



Record of decision

THE FOLLOWING DECISIONS WERE TAKEN ON TUESDAY, 22 MAY 2012 BY THE CABINET IN THE COUNCIL CHAMBER, COUNTY HALL, NEWPORT, IW

THE CALL IN PERIOD FOR THESE DECISIONS EXPIRES AT 5.00 PM ON THURSDAY, 31 MAY 2012

Members of the Cabinet who were present

Cllrs David Pugh (Chairman), Barry Abraham, George Brown, Dawn Cousins, Edward Giles, Roger Mazillius

Members also present (non-voting)

Cllrs Tim Hunter-Henderson (Cabinet Secretary), Vanessa Churchman, Stuart Hutchinson, Geoff Lumley, Susan Scoccia, Ian Stephens, Ivor Warlow

Apologies:

None

Confirmed as a true record of decisions taken

Leader of the Council

Agenda item	<u>Minutes of the Last Meeting</u>
Decision reference	01 (12/13)
Decision Taken	That the minutes of the meeting held on <u>3 April 2012</u> be agreed.
Questions / Amendments	None.

Agenda item	<u>Declarations of Interest</u>
Decision reference	02 (12/13)
	Cllr Pugh declared a personal interest in Decision Reference 05 (12/13) as he knew the project applicants of the preferred bidder, Real Ventures.
	Cllr Giles declared a personal interest in Decision Reference 05 (12/13) as he knew one of the directors of the preferred bidder, Real Ventures.

	<p>Cllr Cousins declared a personal interest in Decision Reference 06 (12/13) as she had relatives who were involved with friends of Ventnor Botanic Gardens.</p> <p>Cllr Brown declared a personal interest in Decision Reference 05 (12/13) as he knew some of the people involved with the preferred bidder, Real Ventures.</p>
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Agenda item	<u>Public Question Time</u>
Decision reference	03 (12/13)
Questions	<p>There were no written questions received within the deadline set.</p> <p>An oral question was put by Ms Tanja Rebel of Cowes on the Stag Lane Renewable Energy Site / Biomass Plant who asked why it was proposed to extend the Preferred Bidder Status Timescale.</p> <p>The Cabinet Member responded by stating that the timetable was proposed to be extended in order to allow the preferred bidder to ensure that all Environment Agency requirements would be met, including possible Planning submissions.</p> <p>An oral question was put by Mr Fred Woodworth of Ventnor on whether any councilor stood to gain financially, directly or indirectly from the Stag Lane Biomass Plant project.</p> <p>The Leader of the Council said that as far as he was aware, none of the Isle of Wight Council's councilors would gain financially from the Stag Lane project.</p> <p>An oral question was put by Mr Steve Goodman of Newport on whether the Leader of the Council assisted the preferred bidder of the Stag Lane Biomass Plant as reported in the January 2011 edition of Private Eye.</p> <p>The Leader responded by confirming that an email exchange had taken place between him and the preferred bidder and that no assistance had taken place as a result of the exchange.</p>

Agenda item	<u>Quarterly Performance & Finance Report - Quarter 4</u>
Decision reference	04 (12/13)
Summary of Discussion	<p>The Cabinet Member presented a report which set out the council's performance, risk and financial position in relation to the eight priorities of the revised Corporate Plan 2011-2013. It also provided an overview of activity within the period 1 January 2012 to 31 March 2012.</p>

	<p>The Cabinet was advised that there were no corporate priorities of underperformance or project slippage highlighted in Red. Six of the eight priorities were given a Green status, meaning the majority of performance was on or above target, projects were meeting planned delivery dates, risk was managed appropriately and the financial position was stable against profiled spend.</p> <p>The paper reported that the two remaining areas, “Raising Educational Standards” and “Supporting Older and Vulnerable Residents” were given an Amber status, indicating that Some performance was off target but within accepted tolerance levels. However, it was noted that the Cabinet Member for Adult Social Care, Housing and Community Safety was pleased to confirm that the “Supporting Older and Vulnerable Residents” had since gained a Green rating. The remaining area around education standards was therefore the only corporate priority in which some improvement was required and as such the recommendation of the report would address the issue.</p> <p>On the specific area of Recycling within the priority of the Waste Strategy, it was noted that whilst the end of year figure was below expectations the latest results were above target and confidence was high that results would continue in the right direction.</p>
<p>Issues raised by other members</p>	<p>On the subject of the Schools Capital Programme Phase 4, any concerns which needed addressing could be brought to the attention of the Cabinet Member at any time.</p> <p>Regular reports as well information sessions would also address any issues around the subject of the Schools Reorganisation.</p> <p>With regard to the Draft Waste Strategy, it was noted that some non voting members present were concerned that whilst copies may have been available to those requesting one, it would have been preferred if all elected members had been sent the draft.</p>
<p>Decision taken</p>	<ol style="list-style-type: none"> I. THAT Cabinet agrees to a report on school exclusions being presented to the next meeting of Cabinet on 14 August 2012. II. THAT the report should also be extended to cover persistent absence.
<p>Reason for the decision and corporate objective</p>	<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</p>

it aligns with	of “Raising Educational Standards”. To align with the following Corporate Themes: <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	There were no other options to consider.
Declarations of Interest	None declared

Agenda item	<u>Stag Lane Renewable Energy Site - Extension Of Preferred Bidder Status Timescale</u>
Decision reference	05 (12/13)
Summary of Discussion	<p>The Deputy Leader and Cabinet Member for the Environment and Economy presented a report that sought agreement on an extension of the preferred bidder status timescale granted to Real Ventures in respect of its option to purchase the Stag Lane Tip site to regenerate it for renewable energy purposes.</p> <p>Members were advised that in agreeing to the proposal, the decision would give the preferred bidder, Real Ventures, more time to monitor the site culminating in a submission of a robust planning application for the development of a biomass scheme. It was noted that any developer of the site would have to meet the same requirements of the Environment Agency irrespective of the proposed use of the site.</p> <p>It was noted that whilst the paper recommended both Options i and ii, Option ii, “To agree that the Cabinet Member can extend the preferred bidder status timescale, under delegated powers, thereafter, if required,” would be removed owing to the forthcoming council elections of May 2013. Option i would therefore be the only recommendation.</p>
Issues raised by other members	Members were advised that there were no other known interested parties wishing to develop on the site.
Decision taken	Option i – THAT the extension to the preferred bidder status timescale for a further 12 months to enable environmental investigations and design work sufficient for the submission of a planning application be agreed.
Reason for the decision and corporate objective it aligns with	<p>To meet the council’s corporate objectives of Regeneration and the Economy, specifically promoting the green economy through jobs and sustainability.</p> <p>To enable the corporate objective of “Delivery of Budget Savings through Changed Service Provision”, which includes</p>

	<p>actively seeking to sell or dispose of assets that are surplus to requirements.</p> <p>To accord with the council's Strategic Asset Management Plan, approved in 2011.</p>
Options considered and rejected	<p>Option ii – Agree that the cabinet member can extend the preferred bidder status timescale, under delegated powers, thereafter, if required.</p> <p>Option iii – To remarket the site on the same basis as in 2010.</p> <p>Option iv – Do not extend the preferred bidder status timescale.</p>
Declarations of Interests	<p>Following advice from the council's Strategic Manager of Legal Services that members were only required to declare the nature of their interests, Cllrs Pugh, Giles and Brown provided further details.</p> <p>Cllr Pugh expanded on his interest and declared that he knew one of the individuals involved with Real Ventures as being a former branch chairman of the Conservative Party.</p> <p>Cllr Brown expanded on his Interest by declaring that he knew the people involved with the preferred bidder, Real Ventures, on a social basis.</p> <p>Cllr Giles expanded on his Interest by declaring that he knew one of the directors of the preferred bidder, Real Ventures through his previous occupation and occasionally on a social basis.</p>

Agenda item	<u>Approval For The Disposal Of Ventnor Botanic Garden To Ventnor Botanic Garden Community Interest Company</u>
Decision reference	06 (12/13)
Summary of Discussion	<p>The Cabinet Members for the Economy and Environment and Fire, Culture and Resident Services both presented to members a report which sought acceptance on the terms agreed with Ventnor Botanic Garden Community Interest Company, (the preferred bidder) for its acquisition of the Botanic Gardens on a 125 year leasehold basis.</p> <p>It was noted that an Addendum had been added to the report following publication which contained an additional Appendix (Appendix E). The supplementary Appendix was added for clarification following representations received from house owners along Steephill Court Road who were concerned that the original plan published was incorrect. Their contention was that it included parts of their established gardens which</p>

	<p>were proposed to be transferred to Ventnor Botanic Garden Community Interest Company</p> <p>The home owners had claimed adverse possession of their garden land, as they had been in uninterrupted factual possession for at least 10 years. Appendix E was therefore a revised plan following a further site inspection and sought to assure the home owners that the council had no intention of repossessing their land.</p> <p>It was noted that the new boundary would become the responsibility of the home owners.</p> <p>As a result of the addendum and Appendix E, an additional recommendation would also be moved, namely that the broken red line shown in the additional Appendix E should be the maximum extent of the northern boundary of the area to be leased to Ventnor Botanic Garden Community Interest Company. The Cabinet Member for the Economy and Environment reiterated his assurances that no areas of the home owners land would be taken back by the council.</p> <p>Cabinet Members were reminded that all plans were indicative and that there were no aspects of the revised plan which members were asked to vote on that should be a cause for concern to the council.</p>
<p>Issues raised by other members</p>	<p>Members were advised that any rights of way issues with Ventnor Cricket Club would be addressed at the appropriate time.</p>
<p>Decision taken</p>	<p>THAT the disposal of Ventnor Botanic Garden on a 125 year lease to the preferred bidder, on the terms detailed above be agreed.</p> <p>THAT Cabinet agrees the two lead Cabinet Members should further agree any minor variations to the heads of agreement as may be required in the construction of the final legal documentation to achieve the transfer to Ventnor Botanic Garden Community Interest Company.</p> <p>THAT Cabinet agrees the broken red line shown in the additional Appendix E to Paper D within the Addendum, shall be the maximum extent of the northern boundary of the area to be leased to Ventnor Botanic Garden Community Interest Company.</p>
<p>Reason for the decision and corporate objective it aligns with</p>	<p>To support the Eco Island Sustainable Community Strategy themes of a “Thriving Island” because the Garden will be run by a new community-based enterprise and a “Healthy and Supportive Island”, because the Garden will be offering increased volunteering opportunities within the community.</p>

	<p>To support the “Regeneration and the Economy” corporate objective of the council, because the successful bidder would more likely make additional investment in the Garden than the council owing to the financial climate.</p> <p>To form part of the ‘Delivering of Budget Savings through Changed Service Provision’ priority within the council’s Corporate Plan.</p>
Options considered and rejected	Option B -To retain the ownership and operational liabilities of the Garden
Declarations of Interests	None declared

Agenda item	<u>Strengthening Families Programme (Isle Of Wight’s Response To The Government’s Troubled Families Initiative)</u>
Decision reference	07 (12/13)
Summary of Discussion	<p>The Leader of the Council presented a report which outlined the Authorities way forward in working with some 315 Island families identified as being out of work, thought to be causing problems such as crime and anti-social behaviour as well as attaining poor school attendance. This would therefore comply with the Department for Communities and Local Government national programme to identify the estimated 120,000 families’ nation-wide who are costing public services in excess of £9 billion.</p> <p>Members were advised that a Governance Board, convened by the Chief Executive of the Council and including all three relevant cabinet members and senior colleagues across the public sector partnership would convene at least quarterly to oversee the programme.</p>
Issues raised by other members	No issues were raised.
Decision taken	Option A - THAT the Strengthening Families approach as outlined in the report be agreed.
Reason for the decision and corporate objective it aligns with	<p>To support the Isle of Wight Council’s Corporate Plan 2011 – 2013 priorities of raising educational standards and keeping children safe.</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 • A an inspiring Island

Options considered and rejected	Option B - To propose an alternative way of delivering the programme.
Declarations of Interests	None declared

Agenda item	<u>Consideration of the Forward Plan</u>
Decision reference	08 (12/13)
Questions	<p>Members reviewed the latest edition of the Forward Plan of Key Decisions which covered the June to September 2012 period.</p> <p>It was noted that Ref No 1452/12, Newport Harbour – Future Management Arrangements that was due for submission at Cabinet on 14 August 2012 would be the responsibility of the Cabinet Member for Highways, Transport and Waste and not that of the Deputy Leader and Cabinet Member for the Economy and Environment.</p>
Declarations of Interests	None declared

Agenda item	<u>Delegated Decisions</u>
Decision reference	09 (12/13)
Questions	<p>The following Cabinet Member delegated decisions had been taken since the last meeting of the Cabinet on 3 April 2012:</p> <p>10/12 - Proposed Sale Of 17 Newport Road, Ventnor - Taken Thursday, 19 April 2012 by Cllr Brown</p> <p>11/12 - Appointment of Technical, Legal and Financial Advisors to the Waste Procurement Project - Taken Friday, 20 April 2012 by Cllr Giles</p> <p>12/12 - Consultation On SEN and Alternative Provision Service Relocation - Taken Wednesday, 2 May 2012 by Cllr Cousins</p> <p>13/12 - Consultation on the Development of Local Healthwatch - Taken Tuesday, 8 May 2012 by Cllr Cousins and Cllr Mazillius</p> <p>14/12 - Proposed Sale of the Former Greenmount Primary School, Green Street / 43 Newport Street, Ryde, Isle Of Wight - Taken Tuesday, 18 May 2012 by Cllr Brown</p>
Declarations of Interests	None declared.

Agenda item	<u>Members Question Time</u>
Decision reference	10 (12/13)
Questions	No written questions had been received and no oral questions were asked.
Declarations of Interests	None declared