



Record of decision

**THE FOLLOWING DECISIONS WERE TAKEN ON TUESDAY, 30 MARCH 2010
BY THE CABINET**

**THE CALL IN PERIOD FOR THESE DECISIONS EXPIRES AT 5.00 PM ON
TUESDAY, 13 APRIL 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 Barry, Downer, Hobart, Jones-Evans, Welsford

Confirmed as a true record of decisions taken

Leader of the Council

Agenda item	Minutes of the Last Meeting
Decision reference	88/10
Decision Taken	That the minutes of the meeting held on 9 February 2010 be agreed.
Questions / Amendments	None.

Agenda item	Declarations of Interest
Decision reference	89/10
	<p>Cllr Bingham declared a personal interest in item 7(a) as he some of the people involved.</p> <p>Cllr Brown declared an interest in item 7(a) as he knew some of the people involved.</p> <p>Cllr Pugh declared a personal interest in item 7(a) as he knew some of the people involved.</p> <p>Cllr Giles declared a personal interest in item 7(a) as he knew some of the people involved.</p>

	Chris Mathews declared a personal and prejudicial interest in item 9 as a resident of Brook.
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Agenda item	Public Question Time
Decision reference	90/10
Questions	<p>A written question had been submitted by Mr David Miller of Cowes (PQ 12/10) and was put by a representative in his absence. The question concerned funding regarding the facilitation of improved staffing levels within Years 5 and 6 of primary schools and the number of redeployment opportunities.</p> <p>The Leader explained that approximately 110 middle school teaching staff had opted to be redeployed to primary schools to date and primary schools had currently identified that minimum requirements were about 70 posts. All primary schools would receive additional funding to accommodate changes under the minimum funding guarantee. More posts would be identified once the governing bodies had confirmed their structures for 2010/11.</p> <p>A written question had been submitted by Mr Mark Chiverton of Ryde (PQ 13/10) regarding the future of Westminster House and concern was expressed about the lack of information received by staff. Clarification was sought as to when a decision would be made and what formal consultation would take place.</p> <p>The Cabinet Member responded that the Council's senior managers had held discussions with managers at Westminster House. In the recent budget report consideration had been given to client's service delivery in the future. A working group had been established to include all interested parties and the first meeting would be held on 15 April 2010. The work undertaken by the group would include consultation.</p> <p>A supplementary question was put by Mr Chiverton as to whether one of the staff group at Westminster House could also be included in the membership of the working group.</p> <p>The Cabinet Member agreed to this and looked forward to receiving the nomination.</p> <p>Three written questions had been submitted by the Supporting People Forum, represented by Mrs Naomi Somerville. Questions raised included how the additional</p>

	<p>£750,000, approved at the Council's budget meeting, would be used; when formal notification would be received regarding existing contracts and when and how the Council would consult with those concerned.</p> <p>The Cabinet Member responded that Cabinet was in the final stages of agreeing the distribution of the additional £750,000, but information should be available by the week commencing 12 April 2010. A wide ranging consultation had been undertaken throughout the community and all representations would be taken into account. Officers would work with service users and providers once the decision had been made on future proposals.</p> <p>An oral question was put by Mr Chris Bonney of Ventnor who asked if the Council was aware that environmental consultant, Dr Bruce Denness, was resident on the Island and could propose a solution for the Military Road.</p> <p>The Cabinet Member replied that he and officers were aware of Dr Denness and agreed that Dr Denness should contact them to discuss any proposals. A decision would then be made as to whether further discussions, or a meeting, would be required.</p> <p>An oral question was put by Mrs Jill Wareham of Brighstone who asked the Cabinet to defer any decision on the Military Road until a full consultation was undertaken. Approximately 2,500 people had signed up to the Save the Military Road campaign on Facebook and 400 people had signed the Save the Military Road petition.</p> <p>The Cabinet Member advised that some consultation had already taken place and the Council would like to see it retained if possible. However there were Health and Safety issues to consider. A number of representations had been received and this would be referred to again during the debate at agenda item 11.</p>
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The Chairman advised that agenda item 8 would be brought forward to accommodate the attendance of the representative from the Audit Commission who was present to monitor the Council's performance.

Agenda item	Quarterly Performance Management Report – Quarter 3 2009/10
Decision reference	91/10
Summary of discussion	<p>Cabinet reviewed the Council's performance and identified strategic risks for the third quarter, to 31 December 2009, broken down by key priorities included in the Corporate Plan 2009-13. The Audit Commission reviewed the Council's identified risks in order to ensure risk management arrangements were in place.</p> <p>Key performance achievements were detailed across the service areas, and the commitment to hold officers to account where improvements were needed, were reinforced.</p> <p>A number of action points had been included in the recommendation, which provided the basis for ongoing work. All actions included a deadline and four out of five of these had already been agreed and these would be included in the next Forward Plan.</p> <p>Particular areas of concern raised by Members included the numbers of those not in education, employment or training (NEET) and the identified risks around the Waste Plan.</p> <p>Members also highlighted achievements within their service areas which included the success of the PFI project; the improvements and modernisation of the Fire Service; no under-age alcohol sales during December 2009 and the reduction in the number of families in temporary accommodation.</p> <p>Ms Angela Blowman attending for the Audit Commission advised that the Audit Commission was looking at how the Council managed its performance and monitoring progress on actions. A report would be submitted to Council shortly.</p>
Decision taken	<ul style="list-style-type: none"> i. THAT an update via email on the council's performance on invoice processing is provided to Cabinet Members on a monthly basis with a full report to a future Cabinet meeting if performance has not improved. ii. THAT Officers prepare an action plan on the progress of the cohort of young people who are not in education, employment or training and report back to a future Cabinet meeting.

	<p>iii. THAT a detailed update on the interim waste plan (2008-11) is brought to a future Cabinet Meeting</p> <p>iv. THAT a report is brought to a future Cabinet meeting on opportunities to develop sustainable housing particularly in rural areas</p> <p>v. THAT a progress report is provided to Cabinet by the Director of Community Services which outlines the actions being taken to deliver the personalisation agenda and to ensure that key targets are met</p>
Reason for decision and corporate themes it aligns with	<p>To ensure that performance was actively managed across the Council in order that improved services are delivered to residents.</p> <p>To align with the 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	Option B – to adjust and agree the recommendations set out under item 20 of the report.
Declarations of Interests	No declarations were received.

Agenda item	Economic Development Delivery Action Plan
Decision reference	92/10
Summary of Discussion	<p>Cabinet was advised that following an Island-wide consultation the main priorities identified for the Island were economic regeneration and promoting tourism. The programme included the development of super-fast broadband for Island businesses and residents and the development of a 21st Century tourism offer.</p> <p>Consideration was given to the delivery strategy, which sought to enable progress in a co-ordinated way whilst also providing a clear structure for alignment of service delivery and monitoring the impact of the actions.</p> <p>Particular concerns included job creation and this was the underlying aim of the entire plan. All actions would be reviewed on an annual basis.</p>

	Further information regarding the rationale used to establish targets was available on the website.
Decision taken	THAT the proposed Economic Development Delivery Action Plan (as set out in the Appendix) be adopted.
Reason for the decision and corporate objective it aligns with	<p>To align and co-ordinate a structure for the economic wellbeing of the Island, an identified key priority for the Island. To inform decision-making, resource allocation and to mitigate against any perceived risks.</p> <p>To align with the corporate themes:</p> <ul style="list-style-type: none"> • A thriving Island • An inspiring Island
Options considered and rejected	Option ii - Do not adopt the proposed Economic Development Delivery Action Plan (as set out in the Appendix).
Declarations of Interests	No declarations were received.

Agenda item	Commissioning Placements in Childrens Services
Decision reference	93/10
Summary of Discussion	<p>The Cabinet Member advised that in the light of new statutory guidance and the rising number of children at risk, a revised commissioning strategy was required. The strategy would include Looked After Children, children with special educational needs and children in need.</p> <p>Particular concerns to be addressed were the location of placements, since it had been recognised that improved outcomes could be achieved if children's needs could be met locally. In order to do this the Council would need to establish more accommodation providers on the Island as well as enhancing the range of accommodation available.</p> <p>A number of organisations and individuals had been consulted and proposals included an expansion of Beaulieu House and St George's school. This would also enable more children to be supported within the Island community.</p> <p>Cabinet was informed that statutory guidance would be effective by April 2010.</p> <p>The Cabinet Member indicated that a corporate parenting report would be submitted to Cabinet in the near future.</p>

	The Cabinet Member highlighted an error in the recommendation, paragraph 14.1, which should read “the actions listed at paragraph 10 above”. In addition, it was proposed that paragraph 11C should be added to the recommendation.
Decision taken	THAT the actions listed at paragraph 10.1 in the report be adopted and to develop a commissioning strategy for all children and young people in line with current statutory guidance and supported by an implementation plan and further more that Cabinet apply the sufficiency guidance to develop a “needs led approach” to commissioning children’s placements.
Reason for the decision and corporate objective it aligns with	To enable a significant and continuing change in the way placement activity is commissioned by the Isle of Wight Council and its partner agencies in order to enhance outcomes for the Island’s children and young people in need. To align with the corporate themes: <ul style="list-style-type: none"> • A healthy and supportive Island • A safe and well-kept Island
Options considered and rejected	A. Cabinet can decide to continue as now and purchase placements on demand. B. Cabinet can decide to agree a commissioning approach in principle, but specify which services and budgets are included. i.e. to adopt a limited approach to commissioning in the first instance.
Declarations of Interests	None declared.

Agenda item	Financial Management Report for Quarter 3 (to 31 December 2009) and Update on the Overall Financial Position of the Council
Decision reference	94/10
Summary of Discussion	Cabinet reviewed the Council’s overall financial position and the performance of the revenue and capital budget programme for the third quarter, to 31 December 2009. The predicted outturn at year end and the current levels of Reserves and Balances were also considered. Members noted the external aspects affecting the budget to

	<p>date, which included the housing market, homelessness, increased fuel and energy costs, reduced income generation and reduced ability to generate capital receipts from disposal of assets. Whilst the economic downturn had not become any worse, neither had significant improvements been experienced and budget targets therefore remained a significant risk.</p> <p>Cabinet was advised that during the fourth quarter budgets would be carefully monitored and controlled in order to mitigate any perceived overspend.</p> <p>The Cabinet Member advised that the Ryde High School deficit remained a concern.</p>
<p>Decision taken</p>	<p>a) THAT the Council's overall financial position at 31 December 2009 for both the revenue budget and capital programme be noted</p> <p>b) THAT the need to maintain a sustainable level of reserves and balances in the medium to long term be endorsed</p> <p>c) THAT the likely impact of the projected deficit budget for Ryde High School be noted and to agree to review the position on a regular basis as part of the quarterly reporting process</p> <p>d) THAT the Treasury Management and Prudential Indicators be noted</p> <p>e) THAT a report on the outturn position for both the revenue budget and capital programme be received, once the closedown process is complete.</p>
<p>Reason for the decision and corporate objective it aligns with</p>	<p>To support the Council's strategy for robust financial control in order to reduce any perceived overspend at year end.</p> <p>To align with the 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
<p>Options considered and rejected</p>	<p>None.</p>
<p>Declarations of Interests</p>	<p>There were no declarations of interest.</p>

Agenda item	Delivering Better Services – Transformation Programme
Decision reference	95/10
Summary of discussion	<p>Following the Full Council meeting on 24 February 2010 a commitment had been made to report on the savings identified by the transformation programme. The report focussed on the Council's internal operations.</p> <p>Cabinet was advised that it was envisaged that total savings achieved from 2012/13 would be approximately £10 million. Current activity had been on a number of projects including revision of Council policies, reviewing the infrastructure and rationalising the Council's property portfolio. The savings target to date had been exceeded, resulting in a total of £118,000 at the year end. It was anticipated that similar savings would be achieved in future years.</p> <p>The Cabinet Member advised that particular areas of concern were consumables, which required review and rationalisation, ICT improvements which were ongoing.</p>
Decision taken	THAT the approach to delivery of savings against the proposed scope, timescales, budget and savings profile be noted.
Reason for decision and corporate objective it aligns with	<p>To mitigate any risk of not achieving the identified savings targets. To protect front-line services and enable customer focussed service improvements. To support investment in the Council's ICT infrastructure and enable effective information management.</p> <p>To align with the 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	Option (b) do not approve the approach to delivery of savings as identified in this report and implement a series of cuts to achieve the savings required over the next 3 years.
Declarations of interest	No declarations were received.

Agenda item	Proposal for the Potential Disposal of Land at Stag Lane in Connection with Renewable Energy Industries
Decision reference	96/10
Summary of discussion	<p>Cabinet considered the selection of a preferred bidder for the Council's former Stag Lane tip site, which had been identified for regeneration within the renewable energy industry. The proposal supported the Council's corporate priorities and it was also envisaged that inward investment would be enhanced whilst protecting the natural environment.</p> <p>Each of the bids received had been appraised by WM Enterprise against a scoring system related to the Council's Corporate Plan priorities. The highest scoring bid had then been reviewed by Grontmij in order to assess the technical elements of the bid. Questions identified at this stage would be raised during the next phase of the discussion process.</p> <p>Cabinet Members had also received confidential information relating to each of the bids received.</p> <p>Cllr Brown endorsed the recommendation stating that it would be good for the Island's economy as a whole.</p> <p>Cabinet was advised of a typographical error in the recommendation paragraph, which should read "Option (ii)".</p>
Issues raised by other Members	<p>Cllr Welsford welcomed the environmental proposal but raised concerns about the lack of information available and asked if more information could be made available. He also questions issues of waste disposal.</p> <p>The Leader advised that this would be a Cabinet level decision as set out in the Constitution and that the Scrutiny Committee had the power to call in any decision.</p>
Decision taken	THAT the Council enter into detailed discussions for a land transaction with Party B, which would be subject to a time limit of 12 months.
Reason for decision and corporate objective it aligns with	<p>To support the Council's Corporate Plan priorities.</p> <p>To align with the 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>(a) Agree to enter into detailed discussions for a land transaction with Party A.</p> <p>(iii) Agree to enter into detailed discussions for a land transaction with Party C.</p> <p>(iv) Agree to enter into detailed discussions with all three parties.</p> <p>(v) Re-market the opportunity and endeavour to generate proposals from other parties.</p> <p>(vi) Do nothing and retain the site as existing.</p>
Declarations of interest	Declarations of interest had been received from Cllrs Bingham, Brown, Giles and Pugh because they all knew some of the people involved in the proposals for Stag Lane.

Agenda item	Proposed disposal of land adjacent to Saunders Way, East Cowes
Decision reference	97/10
Summary of discussion	<p>Cabinet considered the report, which detailed the recent history of the site resulting from the redevelopment at Whippingham Heights. This had resulted in the Council's original site being divided into two plots by the Saunders Way access road.</p> <p>Members were informed that GKN was currently expanding its business following the award of two new contracts, which would necessitate an expansion to the Osborne Works site and related car parking facilities.</p> <p>Cabinet was advised that the proposal supported the Council's corporate priority of regeneration and the economy, which in turn would impact on the Local Area Agreement (LAA) targets.</p> <p>Following consultations with GKN, SEEDA, the Chair of Scrutiny and the local East Cowes Members, grant funding had been provided by SEEDA to facilitate the expansion and ensure increased employment for the Island. Cabinet was asked to consider supporting this venture by letting the land at a reduced rate of £3,000 per annum on a 10 year lease. It was envisaged that this support would result in providing more than 200 skilled jobs for the Island as well as providing apprenticeship opportunities for school leavers in the future.</p>

	Members indicated their support for the proposal highlighting the opportunities for the Island as a whole as well as the Island's young people for the future.
Issues raised by other Members	<p>Cllr Giles spoke as the Local Member and advised that the Parish Council had considered the planning application for the car park and recognised the benefit to the Island, indicating local support.</p> <p>Cllr Barry approved the use of the land and congratulated Members and officers involved.</p>
Decision taken	<p>(i) THAT the disposal of land to GKN at below market value, as set out in the report, be agreed.</p> <p>(ii) THAT in making the decision to transact at less than market value, Members acknowledge that this may lead to further requests of a similar nature.</p> <p>(iii) THAT the need to pay SEEDA a contribution of £50,000 towards the cost of constructing the access road, in the event that the Council disposes of the remaining section of this land for development purposes be accepted.</p>
Reason for decision and corporate objective it aligns with	<p>To support the Council's corporate priority of regeneration and the economy of the Island. This would also impact directly on LAA targets.</p> <p>To align with the corporate themes:</p> <ul style="list-style-type: none"> • A thriving Island • An inspiring Island
Options considered and rejected	<p>(ii) Renegotiate terms with GKN and agree a letting at full market rental value.</p> <p>(iii) Negotiate a land sale with GKN at full market value.</p> <p>(iv) Negotiate a land sale to SEEDA, which subsequently lets to GKN.</p> <p>(v) Undertake a marketing exercise of the parcel of land and sell / let on the open market.</p> <p>(vi) Do nothing.</p>
Declarations of Interests	No declarations were received.

Having declared a personal and prejudicial interest in item 11, Chris Mathews left the room.

Agenda item	Military Road (A3055) – Options
Decision reference	98/10
Summary of discussion	<p>Cabinet considered the coastal erosion experienced on the South West coast of the Island and the implication to the Island’s highway network. Members noted that a number of properties and sections of farmland had already been lost to the sea in the past within this area.</p> <p>The current impact on the A3055 and other roads in the area was discussed and it was noted that the entire area was designated an Area of Outstanding Natural Beauty and Heritage Coast and the coastal strip itself was designated a Special Area of Conservation. Although the Military Road was an ‘A’ road, Members noted that traffic use was light and did not link any major Island settlements.</p> <p>Members also noted the Council’s Shoreline Management Plan (SMP), which provided an assessment of the long-term risks and included guidance for coastal defence policies in order to reduce risks to people.</p> <p>Cabinet was advised that the Military Road could not be included in the Island’s PFI scheme as this only related to maintenance of existing roads and did not include new road construction.</p> <p>Members raised concerns about the importance of the road for visitors as well as Island residents and its historical significance.</p> <p>A revised recommendation was proposed to take account of the number of representations received indicating that further consultation should be undertaken.</p>
Issues raised by other Members	<p>Cllr Downer thanked Cabinet Members for their comments and for the additional consultation with the local community.</p> <p>Cllr Welsford welcomed the revised resolution, acknowledging the need to consult more widely and asked that Ventnor be included in future discussions.</p> <p>Cllr Barry indicated his support for the revised recommendation and added that the Military Road was an important part of Island life and tourist trade.</p>

	<p>Cllr Hobart advised that as a member of the Countryside Access Forum he was concerned about access for cyclists, walkers and horse-riders in the event that the road was closed. The Cabinet Member informed him that access to everyone apart from vehicles would be maintained.</p>
<p>Decision taken</p>	<p>(i) THAT Cabinet recognises the very significant difficulties in rerouting the Military Road inland, but also recognises the need to engage in further consultation with local communities prior to making a final decision.</p> <p>(ii) THAT accordingly Cabinet requests officers to undertake appropriate consultation with the communities potentially affected by any closure of the Military Road, to explore further with Natural England, AONB and other relevant bodies the likelihood of the Council obtaining the necessary consents for any diversion of the road between Brook and Compton, and to explore with landowners their willingness to make land available for any diversion of the road.</p> <p>(iii) THAT following completion of these steps the Cabinet will then reconsider the matter.</p>
<p>Reason for decision and corporate themes it aligns with</p>	<p>To accommodate further representations received from the public and respond to Members concerns.</p> <p>To align with the corporate themes:</p> <ul style="list-style-type: none"> • A healthy and supportive Island • A safe and well-kept Island
<p>Options considered and rejected</p>	<p>Option A – the protection of the existing carriageway through sea defence works, on-line sheet piling and or drainage works.</p> <p>Option B – the realignment of the route to the required standard would require land outside of the existing highway and as a consequence there would need to be a planning application to authorise the scheme. The National Trust own part of the land required and English Nature and the Environment Agency would be just two of the statutory consultees.</p> <p>Option C: that when the road becomes unsafe, the Council truncates the road both sides of the breach at point (c), and</p>

	install turning heads and improve car parking as necessary.
Declarations of Interests	Chris Mathews declared a personal and prejudicial interest in this item as a resident of Brook.

Agenda item	Consideration of the Forward Plan
Decision reference	99/10
Amendments / Additions / Removals	<p>Members reviewed the Forward Plan and the following points were raised:</p> <p>The performance management report would be updated on the next published Forward Plan.</p> <p>Corporate parenting report to be added.</p> <p>A further report on personalisation of budgets for social care may also be required to take account of changes in government legislation.</p> <p>Risk Management Strategy to be included for June 2010.</p> <p>The Military Road route option study to Niton to be included for June 2010.</p> <p>School Transport Policy would now be taken to the meeting in May 2010.</p> <p>The amendment to Dog Control Orders would go to the meeting on 13 April 2010.</p>
Declarations of Interest	None.

Agenda item	Delegated Decisions
Decision reference	100/10
Questions	No questions received.
Declarations of Interest	None.

Agenda item	Members Question Time
Decision reference	101/10
Questions	No questions received.
Declarations of Interest	None.