



Record of decision

**THE FOLLOWING DECISIONS WERE TAKEN ON TUESDAY, 8 JANUARY 2013
BY THE CABINET**

**THE CALL IN PERIOD FOR THESE DECISIONS EXPIRES AT 5.00 PM ON
THURSDAY, 17 JANUARY 2013**

Members of the Cabinet who were present

Cllrs David Pugh (Chair), George Brown, Dawn Cousins, Stuart Hutchinson, Dave Stewart

Members also present (non-voting)

Cllrs George Cameron, Vanessa Churchman, Julie Jones-Evans, Geoff Lumley, Ian Stephens, David Whitaker, Wayne Whittle

Apologies

Cllrs Edward Giles, Tim Hunter-Henderson (Cabinet Secretary - non-voting)

Confirmed as a true record of decisions taken

Leader of the Council

Agenda item	<u>Minutes of the Last Meeting</u>
Decision reference	43 (12/13)
Decision Taken	THAT the minutes of the meeting held on <u>30 October 2012</u> be agreed.
Questions / Amendments	None.

Agenda item	<u>Declarations of Interest</u>
Decision reference	44 (12/13)
	Cllr Cousins declared a personal interest in Decision Reference 49 (12/13) Harbour Authority Activities Annual Report, as she was the ward member for Newport North which was a part of the Newport Harbour estate.

Agenda item	Public Question Time
Decision reference	45 (12/13)
Questions	<p>A written Question was put to the Cabinet by a Mrs Carol Bryan of Totland on when the Coastal Path along the sea wall between Totland Bay and Colwell Bay would re-open. The Leader and Cabinet Member for Resources provided a response. (PQ 01/13)</p> <p>A written Question was put to the Cabinet by a Mr Christopher Dodd of Newport on how much money had been spent by the council on harbour maintenance for the landside and waterside of the Newport harbour during the previous four years. The Leader and Cabinet Member for Resources provided a response. (PQ 02/13)</p> <p>Mr Dodd then asked a supplemental question, disputing the figured released around Newport Harbour. The Leader advised that he would respond in writing following the meeting.</p> <p>A written Question was put to the Cabinet by a Mr Ray Bloomfield of Shanklin on whether there would be an opportunity for the local community to make use of the new Gatten and Lake School facilities over the summer months, ahead of the school being fully occupied by pupils in September 2013. The Deputy Leader and Cabinet Member for the Economy and Regulatory Services provided a response. (PQ 03/13)</p> <p>An oral question was asked by Mr Mathew Martin of Cowes who asked whether the council was aware of a legal dispute which resulted in the withdrawal of labour by Ramboll UK Ltd from the build project at Cowes Enterprise College. The Deputy Leader and Cabinet Member for the Economy and Regulatory Services would provide a written response following the meeting,</p> <p>Mr Martin then put to Cabinet a supplementary question asking if a public enquiry would be carried out over the delay in the completion of Cowes Enterprise College.</p> <p>The Deputy Leader and Cabinet Member for the Economy and Regulatory Services responded by stating that a lot of work was being carried out over the matter and on its completion the public would be informed of the outcome.</p> <p>Ms Tanya Rebel of Cowes asked an oral question on whether the Cabinet intended to keep Newport Harbour as a living and flourishing working waterfront.</p>

	<p>The Leader responded by stating that it was the intent of the council to do so and a more detailed report on the future management of Newport Harbour would be presented to Cabinet later in the year.</p> <p>Mr Charles Hancock of East Cowes asked the Cabinet an oral question on whether the council would give due consideration on granting 100% rate relief to the Isle of Wight Food Bank and other Island based charities.</p> <p>The Leader responded by acknowledging the good work of the Food Bank and advised that it should apply for the necessary business rate relief as outlined in the recently approved delegated decision (ref no 47/12).</p>
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Agenda item	<u>2013/14 Financial Settlement and Updated Budget Position</u>
Decision reference	46 (12/13)
Summary of Discussion	<p>The Leader of the Council and Cabinet Member for Resources presented a report which provided members with an update on the overall budget position that was set out in the Budget Review, based on the monitoring position at the end of November 2012 as well as progress on the budget strategy for 2013/14 and the provisional Local Government Finance Settlement that was announced on 19 December 2012. The report followed on from the Budget Review that went to Council on 19 September 2012.</p> <p>It was noted that an additional recommendation be added which proposed that council officers are given authority to develop suitable provisions in order to enable households to choose to pay their 2013/14 council tax in 12 monthly instalments over a 12 month period, and to encourage them to notify the local authority of this request as early as possible</p> <p>Members were advised that Para 18, c (ii) on page B7 should read £258,873 national grant to Town and Parish Councils.</p> <p>Due to previous savings the council was currently in a strong position, but advised that future efficiencies would still need to be made and the 2013/14 financial year would present some major challenges for the authority.</p> <p>Members were also advised that the theme of Regeneration and the Economy would be a continuing priority of the council.</p>
Issues raised by other members	<p>Whilst welcomed, there were some concerns raised by other members over the implications of a further council tax freeze and it was noted that a member briefing on the matter could help to explain such repercussions.</p>

	<p>On the issue of paying council tax in 12 monthly instalments, members were advised that the council was guided by Government to encourage residents to opt in and that it could not be enforced.</p>
Decision taken	<p>Cabinet consider the stage 1 Equality Impact Assessment set out in Appendix 2 to this report; any comments received from the Overview and Scrutiny Committee meeting on 3 January 2013; and agree:</p> <p>(i) THAT the option set out in paragraph 27 (implement further savings and reductions in spend) be further developed for consideration at the meetings of the Cabinet and the Council in February 2013 on the basis that there will be no council tax increase in 2013/14 and no use of general fund balances to bridge the budget gap relating to recurring expenditure.</p> <p>(ii) THAT In line with regulations tabled before Parliament on 18 December 2012, officers are authorised to develop suitable arrangements to enable households to choose to pay their 2013/14 council tax in 12 monthly instalments over a 12 month period, and to encourage them to notify the local authority of this request as early as possible.</p>
Reason for the decision and corporate objective it aligns with	<p>To provide a framework for the setting of the Council's budget and where resources should be prioritised: i.e. to deliver the outcomes required that will make a difference to the way services are delivered and improved for residents and visitors.</p> <p>To direct resources to the eight key priorities:</p> <ul style="list-style-type: none"> i. Raising educational standards. ii. Highways PFI. iii. Keeping children safe. iv. Supporting older and vulnerable residents. v. Housing and homelessness. vi. Regeneration and the economy. vii. Waste strategy. viii. Delivery of budget savings through changed service provision.
Options considered and rejected	<p>Option (a) - increase Council Tax;</p> <p>Option (c) - Use general fund balances in 2013/14 to give time to develop and implement savings and reductions in services during 2013/14 for implementation that achieves full year savings in 2014/15.</p>
Declarations of Interests	<p>None Declared</p>

Agenda item	<u>Localisation of Council Tax Support</u>
Decision reference	47 (12/13)
Summary of Discussion	<p>The Leader of the Council and Cabinet Member for Resources presented a report to Members which set out the outcome of the consultation on the preferred local council tax reduction scheme as agreed by Full Council on 19 September 2012 and which was carried out between undertaken from 24 September 2012 to 30 November 2012.</p> <p>It was noted that despite a full consultation process being carried out, there was a disappointing response from those residents who would be most affected, although those with second homes did provide better feedback.</p> <p>Cabinet was of the opinion that all those of working age, who can work, should contribute something to the council for the services that they receive.</p>
Issues raised by other members	All members shared their disappointment in the lack of responses to the consultation from those who would be most affected.
Decision taken	<p>THAT the following be agreed:</p> <p>Cabinet considered:</p> <ol style="list-style-type: none"> 1. the outcomes of the consultation process set out in this report and in Appendix 1 to this report; 2. the Stage 2 Equality Impact Assessments set out in Appendix 2(A) and (2B) to this report; 3. the options set out in the report and their potential impact as set out in Appendix 3 to this report; 4. the draft Local Scheme and policies set out in Appendix 4 and 4A to this report; 5. the conditions and impact of the Transitional Grant Scheme; 6. any comments received from the Overview and Scrutiny Committee. <p>and recommends to Council that:</p> <ol style="list-style-type: none"> (i) The final scheme to be implemented as per option C as set out in paragraph 88 of this report; (ii) The scheme and policies as set out in Appendices 4 and 4A be agreed (iii) For 2013/14 only a transitional scheme be implemented on the basis set out in paragraphs 90 and 91 that meets the criteria laid down by

	<p>government and secures the one-off transitional grant</p> <p>(iv) The changes to discounts and exemptions as set out in paragraph 59 of this report be agreed</p> <p>(v) The agreement of the necessary forms and submissions to Government, including the NNDR1 form (in relation to the business rates retention scheme) be delegated to the Strategic Director of Resources</p> <p>(vi) The Strategic Director of Resources be given delegated powers to undertake any minor amendments that may arise as a result of any regulation requirements that do not alter the overall policy agreed by Council</p> <p>(vii) Town and parish council's be allocated their proportion of the indicative grant and treated as set out in paragraph 23</p>
<p>Reason for the decision and corporate objective it aligns with</p>	<p>To give protection to the most vulnerable and enable part of the cost to be met from additional council tax income from second homes and empty properties.</p> <p>To limit the cost to the Council and preceptors that would otherwise add to the already sizeable budget gap that is faced in 2013/14 and beyond.</p> <p>To align with the following corporate theme:</p> <ul style="list-style-type: none"> • A healthy and supportive Island
<p>Options considered and rejected</p>	<p>Option a) - To agree a local scheme that is the same as the existing Council Tax Benefit Scheme and meet the budget gap by reducing other services within the Council and/or increase council tax within the overall cap of 2%.</p> <p>Option b) - To implement a local scheme that matches the council tax support give with the grant received with no budget gap falling on the Council.</p> <p>Option d) - To agree a transitional scheme for 2013/14 in order to be eligible for transitional grant</p>
<p>Declarations of Interests</p>	<p>None declared</p>

Agenda item	<u>Relocation of Special Educational Needs (SEN) and Alternative Provision Service</u>
Decision reference	48 (12/13)
Summary of Discussion	<p>The Cabinet Member for Children’s Services and Education provided a report which sought approval on the relocation and reconfiguration of the alternative provision currently based at the Thompson House and Clatterford Tuition Centres and the relocation of a number of statutory and related support service teams.</p> <p>It was noted that whilst the proposals were welcomed, the on-going effective management of the centres along with the needs of the Islands young people must remain the authority’s main priority.</p>
Issues raised by other members	It was clarified that the Workshop Initiative Supporting Education (WISE) provision would continue to be held at Dodnor Industrial Estate
Decision taken	<ol style="list-style-type: none"> i. THAT the WISE provision at its current site on the Dodnor Industrial Estate be continued ii. THAT the inadequate mobile accommodation that currently presents a health and safety risk on the Clatterford site be replaced, so that the site can continue to be used, in order that the total provision can be extended to better meet increased demand iii. THAT SEN support and early years services be relocated from Thompson House to the same site iv. THAT the future need for alternative provision be kept under review v. THAT the suitability of any future accommodation that may become available be considered.
Reason for the decision and corporate objective it aligns with	<p>To support the Corporate Plan priority of raising achievement as it impacts on the educational outcomes of young people.</p> <p>To ensure that all pupils are accommodated in good quality fit for purpose facilities.</p> <p>To align with the following corporate themes:</p> <ul style="list-style-type: none"> • A healthy and supportive Island • An inspiring Island
Options considered and rejected	Option 1 is that the council continues with the total of the original proposals, namely:

	<ul style="list-style-type: none"> • The relocation of both Tuition Centres to a specialist refurbished provision at Berry Hill in Lake, with SEN and Early Years' Services in separate mobile accommodation on the same site; • Separate provision on the Love Lane site in Cowes, for a maximum of 25 children and young people with long term behaviour, social, emotional difficulties who unable to attend school, with a number of specialist services that work extensively with these pupils in separate accommodation on the same site; • WISE workshops relocated to accommodation on both the proposed sites, allowing a more extensive range of vocational activities. <p>Option 3 is for the council to proceed with the relocation of alternative provision from Thompson House and Clatterford Tuition Centres to the Lake site and:</p> <ul style="list-style-type: none"> • The relocate current WISE provision to the same site; • Consider other options for the location of SEN support and early years services.
Declarations of Interests	Cllr Stewart declared a personal interest as a member of his family worked in the education sector.

Agenda item	<u>Harbour Authority Activities Annual Report</u>
Decision reference	49 (12/13)
Summary of Discussion	<p>In the absence of the Cabinet Member for Procurement, Fire, Highways and Transport, the Leader of the Council and Cabinet Member for Resources presented a report which detailed the key activities of the Island's ports and harbours for which the council is a statutory harbour authority.</p> <p>The accounts had previously formed part of the council's main statement of accounts, but were now being published for approval in their own right. Once approved they would be submitted to the Department for Transport.</p> <p>It was noted that prior to the meeting some concerns had been forwarded to the Ward Member for Newport North by the Medina Mariners Association over Newport Harbour and these would be sent to the relevant Cabinet Member for addressing on his return from holiday.</p> <p>Members were concerned over the loss recorded by Ventnor</p>

	<p>Haven, but agreed that the harbour contributed to the overall economy and tourism of the area.</p> <p>The Deputy Leader and Cabinet Member for the Economy and Regulatory Services stated that the future management of Newport Harbour needed to be of a high professional standard in order to fully realise the Harbours great potential.</p>
Issues raised by other members	<p>It was noted that deficits in the harbour accounts had been picked up by an alternative budget proposal in a 2010/11 paper and opposition members requested that the losses be dealt with accordingly.</p> <p>The Leader of the Council responded by advising that methods would be looked at to reduce the deficit, but admitted that Ventnor Haven was not built with a view to making a profit.</p> <p>All members were also reminded that that a paper would be presented to a future Cabinet Meeting on the effective management of Newport Harbour</p>
Decision taken	<p>THAT the reports set out in Appendices 1 and 2 of the Cabinet Paper be approved and submitted to the Department for Transport (DfT)</p>
Reason for the decision and corporate objective it aligns with	<p>To contribute to the Council's corporate priority of Regeneration and the Economy.</p> <p>To align with the following corporate themes:</p> <ul style="list-style-type: none"> • A thriving Island
Options considered and rejected	<p>Option B – That areas of concerns are identified in one or both of the reports and that amended report(s) be assembled for approval.</p>
Declarations of Interests	<p>None declared</p>

Agenda item	<p><u>The Future of The Island's Records and a Heritage Strategy for The Isle of Wight</u></p>
Decision reference	<p>50 (12/13)</p>
Summary of Discussion	<p>The Cabinet Member for Public Health, Community Safety and Local Services presented a report which sought authority to take the first major step in agreeing a clear overall direction for the future of the Island's rich and varied cultural heritage, for the benefit of residents and visitors alike.</p> <p>Such a resolution would confirm the Council's commitment to retain public record storage on the Isle of Wight, as part of a wider Island heritage strategy which would follow in the coming</p>

	<p>months.</p> <p>It was noted that should the Guildhall be successful in becoming the main centre for the retention of the Island's public records, effective management of site construction must be carried out properly with no hidden costs.</p>
Issues raised by other members	All members agreed that such a move would be good news for the Island and concurred with the need for professional management.
Decision taken	<p>THAT the following be agreed:</p> <p>Option A - To make a firm commitment to the retention of the Island's public records within the Council's care, retaining them on the Island.</p> <p>Option C - To agree, in principle, to relocate the County Record Office to the Guildhall in Newport, as part of a commitment to see the building become the Island's integrated record and heritage centre; and that a full technical assessment is undertaken to determine how this decision could be most effectively implemented.</p> <p>Option D - To bring a further report to Cabinet in March 2013, setting out the wider proposed Island Heritage Strategy, and that this report also provides an update on the progress of Option C (above) and the timescales involved in the next steps.</p>
Reason for the decision and corporate objective it aligns with	<p>To contribute to the corporate plan priority 'Delivering Better Services' by making the Council's records more accessible in a central location and thereby addressing the risk of these being stored off the Island.</p> <p>To align with the following corporate themes:</p> <ul style="list-style-type: none"> • A thriving Island • A healthy and supportive Island • An inspiring Island
Options considered and rejected	Option B - To surrender the Island's public records to The National Archive (TNA)
Declarations of Interests	None declared

Agenda item	<u>Public Health Vision for the Isle Of Wight</u>
Decision reference	51 (12/13)
Summary of Discussion	The Cabinet Member for Public Health, Community Safety and Local Services presented to members a report which outlined the transfer of responsibility for public health, and the

	associated specialist workforce, from the National Health Service to the control of Local Government.
Issues raised by other members	None raised
Decision taken	THAT the vision for the responsibilities of transferring as required under the Health and Social Care Act 2012 be approved.
Reason for the decision and corporate objective it aligns with	<p>To support the Council's corporate priorities especially:</p> <ul style="list-style-type: none"> • Raising educational standards; • Keeping children safe; • Supporting older and vulnerable residents; • Regeneration and the economy; • Delivery of budget savings through changed service provision. <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
Options considered and rejected	To not agree the recommendation as set out in the report.
Declarations of Interests	None declared

Agenda item	<u>Creation of A Joint Venture Company To Deliver The Solent Ocean Energy Centre (SOEC)</u>
Decision reference	52 (12/13)
Summary of Discussion	<p>The Deputy Leader and Cabinet Member for The Economy and Regulatory Services presented to members a report which proposed to agree to the acceptance of the draft heads of terms for the establishment of a new joint venture company with private sector partners.</p> <p>These would have an interest in the SOEC project and would be willing to make an initial investment of £1 million to ensure that phase one can be completed.</p> <p>It was noted that the proposed project would provide the island with good employment opportunities as well as become a significant contributor to supplying clean renewable energy to the national grid.</p>
Issues raised by other members	Members were advised that in the short term there would be an area of flat sea bed which would be identified for initial testing of equipment.

	<p>Following this first phase, it was estimated that full scale power production could be achieved on an adjacent site around the year 2020 and the Island should then be in a position where it would be producing more energy than consuming.</p> <p>It was noted that the development of the SOEC model to be taken forward by the joint venture, was as a result of the initial Memorandum of Understanding with University Of Southampton, agreed by the Leader of the Council in the form of a delegated decision in April 2008 (15/08), a feature of which was the inward investment for renewable energy research reaching the Island</p>
Decision taken	<p>i. THAT the Heads of Terms shown in confidential appendix 3 for the implementation of the joint venture company to develop SOEC be agreed</p> <p>ii. THAT the Strategic Director of Economy and the Environment in conjunction with the Cabinet Member for the Economy and Regulatory Services be authorised to agree variations to the Heads of Terms shown in confidential appendix 3 for the implementation of the joint venture company to develop SOEC.</p>
Reason for the decision and corporate objective it aligns with	<p>To provide significant clean renewable energy to the national grid and create employment opportunities on the Island.</p> <p>To be consistent with the council's aspiration to be a 'commissioning and enabling' local authority as set out in its Corporate Plan (2011 to 2013).</p> <p>To align with the following corporate themes:</p> <ul style="list-style-type: none"> • A safe and well kept Island • An inspiring Island
Options considered and rejected	Option (ii) - Do not agree the Heads of Terms shown in confidential appendix 3 of the report for the implementation of the joint venture company to develop SOEC.
Declarations of Interests	None declared

Agenda item	<u>Consideration of the Forward Plan</u>
Decision reference	53 (12/13)
Amendments / Additions / Removals	<p>Members reviewed the Forward Plan which covered the January to April 2013 period.</p> <p>It was noted that the Final Decision on the Future of the Isle of</p>

	Wight Music Service (Ref No 1540/12) would now be decided by means of a Cabinet Member Delegated Decision.
Declarations of Interests	None

Agenda item	<u>Delegated Decisions</u>
Decision reference	54 (12/13)
Questions	<p>The following Cabinet Member delegated decisions had been taken since the last meeting of the Cabinet on 30 October 2012:</p> <p>39/12 - Local Sustainable Transport Fund Delivery Programme - taken by Cllr Giles on Thursday, 1 November 2012</p> <p>40/12 - Proposed Sale of St Johns Annexe, St Johns Road, Ryde – taken by Cllr Brown on Monday, 5 November 2012</p> <p>41/12 - Proposed Sale of the Old School Llanbrynmair, Powys, Wales – taken by Cllr Brown on Monday, 19 November 2012</p> <p>42/12 - Developing a Local Assistance Scheme for People In Severe Financial Need – taken by Cllr Pugh on Wednesday, 5 December 2012</p> <p>43/12 - Quarterly Performance & Finance Report – taken by Cllr Pugh on Tuesday, 11 December 2012</p> <p>44/12 - Sale Of The Former West Wight Middle School, Freshwater – Agreement To Spectrum Housing Group Being Treated As A Special Purchaser Of The Site – taken by Cllr Brown on Friday, 4 January 2013</p> <p>45/12 - Agreement To Vectis Holdings Ltd Being Treated As A Special Purchaser Of Blackgang Viewpoint Car Park, Chale – taken by Cllr Brown on Friday, 4 January 2013</p> <p>46/12 - Proposed Sale Of The Former Swanmore Middle School, Lower Bettsworth Road, Ryde, Isle Of Wight – taken by Cllr Brown on Friday, 4 January 2013</p> <p>47/12 - Approval Of The Policy For Considering Applications For Discretionary Business Rate Relief - taken by Cllr Pugh on Monday, 24 December 2012</p> <p>48/12 - Adoption Of Chale Village Design Statement, Nettlestone And Seaview Parish Plan And Yarmouth And Thorley Community Plan As Supplementary Planning Documents - taken by Cllr Brown on Friday, 4 January 2013</p>

Declarations of Interests	None
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Agenda item	<u>Members Question Time</u>
Decision reference	55 (12/13)
Questions	No written questions were submitted prior to the set deadline.
Declarations of Interests	None declared