

4 JANUARY 2006

**NEW FOREST DISTRICT COUNCIL**

**CABINET**

Minutes of a meeting of the Cabinet held at Appletree Court, Lyndhurst on Wednesday, 4 January 2006.

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:**

C Baker  
L T Dunsdon  
Ms L C Ford  
F R Harrison  
Mrs M Humber  
R J Neath

**Councillors:**

Sqn Ldr B M F Pemberton  
D N Scott  
S A Shepherd  
Mrs S I Snowden  
C R Treleaven  
P R Woods

**Also In Attendance:**

Mrs P White, Tenants' Representative.

**Officers Attending:**

D Yates, N Gibbs, C Malyon, J Mascal, Ms J Bateman, K Green, Miss G O'Rourke and for part of the meeting Mrs J Griffiths.

**85. MINUTES.**

**RESOLVED:**

That, subject to the deletion in Minute No. 74 of the first paragraph relating to an interest declared by Cllr Robinson, the minutes of the meeting held on 7 December 2005, having been circulated, be signed by the Chairman as a correct record.

**86. DECLARATIONS OF INTEREST.**

Cllr Thierry declared a personal and prejudicial interest in Minute 89 in that he rented a Council owned garage. He left the meeting and took no part in the discussion. He did not vote.

**87. PUBLIC PARTICIPATION.**

No issues were raised during the public participation period.

**88. CALSHOT TOILETS – PETITION (REPORT A).**

Cllr Holtham, a Fawley Parish councillor addressed the Cabinet. He said that the petition that had been presented to the Council had been the second one asking for both toilets at Calshot to remain open. He felt that the options outlined for the Spit End site were expensive and asked why different types of excavations had been carried out on the two sites. Cllr Holtham said that the Calshot toilets were used all year round. A previous report to the Environment Review Panel had said that the toilets had high usage and he was concerned that the current report to the Cabinet said that the toilets had low usage. A letter was circulated to the Cabinet giving further detail.

Mr Holmes, a beach hut owner at Calshot addressed the Cabinet. He said he accepted that a new toilet would be built at the Hill Head end of Calshot Spit but he did not agree that the one at Spit End should be closed. He suggested that further consideration should be given to partnership working and funding, possibly with HCC. Mr Holmes was also of the view that the revenue obtained from car parking charges at Calshot should be enough to fund toilet provision.

Mr Feltham, a member of the committee of the Beach Hut Owners' Association addressed the Cabinet. The Cabinet noted that there were 190 beach huts at Calshot and 100 of those were members of the Beach Hut Owners' Association. 90% of those members were resident in the New Forest. Mr Feltham said that his members had seen a 30% increase in their beach hut rental over recent years but a reduction in facilities available to them. There were always more cars parked at the Spit End of Calshot than the Hill Head end. He said that the Council and the New Forest National Park should fund the facilities jointly.

In response to some of the points raised, members noted that the excavations at Spit End had been for porosity tests whilst those at Hill Head had been structural for foundations. Calshot toilets had been classified as high usage to reflect peak use periods at times during the year but, in comparative terms with other areas of the district, they were low usage. Members noted that it was not possible to install a septic tank system that would meet Environment Agency requirements therefore, if the existing toilet facilities were to be maintained, a new sewage disposal facility would be needed at an approximate cost of £60,000 – £80,000.

Maps were displayed showing the relative distances from beach huts to toilets at Milford-on-Sea and Calshot. Members noted that at Milford-on-Sea there was a greater distance to the nearest toilet than there was at Calshot.

The Chairman pointed out that in 1998 a project board, comprising district and local members, had recommended a programme of toilet closure and refurbishment of which the Calshot proposals were one element. The Chairman confirmed that on the occasion in the year when it was known that Calshot would be unusually busy i.e. Fireworks at Cowes, the Council would provide additional portable toilets.

A member commented that it appeared that the adjacent sailing club had recently installed a septic tank. Members noted that if this had been the case it was likely that this would only have been possible because of the limited scale of use of that facility.

Members noted that the Council had approached the National Park Authority to explore the possibility of them funding the provision of toilet facilities to provide additional capacity during the summer months. However, the National Park had said that they were not able to offer grant aid or fund projects at present but may revisit the matter at some point in the future.

**RESOLVED:**

That the report be noted and the previous decision to construct and maintain one public convenience at Calshot Spit, situated at Hill Head car park be confirmed.

**89. HOUSING REVENUE ACCOUNT ESTIMATES FOR 2006/07 (REPORT B).**

Cllr Thierry declared a personal and prejudicial interest in that he rented a Council owned garage. He left the meeting and took no part in the discussion. He did not vote.

The Cabinet considered the draft Housing Revenue Account (HRA) for 2006/07 together with the anticipated impact of the draft 2006/07 Subsidy Determination on the Council's 2006/07 HRA estimates.

Mrs White, Tenant representative said that the Tenants had expressed concern over the proposed increase of £2.40 per week in garage rents. Whilst they accepted that the rents should rise by that amount, they felt that the increase should be phased in over more than one year in order to spread the burden.

Members noted that two thirds of the lessees of Council owned garages were not Council tenants. If the garage rents were not raised then the shortfall in income would need to be funded from elsewhere in the HRA. The current surplus projection for the 2006/07 HRA was £372,000 and this could be used to support a phased approach to the garage rent increase.

The Cabinet agreed that the proposal should be deferred until the Tenants' Representatives and the Housing, Health and Social Inclusion Review Panel had had the opportunity to consider the matter further and make a recommendation on how they would wish the garage rent increase to be financed.

**RECOMMENDED:**

***That Service charges in line with the detailed proposals in Report B to the Cabinet be agreed.***

**RESOLVED:**

- (a) That the bases for preparation of the final 2006/07 estimates as outlined in Report B to the Cabinet be agreed;
- (b) That the reporting process proposed and outlined in Report B to the Cabinet be approved;
- (c) That the current proposed rent increase be noted but recommendations be deferred until the final report is submitted in February;
- (d) That the Housing, Health and Social Inclusion Review Panel together with the Tenant Representatives be asked to consider further the way in which the proposed garage rent increase might be financed; and
- (e) That the setting aside of the projected HRA surplus of £372k in the Major Repairs Reserve in order to allow its use for future Major Repairs expenditure commitments be deferred until after a decision on the garage rent increase has been made.

**90. GENERAL FUND REVENUE BUDGET AND CAPITAL PROGRAMME 2006/07 (REPORT C).**

The Cabinet considered the work that has taken place on the expenditure plan proposals since their meeting in November, together with the provisional revenue grant settlement and service development proposals.

The Chairman said that the anticipated increase in Council Tax for 2006/07 would be in the region of 2.75%. The average council tax rise for the district over the previous few years had been in the region of 4%. Whilst the Revenue Support Grant for 2006/07 was an increase on previous years, there were still funding shortfalls as a result of previous low settlements.

In the light of previous years settlements a prudent view had been taken in preparing the 2006/07 budget. However, in the light of a higher Revenue Support Grant than had been anticipated it was now possible to consider all the growth bids and savings that had been put forward.

The Finance and Support Portfolio Holder said that he was sorry that the National Park Authority had not joined in partnership with the Council on the planning function. Such a partnership would have saved the council tax payer money both nationally and locally. With no rise in inflation the Council still had to find an additional £1m to balance the budget. Whilst the Portfolio Holder was pleased at the 4.7% increase in Revenue Support Grant he reiterated that there were still shortfalls in budgets as a result of previous low settlements.

Members noted that committees and review panels would consider their budgets again in January and final recommendations would be made to the Cabinet in February.

**RESOLVED:**

- (a) That the amendments to the Expenditure Plan revenue proposals contained in Appendix 3 to Report C to the Cabinet be agreed;
- (b) That the amendments to the Expenditure Plan capital proposals contained in Appendix 4 to Report C to the Cabinet be agreed; and
- (c) That the Review Panels be asked to consider the proposals contained in this report and their comments be considered by the Cabinet in February before final budget recommendations are made to the Council.

**91. DISPOSAL OF LAND AT TRAFALGAR HOUSE, SEWARD ROAD, HYTHE (REPORT D).**

The Cabinet considered the disposal of land at Trafalgar House, Seward Road, Hythe to Hyde Housing Association for the development of 18 affordable homes for low cost home ownership. The new homes would be allocated to applicants from the Council's Homesearch Register.

The property currently on the land was empty and would be demolished. The new development would comprise 6 x 1 bed flats and 12 x 2 bed flats. The proposal was subject to planning consent being granted to Hyde Housing Association and to their successful bid to the Housing Corporation for funding.

In response to a question members noted that all the costs relating to the transfer of the land would be contained within the overall project costs. Members noted that the proposed scheme would make a valuable contribution towards meeting local housing need and this balanced the loss of the temporary accommodation previously on the site.

**RECOMMENDED**

- (a) *That the land at Seward Road, Hythe be transferred leasehold to Hyde Housing Association for £1;*
- (b) *That the transfer will only proceed provided that planning consent is granted to Hyde Housing Association to develop the site for affordable housing and subject to their successful bid to the Housing Corporation for funding; and*
- (c) *That the existing flats be demolished in order to facilitate the redevelopment.*

**92. PEOPLE STRATEGY 2005/2008 (REPORT E).**

The Cabinet considered a proposed People Strategy for 2005/2008. The People Strategy described the Council's approach to managing and developing people, and was key to achieving the Council's aims under the organisation of excellence. The Council had previously been complimented, as part of the CPA and IIP processes, on their human resource strategies and, in particular, on their flexible working policies.

The Chairman welcomed the People Strategy and said that it would enable managers to continuously measure workforce skills and address any gaps through training. He emphasised the importance of health and safety awareness being built into the management process and being the responsibility of every employee, manager and member.

In particular the Cabinet noted that partnership working on a county wide basis to look at collaborative approaches to advertising and recruitment methods was being pursued. It was hoped that this would promote the Council to a wider group of potential employees whilst at the same time achieving budget reductions.

**RESOLVED:**

That the People Strategy for 2005/2008 be approved.

**93. INDEMNITIES FOR MEMBERS AND OFFICERS (REPORT F).**

The Cabinet reviewed the Council's existing policy on indemnities in the light of new legislation. The Cabinet agreed that the most appropriate course of action was to adopt a scheme based on the new Regulations, but including wider powers to indemnify members and officers where those were currently part of the Council's existing policy and were still permissible.

In particular, members recommended that an Indemnity should be provided to members for the defence of proceedings under the national Code of Conduct. They also recommended that members and officers should continue to be indemnified for the cost of defending criminal proceedings relating to Health and Safety at Work, Data Protection, and related provisions, without them being required to repay the cost of their defence if found guilty providing that they acted in good faith.

In response to a question, members noted that the new Regulations specified that, when sitting on an outside body with decision making powers, members and officers were only covered by the Council's indemnity if the Council had appointed them to that body. It was therefore important to ensure that the Cabinet made all such appointments.

Members also recommended that the Leader of the Council should be an additional consultee in any decision by the Chief Executive to grant indemnities within the terms of the approved policy.

**RECOMMENDED:**

- (a) *That, subject to*
- (i) *an Indemnity being provided to members for the defence of proceedings under the national Code of Conduct; and*
  - (ii) *members and officers continuing to be indemnified for the cost of defending criminal proceedings relating to Health and Safety at Work, Data Protection, and related provisions, without them being required to repay the cost of their defence if found guilty providing that they acted in good faith;*
- an indemnity policy as set out in Appendix 2 to Report F to the Cabinet be approved; and*
- (b) *That the Chief Executive, in consultation with the Leader, the Finance and Support Portfolio Holder, the Director of Resources and the Head of Legal and Democratic Services, be delegated power to grant indemnities within the terms of the approved policy.*

**94. THE FOOD HYGIENE (ENGLAND) REGULATIONS 2005 – DELEGATION OF POWERS (REPORT G).**

From 1 January 2006, local authorities would derive their hygiene enforcement powers from The Food Hygiene (England) Regulations 2005. The Cabinet considered proposed new delegations to reflect this change.

**RESOLVED:**

That the delegations to officers as set out in Section 3 of Report G to the Cabinet be agreed.

**95. IMPORTED FOOD REGULATIONS – DELEGATION OF POWERS (REPORT H).**

The Cabinet considered changes to delegations to reflect new legislation and to give additional powers for the control of illegal imports.

**RESOLVED:**

- (a) That the delegations to officers as set out in Section 2 of Report H to the Cabinet be agreed; and
- (b) That the existing delegation under The Products of Animal Origin (Third Country Imports) (England) (No 3) Regulations 2004 be deleted.

**96. DELEGATIONS TO OFFICERS – ROAD TRAFFIC ACT 1991 – DECRIMINALISED PARKING ENFORCEMENT.**

The Cabinet considered proposed new delegations to officers under the Road Traffic Act 1991 – Decriminalised Parking Enforcement, which had just come into effect.

**RESOLVED:**

That the officers be delegated powers as set out below:

<b>Source</b>	<b>Power Delegated</b>	<b>Delegation To</b>
Road Traffic Act 1991, Schedule 6 paragraph 1	To serve a “notice to owner” on the person who appears to have been the owner of the vehicle when an alleged contravention occurred	Parking Manager Parking Operations Manager Parking Administrator Clerical Assistant Parking
Road Traffic Act 1991, Schedule 6 paragraph 2(3)	To decide whether to disregard representations received after the period of 28 days beginning with the date on which the notice to owner was served	Parking Manager Parking Operations Manager Parking Administrator
Road Traffic Act 1991, Schedule 6 paragraph 2(7)	To consider representations and supporting evidence from the recipient of a notice to owner, and to serve on that person notice of decision as to whether the ground is established	Parking Manager Parking Operations Manager Parking Administrator Clerical Assistant Parking
Road Traffic Act 1991, Schedule 6 paragraph 6	To serve “charge certificates” to the effect that the penalty charge is increased by 50 per cent	Parking Manager Parking Operations Manager Parking Administrator Clerical Assistant Parking



**Source**

Road Traffic Act  
1991, Schedule 6  
paragraph 7

**Power Delegated**

To apply to the county  
court to recover the  
increased penalty  
charge

**Delegation To**

Parking Manager  
Parking Administrator

To issue a warrant of  
execution for an unpaid  
penalty charge

Director of Resources  
Parking Manager

CHAIRMAN

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