

**7 DECEMBER 2005**

**NEW FOREST DISTRICT COUNCIL**

**CABINET**

Minutes of a meeting of the Cabinet held at Appletree Court, Lyndhurst on Wednesday, 7 December 2005.

- p Cllr M J Kendal (Chairman)
- p Cllr B Rickman (Vice-Chairman)

**Councillors:**

- p G C Beck
- e P C Greenfield
- p J D Heron

**Councillors:**

- p Mrs M D Holding
- p M H Thierry
- p C A Wise

**In Attendance:**

**Councillors:**

Mrs J Cleary  
F R Harrison  
Sqn Ldr B M F Pemberton  
Mrs M J Robinson

**Councillors:**

D N Scott  
Mrs S I Snowden  
C R Treleaven  
P R Woods

**Also In Attendance:**

Mrs P White and Mrs A Murphy, Tenants' Representatives.

**Officers Attending:**

D Yates, N Gibbs, C Malyon, J Mascall and Ms J Bateman and for part of the meeting, D Brown, G Miles, A Groom, S Yeo, C Elliott, J Ward, and Ms S Plumridge.

**69. MINUTES.**

**RESOLVED:**

That the minutes of the meeting held on 2 November 2005, having been circulated, be signed by the Chairman as a correct record.

**70. DECLARATIONS OF INTEREST.**

Cllr Rickman declared an interest in Minute 76  
Cllr Kendal declared an interest in Minute 77  
Cllr Robinson declared an interest in Minute 74

**71. PUBLIC PARTICIPATION.**

No issues were raised during the public participation period.

**72. FINANCIAL REPORT – FORECAST FULL YEAR AND ACTUAL FOR THE PERIOD APRIL 2005 – OCTOBER 2005 (REPORT A).**

The Cabinet considered the forecast budget variations of all Portfolios and Committees from the approved original estimates for 2004/05.

***RECOMMENDED:***

***That the following supplementary estimates be approved:***

- ***£20k in respect of Concessionary Travel***
- ***£151k in respect of Health and Leisure Centres and Dibden Golf Centre***
- ***£28k in respect of New Street, Lymington***

**RESOLVED:**

- (a) That, subject to the above recommendations being agreed, the items set out in the revised General Fund budget; the revised capital expenditure and the revised Housing Revenue Account as set out in Appendices 1, 2 & 3 respectively of Report A to the Cabinet be approved;
- (b) That the financial position of Commercial Services as set out in Appendix 4 of Report A to the Cabinet be noted; and
- (c) That the actual expenditure to profiled budget positions of the General Fund, Capital Programme and Housing Revenue Account as set out in Appendices 1 to 3 of Report A to the Cabinet be noted.

**73. RACE EQUALITIES SCHEME 2005 (REPORT B).**

The Cabinet considered a proposed Race Equalities Scheme for the Council for 2005. The Race Relations (Amendment) Act 2000 placed a general duty on public authorities to promote race equality by eliminating unlawful racial discrimination, promoting equality of opportunity and promoting good relations between people of different racial groups.

**RESOLVED:**

That the proposed Race Equality Strategy 2005 as shown in Appendix 1 to Report B to the Cabinet be approved.

**74. HYTHE SAILING CLUB (REPORT C).**

Cllr Robinson declared a personal interest in this item as a local member. She did not consider her interest to be prejudicial. She remained at the meeting and took part in the discussion. She did not have a vote.

Mr K Endean and Mr J MacMullen from Hythe Sailing Club addressed the Cabinet. A letter from Hythe Sailing Club was circulated highlighting the issues in greater detail.

Mr Endean said that the Club disputed the validity of the information that had been used as a basis for the rent review and felt that the recommended rental of £26,900 was based on inappropriate comparables. Hythe Sailing Club was not a commercial operation, and should not be compared with one for rental assessment purposes.

Mr MacMullen said that the discussions with the Council had been very protracted and as a result of the rent not being agreed, the Club had not been able to set their fees. He said that the Club's rental proposal of £9,240 was based on data and information obtained from the Council and had not been disputed. Mr MacMullen agreed that a 'fair market rent' should be paid but that for his particular club that rent should be £9,240.

In response, the Cabinet noted that officers had been concerned over the significant difference of opinion between them and the Club over what constituted a 'fair rent' and had therefore instructed the Valuation Office to carry out an independent assessment. The independent valuation suggested an open market rental value of between £22,000 and £28,000. It was confirmed that the evidence used by the Valuation Office had only taken account of sailing clubs and not commercial operations.

Members noted that the Club were of the view that, at their last meeting with officers, they had reached an agreement. Officers said that they had made it clear that no agreement had been reached.

Whilst it was confirmed that the lease of the Sailing Club prohibited commercial use, it was not necessarily appropriate for the rent to be based on that fact. The Club could for example make a more realistic charge for boat storage to significantly increase their cash flow. Members agreed that it was important that the Council charged a realistic rent based on the correct value for their asset. Any subsidies given by the Council were ultimately funded by Council tax payers.

The Chairman proposed an amendment to the recommendation that, whilst charging the full market rent, the Council should grant aid the Club on a sliding scale to enable a phased introduction of the new rent over a period of five years.

Cllr Robinson, Leader of the Liberal Democrat Group, said that Hythe Sailing Club was part of the community of the Waterside. She agreed that a fair and reasonable rent should be charged but she did not agree that £26,900 was a reasonable amount. The sliding scale of charges over a five year period would be a fair way of helping the Club and give them an opportunity to budget for the increase. However, Cllr Robinson suggested that officers should negotiate further with the Club to clarify the accuracy of the valuation, and ensure that there were no outstanding issues that would affect the future viability of the Club.

The Finance and Support Portfolio Holder agreed that the Club should be charged a fair market rent that was not subsidised by other council tax payers. The Council had a duty to obtain the best value for their assets and he asked for clarification of the community value of the Club.

Members noted that the Club was registered as a 'Community Amateur Sports Club' and undertook youth sail training in partnership with local schools.

After detailed discussion members agreed the proposed amendment to charge the full open market rental but, in recognising the benefit that the Club afforded the community and taking into account the points raised by the Club in correspondence and discussion, the Council grant aid the Club on a sliding scale to enable a phased introduction over a five year period.

**RESOLVED:**

That the full open market rental value be charged but, in recognising the benefit that this sailing club affords the community and taking into account the points raised by the Club in correspondence and discussion, the Council grant aid the Club on a sliding scale as detailed to enable a phased introduction over a five year period and that the appropriate budgets within the Leisure Portfolio be adjusted accordingly:

YEAR	OPEN MARKET VALUE	LESS NFDC GRANT	RENT PAYABLE
2005/06	£26,900 pa	£13,450	£13,450
2006/7	£26,900 pa	£10,090	£16,810
2007/8	£26,900 pa	£ 6,730	£20,170
2008/9	£26,900 pa	£ 3,370	£23,530
2009/10	£26,900 pa	£ 0,000	£26,900

**75. PLANNING AND COMPULSORY PURCHASE ACT 2004 – DELEGATION (REPORT D).**

The Cabinet considered amendments to the Scheme of Delegations of powers to officers.

**RESOLVED:**

That the amendments to the Scheme of Delegations of powers to officers, as set out at Appendix 2 to Report D to the Cabinet be approved in so far as they relate to the executive function.

**76. AFFORDABLE HOUSING – CALCULATION OF FINANCIAL CONTRIBUTIONS (REPORT E).**

Cllr Rickman declared a personal interest in this item in that he knew Mr Walsh, a public speaker who addressed the Cabinet. He did not consider his interest to be prejudicial. He remained at the meeting, took part in the discussion and voted.

Mr Walsh, a member of the public addressed the Cabinet. He said that there were a number of small 'informal' possible developments that never came to the Council's attention. He suggested that a register should be available that would enable people to be advised of the financial contribution payable before they submitted a formal application to the Council. All of the smaller 'windfall' sites were special situations and Mr Walsh suggested that very few would fit the 'standard structure'. He was of the view that the easiest way to raise the money was by charging a flat rate of 35% on any negotiated net uplift in value once planning permission was granted and all costs were taken into account. He was also of the view that the 'existing use' value of the land must be taken into account.

Mrs Newton, a member of the public addressed the Cabinet. She had previously addressed the Cabinet in relation to her proposed development in her own garden. She said that despite subsequent long discussions with planning officers she was still unsure on a number of points and, in particular, as to whether in her specific circumstances, the financial contribution was negotiable any further. She said that the financial contribution should not be described as voluntary.

Mrs Hall, a member of the public addressed the Cabinet. She said that she also had concerns over her own individual family circumstances. The Council appeared to have been debating the issue of financial contributions to affordable housing for a long time and she felt that her family had lost money waiting for a decision. Mrs Hall felt that a 'local concession policy' would have been a fairer way forward.

The Chairman said that the Council's Local Plan had followed a two year consultation period culminating in a public inquiry at which the Local Plan was finally confirmed, with a number of changes agreed by an Inspector. Officers had subsequently looked at how the policy could be implemented to ensure the best outcome for all concerned.

The proposal before the Cabinet to defer the affordable housing contribution, in limited circumstances where land has not been purchased under conventional commercial arrangement, until the new property was sold was the best compromise that could be made.

Members noted that it was important to give the greatest level of certainty to individuals at the earliest opportunity. The most appropriate way to do this was to use the valuation tables and arrangements as proposed in Annexes 1 and 2 to Report E as circulated at the meeting.

Decision making on matters involving potentially large sums of money needed to be seen to be transparent and therefore it was also proposed that an officer delegated planning decision should only be made in cases where the full affordable housing financial contribution was being paid. In all other cases the Planning Development Control Committee should make the decision.

After detailed discussion the Cabinet supported the proposals as set out in Report E to them and as detailed on Annexes 1 and 2 circulated, subject to a periodic review of the arrangements.

**RESOLVED:**

That the arrangements detailed in Report E to the Cabinet and as circulated in Annexes 1 and 2 at the meeting, be agreed as the mechanism which the Council will follow to deal with issues arising from Policies AH-1 and AH-2 of the adopted Local Plan.

**77. CONCESSIONARY TRAVEL (REPORT F).**

Cllr Kendal declared a personal interest as a member of Hampshire County Council. He did not consider his interest to be prejudicial. He remained at the meeting, took part in the discussion and voted.

As a consequence of legislative changes coming into effect on 1 April, 2006, the Cabinet considered a number of changes to the Council's concessionary travel scheme for all aged 60 or over and those disabled.

The Chairman reported that the Council had now received notice of the provisional financial settlement from the Government. Whilst still subject to some adjustment, it did appear that the Council had received the full funding for concessionary travel arrangements. With this in mind, and in the light of additional information circulated at the meeting from 'Community First', members agreed that the scheme should be extended to include those with mobility difficulties that were not otherwise covered by the scheme. They also asked officers to consider other ways in which community transport providers in the district might be supported.

The provision of bus transport in Hampshire was under review and the Cabinet were pleased that this Council were able to provide an enhanced statutory scheme that would enable more people to use buses as their primary form of transport. Greater use of buses would help to reduce the overall subsidy payable by the County Council, which in turn could help retain more buses on the road particularly at off peak times.

Members noted that Farepasses could be used for any journey originating within Hampshire. Officers would endeavour to make arrangements for vouchers to be used on the Hythe Ferry and for the purchase of senior citizen railcards.

**RESOLVED:**

- (a) That the Council participates in a countywide free Farepass scheme on an all day basis from 1 April 2006;
- (b) That the scheme should cover Hythe Ferry, in addition to registered local bus services;
- (c) That the wholly discretionary scheme should be aimed at all in genuine need. From 2006/07 this will initially apply to all aged 60 or over who qualify for housing and/or council tax benefit and/or Guaranteed Pension Credit and/or those disabled and/or those with other mobility difficulties that were supported by a medical certificate;

- (d) That an internal review of community transport provision be undertaken to see if additional support and/or investment can be provided to rural areas not served by registered local bus services; and
- (e) That officers be authorised to put in place administrative arrangements to cater for a local voucher scheme, to replace the national tokens scheme during 2006/07.

#### **78. EXPENDITURE PLAN CONSULTATION (REPORT G).**

The process and the timetable for the Expenditure Plans for 2006/2007 was included in the Financial Strategy approved by the Council in July 2005. The timetable included consultation with all review panels and committees during November.

The Cabinet noted the responses from the review panels and committees, which they would take into account during their detailed consideration of the expenditure plans in January. Members considered and agreed that the fees and charges as set out in Appendix 1 to Report G to the Cabinet should be recommended to the Council for approval.

***RECOMMENDED:***

***That the fees and charges as set out in Appendix 1 to Report G to the Cabinet be approved.***

**RESOLVED:**

That the comments made by the Panels and Committees be noted, and that further recommendations on the budget be considered by the Cabinet at their meeting in January.

#### **79. THE COUNCIL TAX BASE 2006/07 – SETTING THE TAX BASE (REPORT H).**

The Cabinet has considered, in so far as it is empowered to do so by law, the calculation of the Council Tax base for the year 2006/07.

**RESOLVED:**

That, so far as it is empowered to do so by law, the calculation of the Council Tax Base for the year 2006/07 as set out below be approved:

- (a) the calculation of the Council's tax base for the year 2006/07 be approved; and
- (b) pursuant to this report and in accordance with the Local Authorities (Calculation of Council Tax Base) (Amendment) Regulations 2003, the amount calculated by this Council as its council tax base for the year 2006/07 be as follows and as detailed in Appendix 1 to Report H to the Cabinet.

<b>PARISH/TOWN</b>	<b>TAX BASE 06/07</b>
Ashurst & Colbury	922.7
Beaulieu	517.3
Boldre	1056.1
Bramshaw	337.2
Bransgore	1861.8
Breamore	181.9
Brockenhurst	1754.1
Burley	784.9
Copythorne	1215.9
Damerham	234.0
Denny Lodge	157.3
East Boldre	399.7
Ellingham, Harbridge & Ibsley	587.1
Exbury & Lepe	110.1
Fawley	4806.2
Fordingbridge	2309.9
Godshill	213.4
Hale	267.6
Hordle	2386.4
Hyde	503.7
Hythe & Dibden	7669.7
Lymington & Pennington	6819.3
Lyndhurst	1381.4
Marchwood	1974.5
Martin	190.5
Milford on Sea	2656.9
Minstead	368.3
Netley Marsh	824.4
New Milton	10756.7
Ringwood	5360.1
Rockbourne	164.4
Sandleheath	266.8
Sopley	302.4
Sway	1648.0
Totton & Eling	9759.1
Whitsbury	101.9
Woodgreen	253.6
<b>Whole District</b>	<b>71105.3</b>

#### 80. RISK MANAGEMENT (REPORT I).

The Cabinet received an update on the work carried out on Risk Management during 2005 and considered the work programme currently being undertaken and developed by the Corporate Risk Management Group.



**RESOLVED:**

That the work on Risk Management that has been undertaken during the current year be noted and the work programme be approved.

**81. APPOINTMENTS TO OUTSIDE BODIES.**

**RESOLVED:**

- (a) That Cllr Hibbert be appointed to serve as this Council's representative on the Hanger Farm Arts Centre Consultative Committee; and
- (b) That Cllr Dow be appointed in place of Cllr Thierry on the Blashford Lakes Consultative Committee.

**82. MEALS ON WHEELS AND COMMUNITY MEALS REVIEW (REPORT J).**

The Cabinet considered the conclusion of the meals on wheels and community meals review.

The Housing, Health and Social Inclusion Portfolio Holder supported the outcome of the review and said that the proposal to outsource the provision of meals of wheels provided a fair and equitable scheme.

Members noted that the discussions with HC3S and the WRVS were progressing well.

**RESOLVED:**

That the outsourcing of the provision of Meals on Wheels for the New Forest District Council to HC3S, the catering business of Hampshire County Council, with effect from 1 January 2006 be agreed.

**83. 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 involved the likely disclosure of exempt information as defined in paragraph 9 of Part I of Schedule 12A of the Act.

**84. MEALS ON WHEELS AND COMMUNITY MEALS REVIEW (REPORT K).**

The Cabinet considered the confidential financial arrangements relating to the proposal to outsource the provision of Meals on Wheels to HC3S, the catering business of Hampshire County Council.

**RESOLVED:**

That the financial arrangements for the outsourcing of the provision of Meals on Wheels for the New Forest District Council to HC3S, the catering business of Hampshire County Council, with effect from 1 January 2006 be agreed.

CHAIRMAN

(DEMOCRAT/CB071205/MINUTES.DOC)