



Record of decision

THE FOLLOWING DECISIONS WERE TAKEN ON TUESDAY, 12 FEBRUARY 2013 BY THE CABINET

THE CALL IN PERIOD FOR THESE DECISIONS EXPIRES AT 5.00 PM ON THURSDAY, 21 FEBRUARY 2013

Members of the Cabinet who were present

Cllrs David Pugh (Chair), George Brown, Dawn Cousins, Edward Giles, Stuart Hutchinson, Dave Stewart

Members also present (non-voting)

Cllrs Jonathan Bacon, Vanessa Churchman, George Cameron, Julie Jones-Evans, Tim Hunter-Henderson (Cabinet Secretary), John Hobart, Geoff Lumley, Roger Mazillius, Ian Stephens, Chris Welsford, David Whitaker

Confirmed as a true record of decisions taken

Leader of the Council

Agenda item	<u>Minutes of the Last Meeting</u>
Decision reference	56 (12/13)
Decision Taken	THAT the minutes of the meeting held on <u>8 January 2013</u> be agreed.
Questions / Amendments	None.

Agenda item	<u>Declarations of Interest</u>
Decision reference	57 (12/13)
	No declarations of interest were made.

Agenda item	<u>Public Question Time</u>
Decision reference	58 (12/13)
Questions	There were no written public questions received by the set deadline. Mr Steve Goodman of Newport put an oral question to Cabinet in relation to the budget and asked what the cost was to Island tax payers as well as the aggregate cost of compromise agreements during the course of the current administration, in relation to the soon

	<p>deleted post of the Chief Executive. The Leader of the Council advised that a written response would be provided following the meeting.</p> <p>Ms Tanja Rebel of Cowes put an oral question to Cabinet and asked for clarification on a recently alleged dispute between the Chief Executive and the local MP with regard to the member of parliament's office relocation to the Riverside Centre.</p> <p>The Leader of the Council believed that the accusations were false and that such a claim should be put in writing where a written response could be provided.</p>
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Agenda item	<u>Medium-Term Budget Strategy 2013/14 – 2015/16 and Council Tax Setting 2013/14</u>
Decision reference	59 (12/13)
Summary of Discussion	<p>The Leader of the Council and Cabinet Member for Resources presented a report which followed on from the Budget Review that was presented and approved at Council in September 2012.</p> <p>A further report which updated the position, following the announcement of the provisional Local Government Finance Settlement in December 2012, was also presented to Cabinet and Council in January 2013.</p> <p>The report set out the position on the Provisional Local Government Finance Settlement for 2013/14; an update on the overall projected budget position and also proposed a lawful and balanced General Fund Budget and Council Tax level for 2013/14.</p> <p>The Cabinet was advised that it was recommended that council tax be frozen for a third consecutive year, although any rise in the Police precept was not in the council's control.</p> <p>It was noted that the overall updated financial and budget position showed a projected budget gap of £7m in 2013/14 and the proposals would seek to make savings to address the shortfall</p> <p>Members were reminded that it was not the role of Cabinet to approve and set the budget but to recommend it to the meeting of Full Council later in the month when all elected members of the council would be given the opportunity to vote on the proposals.</p>
Issues raised by other members	<p>The Leader of the council was asked how many times the Authority had over the past three years, lobbied Central Government with a view to giving special treatment for the Island around the governments financial settlement figure.</p>

	<p>The Leader responded by stating that it had in the past approached Central Government, in particular with regard to various grants. However, it was noted that continued lobbying by the council direct to government was not always the most effective way forward and it was sometimes better to make representations through such bodies as the Local Government Association (LGA).</p> <p>Members were advised that EU funding was being pursued with regard to Assisted Area Status and it was suggested that the Islands Trade Union Congress could be consulted with if required.</p> <p>With regard to budget proposals, the Leader stated that the ruling administration was always happy to receive suggestions from any opposition members.</p>
<p>Decision taken</p>	<p>THAT Cabinet</p> <p>(a) Considered the Equality Impact Assessments set out in Appendix 2 in the Cabinet report and the results of the budget consultation exercises set out in Appendix 3 to the Cabinet report and whether the budget proposals were consistent with them and that any potential adverse impacts were understood and that appropriate mitigating actions are proposed to be taken. And that it recommends to Council that it also considers all of these when making its decisions.</p> <p>(b) Considered the overall financial and budget position facing the Council in 2013/14 and future years and agreed to recommend to Council on 27 February 2013 an overall budget and Council Tax strategy and in particular:</p> <ul style="list-style-type: none"> (i) The updated Medium-Term Financial Strategy as set out in Appendix 1 to the Cabinet report; (ii) The overall Capital Programme as set out in Appendix 7A to the Cabinet report; (iii) The Treasury Management Strategy, Investment Strategy, Borrowing Strategy, Minimum Revenue Provision and Prudential Indicators as set out in Appendix 7B to the Cabinet report; (iv) Acceptance of the Council Tax Freeze Grant and consequent setting of the Isle of Wight Council element of council tax for 2013/14 at the same level as for 2010/11, 2011/12 and 2012/13; (v) The schedule of savings set out in Appendix 6 to the Cabinet report; (vi) The allocation of £100k from the net savings in 2012/13 as a reserve to support the implementation of the post-Ofsted Improvement Plan for Children’s Safeguarding; (vii) Confirms that General Fund balances should not be used for any element of recurring expenditure in

	<p>2013/14 due to the future financial challenges the Council faces;</p> <p>(viii) Agrees to the deletion of the post of Chief Executive with effect from 31 March 2013 and the appointment of the Strategic Director of Resources as Acting Head of Paid Service & Chief Officer with effect from 1 April 2013 until such time as new senior management arrangements are agreed for implementation through decisions made by Annual Council on 15 May 2013;</p> <p>(ix) Agrees that the Head of Financial Management is appointed as Section 151 Officer for the period referred to in (viii) above, after which time it will revert to the Strategic Director of Resources;</p> <p>(x) Agrees that the Deputy Director of Resources (Corporate Governance) & Monitoring Officer is appointed to act as Returning Officer for the Local Elections in May 2013 and is authorised to agree fees and charges for election staff (as recommended by the Joint Working Party of Chief Executives and District Secretaries throughout Hampshire and the Isle of Wight) and to fulfil the role of Electoral Registration Officer for the Isle of Wight (for the period referred to in (viii) above) and is permitted to appoint Deputies to act on all matters relating to Electoral Registration as considered appropriate.</p> <p>(xi) That officer's work up initial options for dealing with the significant budget gaps projected for 2014/15 and that these are included in a Budget Review report to Cabinet in July 2013, followed by a further report to Council in September 2013.</p> <p>Recommends to Council, in the event that all precepts are not notified by the time of the Council meeting on 27 February 2013 that they agree to set up a Council Tax Setting Committee with the delegated authority to consider and approve the overall budget requirement and level of Council Tax for 2013/14 being that element agreed by Council for the Isle of Wight Council for 2013/14 plus the notified police precept plus the notified Parish and Town Council precepts.</p>
<p>Reason for the decision and corporate objective it aligns with</p>	<p>To direct appropriate resourcing to the eight key priorities i.e.</p> <ul style="list-style-type: none"> i. Raising educational standards; ii. Highways PFI; iii. Keeping children safe; iv. Supporting older and vulnerable residents; v. Housing and homelessness; vi. Regeneration and the economy; vii. Waste strategy; viii. Delivery of budget savings through changed service provision.

	<p>To support the Council's priorities, provide resources for key projects and to meet the Council's vision and strategic objectives.</p> <p>To align with the following corporate themes:</p> <ul style="list-style-type: none"> • A thriving Island • A healthy and supportive Island • A safe and well-kept Island • An inspiring Island
Options considered and rejected	To reject the proposals recommended in the report.
Declarations of Interests	None Declared

Agenda item	<u>Quarterly Performance & Finance Report - Q3</u>
Decision reference	60 (12/13)
Summary of Discussion	<p>The Leader of the Council and Cabinet Member for Resources presented a report to Members which set out the council's performance, risk and financial position in relation to the eight priorities of the revised Corporate Plan 2011 – 2013 as well as providing an overview of activity within the period between 1 October 2011 and 31 December 2011. It also gave members an opportunity to make recommendations to ensure that continued delivery was achieved.</p> <p>Members would be asked to approve the recommendation which requests that further reports be presented to future Cabinet meetings examining the outcomes of the recent Ofsted Inspection of the council arrangements for the protection of children as well as monitoring the resultant improvement plan.</p> <p>It was noted that all the relevant Scrutiny Panels had reviewed the report with regard to their respective areas of responsibility.</p>
Issues raised by other members	<p>Members were advised that with regard to the status of Raising Educational Standards being rated from Red to Amber, the revised evaluation took into account all aspects of the corporate priority, such as recent positive Ofsted inspection results where seven out of thirteen had attained a good rating as well taking on board as less encouraging aspects of performance within the corporate priority area.</p> <p>With regard to Housing and Homelessness, it was noted that the Housing Register was available for anybody to be added to should they have an aspiration to be included. It did not however mean that the majority of those on the list were homeless or in priority need.</p> <p>On the issue of the remodelling of County Hall, members wished to</p>

	place on record their thanks for the team who had ensured that the project completed on time and to budget.
Decision taken	<p>THAT a report be brought back to Cabinet in March 2013 examining the outcomes of the Ofsted inspection of the council's arrangements for the protection of children, including details of the required improvement plan.</p> <p>THAT progress against the improvement plan be reported to Cabinet for a period of not less than six months.</p>
Reason for the decision and corporate objective it aligns with	<p>To support all of the Sustainable Community Strategy themes and eight council priorities as outlined in the Isle of Wight Council's Corporate Plan 2011-2013 and specifically the area of "Raising Educational Standards".</p> <p>To align with the following Corporate Themes:</p> <ul style="list-style-type: none"> • A thriving Island • A healthy and supportive Island • A safe and well-kept Island • An inspiring Island
Options considered and rejected	No other options were presented to the Cabinet top consider
Declarations of Interests	None

Agenda item	<u>Project Outline Business Case for the Municipal Waste Contract</u>
Decision reference	61 (12/13)
Summary of Discussion	<p>The Cabinet Member for Procurement, Fire, Highways and Transport presented a report which detailed how the council planned to procure a new contract as well as explore some of the objectives, including reducing landfill, promoting and increasing re-cycling and providing Island residents with a better value for money service.</p> <p>Members were advised that with regard to green and food waste, treatment should remain on the Island whereas residual waste could transfer to the mainland for handling. Should residual waste remain on the island to be treated, it could cost the council an additional 15%.</p> <p>As a result of the improved recycling rates following the change in the Islands refuse collection service in 2012, combined with the possible off Island treatment of some waste, the life of Standen Heath Landfill could be extended to as long as the middle of the twenty first century.</p> <p>Members were advised that should the recommendation be approved, then a further report would return to Cabinet to announce the preferred bidder following the procurement process, much the</p>

	<p>same as the recent Highways PFI project had done. In between that period, the Overview and Scrutiny Committee and relevant Scrutiny Panel would be given regular updates on progress.</p> <p>Members were pleased to note that where waste had once been seen as a liability, the new proposals would see it become an asset, where waste would be recycled in a positive way and in the case of food waste, could help deliver renewable energy</p>
<p>Issues raised by other members</p>	<p>No other issues were raised</p>
<p>Decision taken</p>	<ol style="list-style-type: none"> i. THAT the commencement of procurement of the Project as set out in the Cabinet report (Paper D), be agreed. ii. THAT the inclusion of the scope of services be included in the project procurement as set out in paragraph 33 of the Cabinet report, be agreed. iii. THAT the procurement strategy, project timetable and evaluation methodology for the project a set out in the Cabinet report be agreed. iv. THAT the delegation of the final approval of the Outline Business Case to the Director of Economy and Environment In consultation with the Cabinet Member for Procurement, Fire, Highways and Transport supported by the project team and the Member Review Board be agreed. v. THAT the delegations required taking the project through to contract award in paragraphs 69 to 72 of The Cabinet report; be agreed. vi. THAT the financial commitment of £1.94m to complete the procurement phase of the project.be agreed.
<p>Reason for the decision and corporate objective it aligns with</p>	<p>To fulfil national targets and satisfy the council's own strategic policies as well as achieve the following:</p> <ul style="list-style-type: none"> • Maximise recycling and recovery of energy; • Minimise disposal of untreated waste via landfill; • Meet the council's legal and strategic objectives; and • Reduce the long-term financial commitment for waste treatment for the council <p>To align with the following Corporate Themes:</p> <ul style="list-style-type: none"> • A thriving Island • A healthy and supportive Island • A safe and well-kept Island • An inspiring Island

Options considered and rejected	Whilst no other options were outlined in the report, the Cabinet had the opportunity to reject or amend the recommendation.
Declarations of Interests	Non declared

Agenda item	<u>To Receive the Report of the LGO on an Investigation into Complaint no 10 010 527 against the Isle of Wight Council</u>
Decision reference	62 (12/13)
Summary of Discussion	<p>The Monitoring Officer presented a report for Cabinet to consider findings published by the Local Government Ombudsman (LGO) detailing maladministration carried out by the authority and to note the actions taken.</p> <p>The Cabinet Member for Childrens Services and Education reassured the Cabinet that lessons would be learned from the findings and that it was unlikely that the same mistake would not happen again.</p>
Issues raised by other members	The monitoring Officer advised the Cabinet that a report of maladministration by the LGO against the authority was unusual and a report to Cabinet of such nature was a rare occurrence.
Decision taken	<ol style="list-style-type: none"> i. THAT the report from the LGO be formally received ii. THAT the actions undertaken, including the review and action plan be noted and adopted.
Reason for the decision and corporate objective it aligns with	<p>To comply with statute law under section 5A of the Local Government and Housing Act 1989.</p> <p>To utilise the feedback assist in refining service delivery and assist with meeting the Councils Corporate Plan objectives of Keeping Children Safe and Supporting Older and Vulnerable Residents.</p> <p>To align with the following Corporate Themes:</p> <ul style="list-style-type: none"> • A healthy and supportive Island • A safe and well-kept Island
Options considered and rejected	<p>Option (b) - To identify further actions which need to be taken</p> <p>Option (c) - To request a more detailed review of the actions</p>
Declarations of Interests	None declared

Agenda item	<u>Report on the Findings of Ofsted's Inspection of Local Authority Arrangements for The Protection Of Children – 26 November To 5 December 2012 and The Local Authority's Response</u>
Decision reference	63 (12/13)
Summary of Discussion	<p>The Cabinet Member for Children's Services and Education presented to members of the Cabinet a report which provided details of the findings of the recent Ofsted inspection of local authority arrangements for the protection of children on the Isle of Wight, the council's immediate response and the work that would be undertaken to secure rapid and sustainable improvement.</p> <p>The report also recommended that the Children's Scrutiny Panel be invited to consider the resultant Improvement Plan when it is formulated and to continue to monitor its progress until such time as it can be considered to have been successfully delivered.</p>
Issues raised by other members	No further issues were raised.
Decision taken	<ol style="list-style-type: none"> i. THAT Cabinet supports the actions taken to date in respect of Safeguarding Inspection ii. THAT the programme of audit and review activities identified to date be agreed. iii. THAT Cabinet receives progress reports at all its subsequent meetings over the subsequent six months as a minimum. iv. THAT the content of the first draft of the Transformation Programme be agreed at the March 2013 Cabinet meeting.
Reason for the decision and corporate objective it aligns with	<p>To adhere to the council's Corporate Plan 2011-13 which has identified "Keeping Children Safe" as one of its priorities.</p> <p>To align with the following Corporate Themes:</p> <ul style="list-style-type: none"> • A healthy and supportive Island • A safe and well-kept Island
Options considered and rejected	Whilst no other options were outlined in the report, the Cabinet had the opportunity to reject or amend the recommendation.
Declarations of Interests	None declared

Agenda item	<u>Consideration of the Forward Plan</u>
Decision reference	64 (12/13)
Amendments / Additions / Removals	Members reviewed the Forward Plan which covered the February to March 2013 period. The next plan was scheduled to be published towards the end of February 2013
Declarations of Interests	None

Agenda item	<u>Delegated Decisions</u>
Decision reference	65 (12/13)
Questions	<p>The following Cabinet Member delegated decisions had been taken since the last meeting of the Cabinet on 8 January 2013</p> <p><u>49/12</u> - Objections To The Isle Of Wight Council (Parking Places) Order No 1 2012 – Taken by Cllr Giles on 24 January 2013</p> <p><u>50/12</u> - Objections To The Isle Of Wight Council (Residents Parking Places) Order No 1 2012 – Taken by Cllr Giles on 24 January 2013</p> <p><u>01/13</u> - Proposed Sale of Ryde Theatre / Town Hall, Ryde – taken by Cllr Brown on 31 January 2013</p> <p><u>02/13</u> - Conservation Area Designation at Niton Village and Niton Undercliff – taken by Cllr Brown on 6 February 2013</p>
Declarations of Interests	None

Agenda item	<u>Members Question Time</u>
Decision reference	66 (12/13)
Questions	No written questions were submitted prior to the set deadline.
Declarations of Interests	None declared