



# Record of decision

**THE FOLLOWING DECISIONS WERE TAKEN ON TUESDAY, 3 APRIL 2012 BY THE CABINET IN THE COUNCIL CHAMBER**

**THE CALL IN PERIOD FOR THESE DECISIONS EXPIRES AT 5.00 PM ON TUESDAY, 17 APRIL 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), Reg Barry, Richard Hollis, Julie-Jones Evans, Ivor Warlow, Wayne Whittle

Apologies:

None

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Confirmed as a true record of decisions taken .....

**Leader of the Council**

<b>Agenda item</b>	<a href="#"><u>Minutes of the Last Meeting</u></a>
<b>Decision reference</b>	<b>59 (11/12)</b>
<b>Decision Taken</b>	That the minutes of the meeting held on <a href="#"><u>14 February 2012</u></a> be agreed.
<b>Questions / Amendments</b>	None.

<b>Agenda item</b>	<a href="#"><u>Declarations of Interest</u></a>
<b>Decision reference</b>	<b>60 (11/12)</b>
	There were no declarations of interest.

<b>Agenda item</b>	<b><u><a href="#">Public Question Time</a></u></b>
<b>Decision reference</b>	<b>61 (11/12)</b>
<b>Questions</b>	<p>Mr Mark Chiverton, the Islands Branch Secretary of the public sector workers union, UNISON put a written question to the Cabinet on the proposals to reduce the number of advisers in the Education Participation Team (Connexions) who provide advice and support for young people. The Cabinet Member provided a response. (<a href="#">PQ 11/12</a>)</p> <p>Mr Christopher Dodd of Newport Harbour Action Group put a written question to Cabinet on the future of Newport Harbour Estate. The Cabinet Member provided a response. (<a href="#">PQ 10/12</a>)</p> <p>Mr Sam Fulford of Cowes asked an oral question on the unavailability of land to lease including areas of Blackhouse Quay, which he had been trying to rent for his business of Ship Repairs</p> <p>The Cabinet Member responded by stating that the sites in question were already leased to existing tenants or that there were third party access rights across the sites which made them unavailable for leasing at the time in question. Alternative sites had been suggested however, although any lease could only be for a three year maximum period.</p> <p>Mr Fulford asked a supplemental question around marine and non marine businesses and asked which would be the preferred lease holder. The Cabinet Member responded by stating that it was the council's intention to prioritise marine related business and that all properties in the harbour estate would always be advertised as such. Only after a substantial marketing period would non marine use be considered if no other marine use could be identified.</p> <p>Mr Hardiment, an Island resident asked an oral question on the future of the harbour and expressed concerns around the Classic Boat and Bus museums.</p> <p>The Cabinet Member responded by stating that it was the councils intentions to lay open to scrutiny all that had not been properly addressed in the past and thus create a platform from which such improvements could be made. The Cabinet Member did however advise Mr Hardiment that the limitations of existing harbour legislation meant that the council would only ever be able to allow three year leases for land and assets that were defined as harbour estate.</p> <p>The Cabinet Member was also of the opinion that the harbour could and should be a valuable asset to the Island.</p>

	<p>Mr Allan Turner of Chillerton asked an oral question as to whether the relevant Cabinet Member should declare an interest in Paper B on the agenda as Newport Harbour shared its northern boundaries with Cowes Harbour and that the Cabinet Member was a member of the Cowes Harbour Commission Advisory Committee.</p> <p>The Cabinet member responded by stating that as there were no changes to the borders of the north of the harbour being suggested, there was no requirement to declare any interest in Paper B.</p>
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<b>Agenda item</b>	<a href="#"><u>Newport Harbour Estate</u></a>
<b>Decision reference</b>	<b>62 (11/12)</b>
<b>Summary of Discussion</b>	<p>The Deputy Leader and Cabinet Member for the Economy and the Environment provided a report which set out the councils intentions to secure a sustainable future for Newport Harbour, regularise previous property decisions, clarify the extent of the harbour estate, and to lay the foundations for the wider regeneration of the area.</p> <p>An earlier version of the paper was prepared for Cabinet to decide on 13 December 2011. The publication of the paper caused a number of claims to be made by a small number of individuals and as a consequence was withdrawn for consideration at that time in order to examine the issues raised.</p> <p>The Cabinet Member reiterated that it was the council's intention for the paper to be seen as a springboard for future increased harbour activity and that the harbour could be a very different location complimenting many other businesses.</p> <p>It was noted that owing to her involvement as a ward member which included much of the harbour, the Cabinet Member for Childrens Services and Education would not be participating in the vote.</p>
<b>Issues raised by other members</b>	<p>It was clarified by the Cabinet Member that the harbour walls were to be considered as part of the estate.</p> <p>Members were also advised that that there were no immediate plans for harbour dredging</p>
<b>Decision taken</b>	<p>THAT the following be agreed:</p> <p>Option (i) - To confirm the assets that currently make up the Newport Harbour Estate are as shown in Appendix 3 of the report and that there was no compelling public interest in terminating the existing leases granted for longer than three</p>

	<p>years (as shown in appendices 5a and 5b of the report) and therefore to allow the leases to continue but to exercise the break clause in the single lease that can be restricted to the three year limit.</p> <p>Option (ii) - To recognise the fluid nature of the harbour estate by reviewing every two years the portfolio of assets that make up the estate.</p> <p>Five members voted in favour of the recommendation and one abstained from the vote.</p>
<b>Reason for the decision and corporate objective it aligns with</b>	<ul style="list-style-type: none"> <li>• To be able to develop a robust plan for improving the use of the harbour as a whole and thus assist in contributing to the economic well being of the town and the council's key strategic corporate priority of Regeneration and the Economy.</li> <li>• To increase earned income and therefore contribute to the key strategic corporate objective of "Delivery of Budget Savings through Changed Service Provision."</li> <li>• To help raise the potential for regeneration and investment which in turn could result in future capital receipts to the council as well as in the interim realise the potential for letting existing buildings for terms longer than three years , thus resulting in improved revenue income for the council.</li> </ul>
<b>Options considered and rejected</b>	<p>Option (iii) - To terminate all of the leases shown in appendices 5a and 5b and reissue them for a period of no more than three years.</p> <p>Option (iv) - Not to confirm the assets of the Newport Harbour Estate as set out in Appendix 3</p>
<b>Declarations of Interest</b>	None declared

<b>Agenda item</b>	<a href="#"><u>Establishment Of The Isle Of Wight Destination Management Organisation</u></a>
<b>Decision reference</b>	<b>63 (11/12)</b>
<b>Summary of Discussion</b>	<p>Members were presented with a report which sought approval for the incorporation and establishment of the Isle of Wight Destination Management Organisation (Newco) to develop the Island's visitor economy.</p> <p>The Council agreed to make its current annual budget for tourism available to Newco for nine years subject to finding any additional private sector contributions to the companies in year's four to nine. The Chamber of Commerce had also</p>

	<p>agreed to make an annual contribution to the company.</p> <p>Members were advised that the main objective of the initiative was to provide maximum marketing in order to transform the Island into a destination of world renown and encourage visitors to return year on year.</p>
<b>Issues raised by other members</b>	Members were advised that the importance of local Business Associations was recognised and that they would be involved as much as possible.
<b>Decision taken</b>	Option (a) - THAT the incorporation and establishment of Newco be progressed on the basis of the articles of association.
<b>Reason for the decision and corporate objective it aligns with</b>	<ul style="list-style-type: none"> <li>• To support the council's priority of 'Regeneration and the Economy' as well as be consistent with its aspiration to, "actively pursue the opportunities created by partnerships to commission or deliver services particularly those that engage local communities and use available resources in a more coherent and effective way"</li> <li>• To promote and develop the Isle of Wight as a world class holiday destination.</li> <li>• To adhere to the following Corporate Themes: <ul style="list-style-type: none"> <li>○ A thriving Island</li> <li>○ An inspiring Island</li> </ul> </li> </ul>
<b>Options considered and rejected</b>	<p>Option (b) - For the council to continue to provide tourism functions</p> <p>Option (c) - Explore alternatives mechanisms and structures for the provision of the council's tourism services and functions</p> <p>Option (d) - Cease its financial support to the tourism sector altogether</p>
<b>Declarations of Interests</b>	None declared

<b>Agenda item</b>	<a href="#"><u>Water Temperature Control - Health &amp; Safety Prosecution</u></a>
<b>Decision reference</b>	<b>64 (11/12)</b>
<b>Summary of Discussion</b>	<p>It was noted that the paper should have been in the name of the Cabinet Member for Adult Social Care, Housing and Community Safety and not that of the Leader of the Council and Cabinet Member for Resources</p> <p>The Cabinet Member for Adult Social Care, Housing and Community Safety presented to members a formal report from</p>

	<p>the councils Monitoring Officer under the Local Government and Housing Act 1998 informing the Cabinet of an unlawful incident resulting in a prosecution brought against the Council by the Health and Safety Executive.</p> <p>The report set out the outcomes of the prosecution, and actions taken after the incident by staff responsible for health and safety, buildings maintenance and those within the Directorate of Community Well Being and Social Care, to seek to ensure there would be no further incidents of the same nature</p> <p>The incident, which occurred in October 2009, involved a disabled man receiving respite care being seriously scalded at the Gouldings Older People’s Resource Centre, Freshwater and was a result of using a shower attachment which did not have a thermostat fitted to regulate the water temperature.</p> <p>It was noted that the person in question received a full apology from the authority and that he and his family had been given due compensation.</p>
<b>Issues raised by other members</b>	No issues were raised.
<b>Action taken by the Cabinet</b>	<p>THAT the report and the actions which have been taken be noted</p> <p>No vote was taken on the item as the paper was for noting only.</p>
<b>Reason for noting the report</b>	<ul style="list-style-type: none"> <li>• To comply with national health and safety legislation and adhere with the corporate priorities of “Supporting older and vulnerable residents and keeping children safe”.</li> <li>• To align with the corporate theme of “A Healthy and Supportive Island</li> </ul>
<b>Options considered and rejected</b>	Option 2 - To note the report and the actions which have been taken and to request further actions.
<b>Declarations of Interests</b>	None declared

<b>Agenda item</b>	<a href="#"><u>Consideration of the Forward Plan</u></a>
<b>Decision reference</b>	<b>65 (11/12)</b>
<b>Questions</b>	Members reviewed the latest edition of the Forward Plan of Key Decisions and it was noted that decision reference 1295/11, The Isle of Wight Council, (St Thomas' Square and St James Square (East), Newport, IW) (Prohibition of Driving)

	Order No 1 2011, would be withdrawn from the plan.
<b>Declarations of Interests</b>	None declared

<b>Agenda item</b>	<b>Delegated Decisions</b>
<b>Decision reference</b>	<b>66 (11/12)</b>
<b>Questions</b>	<p>The following Cabinet Member delegated decisions had been taken since the last meeting of the Cabinet on 14 February 2012:</p> <p><a href="#">04/12</a> - Approval of The Island Plan Core Strategy for Adoption by Full Council – Taken Monday, 5 March 2012 by Cllr Brown</p> <p><a href="#">05/12</a> - Proposed Sale of Puckpool Lodge, Puckpool Park, Seaview – Taken Monday, 5 March 2012 by Cllr Brown</p> <p><a href="#">06/12</a> - Setting Of The Council's Equality Objectives – Taken Tuesday, 6 March 2012 by Cllr Pugh</p> <p><a href="#">07/12</a> - ICT Strategy – 2012 to 2014 - Taken Wednesday, 14 March 2012 by Cllr Pugh</p> <p><a href="#">08/12</a> - Charging Arrangements For Private Water Supplies - Taken Tuesday, 27 March 2012 by Cllr Brown</p> <p><a href="#">09/12</a> - Highways and Transport Capital Programme 2012-2013 – Taken Tuesday, 3 April 2012 by Cllr Giles</p>
<b>Declarations of Interests</b>	None declared.

<b>Agenda item</b>	<b><u>Members Question Time</u></b>
<b>Decision reference</b>	<b>67 (11/12)</b>
<b>Questions</b>	No questions had been received and no oral questions were asked.
<b>Declarations of Interests</b>	None declared