



Record of decision

THE FOLLOWING DECISIONS WERE TAKEN ON TUESDAY, 30 OCTOBER 2012 BY THE CABINET IN THE COUNCIL CHAMBER, COUNTY HALL, NEWPORT, IW

THE CALL IN PERIOD FOR THE DECISIONS EXPIRES AT 5.00 PM ON THURSDAY, 8 NOVEMBER 2012

Members of the Cabinet who were present

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

Members also present (non-voting)

Cllrs Vanessa Churchman, Tim Hunter-Henderson, Stuart Hutchinson, Chris Welsford

Apologies:

Cllr Dave Stewart

Confirmed as a true record of decisions taken

Leader of the Council

Agenda item	<u>Minutes of the Last Meetings 11 September 2012</u>
Decision reference	33 (12/13)
Decision Taken	The minutes to the meeting held on <u>11 September 2012</u> be agreed.
Questions / Amendments	None

Agenda item	<u>Declarations of Interest</u>
Decision reference	34 (12/13)
	None declared

Agenda item	<u>Public Question Time</u>
Decision reference	35 (12/13)
Questions	A written question had been submitted by Mr. Mathew Martin in relation to class sizes on the Island and what the council's

	<p>intentions were in making no further increases. The Cabinet Member provided a response. (PQ - 20/12)</p> <p>Mr. Martin asked a supplemental question on whether the Leader of the Council would apologise on behalf of the Cabinet for failing to provide adequate options to all Island schools with regard to future school funding formula. The Leader responded by stating that there was no need to apologise as sufficient options had been provided through the schools forum,</p> <p>An oral question was put to the Cabinet by Miss Tanya Rebel on how much of the secured sustainable transport fund was going to be allocated to extending the Island Cycle network.</p> <p>The Cabinet Member for Procurement, Fire, Highways and Transport would provide the answer following the meeting.</p>
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Agenda item	Community Right To Bid
Decision reference	36 (12/13)
Summary of Discussion	<p>The Leader of the Council and the Cabinet Member for Resources presented a report which outlined the recently published Community Right to Bid legislation which provided for community groups their right to bid for locally important community assets, thereby giving an opportunity to secure future use for the benefit of the local area.</p> <p>The Leader highlighted that If the Council was in agreement with a nomination of an asset by a community group then it must them list the asset as being of community value and inform the owner of the asset's listing. The listing of an asset as being of community value would impose a number of obligations on the owner should it wish to dispose of the asset.</p> <p>All members were advised that an asset could only be listed if its principal use supported or had recently supported the community's social wellbeing or social interests and was likely to do so in the future.</p> <p>Members were also asked to note that applications would be considered by a panel (to be known as the "Community Right to Bid Panel") consisting of three specific strategic officers (or their authorised deputies).</p> <p>The committee was also reminded of previous assets of the council that had transferred successfully from council ownership to community groups including Shanklin Theatre.</p> <p>The Leader advised that the council's website would clarify</p>

	any issues around the inclusion of an asset on the list which had been successfully challenged by the owner under the review process.
Issues raised by other members	It was noted that consultation for the initiative for Town and Parish councils was achieved through Isle of Wight Association of Local Councils (IWALC), although various local councils had already discussed the proposals at their respective meetings.
Decision taken	<ol style="list-style-type: none"> 1. THAT the Community Right to Bid policy as set out in Appendix 1 to the report be adopted. 2. THAT the Director of Economy and Environment – in consultation with the Leader – be delegated to make any minor amendments to the policy from time to time as required, reflecting any changes within the Council
Reason for the decision and corporate objective it aligns with	<p>To provide Island community groups with the opportunity to exercise their right to bid for locally important community assets.</p> <p>To be a ‘Commissioning and Enabling’ local authority as set out in its Corporate Plan (2011 to 2013 and 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	<p>Option ii) - Not to adopt the Community Right to Bid policy as set out in appendix 1 to this report.</p> <p>Option iii) - Vary the Community Right to Bid policy as set out in appendix 1 to this report.</p>
Declarations of Interest	None

Agenda item	<u>Education Funding Reform – School Funding Formula</u>
Decision reference	37 (12/13)
Summary of Discussion	<p>The Cabinet Member for Childrens Services and the Leader of the Council presented a report which set out the proposed new arrangements for school delegated budgets and some centrally retained budgets, as well as proposing the way in which the funding would be distributed to schools.</p> <p>An additional paper was circulated to members and had earlier been published on the council's website which provided further information about the proposed new school</p>

	<p>funding formula options and gave a more detailed breakdown of the differences between Options 2 and 3 which had been shortlisted by the schools forum.</p> <p>It was noted that the primary head teachers had agreed that option 2 was the preferred choice, but the secondary head teachers had also discussed the formula options at length and preferred to adopt option 3, meaning that the Schools Forum had not been able to reach a collective agreement on the preferred option. Though it was noted that the secondary head teachers did understand the rationale for option 2.</p>
Issues raised by other members	None
Decision taken	THAT option 2, as presented by the schools forum, of the new school funding formula for implementation from April 2013 be approved, whilst recognising that the Schools Forum had not reached a collective agreement on the preferred option
Reason for the decision and corporate objective it aligns with	<p>To adhere to the 2011-13 Corporate Plan key objective 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
Options considered and rejected	<p>b) - To approve the schools forum option 3, as selected by the schools forum, for the new school funding formula, whilst recognising that the Schools Forum has not reached a collective agreement on the preferred option.</p> <p>c) - To require further formula options to be prepared and a further period of consultation to be carried out with schools.</p>
Declarations of Interest	None

Agenda item	<u>Consideration of the Forward Plan</u>
Decision reference	38 (12/13)
Questions	<p>The councils Forward Plan of Key Decisions was reviewed.</p> <p>It was noted that the plans format had been slightly amended to reflect the new government decision making legislation were all local authorities had to notify the public of any decisions that may need the exclusion of public and press owing to the report being exempt from publication in full or part.</p> <p>With regard to item 1302/11, the Transfer of Dinosaur Isle to an Alternative Provider, the Deputy Leader and Cabinet</p>

	Member for the Economy and Regulatory Services advised that the decision may be delayed owing to more work needing to be carried out on the report.
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Agenda item	<u>Delegated Decisions</u>
Decision reference	39 (12/13)
	<p>The following Cabinet Member delegated decisions had been taken since the last meeting of the Cabinet on 11 September 2012:</p> <p><u>35/12</u> - Proposed Sale of Ryde Theatre / Town Hall, Ryde - taken by Cllr Brown on 2 October 2012.</p> <p><u>36/12</u> - Family and Friends Policy - taken by Cllr Cousins on 23 October 2012</p> <p><u>37/12</u> - Foster Carers Charter - taken by Cllr Cousins on 23 October 2012</p> <p><u>38/12</u> - Grant of Right Of Access at St George's School, Watergate Road, Newport, Isle of Wight - taken by Cllr Cousins and Brown on 26 October 2012</p> <p>Members agreed to note the above.</p>

Agenda item	<u>Members Question Time</u>
Decision reference	40 (12/13)
Questions	No written questions had been received and no oral questions were asked.

Agenda item	<u>Exclusion of Public and Press</u>
Decision reference	41 (12/13)
Decision taken	<p>THAT under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, namely decision reference 42 (12/13), on the grounds that there was likely to be disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, because it "related to financial or business affairs of any particular person" and the public interest in maintaining the exemption outweighed the public interest in disclosing the information.</p>

Agenda item	Development Of Solent Ocean Energy Centre (SOEC)
Decision reference	42 (12/13)
Summary of Discussion	<p>The Deputy Leader and Cabinet Member for the Economy and Regulatory Services presented to members a report detailing the next steps around the progress of a sustainable energy centre by means of exploiting tidal resources.</p> <p>It was noted that the proposed disapplication of Call In had been discussed with the Chair of the Overview and Scrutiny Committee. Whilst this disapplication of call in was supported by the Chair, she did request that any future reports be prepared with a view to doing everything possible to allow for “Call In” to remain.</p>
Decision taken	<ul style="list-style-type: none"> • THAT the provision of Call In be dissapplied. • Option (i) - THAT those more favourable obligations under both the Agreement for Lease and Lease with the Crown Estate for the SOEC site be negotiated. <p>And where this is not possible to:</p> <ul style="list-style-type: none"> • Option (ii) - THAT the principal obligations under the Agreement for Lease (AfL) and Lease as proposed by the Crown Estate for the SOEC site be accepted
Reason for the decision and corporate objective it aligns with	<p>To enhance the Island’s reputation as a centre of excellence in renewable energy technologies and an innovative place for businesses to invest.</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 (iii) - Do not accept the principal obligations under the Agreement for Lease (AfL) and Lease as proposed by the Crown Estate (appendices 3 and 4 to this report) for the SOEC site.
Declarations of Interest	None