

1 MARCH 2006

NEW FOREST DISTRICT COUNCIL

CABINET

Minutes of a meeting of the Cabinet held at Appletree Court, Lyndhurst on Wednesday 1 March 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
e C A Wise

In Attendance:

Councillors:

Ms L C Ford
R J Neath
Sqn Ldr B M F Pemberton
L R Puttock

Councillors:

Mrs M J Robinson
D N Scott
C R Treleaven

Also In Attendance:

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

Officers Attending:

D Yates, N Gibbs, C Malyon, J Mascall, Ms J Bateman and Miss G O'Rourke and for part of the meeting M Devine, R Easton, Mrs P Jordan, C Read and K Smith.

110. MINUTES.

RESOLVED:

That the minutes of the meeting held on 1 February 2006, having been circulated, be signed by the Chairman as a correct record.

111. DECLARATIONS OF INTEREST.

Cllr Kendal declared an interest in Minute Nos. 116 and 118
Cllr Robinson declared an interest in Minute No. 118
Cllrs Ford and Thierry declared interests in Minute No. 114

112. PUBLIC PARTICIPATION.

No issues were raised during the public participation period.

113. MANDATORY LICENSING OF HOUSES IN MULTIPLE OCCUPATION – DELEGATED AUTHORITY TO SIGN AND ISSUE LICENCES AND SETTING THE LICENCE FEE (REPORT A).

The Housing Act 2004 introduced some significant changes to the way housing authorities dealt with standards in the private sector. Among the new provisions were the Housing, Health and Safety Rating Standard, which would replace the current standard of fitness for human habitation, new enforcement powers for housing standards and mandatory licensing of Houses in Multiple Occupation.

RESOLVED:

- (a) That the Head of Housing Services and the Housing Improvements Manager be given delegated authority to issue Temporary Exemption Notices, include conditions in the licence, issue the licence, vary or revoke the licence, prosecute for offences for non-licenced HMOs and apply to the residential property tribunal for a rent repayment order; and
- (b) That a fee of £270 for the licence application be approved with the additions and deductions as detailed in Report A to the Cabinet.

114. REVIEW OF PUBLIC CONVENIENCES (REPORT B).

Cllrs Ms Ford and Thierry declared personal interests in this item. They did not consider their interests to be prejudicial. They remained at the meeting and took part in the discussion. Cllr Mrs Ford did not have a vote.

The Council owned and was responsible for 32 public conveniences. In September 2005 the Council's Environment Review Panel undertook a review of the future provision of the service and agreed proposals for a capital rebuild programme and permanent decommissioning of some individual sites.

The Cabinet noted proposed revisions to the capital programme that would provide new toilets in Lymington (Waitrose Car Park) and Ringwood over the 2006 -2008 period. The toilets at Blackfield, Holbury, Brockenhurst (Main Road) and Testwood Recreation Ground, Totton, would all be permanently decommissioned. Those premises were either already closed, were in poor condition or had such low usage that neither their renovation nor replacement could be justified.

The Environment Portfolio Holder thanked the Environment Review Panel for the work they had undertaken. He supported the use of John Pardy as Architects but suggested that if Ringwood Town Centre toilets proceeded as part of a wider scheme, the entire project should be subject to competitive tender in view of the scale of the work.

RESOLVED:

- (a) That the Capital Programme be revised to enable new public conveniences at Ringwood and Waitrose Car Park, Lymington, during 2006/07 and 2007/08;
- (b) That Standing Orders as to Contracts be waived in order that John Pardey Architects be appointed for the 2006/07 public convenience programmed works, where a stand alone construction project was appropriate, without inviting tenders; and
- (c) That the permanent decommissioning of the public conveniences at Blackfield, Holbury, Brockenhurst (Main Road) and Testwood Recreation Ground, Totton be agreed.

115. REVIEW OF THE CEMETERIES SERVICE (REPORT C).

Mrs Golden, a member of the public, addressed the Cabinet. She expressed concern that edging that she had placed around her husband's grave in Eling Cemetery had been removed by Council workers. Mrs Golden said that there were a number of other graves in the vicinity that had edging that had not been removed. She accepted that Eling Cemetery was a lawn cemetery and that kerb edging could not be used. However, whilst accepting the health and safety implications she did feel, that once a person had purchased a burial plot, they should be able to manage it in the way that they wanted, within reason.

The Environment Portfolio Holder replied that cemeteries should provide a safe and peaceful environment for people to pay their respects to deceased friends and family. The Council was very mindful of the need to ensure that all due care and attention was shown not only to those interned, but also to the relatives of the deceased. However, the Council's main priority was to ensure the safety of everyone using a cemetery including Council staff working there.

The Health and Safety at Work etc Act 1974 (HSWA) required burial authorities, as employers, to ensure not only the safety of their employees but also members of the public. The Council was therefore proposing amendments to the Cemetery Regulations and the establishment of a Memorial Mason Registration Scheme, to establish a uniform standard of workmanship and working practice throughout all Council cemeteries and graveyards.

The Cabinet considered in detail the new arrangements for the Cemeteries Service. They noted that in lawn cemeteries it was important that no additional elements were added to a grave area. Chippings or kerbstones were a health and safety risk to both employees and visitors when lawn mowers or strimmers were being used. The new regulations clarified the position and would be applied in as sensitive and sympathetic way as possible.

In addition, the Cabinet noted that a more detailed review of burial provision district wide needed to be undertaken. A funding bid would be made for 2007/08 to enable a feasibility study to be undertaken to determine the future needs and locations for burials for the remainder of this century.

RESOLVED:

- (a) That the revised cemetery regulations and the Memorial Mason Registration scheme be approved;
- (b) That the headstone and memorial inspection regime as detailed in report to the Cabinet be approved; and
- (c) That the procedure for dealing with unauthorised memorials as detailed in Report C to the Cabinet be approved.

116. PROJECT INTEGRA ANNUAL BUSINESS PLAN 2006-2011 AND JOINT MUNICIPAL WASTE MANAGEMENT STRATEGY (REPORT D).

Cllr Kendal declared a personal interest in this item as Chairman of the Project Integra Review for Hampshire County Council. He did not consider his interest to be prejudicial. He remained at the meeting, took part in the discussion and voted.

The Cabinet considered the Project Integra Annual Business Plan (ABP) for 2006 – 2011 and the Joint Municipal Waste Strategy (JMWMS). The ABP set out the service priorities for the next five years and the financial arrangements for 2006/07. The JMWMS was a plan for dealing with municipal waste in Hampshire in the next 10 years.

Members noted that this was the first time the Council had considered a JMWMS. The document complemented the Council's own Waste Management Strategy and proposed five options for consideration as a way forward. The Cabinet agreed that option 5, as detailed in the report, provided the best way to achieve Government targets whilst at the same time ensuring the best environmental benefit through waste minimisation. However, the costs to the Council were unclear and members agreed that the financial implications needed further clarification before proceeding.

RECOMMENDED:

That, subject to the clarification and agreement of the financial implications:

- (i) ***The Joint Municipal Waste Management Strategy for Hampshire be endorsed; and***
- (ii) ***The Project Integra Annual Business Plan 2006-2011 be approved.***

117. MARCHWOOD COMMUNITY FACILITY (REPORT E).

[Note: This minute was amended by the Cabinet on 5 April 2006 as follows:-

“That, subject to Minute No. 117 - 4th paragraph being amended to read “The Cabinet noted that the Clerk to Marchwood Parish Council expressed the view that the Parish Council supported the recommendations contained in the report” the minutes of the meeting held on 1 March 2006, having been circulated, be signed by the Chairman as a correct record.”]

The Cabinet considered arrangements in relation to the lease of the community premises in Marchwood.

Cllr Walmsley, a local member, addressed the Cabinet. He said that the community premises were a good local facility that was well used. There were a number of local residents who voluntarily ran the Marchwood Sports and Social Club (MSSC). He acknowledged that the Club's recent large electricity bill had meant that they were now in arrears with their rent to the Council. However, he felt that if they could be helped with that and were granted an extension to the lease they would be able to continue.

Members noted that if MSSC paid no further rental until the end of the lease in September 2006, there would be a shortfall of income of £17,500. Officers were working with the Club to try and reduce that liability and they would continue to support the Club to achieve a solution to their difficulties. However, the Cabinet agreed that the Council could no longer maintain the current situation.

The Cabinet noted that Marchwood Parish Council were in support of the recommendations as set out in the report.

The arrangements on the site for Forest Bus were unaffected by the situation and they would continue to operate as usual.

RESOLVED:

- (a) That the lease for community premises in Marchwood be not renewed;
- (b) That active support is given to retain community use of the site;
- (c) That the financial implications be reported as part of the financial variations for the financial years 2005/06 and 2006/07; and
- (d) That arrangements be made to recover the maximum income under the current arrangements consistent with the continued use of the site.

118. NEW FOREST PRIMARY CARE TRUST/HAMPSHIRE STRATEGIC HEALTH AUTHORITY/AMBULANCE TRUST - CONSULTATION (REPORT F).

Cllr Robinson declared a personal interest in this item as Chairman of the Hampshire Partnership Trust. 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.

Cllr Kendal declared a personal interest in this item as a financial advisor to private dentists. He did not consider his interest to be prejudicial. He remained at the meeting, took part in the discussion and voted.

The Hampshire and Isle of Wight Strategic Health Authority (STHA) issued two consultation papers on reconfiguration for discussion with partners and the wider community.

The Housing, Health and Social Inclusion Review Panel had considered the consultation documents and the advantages and disadvantages of the proposals, and had made recommendations to the Cabinet.

The two proposals for Primary Care Trust (PCT) reconfiguration outside of Southampton, Portsmouth and the Isle of Wight were either for a single PCT or three PCT's to replace the existing seven. For the Strategic Health Authority the proposals were either for one authority for the south east, coterminous with the Government Office for the South East, or for two authorities, one covering Hampshire and the Isle of Wight and the Thames Valley and the other covering Kent & Medway, Surrey and Sussex.

There was also an option for the Hampshire Ambulance Trust to merge with the trusts for Berkshire, Buckinghamshire and Oxfordshire to mirror the proposed STHA for Hampshire and the Thames Valley.

The Health and Social Inclusion Portfolio Holder said that this was the fourth major restructuring of health care provision in the last few years and the constant changing was not of benefit to local people. She said that there was a lot of good work being done locally and it was important that any reconfiguration preserved the best of the current position.

Whilst it was appreciated that one PCT would give greater economies of scale, the Cabinet expressed concern that this should not be at the expense of current local arrangements, particularly in relation to the number of small cottage hospitals in the district. Any changes should reflect whatever was the best way of delivering services locally and engaging with the local agenda, whether this was done through one or more PCT's. Any reorganisation should include arrangements for a sub structure for the eleven district councils involved.

The Cabinet also expressed concern over dentistry provision. New contracts for dentists meant that they were no longer able to run mixed practices providing private services to adults whilst at the same time providing NHS services to children, the elderly and those on benefits. This would result in insufficient NHS provision for those vulnerable groups.

Members agreed that the Portfolio Holder, in consultation with officers, should respond to the consultation documents on behalf of the Council, taking into account the views of the Housing, Health and Social Inclusion Review Panel together with the points raised by the Cabinet.

RESOLVED:

That the Health and Social Inclusion Portfolio Holder, in consultation with officers, respond to the consultation documents from the Hampshire and Isle of Wight Strategic Health Authority on the reconfiguration of the New Forest Primary Care Trust, the Hampshire Strategic Health Authority and the Hampshire Ambulance Service taking into account the following points arising from the Housing, Health and Social Inclusion Panel and the Cabinet discussions :

- (a) That whichever PCT structure is agreed, the following aspects will be critically important :-
 - (i) That LSPs be a key building block of any future structure.
 - (ii) That strong emphasis be placed on public health work with district councils.
 - (iii) That partnership work continues to be a key element of future work.
 - (iv) That ongoing support be given to joint projects and appointments, including financial support.
 - (v) That the District Council be involved in the developing Practice Based Commissioning and the social care agenda.
 - (vi) That concern is expressed over dentistry provision. New contracts for dentists have meant that they are no longer able to run mixed practices providing private services to adults whilst at the same time providing NHS services to children, the elderly and those on benefits. This will result in insufficient NHS provision for these vulnerable groups.
 - (vii) That whilst it is appreciated that one PCT would give greater economies of scale there is concern that this should not be at the expense of current local arrangements that worked well. Any reorganisation should include arrangements for a sub structure for the eleven district councils.

- (b) That the option for two Strategic Health Authorities for the South East, one covering Hampshire & The Isle of Wight and Thames Valley (covering Berkshire, Buckinghamshire and Oxford) and the other covering Kent & Medway, Surrey and Sussex be preferred.

- (c) That the proposed reconfiguration of the Ambulance Trust be supported, subject to the following: -
 - (i) The changes not altering response times and that reassurance on this issue be sought.
 - (ii) The changes not detrimentally altering services for local people especially in more rural areas such as the New Forest.
 - (iii) The changes result in improved communication between the Ambulance Trust and the Council and other community groups.
- (d) That the Chairman write to the Department of Health, the Strategic Health Authority and the PCT stressing the Council's concerns regarding the rate of change within these organisations and the negative impact on staff morale.

119. COUNCIL'S KEY TARGETS (REPORT G).

Each year the Council identified its key targets for the year ahead and assessed its performance against targets from the previous year. The Cabinet noted that in 2005/06 the Council had achieved 37 out of the 48 key targets that it had set.

RESOLVED:

- (a) That assessment of performance against the 2005/06 key targets be agreed;
- (b) That 2006/07 key targets bearing in mind the overall assessment of 2006/07 targets against the Corporate Plan be agreed; and
- (c) That the information be included in the Council's Performance Plan.

120. THE COUNCIL'S IMPROVEMENT PLAN (REPORT H).

The Cabinet considered progress against the various areas in the Council's Improvement Plan. It was noted that the Plan was constantly evolving as new key challenges presented. As part of this development process the Cabinet agreed a number of additions and deletions to the Plan as detailed in the report to them.

RESOLVED:

- (a) That progress against the Council's Improvement Plan be noted; and

- (b) That the additions and deletions to the plan as detailed in Report H to the Cabinet be agreed.

121. LOCAL STRATEGIC PARTNERSHIPS (LSPs) – SHAPING THEIR FUTURE – A CONSULTATION PAPER (REPORT I).

The Cabinet considered a consultation paper examining the future role of LSPs, their governance and accountability and their capacity to deliver sustainable community strategies and Local Area Agreements.

A proposed response to the consultation paper was circulated to the Cabinet. Members noted that the partnership approach was still evolving and the response to the consultation reflected that. The proposals in the document were generally welcomed although greater clarity was needed on some aspects as detailed in the response.

RESOLVED:

That the response to the ODPM on the consultation paper “Local Strategic Partnerships – Shaping Their Future”, as circulated to members at the meeting, be agreed.

122. SUSPENSION OF STANDING ORDERS.

In line with the Council’s Financial Regulations, the Cabinet noted the reasons for a suspension of Standing Orders by the Director of Resources, in order to make an urgent payment of £20,000 to settle a claim made by a former employee.

RECOMMENDED:

That the suspension of Standing Orders in order to make an urgent payment of £20,000 to settle a claim made by a former employee be noted.

123. DELEGATION OF POWERS TO OFFICERS.

The Cabinet considered some minor amendments to the Scheme of Delegations for Officers.

RESOLVED:

- (a) That the powers delegated under the Food Hygiene (England) Regulations 2005 be now delegated under The Food Hygiene (England) Regulations 2006; and

- (b) That the powers delegated to the Housing Estates Manager under the Housing Act 1996 and Demoted Tenancies (Review of Decisions) (England) Regulations 2004, relating to demoted tenancies, be now delegated to the Housing Manager.

CHAIRMAN

(DEMOCRAT/CB010306/MINUTES.DOC)