

## MEMBER DECISION RECORD

In this specific case this form records a member decision and is published in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Member name and title:	Cllr Brian Tyndall, Cabinet Member for Corporate Resources
Directorate/Service:	Regeneration
Subject of decision:	Proposed Transfer of Land and Supporting Investment at Parkhurst Estate Newport.
Type of decision (mark as appropriate):	<b>1. <u>Key Decision</u> <input checked="" type="checkbox"/></b> 2. Material Decision 3. Significant Decision
Divisions affected:	Neighbourhoods including infrastructure and transport, highways and PFI contractor.
Subject to call-in (yes/no):	No.
Source of delegated power (specific authorisation or scheme of delegation):	Decision by Leader of the Cabinet dated 22 March 2021 using his statutory powers under section 9E of the Local Government Act 2000 to delegate authority to the Cabinet Member for Corporate Resources.
Decision taken (specify details)	That the proposed agreement with the Ministry of Justice for the transfer of land and supporting investment at Parkhurst Estate, Newport be entered into on the revised terms and conditions set out in the exempt Appendix 1 and that call-in of this decision be disapplied as the local authority would be significantly disadvantaged by any delay incurred through call-in.
Reasons for the decision (including reference to relevant council policy):	<p>The Cabinet Report of the 11 March 2021 identified the regeneration benefits and corporate policy links to this decision alongside the risks and technical issues.</p> <p>After discussion at Cabinet the members considered the original offer by the Ministry of Justice was unacceptable to mitigate the risks particularly in relation to funding longer term maintenance costs and the Director of Regeneration was instructed to go back to the Ministry of Justice and request a more acceptable offer for the project to proceed.</p> <p>The final decision to enter into an agreement with the Ministry of Justice was delegated to the Cabinet member for Corporate Resources in liaison with the cabinet members for Regeneration and Infrastructure and Transport and the Director</p>

	<p>of Regeneration and agreement by the Director of Finance.</p> <p>The wording of the recommendation at Option 1 was amended from that in the Cabinet report to reflect the need for “acceptable terms” to be reached with the Ministry of Justice including the need for a better offer to cover the longer-term maintenance, to better mitigate the associated risks.</p>
Alternative options considered and rejected:	<p>Option 1 - To accept the heads of terms from the Ministry of Justice subject to the final heads of terms and legal agreement being reached with the Ministry of Justice, and to delegate subsequent approval or refusal of the acquisition of the land to the Director of Regeneration in consultation with the Director of Finance together with the Cabinet members for regeneration and business development, corporate resources, and infrastructure and transport.</p> <p>Option 2 - To reject the proposal from the Ministry of Justice.</p>
Persons/organisations consulted and their comments:	<p>Consulted Cllr Ian Ward, Cabinet Member for Infrastructure and Transport, and Cllr Wayne Whittle, Cabinet Member for Regeneration and Business Development and the Director of Finance.</p> <p>Comments – both councillors agree with the Risk Analysis -paras 7,8,9 &amp;10 of the exempt Appendix 2 – and on this basis agree to this going forward and agree with Cllr Tyndall to sign this Member Decision. The Director of Finance is happy with the approach agreed.</p>
Any conflicts of interests declared by any member consulted and any dispensations granted in respect of any declared conflict:	None
Background reports/information considered and attached (legal, personnel, financial implications, etc):	<p>Cabinet Report 11 March 2021 and confidential appendices:</p> <p><a href="https://iow.moderngov.co.uk/documents/s2598/Report.pdf">https://iow.moderngov.co.uk/documents/s2598/Report.pdf</a></p>
Consideration of the Public Sector Equality Duty and relevant Equality, Environmental and/or Community Impact Assessments:	As above

Risk analysis:	The key risks associated with purchasing the site have been considered and are summarised in Appendix 2.
Any information exempt from publication:	Appendices 1 and 2 to this document is exempt from publication by virtue of regulation 20 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 due to giving rise to the disclosure of exempt information, namely information relating to the financial or business affairs of any particular person (para. 3 of Schedule 12A to the Local Government Act 1972.
Date:	31st March 2021
Signed:	Cllr Brian Tyndall – Cabinet Member for Corporate Resources