

5 NOVEMBER 2008

NEW FOREST DISTRICT COUNCIL

CABINET

Minutes of a meeting of the Cabinet held at Appletree Court, Lyndhurst on Wednesday, 5 November 2008.

- p Cllr B Rickman (Chairman)
- p Cllr E J Heron (Vice-Chairman)

Councillors:

- p G C Beck
- p Mrs D M Brooks
- p Mrs J L Cleary

Councillors:

- p Mrs M D Holding
- p C R Treleaven
- p C A Wise

In Attendance:

Councillors:

W H Dow
Ms L C Ford
D Harrison
P E Hickman
Mrs A J Hoare
Mrs P Jackman
Mrs P J Lovelace
Mrs M E Lewis
Mrs A E McEvoy
Sqn Ldr B M F Pemberton

Councillors:

Mrs A M Rostand
Mrs B Smith
Mrs S I Snowden
A J Swain
F P Vickers
J G Ward
A Weeks
P R Woods
Dr M N Whitehead

Also In Attendance:

Mrs A Murphy, Tenants' Representative.

Officers Attending:

D Yates, R Jackson, J Mascal, Ms J Bateman and Miss G O'Rourke and for part of the meeting G Ashworth, G Bettle, M Devine, C Elliott, P Freeman, A Groom and N Hunt.

57. APPOINTMENT OF VICE-CHAIRMAN.

RESOLVED:

That Cllr E J Heron be appointed as Vice-Chairman of the Cabinet for the remainder of the municipal year.

58. MINUTES.

RESOLVED:

That the minutes of the meeting held on 1 October 2008, having been circulated, be signed by the Chairman as a correct record.

59. DECLARATIONS OF INTEREST.

Cllrs Mrs Holding and Rickman declared interests in Minute Nos. 61, 62 and 63
Cllr Dr Whitehead declared an interest in Minute No. 64
Cllr Ms Ford declared an interest in Minute No. 68

60. PUBLIC PARTICIPATION.

No issues were raised during the public participation period.

61. CONSULTATION ON DIRECT ELECTIONS TO ENGLISH NATIONAL PARK AND BROADS AUTHORITIES (REPORT A).

Cllrs Rickman and Mrs Holding declared personal interests in this item as Council appointed representatives on the New Forest National Park Authority. They did not consider their interests to be prejudicial. They remained at the meeting, took part in the discussion and voted.

The Cabinet considered a response to a consultation document issued by the Department for Environment, Food and Rural Affairs on the membership of National Park Authorities. The main proposal related to whether directly elected members could usefully replace or supplement the parish or local authority members.

In discussing the proposed response to the consultation members agreed that greater democratic accountability was needed in National Park authorities. They reiterated their support for a tailor made constitution for the New Forest National Park Authority, which they said they would be happy to assist in developing.

RESOLVED:

That the response to the DEFRA consultation document as set out in Appendix B to Report A to the Cabinet be agreed subject to the addition of a comment to offer the Council's support in developing a tailor made constitution model for the New Forest National Park Authority.

62. NEW FOREST NATIONAL PARK PLAN CONSULTATION DRAFT (REPORT B).

Cllrs Rickman and Mrs Holding declared personal interests in this item as Council appointed representatives on the New Forest National Park Authority. They did not consider their interests to be prejudicial. They remained at the meeting, took part in the discussion and voted.

The Cabinet considered a response to a consultation on the draft New Forest National Park Authority Plan.

The Planning and Transportation Portfolio Holder said that the Council had now produced their own Local Development Framework Core Strategy and he regretted that the New Forest National Park Authority (NFNPA) had not felt able to join the Council in producing a joint strategy. He felt that the NFNPA document was one dimensional and did not take into account such issues as the housing and transport needs of local people.

A well attended informal meeting, on 13 October 2008, to which all members of the Council had been invited, had been able constructively to produce a draft response to the consultation which formed the basis of the Cabinet's deliberations.

The Cabinet agreed that it was important that the Council and the NFNPA worked collaboratively together however, there were a number of areas of concern in the proposed Plan. In particular the Employment, Health and Wellbeing Portfolio Holder said that the housing needs of young people were not being addressed and this was important to enable a sustainable vibrant community to be maintained within the New Forest. Concern was also expressed at the proposed zoning of areas which could lead to different planning requirements within one parish.

RESOLVED:

That the New Forest National Park Authority be informed that the Council:

- (i) Welcomes the opportunity to comment on the draft New Forest National Park Plan;
- (ii) Emphasises the need for the New Forest National Park Plan properly to deal with the needs of the 34,000 people who live in the New Forest National Park and the related economic, social and community needs, as well as reflecting National Park purposes;
- (iii) Urges the New Forest National Park Authority, in finalising the New Forest National Park Plan, to take on board the comments made in Section 3 of Report B to the Cabinet; and
- (iv) Aims to continue to work with the New Forest National Park Authority to secure the outcomes set out in recommendations (ii) and (iii) above, with the intention of achieving an outcome where both the Council and the New Forest National Park Authority will have compatible plans that can be mutually supported.

63. NEW FOREST NATIONAL PARK AUTHORITY RECREATION MANAGEMENT STRATEGY CONSULTATION DRAFT (REPORT C).

Cllrs Rickman and Mrs Holding declared personal interests in this item as Council appointed representatives on the New Forest National Park Authority. They did not consider their interests to be prejudicial. They remained at the meeting, took part in the discussion and voted.

The Cabinet considered a response to a consultation draft Recreation Management Strategy published by the New Forest National Park Authority.

The Employment, Health and Wellbeing Portfolio Holder expressed some concern with the Strategy in that all activities appeared to be confined to settlements. She did not feel that this would contribute to a living, working society that enhanced the whole of the New Forest National Park.

Other members commented on the importance of dog walking and horse riding as recreational activities and the importance of such rural pursuits to the local economy. The proposed response to the draft consultation would be amended to give particular emphasis to these points.

RESOLVED:

That the New Forest National Park Authority be informed that the Council:

- (i) Welcomes the opportunity to comment on the draft New Forest National Park Authority Recreation Management Strategy;
- (ii) Aims to continue to work with the New Forest National Park Authority with the intention of an outcome that both authorities are able to support each other's and partner agencies' plans which relate to this subject area; and
- (iii) Asks the New Forest National Park Authority, in finalising their Recreation Management Strategy, to take on board the comments made in Section 3 of Report C to the Cabinet as amended to give particular emphasis to the issues surrounding dog walking and recreational horse riding and the importance to the economy of rural pursuits.

64. FORDINGBRIDGE TOWN DESIGN STATEMENT (REPORT D).

Cllr Dr Whitehead declared a personal interest in this item as secretary of the Fordingbridge Community Forum. 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.

In line with Natural England's initiative to encourage communities to prepare village and town design statements, a steering group comprising Fordingbridge residents had produced a Town Design Statement for their town, which the Cabinet considered.

The Planning and Transportation Portfolio Holder thanked Cllr Shand and other local members and volunteers as well as NFDC officers for the enormous amount of time and effort they had put into producing the excellent document. The Statement detailed issues that were important to local people and was a very good example of local democracy at work.

RESOLVED:

- (a) That the Fordingbridge Town Design Statement be endorsed as having the status of Supplementary Guidance which, in the terms of paragraph 6.3 of PPS12, should be afforded a weight commensurate with that of a Supplementary Planning Document in decision making (noting paragraph 3.3 of Report D to the Cabinet; and
- (b) That the Planning Policy Manager, in consultation with the Planning and Transportation Portfolio Holder, be authorised to agree any necessary minor editorial changes to the document in preparing it for publication.

65. SOUTH EAST ENGLAND REGIONAL ASSEMBLY – GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE CONSULTATION (REPORT E).

The Cabinet considered a consultation document from the South East Regional Assembly on options for allocating Gypsy, Traveller and Travelling Showpeople pitches across the south east region.

An assessment, commissioned with other Hampshire Authorities, showed that, taking into account the supply of vacancies on existing sites, there was a need for an additional 44 pitches in Hampshire between 2006 and 2011. There was a generally low level of need for additional permanent pitches in the New Forest as the area was well catered for on the Bury Brickfields site near Marchwood.

Taking this into account, the Cabinet was of the view that the proposal that new pitches should be provided as close as possible to where Gypsies and Travellers currently lived was the most appropriate.

RESOLVED:

That paragraphs 4.10 and 4.11 of Report E to the Cabinet be endorsed and Option A, that all new spaces should be provided as close as possible to where Gypsies and Travellers currently live, which may mean that some council areas have no spaces, be agreed as the Council's response to the SEERA consultation.

66. PUBLIC OPEN SPACE, FOREST GATE, FAWLEY (REPORT F).

The Cabinet considered a proposal for the sale of part of an area of public open space to permit access to a residential development site and for the transfer to the Council of additional land for public open space use.

The Finance and Efficiency Portfolio Holder said that the proposal would enhance the area by enabling two unconnected areas of public open space to be joined.

In response to a question from a local member, the Cabinet noted that a requirement for sympathetic landscaping would be incorporated into any planning application for the site to maintain the aesthetics of the area.

RESOLVED:

That the proposal for the sale of part of an area of public open space to enable access to a residential development site together with the transfer to the Council of an additional area of land for public open space as set out in Report F to the Cabinet be agreed, and subject to contract and planning, officers be authorised to settle terms for the grant of access rights and the transfer of land as appropriate.

67. HOLBURY HALL, HOLBURY DROVE, HOLBURY (REPORT G).

The Cabinet considered options for the disposal of Holbury Hall, Holbury Drive, Holbury.

The property had been vacant for two years although in the past had been a valuable asset to the community. The Asset Management Group had endorsed the view that retaining the premises for the District Council's use was not considered viable in this location. Residential use was limited by planning constraints. However, there was a proven need for additional community facilities in the area and therefore the Cabinet was of the view that the property should be disposed of.

RESOLVED:

That, in accordance with the views expressed by the Asset Management Group, Holbury Hall, Holbury Drive, Holbury be sold by informal tender as detailed in Report G to the Cabinet.

68. NEW FOREST/TEST VALLEY PARTNERSHIP REVIEW (REPORT H).

Cllr Ms Ford declared a personal interest in this item as Chairman of the New Forest District Council/Test Valley Borough Council Commercial Services Overview and Scrutiny Committee. She did not consider her interest to be prejudicial. She remained at the meeting. She did not have a vote.

The Cabinet considered proposals to revise the management and governance arrangements for the New Forest/Test Valley Commercial Services Partnership.

The Finance and Efficiency Portfolio Holder said that the proposed changes to the partnership arrangements would enable the business to move forward whilst reducing the bureaucracy to a minimum. The new management structure at NFDC would be fully implemented and a greater focus could then be given to the operational requirements of the partnership.

Members noted that in terms of scrutiny arrangements, reports would be able to be made at any time to an NFDC Review Panel as appropriate.

RECOMMENDED:

That the New Forest District Council/Test Valley Borough Council Commercial Services Overview and Scrutiny Committee be dissolved.

RESOLVED:

- (a) That the recommendations of the NFDC/TVBC Commercial Services Joint Committee with regard to the future management and governance arrangements for the New Forest / Test Valley Partnership be endorsed;
- (b) That the first amendment proposed by the NFDC/TVBC Commercial Services Overview and Scrutiny Committee, 'that a new Partnership Agreement be entered into' be approved;
- (c) That in consideration of the second amendment proposed by the NFDC/TVBC Commercial Services Overview and Scrutiny Committee provision be made to bring reports, when requested, to a Review Panel as appropriate;
- (d) That the NFDC/TVBC Commercial Services Joint Committee be dissolved with immediate effect;
- (e) That the additional budget requirement for 2008/09 of approximately £37,000 be approved; and
- (f) That the additional budget requirements for the 2009/10 financial year be included in the Council's medium term financial plans.

69. COUNCIL OWNED STREET LIGHTS (REPORT I).

The Cabinet gave consideration as to whether or not the Council should include some of its streetlights within HCC's Private Finance Initiative (PFI) contract.

The Planning and Transportation Portfolio Holder confirmed that the current lighting contract with HCC expired at the end of 2009 and therefore alternative arrangements had to be agreed. He was of the view that joining the PFI would be the most advantageous way forward for the Council.

Members noted that, in response to their previous concerns, NFDC lights in sensitive areas would be replaced on a one for one basis, with no additional lights being installed and lights in conservation areas would be excluded from the proposals.

In the long term the economies of scale resulting from including NFDC owned street lights in a HCC county wide lighting maintenance contract and county wide energy procurement contract would result in lower costs compared with having a local contract. Members also noted that the proposed increase in energy costs had reduced from £11,360 to £8,168

RESOLVED:

- (a) That NFDC owned street lighting, other than its lighting in conservation areas, be included in the PFI at an estimated additional annual cost in the region of £37,878 to £53,694 for 2010/11 on the understanding that its lighting in sensitive areas will be replaced on a one for one basis and that none of NFDC's street lights will be turned off during the hours of darkness to save electricity without the consent of NFDC;

- (b) That NFDC enter into an agreement with HCC in accordance with (a) above that incorporates the terms etc. set out in HCC's letter dated 19 February 2008 except that the energy costs will be based on market energy rates;
- (c) That existing NFDC owned lighting in conservations areas be retained by NFDC and neither improved nor replaced as part of the PFI;
- (d) That, should PFI tender rates for maintenance be significantly more than £30 per unit per year (2009 prices) and result in the cost of including of NFDC owned street lighting in the PFI (excluding its lighting in conservation areas) becoming more expensive than the other options considered, then NFDC officers, in consultation with the Planning and Transportation Portfolio Holder, be authorised to arrange the procurement of lighting maintenance and replacement of its street lights through a competitive tendering process when the current HCC Lighting Contract ends;
- (e) That, subject to the agreement of HCC, NFDC owned lighting not included in the PFI be maintained by the PFI contractor using PFI call-off rates and, where this is not acceptable to HCC, then competitive tenders be sought;
- (f) That officers be authorised to agree the re-designation of street lights where appropriate, to address anomalies such as a mixture of NFDC and HCC owned street lights in the same section of road;
- (g) That NFDC inform HCC that it supports the use of more energy efficient lights including fluorescent units where appropriate and, in due course when their use becomes more viable, units that utilise light emitting diodes;
- (h) That provision be made in the lighting budgets for:
 - increased energy costs of £8,168 in 2008/9
 - increased energy costs and PFI costs in the region of £13,950 and £21,858 for 2009/10
 - PFI costs in the region of £37,878 to £53,694 for 2010/11 and future years, adjusted in line with inflation; and
- (i) That up to £50,000 of the 2007/8 and 2008/9 allocations for column replacement and improvement be carried forward into 2009/10 to cover the cost of the infill lighting as detailed in Report I to the Cabinet.

70. GREEN AUDIT IMPROVEMENT PLAN – OPERATION OF COUNCIL OWNED BUILDINGS (REPORT J).

The Cabinet considered a further report arising from the Council's Green Audit relating to the operation of Council owned buildings.

The civic buildings carbon footprint for 2007 was 2,856 tonnes CO₂. There were broadly three strategies for reducing increments to that carbon burden:

- Change practices so that they required less (or no) energy
- Burn any fossil fuels that were required at maximum efficiency
- Substitute ambient (Carbon Neutral) energy sources in place of fossil fuels

Energy surveys were undertaken at Applemore Health and Leisure Centre, Marsh Lane Depot and the Town Hall. These were carried out at no cost to the Council by the Carbon Trust. Under the Green Audit Plan seven further site surveys were planned but these would be commissioned from commercial suppliers.

The Carbon Trust report commended the present energy performance of the Council, both in terms of management and the technology deployed, but also went on to make recommendations for improvements. The recommendations were detailed as to process, cost, pay-back and impact reduction and formed the basis for a draft Improvement Plan.

RESOLVED:

That the package of measures contained in the Improvement Plan as attached at Appendix 1 to Report J to the Cabinet be agreed.

71. OUTSIDE BODIES.

RESOLVED:

That the following appointments be made:

(i) Ringwood, Fordingbridge and Totton Citizens' Advice Bureau Management Committee

That Cllr J Heron be appointed to serve as the Council's representative on this organisation in place of Cllr Greenfield;

(ii) Local Government Association Rural Commission

That Cllr E J Heron be appointed to serve as the Council's representative on this organisation in place of Cllr Kendal

(iii) South East Employers' Organisation

That Cllr Dow be appointed to serve as the Council's representative on this organisation in place of Cllr Hutchins.

(iv) Association of Hampshire & Isle of Wight Local Authorities

That Cllr Kendal be confirmed as continuing as the Council's representative on this organisation in place of Cllr Mrs Holding.

CHAIRMAN