medina Housing towards obtaining an injunction against a problem resident in Arctic Road and a court order against a problem resident in Newport Road.
- c) In terms of crimes affecting the town they had seen post Cowes week that crime was lower than last year and thankfully they did not see some of the more serious robbery type matters that affected the event last year. Overall it was felt that the mood of the event was very pleasant but they continued to learn from experience and adjust their responses according to locations and problems encountered.

Councillor Hammond then referred to the ongoing problem of rubbish being 'put out' too early for collection; in York Street black bags had been broken open and rubbish strewn all over the road. There appeared to be no enforcement to deter this practice.

Councillor Walters stated that he had received a letter on this subject which he had referred to the IW Council together with a request that rubbish collection in Cowes reverts to a Monday. A decision regarding this could be imminent.

**6657 REPORT FROM ENVIRONMENT OFFICER**

The Town Clerk reported that the Environment Officer had been too busy to submit a report as his area had been extended to cover from Cowes through to the West Wight and down to Niton with all the villages in between. He was also extremely busy covering the Bestival.

**6658 MINUTES**

**RESOLVED**

That the Minutes of the Meeting held on 19<sup>th</sup> July 2012 be taken as read, approved as a correct record and signed by the Chairman.

## 6659 MATTERS ARISING

### a) **Councillor vacancies (Min. No. 6643 refers)**

The Town Clerk reported that the two vacancies on the Town Council had been advertised in the prescribed manner. However, the Returning Officer had not received the required number of requests from registered electors from either the Cowes South or Cowes West wards for by-elections to be held to fill those vacancies. As such, the vacancies had to be filled by the Town Council by means of co-option. The Town Clerk had placed an advertisement in the I.W. County Press inviting applications from persons wishing to be considered for co-option with a closing date of Friday 7<sup>th</sup> September; to date no applications had been received although there had been one expression of interest.

### b) **Charity Commission consultation, Northwood House (Min. No. 6638d refers)**

The Town Clerk referred to the Charity Commissions consultation regarding the scheme for the new governance of Northwood House and stated that following the Commission's review of representations received they had concluded that they needed to carry out further work before the scheme could be made and therefore the matter had now been referred back to the Operational division to take forward. A copy of the decision had been circulated to all members.

The Charity Commission expected to be in a position to make a final decision within the next three months.

### c) **Highways Private Finance Initiative (PFI) (Min. No. 6634b refers)**

The Town Clerk submitted a letter from the PFI Programme Director regarding the Highways PFI, a copy of which had been circulated to all members. It confirmed that Vinci Ringway had recently been appointed as the Preferred Bidder for the 25 year long Highways PFI contract. It was anticipated that the contract would be signed before the end of August; the project would then enter the Mobilisation Phase when Ringway would prepare for the delivery of the contract with proposed service commencement on 1<sup>st</sup> April 2013.

Ringway would take on the responsibility for maintaining and servicing all assets on the public highway and in I.W. Council car parks; this would include assets previously maintained by the Town Council with the exception of flower planters and the Town Council notice board. A plan was being prepared that would make it clear which assets would be maintained in the town by the service provider.

It was intended that Ringway would attend a series of 'road shows' around the Island during October, November and December when it would be explained what the contract would include and how it would be delivered. The PFI Programme Director was requesting details of any particular issues or topics the Town Council would wish to be addressed at the 'road shows' and any dates for these meetings that should be avoided.

A number of dates to be avoided for the 'road shows' were offered; Councillors would forward to the Town Clerk by Friday, 14<sup>th</sup> September any specific issues that they would wish to see addressed at the local 'road show'.

## 6660 REPORTS OF COMMITTEES AND MEETINGS

### a) **Northwood House**

The Town Clerk had not received a report from the Chairman of the Northwood House Charitable Trust in time for the meeting. *A report was received on 7<sup>th</sup> September and was circulated to all Councillors.*

The full report is attached to these minutes and the most recent report to the Town Council can also be viewed at [www.northwoodhouse.org/news](http://www.northwoodhouse.org/news).

**b) Town Improvements Committee**

The Minutes of the Meeting of the Town Improvements Committee held on 29<sup>th</sup> August 2012 were received.

**i) Christmas arrangements.**

**RESOLVED**

- 1). That Cowes Town Council and the Cowes Business Association each commit £2,000 to invest in Christmas lights for the town. The Town Council commitment to be purely advisory and financial with the CBA assuming the lead role and responsibility for the project; and
- 2). That the Town Council purchase a number of smaller Christmas trees for the town to be sited where suitable sleeves have been located for their installation.

**ii) Outdoor gym equipment.**

**RESOLVED**

- 1). That the Town Council proceeds with the project to install outdoor gym equipment utilising £6,000 'Britvic Transform Your Patch' grant funding; and
- 2). That the contract for the new equipment be awarded to Lightmain at a cost of £6,791.25 plus VAT.

**iii) The Cut.**

**RESOLVED**

That the Town Council appoint M.J. Hayles Architectural at a fixed cost of £4,025 to oversee and manage works at The Cut.

**iv) Town Maps.**

**RESOLVED**

- 1). That the urgent decision to engage DMR Engineering to resolve a problem with the bottom bar of the frame of the Town map at Market Hill be noted and confirmed;
- 2). That the Town Council purchase new perspex for the remaining map boards through the town; and
- 3). That if necessary, DMR Engineering be engaged to resolve problems with the bottom bars to the frames of the map boards at any other location through the town

**v) Finance Committee**

The Minutes of a meeting of the Finance Committee held on 29<sup>th</sup> August 2012 were received.

**1) Audit of accounts.**

**RESOLVED**

That the official notification of the satisfactory completion of the audit of the Town Council's accounts for the financial year 2011/12 be received and noted.

**2) Applications for grant.**

**RESOLVED**

- 1). That the Town Council provides up to £250 towards ASTO prizes which should preferably be purchased from shops in Cowes;
- 2). That a grant of £100 be awarded to the IW Musical Competition Festival; and
- 3). That no grant be awarded to Victim Support.

(Councillor McGregor declared a personal interest in the application from the IW Musical Competition Festival on the grounds that her daughter participated in the event and Councillor Mazillius because he was an occasional participant)

(Councillor Fuller declared a personal interest in the application from Victim Support on the grounds that he was a Magistrate)

## 6661 LOCALISM ACT 2011 – COMMUNITY RIGHT TO CHALLENGE

Councillor Mazillius had circulated a paper regarding the Localism Act 2011, in particular sections

81–86 of the Act on ‘Community Right to Challenge’ which was aimed at creating the conditions for communities to play a bigger part in shaping and running local services. Relevant bodies (which would include Town and Parish Councils) would have the right to submit expressions of interest to deliver relevant services on behalf of relevant authorities. Relevant authorities would have to consider expressions of interest and, where considered acceptable undertake a procurement exercise for that service.

Members accepted that this was an extremely important issue that that should be pursued as it could have wide ranging implications for the Town Council. As the paperwork had only just been circulated, it was agreed that members would be given time to study it in detail and then return to the subject at the next meeting. At that time, any proposals from the meeting would be forwarded to the Acquisitions Committee of the Town Council for detailed consideration.

(Councillor Mazillius left the meeting at 9.01p.m.)

## 6662 MATTERS SUBMITTED BY THE TOWN CLERK

- a. Arrangements for Christmas and notification that the ‘Lights of Love’ carol service would be held on 14<sup>th</sup> December at 7p.m..
- b. Notification that permission had been granted for the Lions on the Esplanade to be decked in pink ribbons for the breast cancer campaign ‘Isle of Pink’.
- c. \* Notification that Code of Conduct training was available for members at County Hall on 12<sup>th</sup> September commencing at 7p.m.
- d. A request of support from the Cowes Harbour Commission in respect of prioritising funding for the Outer Breakwater project.

### **RESOLVED**

That the Town Council writes a letter of support for the Cowes Harbour Commission in respect of their bid for funding for the Outer Breakwater Project.

- e. \* Details of miscellaneous correspondence.  
(\* Copies circulated to all members)

(The proceedings terminated at 9.12pm)

**CHAIRMAN**