

3 DECEMBER 2008

NEW FOREST DISTRICT COUNCIL

CABINET

Minutes of a meeting of the Cabinet held at Appletree Court, Lyndhurst on Wednesday, 3 December 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:

Ms L C Ford
H F Forse
C J Harrison
D Harrison
P E Hickman
J A G Hutchins
Mrs A E McEvoy
Mrs M E Lewis

Councillors:

Sqn Ldr B M F Pemberton
L R Puttock
A W Rice
Mrs A M Rostand
A J Swain
F P Vickers
J G Ward

Also In Attendance:

Mrs P White Tenants' Representative.

Officers Attending:

D Yates, R Jackson, J Mascal, Ms J Bateman and Miss G O'Rourke and for part of the meeting C Elliott, N Hunt, R Millard, M Powell, Ms A Righton, Ms H Renwick and Mrs R Rutins.

72. MINUTES.

RESOLVED:

That the minutes of the meeting held on 5 November 2008, having been circulated, be signed by the Chairman as a correct record.

73. DECLARATIONS OF INTEREST.

Cllrs Beck, Hutchins, Rice and Ward declared interests in Minute No. 75.
Cllrs Mrs Brooks and Rickman declared interests in Minute No 81.
Cllr Ms Ford declared an interest in Minute No. 77.

74. PUBLIC PARTICIPATION.

Mr Shepherd addressed the Cabinet as a representative of the Testwood Residents' Association. He referred to 19 acres of land at Testwood House Farm that he said had originally been given to the people of Totton for use as informal public open space. Local residents had unsuccessfully tried to register the land as a village green. He understood that there were proposals to use the land for rugby and football and yet there were pitches for these sports elsewhere in the area that were under utilised. He said it was one of the few remaining green spaces in the area and should be protected.

Mr Shepherd said that in 1999 Hampshire County Council recommended that the area should remain as natural grassland in preference to playing fields which would then limit the impact on the adjoining Lower Testwood Nature Reserve. In 2005 the Hampshire and Isle of Wight Wildlife Trust also agreed that the land would be better left as an informal buffer strip to the nature reserve. In 2006 the Totton and Eling Town Council surveyed their residents and there was a clear majority for the land to remain in informal use.

Mr Shepherd asked the Cabinet to ensure that local people and groups and Totton and Eling Town Council were consulted before any decisions were taken on the future use of the land.

The Chairman responded and said that the Council would take on board the points that Mr Shepherd had made and would fully involve Totton and Eling Town Council in any future discussion on the land in question.

75. PROPOSED EXTENSIONS TO THE COUNCIL'S PUBLIC CCTV SYSTEM (REPORT A).

Cllrs Beck, Hutchins, Rice and Ward declared personal interests as members of New Milton Town Council. They did not consider their interests to be prejudicial. They remained at the meeting and took part in the discussion. Only Cllr Beck was entitled to vote.

The Cabinet considered proposals to extend the public CCTV system into Hythe and New Milton.

The Crime and Disorder Portfolio Holder was pleased to support the proposal to extend the scheme to provide 7 cameras and associated equipment in each area. He said whilst CCTV did not resolve all problems it was a useful tool in dealing with anti social behaviour. The Portfolio Holder thanked both local councils who together with local businesses, retailers and officers had worked hard to bring the proposals together.

The total capital cost for the required 'hubs', monitoring capabilities and 14 cameras was £340,871 with ongoing annual revenue costs of £56,189 as detailed in Appendix 3 to Report A to the Cabinet

RECOMMENDED:

That a capital sum of £340,871 be agreed in the current financial year for the proposed extensions to the Council's Public CCTV system together with additional annual ongoing revenue funding of £56,189 for forthcoming years.

RESOLVED:

That, subject to the above recommendation, the Council's public CCTV system be extended to Hythe and New Milton to give both towns a hub, monitoring capabilities and 7 cameras at the locations as set out in Report A to the Cabinet with the installation work commencing at the earliest opportunity.

76. STRATEGIC HEALTH AUTHORITY CONSULTATION – FLUORIDATION OF WATER IN SOUTHAMPTON AND SOUTH EAST HAMPSHIRE (REPORT B).

The Cabinet considered a response to a consultation by the South Central Strategic Health Authority on a proposal to introduce fluoride into the water supply of Southampton and the east of the New Forest. The Cabinet also considered a Notice of Motion submitted to the Council on 21 July 2008 proposing that the water supply in the district should remain unchanged.

The Health and Wellbeing Portfolio Holder said that she had read widely on the subject and had considered research both for and against the fluoridation of water. She was firmly of the view that mass medication without choice for residents was not acceptable. Whilst Southampton City Primary Care Trust were of the view that fluoridation was necessary for the health of children's teeth, the Portfolio Holder said that other methods such as fluoride toothpaste and better education were more appropriate. There were also other concerns such as overdosing and spillage that might arise if the water fluoridation took place.

A number of other members spoke in support of the Portfolio Holder and the Notice of Motion.

One member was in favour of fluoridation and said that it would benefit those people who could no longer afford dental care. There had been much research carried out and there was no evidence that fluoridation was detrimental to health.

In response, the Health and Wellbeing Portfolio Holder said that the health aspects of fluoridation were not proven and different research on the same evidence gave different answers.

RESOLVED:

- (a) That the conclusions reached by the Employment Health and Wellbeing Review Panel, as detailed in Report B to the Cabinet, be noted and agreed and submitted as part of the Council's response to the consultation by the Hampshire and Isle of Wight Strategic Health Authority; and

- (b) That, following consideration of the conclusions reached by the Employment Health and Wellbeing Review Panel, the Employment Health and Wellbeing Portfolio Holder, the Southampton Overview and Scrutiny Panel and the Hampshire Water Fluoridation Panel and having fully reviewed the evidence, the Council strongly supports the Notice of Motion submitted to the Council and urges the Southampton City NHS Primary Care Trust not to add fluoride to the water of Southampton and the affected area of the South East Area of the New Forest.

77. NOTICE OF MOTION – SPEED LIMIT ON A31, RINGWOOD (REPORT C).

Cllr Mrs Ford declared a personal interest as a member of Ringwood Town Council. 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.

The Cabinet considered a Notice of Motion presented to the Council on 27 October 2008 together with recommendations from the Planning and Transportation Review Panel and comments from Ringwood Town Council.

The Planning and Transportation Portfolio Holder said that he supported the proposals put forward by the Review Panel which provided a wider response than the original motion. He also agreed with the comment from the Town Council in relation to the West Street link to the A31. In response to a local member's request, it was noted that the Highways Agency were required to consult fully before making any road closures.

RESOLVED:

- (a) That the Highways Agency be thanked for providing accident information and details of their emerging proposals for the A31;
- (b) That urgent action be requested to be taken to reduce the number and severity of personal injury accidents along the A31 from Picket Post to the Hampshire/Dorset county boundary;
- (c) That the Highways Agency be urged to introduce a package of measures that will improve road safety along the A31 in the Ringwood area and improve conditions for residents near the A31 including:
- queue detection linked to warning signs to alert drivers to traffic queues ahead within the next 12 months
 - the trial use of road markings (possibly chevrons on the road surface) to help drivers to better judge their speed
 - the introduction of a 50 mph speed limit with appropriate enforcement

- further consultations with the county, district and town councils on the development of detailed proposals to improve or close the West Street link to the A31 subject to such proposals making full provision for ensuring adequate traffic flow arrangements within the town centre.
 - the development of proposals to improve the westbound carriageway of the A31 before 2012 by the addition of a westbound traffic lane on the A31 west of the “on slip” from the A338/B3347 roundabout so as to enable further consultations with the Council and others to be undertaken.
- (d) That the Highways Agency be asked to inform the Council of its timescale for implementing the above measures and the estimated costs.

78. CORPORATE EQUALITY SCHEME 2008 – 2011 (REPORT D).

The Cabinet considered a revised Corporate Equality Scheme for the Council for the period 2008 – 2011.

RECOMMENDED:

That the proposed Corporate Equality Scheme, as attached at Appendix 1 to Report D to the Cabinet, be approved as the Council’s Corporate Equality Scheme for 2008-2011.

79. FINANCIAL REPORT – FORECAST FULL YEAR AND ACTUAL FOR THE PERIOD APRIL 2008 TO OCTOBER 2008 (REPORT E).

The Cabinet considered the Council’s budget performance for the first seven months of 2008/09 on a portfolio and committee basis.

The Finance & Support Portfolio Holder said that the shortfall in the budget predicted in the previous monitoring report had now evened out and the budget was currently on course to balance. Whilst the costs for concessionary fares were lower than predicted and interest earnings for 2008/09 were currently projected to increase, the income from planning and land charges fees were reduced.

Members noted that the Council had attracted £700,000 in Government funding to cover the emergency coastal defence repair work at Milford-on-Sea.

RESOLVED:

- (a) That the items set out in the revised General Fund, Capital Programme and Housing Revenue Account budgets, as shown in Appendices 1 – 3 to Report E to the Cabinet be agreed; and

- (b) That the actual expenditure position after 7 months (58.3%) compared to the budgets for the General Fund, Capital Programme and Housing Revenue Account as set out in Appendices 1 – 3 to Report E to the Cabinet be noted.

80. REPRESENTATION ON OUTSIDE BODIES – REVIEW BY CORPORATE OVERVIEW PANEL (REPORT F).

The Cabinet considered the findings of a review undertaken by the Corporate Overview Panel in relation to the Council's representation on outside bodies. Officers were thanked for their hard work in producing a positive set of recommendations, that would update the way in which appointments to outside bodies were made.

The Cabinet supported the findings of the review and also agreed that the Members' Development Group be requested to consider introducing an informal audit of new members' knowledge and experience to help match individuals to outside body appointments.

RESOLVED:

- (a) That before making appointments to outside bodies, the appointing body (generally the Cabinet) be satisfied that
 - (i) there will be a clear benefit to the Council and/or the inhabitants of the District through formal representation on that organisation; or
 - (ii) the Council has made or is continuing to make a significant financial contribution towards the establishment or operating costs of the organisation and that appointing a representative will help ensure good governance.
- (b) If (i) or (ii) of (a) above are not met, the organisation concerned be encouraged to approach the local member(s) to serve in a personal capacity.
- (c) That, except in those cases where there is an urgent or other demonstrable need for fresh appointments to be made earlier, or where appointments are made by office, the four-yearly appointments to outside bodies be made at the October meeting of the Cabinet in the year of ordinary elections to the Council;
- (d) That there be a presumption that representatives on outside bodies will be elected members of the Council, but that it be recognised that there will be occasions when exceptions to this principle will be appropriate;
- (e) That, where feasible, appointments to outside bodies be made by office rather than by name;
- (f) That, in making appointments, careful consideration be given to selecting the most appropriate representative taking into account the nature of the appointment and other issues such as local representation and the relevant experience and expertise of the appointee;

- (g) That, in principle and subject to the exception below, existing appointments of named Councillors (not appointments made by office), including those where the representative has not been re-elected to the Council, continue after the quadrennial election of Councillors until a new appointment is made. The exception to this principle will be where there is a legal or other requirement for a serving councillor to be the representative on the organisation concerned;
- (h) That, where there is no requirement for the appointment of a greater number, the number of representatives on each outside body be limited to one per organisation;
- (i) That the principle of the introduction of a formal process of members reporting back on the activities of the outside bodies on which they represent the Council be agreed;
- (j) That all representatives on outside bodies be required to produce a brief written report as and when appropriate, but at least once a year, and that these be placed on the Councillors' area of ForestNet;
- (k) That the officers be requested to prepare a schedule, to be available on the Councillors' area of ForestNet, of the links to Portfolio Holders, Review Panels and lead officer(s) for each of the outside bodies on which the Council is represented;
- (l) That the appointments to the outside bodies set out in Appendix 1 to Report F to the Cabinet be discontinued;
- (m) That the representation on the outside bodies set out in Appendix 2 to Report F to the Cabinet be amended as set out in the Appendix;
- (n) That when fresh appointments to outside bodies are made, unless there is an overriding need for more than one, the Council's representatives on each outside body be limited to one; and
- (o) That the Members' Development Group be requested to consider introducing an informal audit of new members' knowledge and experience to help match individuals to outside body appointments if required.

81. FEES AND CHARGES (REPORT G).

Cllrs Mrs Brooks and Rickman declared personal and prejudicial interests in this item in that they were both beach hut owners. There was no discussion on this aspect of the report. They remained at the meeting but did not vote on this particular aspect of the decision.

The Cabinet considered the proposals for fees and charges that had so far been presented to committees and review panels. The Finance and Efficiency Portfolio Holder supported the proposals as set out in Appendices 1 to 7 of Report G to the Cabinet.

In response to a question members noted that the basis for the green fees at Dibden Golf Centre had now changed. There were no longer separate summer and winter charges and therefore the proposed charges could not be compared to previous years. However, the golf professionals did have authority to reduce costs dependent on course conditions.

Members noted that the Council was approaching the change in VAT in a pragmatic way. The majority of the fees and charges proposed were exclusive of VAT and therefore the lower rate would apply for as long as it was in force. However, all prices quoted inclusive of VAT such as parking charges would remain the same as it was impractical to change those due to their relatively small value, their large range and their method of collection.

RECOMMENDED:

That, having considered the comments made by Panels and Committees, the fees and charges for 2009/10, as set out in Appendices 1 to 7 to Report G to the Cabinet be agreed.

82. MEDIUM TERM FINANCIAL PLAN – ANNUAL BUDGET 2009/10 (REPORT H).

In the light of the agreed budget strategy for 2009/10, Portfolio Holders had been developing their Plans and undertaking consultation with committees and review panels. The Cabinet considered the feedback to that consultation.

The Finance & Efficiency Portfolio Holder said that two of the Council's main sources of income were from Government grant and council tax and as such there was little room for manoeuvre. Whilst the Council had good reserves and was overall in a sound financial position, there was still a shortfall in the proposed budget. Portfolio Holders and officers would continue to work on reducing expenditure and increasing income in the next few weeks. He said that it was too early to say if the Council's reserves would need to be used, and he would only support that course of action if it was needed at the end of the process.

In response to a question the Cabinet noted that HCC had confirmed that if district council funding for Accredited Community Safety Officers (ACSOs) in Totton was removed this would not directly affect their deployment in the area. Members noted that the Town Council had been informed of this.

RESOLVED:

- (a) That the feedback from review panels and committees to the proposals set out within Portfolio Plans be noted;
- (b) That the changed budget assumptions as set out in the Medium Term Financial Plan at Appendix D to Report H to the Cabinet be noted;
- (c) That the Asset Management Group be requested to develop a Capital Programme for consideration by Cabinet in January in light of the financial situation set out within Report H to the Cabinet;

- (d) That Portfolio Holders be requested to continue their work with Heads of Services to identify where areas of saving can be achieved; and
- (e) That it be noted that it is likely that the 2009/10 budget will require the support of General Fund Reserves.

83. THE COUNCIL TAX 2009/10 – SETTING THE TAX BASE (REPORT I).

The Cabinet considered the detail of the proposed tax base for 2009/10.

RESOLVED:

That, in so far as it is empowered to do so by law, the calculation of the Council Tax Base for the year 2009/10 as set out below be agreed:

- (a) The calculation of the Council's tax base for the year 2009/2010 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 2009/10 be as follows and as detailed in Appendix 1 to Report I to the Cabinet:

PARISH/TOWN	TAX BASE 09/10
Ashurst & Colbury	925.0
Beaulieu	518.8
Boldre	1050.0
Bramshaw	345.7
Bransgore	1869.8
Breamore	180.0
Brockenhurst	1844.8
Burley	781.0
Copythorne	1221.5
Damerham	239.9
Denny Lodge	155.7
East Boldre	397.4
Ellingham, Harbridge & Ibsley	595.3
Exbury & Lepe	110.4
Fawley	4864.3
Fordingbridge	2383.0
Godshill	213.9
Hale	267.8
Hordle	2434.9
Hyde	506.9
Hythe & Dibden	7786.9
Lymington & Pennington	7074.9
Lyndhurst	1397.7
Marchwood	2118.9
Martin	188.5
Milford on Sea	2735.2
Minstead	361.6

Netley Marsh	829.8
New Milton	10862.8
Ringwood	5447.7
Rockbourne	166.3
Sandleheath	273.9
Sopley	300.9
Sway	1679.9
Totton & Eling	9872.3
Whitsbury	102.8
Woodgreen	244.7
Whole District	72350.9

84. OUTSIDE BODIES.

RESOLVED:

(a) Partnership for Urban South Hampshire

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

(b) Eling Tide Mill

That Cllr Scrivens be appointed as the Council's representative on this organisation in place of Cllr Mrs Brooks

85. APPLEMORE HEALTH AND LEISURE CENTRE CHANGING ROOMS – SUPPLEMENTARY FUNDING (REPORT K).

The Cabinet considered a request for additional funding to enable the completion of refurbishment work to the wet changing rooms at Applemore Health and Leisure Centre.

The tenders originally sought for the scheme had come in over budget and, following consideration by the Council's Asset Management Group, the scheme had been reconfigured and retendered.

In addition, since the publication of the agenda, the Leisure, Culture and Youth Matters Portfolio Holder reported that notification had been received from the Department for Culture, Media and Sport that, as not all local authorities had signed up to the free swimming initiatives, additional funding had been allocated to those authorities that had. This meant that the Council's revenue allocation for free swimming for Under 16's had increased from £77,371 to £93,370 and the one-off Capital grant from £39,500 to £52,630. As a consequence the supplementary funding required to complete the refurbishment work at Applemore Health and Leisure Centre was able to be reduced from £61,500 to £48,370.

RECOMMENDED

That a supplementary capital estimate of £48,370 in 2009/10 be agreed in order to complete the refurbishment works to the wet changing rooms at Applemore Health and Leisure Centre and that the consequent re-phasing of £153,000 in existing budgets from 2008/09 into 2009/10 be noted.

86. 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 paragraphs 3 and 5 of Part I of Schedule 12A of the Act and the public interest in maintaining the exception outweighs the public interest in disclosing it.

87. SETTLEMENT OF LITIGATION (REPORT J).

(A confidential minute under the provisions set out in Minute 86 above has also been prepared)

The Cabinet considered the detail of an urgent decision taken by the Executive Director (Responsible Finance Officer) in relation to costs awarded against the Council.

RESOLVED:

- (a) That, in accordance with Financial Regulation 2.4 it be noted that the Executive Director (Responsible Finance Officer) had agreed a supplementary estimate in the sum of £90,000 to cover costs awarded against the Council in a decision relating to work undertaken to sport hall floors at Applemore, Totton and Ringwood Health and Leisure Centres and that this decision be reported to the next meeting of the Council; and
- (b) That the Head of Legal & Democratic Services in consultation with the Chief Executive, Executive Director (Responsible Finance Officer), the Leader of the Council and the Finance and Efficiency Portfolio Holder be authorised to finalise the matter.

CHAIRMAN