



Record of decision

**THE FOLLOWING DECISIONS WERE TAKEN ON TUESDAY, 19 JANUARY 2010
BY THE CABINET IN THE COUNCIL CHAMBER**

**THE CALL IN PERIOD FOR THESE DECISIONS EXPIRE AT 5.00 PM ON
THURSDAY, 28 JANUARY 2010**

Members of the Cabinet who were present

Cllrs David Pugh (Chair), Barry Abraham, Peter Bingham, George Brown, Dawn Cousins, Edward Giles, Tim Hunter-Henderson

Members also present (non voting)

Cllrs Reg Barry, Julie Jones-Evans, Geoff Lumley, Ian Stephens, Arthur Taylor, David Williams.

Apologies

None

Confirmed as a true record of decisions taken
Leader of the Council

Agenda item	Minutes of the Last Meeting
Decision reference	70/09
Decision Taken	That the minutes of the meeting held on 8, December 2009 be agreed.
Questions / Amendments	None.

Agenda item	Declarations of Interest
Decision reference	71/09
	Cllr Pugh declared a personal interest in Decision Reference 73/09 as he was the Ward Member for Shanklin South, was a local musician who could be a potential user of the Shanklin theatre and may also be involved locally in any possible proposals for the theatres future.

Agenda item	Public Question Time
Decision reference	72/09
Questions	Ms Maria Wilkinson of Shanklin put an oral question to the

	<p>Cabinet on the possibility of realigning the timescale for closure to the end of the summer season.</p> <p>The Cabinet Member responded by stating that unless a clear decision was made, paving the way for a possible Community Asset Transfer, prospects would diminish, rather than increase for a solution. It was also stated that there was no confirmed bookings beyond the deadline of 3 April 2010.</p> <p>Mr Peter Stockman asked an oral question on guarantees given by the council that the theatre would not be sold to the highest bidder.</p> <p>The Cabinet Member responded by stating that any proposal to transfer the ownership of the theatre through a community asset transfer model is highly dependent on the quality and depth of the proposition that comes forward from the community. Any guarantees could therefore not be provided at this stage of proceedings.</p> <p>Mr Miller of Cowes put an oral question to the Cabinet on the Building Schools for the Future 'readiness to deliver' Statement and requested clarity on the apportionment priority of the various funding elements.</p> <p>The Leader responded by stating that elements such as the both the Catholic and Anglican diocese would have a role to play in providing supporting capital funding as well as money received from the receipts of school sites sold off as surplus to requirements following the commitment in March 2008 to reinvest such money in the area of education and children's services.</p> <p>Mr Barrie of Shanklin put an oral question to the Cabinet about its reaction to the letter of support sent by the actress Sheila Hancock who was born on the Island.</p> <p>Cllr Pugh responded by stating that the Cabinet had taken all aspects of representation into account and the proposals within the report offered the best opportunities for the theatres future.</p>
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Agenda item	The Future of Ryde and Shanklin Theatres
Decision reference	73/09
Summary of Discussion	The Cabinet Member for the Economy, Tourism, Leisure and Planning and the Cabinet Member for Resources presented Members with a report that provided recommendations on the future of both Ryde and Shanklin

Theatres.

Whilst the recommendation for Shanklin Theatre would be closure on 3 April 2010, such action was necessary in order to meet the requirements of the Council's Community Asset Transfer Policy. It was also stressed that following the deferral of the decision from the Cabinet meeting in November 2009, the local Ward Members had been actively working with the community to develop a proposal for a local community group, including Shanklin Town Council, to take on the management and maintenance of the theatre.

It was noted that with regards to Ryde Theatre, Platform One, an Island based, non profit making organisation would take on the management and maintenance following the acceptance of an offer that was acceptable to both parties. The building would be used as a learning base for young people in music based courses in conjunction with Chichester University as well as continuing to be used as a theatre. It was also noted that part of the conditions of the transfer of the freehold of Ryde Theatre would include the theatre space to be retained as such for a minimum of 50 years from the date of sale.

The Cabinet Member for the Economy, Tourism, Leisure and Planning also advised the Cabinet that a letter from the Theatres Trust ([Appendix](#)) had been received on 19 January 2010 which outlined its support of the recommendations within the report. It did however indicate some concerns for the Cabinet to consider. These included the length of the closure period for Shanklin Theatre and the Trust requested such closure should be less than 12 months as anything over such time could jeopardise future audiences.

With regards to Ryde Theatre, the Trust requested that the provision of a restrictive covenant be placed on the building indefinitely (rather than 50 years) as this could help to secure the continued use of the theatre.

The Cabinet agreed to consider all recommendations made by the trust.

Members were also advised that Ryde Town Council would meet with Platform One at some stage to discuss its involvement with the theatre.

The Cabinet Member for Resources advised members that the recommended option (vii) of the report should be amended to recommend, that the freehold sale of Ryde

	<p>theatre building (including the town hall offices) along the line of the conditions as set out in Appendix 2, for a sum of £200,000, the payment being deferred for 5 years from the date of sale.</p>
<p>Issues Raised by Other Members</p>	<p>Cllr Taylor expressed support of the recommendations and was of the opinion that the management of theatres should not be the business of the Local Authority.</p> <p>Cllr Williams stated that both Lake and Sandown Town Councils should have some involvement in the future of Shanklin Theatre as it was an important issue for the whole Bay area.</p> <p>Cllr Lumley expressed great disappointment that the council was not continuing with the ownership and management of the theatres and requested what the priorities of the council were. Cllr Pugh responded by stating that the priorities were outlined in the Corporate Plan and that the council could not continue to finance the theatres in difficult economic times when other priorities had to be addressed.</p> <p>Cllr Barry raised further concerns about the theatre in Shanklin closing early and asked what the cost implications would be. Cllr Brown responded by reiterating the importance of meeting the requirements in order to access the Council's Community Asset Transfer policy. It was also noted that there would be issues with Transfer of Undertakings (Protection of Employment) Regulations (TUPE) which preserves employees' terms and conditions when a business is transferred between two parties.</p> <p>Cllr Stephens expressed support for the recommendations and reminded members that the staff of both theatres should be thanked for their continuing service in such difficult circumstances.</p> <p>Cllr Jones-Evans expressed support for the recommendations.</p>
<p>Decision taken</p>	<ol style="list-style-type: none"> 1. THAT Shanklin Theatre be closed on 3 April 2010 at a one off cost of £55,000 for redundancies and securing the building. 2. THAT revenue provision in the sum of £12,000 per annum be made available in order to fund the building costs of retaining the closed Shanklin Theatre. 3. THAT Ryde Theatre be closed on 3 April 2010 at a one off cost of £25,000 for redundancies and securing the building.

	4. THAT the freehold sale of the Ryde Theatre building (including the town hall offices) along the line of the conditions as set out in Appendix 2 , of the Cabinet Report, for a sum of £200,000 the payment being deferred for 5 years from the date of sale, be agreed.
Reason for the decision and corporate objective it aligns with	To take into account the corporate priorities of: <ul style="list-style-type: none"> • Improving performance and value for money. • Making our buildings fit for purpose. To align with the following corporate themes: <ul style="list-style-type: none"> • modernising the Council
Options considered and rejected	Option iv - Make revenue provision in the sum of £13,750 per annum to fund the building costs associated with the closed Ryde theatre. Option v. - The Council continues to directly manage and maintain Shanklin theatre and provides for £93,000 per annum in its base revenue budget and £883,000 in its capital budget for this purpose. Option vi. - The Council continues to directly manage and maintain Ryde theatre and provides for £110,000 per annum in its base revenue budget and £530,000 in its capital budget for this purpose..
Declarations of Interests	See Decision Reference 71/09

Agenda item	Improving the Range and Quality of Family Fostering, Adoptive and Short Break Placements for Children and Young People
Decision reference	74/09
Summary of Discussion	At the request of several new key members of staff within the Children and Young People Directorate who had asked to provide further input into the report, the Cabinet Member advised that the item be withdrawn from the agenda and submitted at a future Cabinet meeting. It was however noted that the Targeted Intervention and the Foster Care Placements performance which was reported at the previous Cabinet Meeting on 8 December 2009 and led to the requirement of the report, should show improved results when the Quarter 3 Performance report is submitted to the Meeting of the Cabinet on 30 March 2010.

Issues Raised by Other Members	None
Decision taken	Deferred
Reason for the decision and corporate objective it aligns with	None
Options considered and rejected	None
Declarations of Interests	None declared.

Agenda item	Adult and Social Care Performance Assessment 2008/09
Decision reference	75/09
Summary of Discussion	<p>The Cabinet Member presented a report to Members that advised of the 2009 performance rating and judgments for the IOW Council's Adult Social Care Services.</p> <p>It was noted that the Cabinet Report stated that the assessment was for 2007/08. This should be amended to read 2008/09.</p> <p>Members were advised that the acceptance of the assessment was a requirement by the Care Quality Commission that needed to be undertaken by the Cabinet.</p> <p>It was noted that six of the seven outcomes had achieved a grade three which equated to a "Performing Well" assessment, whilst outcome three, "Making a Positive Contribution", was given the highest score possible of four, which was a "Performing Excellently" rating.</p>
Issues Raised by Other Members	Councillor Lumley stated that the performance assessment results were very welcome for the Council and joined the Cabinet Member in offering thanks to the relevant officers involved.
Decision taken	THAT the Adult and Social Care Performance Assessment 2008/09 be accepted by the Cabinet
Reason for the decision and corporate objective it aligns with	<p>To comply with the requirement of the Care Quality Commission.</p> <p>To accept the following seven outcomes.</p> <ul style="list-style-type: none"> • Improving Health and Well Being • Improved Quality of Life • Making a Positive Contribution

	<ul style="list-style-type: none"> • Increased choice and control • Freedom from Discrimination or Harassment • Economic Well Being • Maintaining Personal Dignity and Respect.
Options considered and rejected	There was no other option to consider.
Declarations of Interests	None declared.

Agenda item	Building Schools for the Future (Bsf) – Decision on the Local Authority’s Readiness to Deliver (Rtd) Submission and Entry to the National Bsf Programme
Decision reference	76/09
Summary of Discussion	<p>The Leader and Cabinet Member presented a report that had been carried forward from the Cabinet Meeting in March 2010.</p> <p>Although a statement to deliver would have been ready for presentation to Partnership for Schools (PfS) in April 2010, a letter from the PfS offered an opportunity for an early presentation of the RtD, which presented the potential of the Isle of Wight Council accessing the BSF funds at an earlier time than originally expected. Should the application therefore be successful, assurance would be provided that the BSF programme could run concurrent to the implementation of the school organisation secondary programme, with the potential of achieving significant advantages for pupil outcomes.</p> <p>The Leader and Cabinet Member provided Members with assurances that the officer delegated decision which was proposed within the report and would be submitted to the PfS for the deadline of 29 January 2010, would be overseen by both relevant Cabinet Members.</p> <p>It was noted that thanks was given by the Cabinet to the outgoing Assistant Director / Project Management Director for School Reorganisation, Mr Keith Simmonds for all his hard and diligent work throughout the Schools reorganisation programme and members wished him a long and happy retirement.</p>
Issues Raised by Other Members	None
Decision taken	THAT approval, in principle, for the Local Authority to apply to join the BSF programme by the submission of the RtD statement, be granted.

	THAT the Director of Children and Young People in conjunction with the Chief Executive make a delegated decision on its submission to PfS for the 29 January 2010 deadline.
Reason for the decision and corporate objective it aligns with	<p>To be able to assist in the raising of educational standards and the provision of wider opportunity for all young people of the Island.</p> <p>The BSF programme would also make a significant contribution to the Council's own transformation programme as well as the wider regeneration and economic development of the Island.</p> <p>To align with the following corporate themes:</p> <ul style="list-style-type: none"> • A thriving Island • An inspiring Island
Options considered and rejected	Option B - To require further work by officers on the RtD statement and to determine not to take advantage of the early submission date to PfS.
Declarations of Interests	None declared.

Agenda item	Consideration of the Forward Plan
Decision reference	77/09
Amendments / Additions / Removals	<p>The Forward Plan for February 2010 to May 2010 was reviewed and the following points were raised:</p> <p>Forward Plan Ref 918/09 – Transport Policy Review, would be taken to the meeting of Cabinet on Tuesday, 30 March 2010.</p> <p>A decision on Rural Schools (Wroxall, Godshill and Chillerton) would need to be included on the next Forward Plan.</p>
Declarations of Interests	None declared.

Agenda item	Delegated Decisions
Decision reference	78/09
Summary of Discussion	The Cabinet Reviewed the Delegated Decisions that had been made since the last meeting on Tuesday, 8 December 2009.

	It was noted that Forward Plan ref 989/09, School Organisation - Decision on the Viability of a Federation Proposal for Chale CE VC Primary School, and was due for sign off via delegated means from 11 January 2010, would be decided when the responses to the various representations received had been concluded.
Declarations of Interests	None declared.

Agenda item	Members Question Time
Decision reference	79/09
Questions	No questions received.
Declarations of Interests	None declared.