

6 SEPTEMBER 2001

NEW FOREST DISTRICT COUNCIL

CABINET

Minutes of a meeting of the Cabinet held at Appletree Court, Lyndhurst on Thursday, 6 September 2001.

p Cllr S A Hayes (Chairman)
e Cllr M J Kendal (Vice-Chairman)

Councillors:

p P H Cummings
p T J Droogleever
p P C Greenfield

Councillors:

p Mrs M D Holding
p B Rickman
p C A Wise

In Attendance:

Councillors:

K F Ault
B Dash
F R Harrison
Mrs A M Howe
Mrs M Humber BA

Councillors:

Mrs M J Robinson
D N Scott
D B Tipp
S S Wade

Officers Attending:

D Yates, N Gibbs, Ms E Malcolm, D Atwill, Ms J Bateman, A Groom,
Mrs P Higgins, Miss G O'Rourke, S Maggs, K Smith, and J Ward.

65. MINUTES.

RESOLVED:

That the minutes of the meeting held on 1 August 2001, having been circulated, be signed by the Chairman as a correct record.

66. DECLARATIONS OF INTEREST.

No declarations of interest were made.

67. PUBLIC PARTICIPATION.

No issues were raised during the public participation period.

68. RECREATION CENTRES COMPUTERISED BOOKING AND MANAGEMENT INFORMATION SYSTEM (REPORT A).

The Cabinet considered a report seeking additional funding to enable the Recreation Centres to implement a new and improved version of the Microcache computerised booking and management system.

RESOLVED:

- (a) That an upgrade of the Microcache system funded by lease finance in 2001/02 be agreed; and
- (b) That the additional cost of the system be met from virements within existing budgets in the current year, and that funding of £16,170 in 2002/03 and £11,670 from 2003/04 onwards be included in the Expenditure Plan process.

69. TOTTON RECREATION CENTRE – FITNESS SUITE EXTENSION (REPORT B).

The Cabinet considered proposals for virement, to enable the Fitness Suite Extension project to proceed, in the light of tenders being received in excess of the available budget.

There was a shortfall of £73,566 and an opportunity existed to vire funds from the changing rooms refurbishment budget. Despite the increase in costs the scheme still had a projected payback period of less than 4 years and would meet a number of key financial and service objectives.

RECOMMENDED:

That a virement of £74,000 from the Changing room refurbishment budget be agreed to enable the Fitness Suite Extension project at Totton Recreation Centre to proceed.

70. LYMINGTON RECREATION CENTRE – REVIEW OF CURRENT STAFFING STRUCTURE (REPORT C).

The Cabinet considered a report examining the current staffing structure at Lymington Recreation Centre and identifying some key operational and service issues which were affecting customer service.

RESOLVED:

That the restructuring of staffing at Lymington Recreation Centre by the deletion of the 5 part time Senior Leisure Attendant posts and the creation of 3 full time Recreation Centre Attendant posts as detailed in Report C to the Cabinet be approved with immediate effect.

71. AMENDMENTS TO COUNCIL'S CONSTITUTION (REPORT D).

In the light of updated legislation and government guidance the Cabinet considered a number of proposed technical amendments to the Council's Constitution. The opportunity has also been taken to recommend improvements to the format of the document.

Members noted that a further amendment was proposed by the deletion of the first two sentences of paragraph 2 of Appendix 3 and the substitution of the following:

"Unless anything in this Constitution provides otherwise, only the Council may amend this Constitution. The Council shall take into account a recommendation from the Cabinet, and the views of any Review Panels and Committees that will be affected by the amendment. The Cabinet shall make a recommendation to the Council in respect of any proposal for amendment submitted to it by a review Panel or Committee."

In addition, a change in the existing Housing Portfolio by removing responsibility for health and social exclusion and transferring it to the current Portfolio Holder without responsibility was considered. The Portfolio Holder without responsibility would then become the Portfolio Holder for Health and Social Exclusion.

Some members expressed concern that the Housing Review Panel had not been consulted on the proposed changes to the Housing Portfolio and that this was not in line with the arrangements in the Council's Constitution. The Leader commented that, the creation of a new portfolio had not required consultation with the Review Panel as the Panel's terms of Reference would remain unchanged.

It was reported that officers had given consideration to this issue but had decided, on balance, that the remaining proposed amendments were technical ones and needed to be implemented as soon as possible. All members of the Council had been invited to the Cabinet meeting specifically for consideration of this item.

RECOMMENDED:***That:***

- (a) *That the Schedules to the Constitution be re-ordered and re-numbered as set out in Appendix 1 to Report D to the Cabinet;***

- (b) *That the existing main Constitution document be replaced by the new document attached at Appendix 3 to Report D to the Cabinet subject to:*

Delete first two sentences of paragraph 2 page 30 and replace with:

'Unless anything in this Constitution provides otherwise, only the Council may amend this Constitution. The Council shall take into account a recommendation from the Cabinet, and the views of any Review Panels and Committees that will be affected by the amendment. The Cabinet shall make a recommendation to the Council in respect of any proposal for amendment submitted to it by a Review Panel or Committee;'

- (c) *That the transfer of health and social exclusion from the Housing Portfolio to the (current) Portfolio without specific responsibility, and the consequent amendments to the scheme of delegations to Portfolio Holders and the Roles of Portfolio Holders, as shown in Appendix 4 to Report D to the Cabinet, be approved;*
- (d) *That the amendments to the terms of reference of the General Purposes and Licensing Committee and the Industrial Relations Committee, as shown in Appendix 5 to Report D to the Cabinet be approved;*
- (e) *That the amendments to the Cabinet's terms of reference, as shown in Appendix 6 to Report D to the Cabinet be approved;*
- (f) *That the amendments to the scheme of delegations to Committees and Panels, as shown in Appendix 7 to Report D to the Cabinet, be approved;*
- (g) *That the amendments to the procedures for executive decision making, as shown in Appendix 8 to Report D to the Cabinet be approved;*
- (h) *That the amendments to the procedures for making urgent decisions outside policy or budget and urgent key decisions, as shown in Appendix 9 to Report D be approved;*
- (i) *That the amendment to the general personal responsibilities of Portfolio Holders, as shown in Appendix 10 to Report D to the Cabinet be approved in relation to all Portfolio Holders;*
- (j) *That the amendments to the Review Panels' terms of reference, as shown in Appendix 11 to Report D to the Cabinet be approved;*
- (k) *That the amendments to the Appeals Committee's terms of reference, as shown in Appendix 12 to Report D to the Cabinet be approved;*
- (l) *That the amendments to the Review Panels' Operational Rights and Rights of Access to Information, as shown in Appendix 13 to Report D to the Cabinet be approved;*

- (m) *That the amendments to Standing Orders for Meetings, as shown in Appendix 14 to Report D to the Cabinet be approved;*
- (n) *That the revised procedures for calling in Executive decisions, as attached at Appendix 15 to Report D to the Cabinet be approved;*
- (o) *That the revised procedures for Best Value, as shown in Appendix 16 to Report D to the Cabinet be approved;*
- (p) *That the Proper Officer appointments attached at Appendix 17 to Report D to the Cabinet be approved;*
- (q) *That the Housing Review Panel be re-named "Housing, Health and Social Exclusion Review Panel", and that any changes to the Constitution necessary as a consequence be made.*

72. PROPOSED NEW FOREST NATIONAL PARK – COUNTRYSIDE AGENCY CONSULTATION ON PROPOSED SPECIAL ARRANGEMENTS (REPORT E).

The Cabinet considered a response to the informal consultation by the Countryside Agency on the proposed administrative arrangements for a New Forest National Park Authority.

Members noted that no new major issues were raised in the consultation document that had not previously been considered by the Council. The closing date for comments on the consultation was 28 September, 2001.

Members discussed the advantages and disadvantages of the proposed administrative arrangements and agreed that whilst, ideally, there should be a tailor made New Forest Authority, it was important for the Council to try to influence the outcome of the arrangements whatever, ultimately was proposed in order to protect the best interests of the New Forest in the long term.

Some members expressed concern that the consultation document had not been considered by the appropriate Review Panels. It was agreed that special meetings of the Corporate and Finance and Economy and Planning Review Panels should be scheduled to enable them to consider the issues before the closing date for responses.

Taking into account the comments expressed during the debate an amended recommendation was moved, seconded and agreed.

RESOLVED:

That the Countryside Agency be informed that:

This Council's response to the Countryside Agency Consultation is as detailed below but that the Council's Economy and Planning and Corporate and Finance Review Panels will be considering the matter further at meetings in September 2001, that the matter will be further considered by the Cabinet at their meeting on 3 October, 2001, after which a further response may be submitted.

- (i) New Forest District Council considers that for the area of a New Forest National Park, or equivalent status designation, there should be a tailor-made New Forest Authority. This should be a statutory co-ordinating body specifically set up to meet the unique circumstances and special needs of the New Forest. Its membership should be comprehensively representative of all authorities and other bodies with functional responsibilities that directly impact on the purposes of the National Park.
- (ii) New Forest District Council objects to the administrative arrangements based on a "standard" National Park Authority that are proposed in the Countryside Agency's consultation document. Although presented as "special arrangements" they serve to demonstrate the fundamental inadequacy of a New Forest National Park Authority to best meet the long-term needs of the New Forest. The proposed arrangements would create costly and confusing duplication of some functions, for no claimed advantage to the Forest, while at the same time failing properly to co-ordinate others within one body having sole responsibility for all of the designated area:
- The creation of an additional local authority, with its attendant running costs, would be expensive with little tangible benefit to the New Forest. Increased grant funding should be focussed directly on the Forest not on administration.
 - Proper full representation is essential. The suggested approach of a Circular and/or ministerial statements regarding Secretary of State appointees cannot give certainty regarding representation. And in any case whatever the mix of appointees it would not be possible to achieve the right representative balance for a New Forest Authority, because the required membership formula results in a local authority dominated body.
- (iii) The Countryside Agency should not continue with the process for establishing a New Forest National Park Authority until the full extent of required amending legislation is further considered. In any event it should be deferred until the outcome on current work on a possible South Downs National Park is completed. This work could produce other models or ideas that could be adapted to suit the New Forest and there is no imperative need to designate the New Forest ahead of this process. Also, although parliamentary time may not currently be available, it could be more likely that legislation to deal with both areas together would be feasible in the future.
- (iv) Notwithstanding the above resolutions, in the event of a standard New Forest National Park Authority being set up, with or without some amending legislation, the District Council's comments on the consultation document are as set out in each of the suggested responses to the nine issues in Report E to the Cabinet.

73. NEW FOREST NATIONAL PARK : PROPOSED BOUNDARY – LOCAL AUTHORITY CONSULTATION (REPORT F).

The Cabinet considered a response to the Countryside Agency on the statutory consultation with local authorities on the proposed boundary for a New Forest National Park. The boundary had already been altered in the light of comments made during the public consultation on a draft boundary.

Mr Turrall-Clarke, speaking on behalf of the Tudor Rose and Moortown Farms, Ringwood, addressed the Cabinet.

Mr Turrall-Clarke expressed the view that Ringwood did not meet the criteria for inclusion within a National Park. He commented that there was likely to be a conflict between the purposes of a National Park and the objectives of business and affordable housing that might be required in Ringwood. He also felt that the economy of a National Park was different to that of a town like Ringwood and as a result opportunities would not be available for young people.

Mr Turrall-Clarke was concerned that national and European funding opportunities would also be lost as Ringwood was not consistent with National Park purposes.

The Cabinet also noted the contents of letters received including one from Totton and Eling Town Council detailing their comments on the proposed boundary. In particular, the Town Council believed the reasons given for the exclusion of Tavell's Lane (Countryside Agency Map 3, Section 4), were weak and insubstantial. They recommended the inclusion of this strategic gap land within the National Park.

The Cabinet agreed that officers' attention should be drawn to the wording in this part of the Council's response to see if it could be strengthened in any way.

The Town Council also recommended the inclusion of Testwood Marshes SSSI. The Cabinet, whilst acknowledging the importance of this high quality area of land, remained of the view that it was not appropriate to include this area within the National Park boundary.

In considering the Council's response to the proposed boundary the Cabinet reiterated their objection to the exclusion of the parish of Milford on Sea. After consideration of the comments made in relation to Ringwood the Cabinet reaffirmed their view that Ringwood should remain within the proposed National Park Boundary.

RESOLVED:

That the Countryside Agency be informed that the District Council's comments on the consultation document are as set out below.

There are no changes proposed to the draft boundary by Countryside Agency to the following Sections. The draft boundary for each of these Sections was supported by NFDC.

Section 1: North of Totton - Map 1
Section 2: Totton Bypass - Map 1
Section 4: Marchwood - Map 2
Section 5: Dibden Bay - Map 3
Section 7: Langley to Fawley - Map 6
Section 10: Solent Coast - Maps 7 to 9

Section 3: Eling - Map 2

Response:

- **Welcome and support the proposed boundary change to include Eling Great Marsh.**
- Object to the continued exclusion of land north-west of Marchwood between, Tavell's Lane, Bury Road, the built-up area of Pooksgreen and the A326 for the reasons detailed in Report F to the Cabinet.

Section 6: Hythe to Langley – Maps 4 & 5

Response:

- Welcome and support the proposed boundary change.

Sections 8 & 9: Ashlett Creek & Calshot – Map 6

Response:

- Welcome and support the proposed boundary change.

Section 11: Lymington River to Everton – Maps 9 – 11

Response:

- Object to the continued exclusion of the parish of Milford on Sea for the reasons as detailed in Report F to the Cabinet.
- Support the proposed boundary change as being clearer than the boundary in the draft consultation document.

Section 12: Everton to Highcliffe – Maps 10A, 11 and 12

Responses:

- Object to the proposed boundary for the reasons above. The boundary north of the A337 should follow the caravan park/ Everton built up area boundary, Everton Road and the built up area of Hordle.

Section 13: Avon Valley below & including Ringwood – Maps 13 to 15

Responses:

- Welcome and support the proposed boundary changes to include Ringwood; and Town Common, St Catherine's Hill and Leybrook Common.
- Object to the continued exclusion of land east of the A338 between Town Common and Leybrook Common for the reasons above.

Section 14: Avon Valley: Ringwood to Fordingbridge – Maps 15 & 16

Response:

- Object to the proposed boundary between Ringwood and Fordingbridge for the reasons above. The boundary should follow the B3081, the Alderholt Road/Harbridge Drove from Baker's Hanging, Lomer Lane and Bowerwood Road (B3087) to re-join the proposed boundary.

Section 15: Fordingbridge to Searchfield Farm – Map 17

Response:

- Welcome the Countryside Agency's recognition that "the case for inclusion of Breamore is clear ... and that a wider area merits designation", but object to the boundary as proposed for the reasons above. The whole of the Breamore

Conservation Area should be included within the proposed boundary. In the vicinity of South Charford Farm and North Charford Manor House, the boundary should either follow the A338 as previously recommended by NFDC, or should follow the Conservation Area boundary.

Section 16: Searchfield Farm to Plaitford Green – Maps 18 & 19

Section 17: Plaitford Green to A3090 – Map 20

Response:

- Not object to the proposed boundary but repeat the view of the District Council that the bridleway as described above would be a better long-term boundary.
- Draw the Countryside Agency's attention to the recommendations of the New Forest Committee for inclusion of additional land, and request that they be considered together with responses from the local authorities.

74. FINAL ACCOUNTS - 2000/2001 (REPORT G).

The Cabinet considered the unaudited outturn expenditure position.

RESOLVED:

That the outturn position on the General Fund, the Housing Revenue Account and the Capital Programme be noted.

75. FINANCIAL REPORT FOR THE PERIOD APRIL 2001 – JULY 2001 (REPORT H).

The Cabinet considered the forecast budget variations of all Portfolios and Committees from the approved original estimates for 2001/2002.

RESOLVED:

- (a) That the forecast overall net increase in expenditure of £309,000 on the General Fund be noted;
- (b) That the forecast overall net reduction in other services capital expenditure of £465,000 in 2001/02 and the net additional allocation of overall resources of £99,000 be noted; and
- (c) That the latest position on the Housing Capital Programme be noted.

76. ESTABLISHMENT OF A LOCAL STRATEGIC PARTNERSHIP (LSP) PROPOSED FOR THE NEW FOREST DISTRICT (REPORT I).

Following the establishment of a multi agency Community Strategy Steering Group the Cabinet considered draft recommendations on how best to develop a community strategy for the district.

The Cabinet took note of the need to ensure that the LSP did not become a talking shop and that its whole approach was about making a difference in communities in the district. To achieve this all partners needed to focus their attention on the overall aim to improve the quality of life of people in the district.

RESOLVED:

- (a) That the draft proposals contained in the Consultation Report be supported; and
- (b) That the final recommendations of the Community Strategy Steering Group be considered by the Cabinet on 3 October 2001.

77. ENFORCEMENT OF FOOD SAFETY (FISHERY PRODUCTS AND LIVE SHELLFISH) (HYGIENE) REGULATIONS 1998 – AUTHORISATION OF OFFICERS NOT EMPLOYED BY NEW FOREST DISTRICT COUNCIL (REPORT J).

The Cabinet considered a report setting out the difficulties the Council had in enforcing their statutory responsibilities under Food Safety legislation. The authorisation of officers of the Southern Sea Fisheries District and the Hampshire Constabulary Marine Unit would considerably enhance the Council's enforcement capability.

RESOLVED:

That the officers named below of Southern Sea Fisheries District and the Hampshire Constabulary Marine Unit be duly authorised under the Food Safety Act 1990 for the purposes of enforcing the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 for the purposes of those matters that are Executive functions on behalf of New Forest District Council.

Southern Sea Fisheries Committee Unit

Ian Carrier
Roger Hayler
Peter Hill
Geoffrey Parsons
Phillip Pepper
Brian Poore

Hampshire Constabulary Marine

PC 2067 William Bates
PC 1758 John Ellis
PC 1632 Robert Clowes
PC 623 Andrew Williams
PC 213 Mike Hannam
PC 1981 John Gledhill
PC 571 John Grady
PC 2823 Jeffrey Jarvis
PC 511 Stuart Revelle

78. LARGE SCALE VOLUNTARY TRANSFER OF THE COUNCIL'S HOUSING STOCK (REPORT K).

The Cabinet considered the position to date in relation to the large scale voluntary transfer of the Council's housing stock.

RESOLVED:

- (a) That no further application is made by the Council to the DETR for inclusion on a programme for the transfer of its housing stock to a Registered Social Landlord (RSL) at this stage;

- (b) That no further consideration be given at this stage to the creation of an arms-length company for the management of the Council's housing stock, and that the advantages and disadvantages of this are reviewed annually, in full consultation with the Tenants, as part of the review of the Housing Revenue Account Business Plan;
- (c) That the impact of the additional resources now available on the backlog of improvements and maintenance be monitored; and
- (d) That no further consideration be given to holding a Tenants' ballot on the transfer of the housing stock to a RSL.

79. LOCAL INFORMATION OFFICE AND AFFORDABLE HOUSING AT STANNINGTON CAR PARK, ASHLEY ROAD/SPENCER ROAD, NEW MILTON (REPORT L).

The Cabinet considered a report proposing a scheme to enable a way forward to provide suitable office accommodation to improve local service provision in New Milton town centre.

Members noted that, despite increased costs, the proposed scheme still provided the most cost effective solution. The Director of Finance would continue to investigate the most favourable financing option which would be finalised in the light of the overall budget determination.

RECOMMENDED

- (a) *The scheme for a Local Information Office, other office accommodation and Affordable Housing at Stannington Car Park, Ashley Road/Spencer Road, New Milton at a gross capital cost to the Council of £564,528 but that the Director of Finance continues to investigate the most favourable financing options; and*
- (b) *That it be noted that in the meantime, discussions are continuing to allow for a satisfactory conclusion of arrangements.*

80. ATTENDANCE AT NATIONAL SOCIAL SERVICES CONFERENCE – HARROGATE – 17-19 OCTOBER 2001.

RESOLVED:

That Cllrs Holding and Robinson be authorised to attend the National Social Services Conference at Harrogate on 17 – 19 October, 2001, and that the Conference Fee of £340, and travel, accommodation and subsistence costs be paid.

81. PROJECT INTEGRA.

RECOMMENDED:

That the Joint Committee set up under the Local Government Act 1972 continues as a Joint Committee set up under the Local Government Act 2000 and that arrangements in this respect continue with all those authorities involved, whether or not those authorities have implemented Executive arrangements.

82. EXCLUSION OF THE PUBLIC AND THE PRESS.

RESOLVED:

That, under Section 100 (A)(4) of the Local Government Act 1972, the public and the Press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A of the Act.

83. RESTRUCTURING OF THE CHIEF EXECUTIVE'S DEPARTMENT (REPORT M).

The Cabinet considered restructuring proposals for the Chief Executive's Department.

RESOLVED:

That the restructuring proposals for the Chief Executive's Department as set out in Report M to the Cabinet be agreed.

CHAIRMAN