

5 JULY 2010

NEW FOREST DISTRICT COUNCIL

CABINET

Minutes of a meeting of the Cabinet held at Appletree Court, Lyndhurst on Monday, 5 July 2010.

- 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
- C J Harrison
- Mrs A J Hoare
- Mrs P Jackman
- C Lagdon
- Mrs M E Lewis

Councillors:

- L R Puttock
- Mrs A M Rostand
- Mrs S I Snowden
- A J Swain
- A Weeks
- P R Woods

Also In Attendance:

Mrs W Celea and Mr M Walls, Housing Policy and Report Focus Group Representatives.

Officers Attending:

D Yates, R Jackson, J Mascall, Ms J Bateman, G Bettle and Miss G O'Rourke and, for part of the meeting, D Atwill, D Brown, Mrs C Gallagher, Ms A Righton and K Smith.

14. MINUTES.

RESOLVED:

That the minutes of the meeting held on 2 June 2010, having been circulated, be signed by the Chairman as a correct record.

15. DECLARATIONS OF INTEREST.

No declarations of interest were made by members in connection with any agenda item.

16. PUBLIC PARTICIPATION.

No issues were raised during the public participation period.

17. ELING WHARF AND FORESHORE – CONTAMINATED LAND (REPORT A).

Mr James Roberts, Chairman of Burt Bolton Holdings PLC, (BBH) addressed the Cabinet.

Mr Roberts confirmed that BBH were the owners of the land in question at the foreshore and above high water mark at Eling Wharf. He said he had read the Cabinet report and felt that it was a fair and balanced document and gave a good overview of the situation. He welcomed the report and the recommendations.

He acknowledged that the Cabinet might have concerns that BBH might not undertake the remediation work on a voluntary basis as they had said. He said that, in conjunction with the Council, BBH had proposed that a working group be set up to monitor the situation. He was fully aware that if Burt Bolton Holdings did not perform this would be reported back to the Cabinet and he knew what to expect. He hoped that the formation of the working group would give members confidence.

Mr Roberts said that his company took the contamination very seriously and he gave an assurance that the clean up would proceed. He was grateful to the Council officers for producing such a clear report and for being given the opportunity to address the Cabinet.

The Cabinet considered arrangements for addressing the contamination of land and Eling Wharf and foreshore.

The Chairman thanked officers and local members in particular for the work that had been done to get to the current position.

The Employment, Health and Wellbeing Portfolio Holder said that the report was a good and fair account of the situation. She particularly thanked the Head of Public Health and Community Safety and the Environmental Health Manager (Environmental Protection) for the work they had undertaken over a number of years on this particular issue. She said that the remediation work should commence on 5 July and would be closely monitored.

RESOLVED:

- (a) That in light of the fact that BBH have confirmed that remediation of the foreshore (land delineated in blue on Appendix 1) will commence on 5 July 2010, Cabinet defer any decision to formally determine the foreshore as contaminated land pending a further report back to Members by October 2010 as to the progress of the said works of remediation;
- (b) That in light of the fact that BBH have confirmed that remediation of the 'main site' (land delineated in red on Appendix 1) has commenced, Cabinet defer any decision to formally determine the main site as contaminated land pending the assessment by this Council and the Environment Agency of the documentation submitted on 14 June 2010 by BBH, with a view to bringing a further report back to Cabinet by October 2010 detailing the outcome of the assessment and any subsequent discussions with BBH;

- (c) That, without prejudice to the outcome of the assessment referred to in 12.2, officers accept BBH's offer for New Forest District Council to join a Working Party along with the Environment Agency to monitor progress and discuss the on-going remediation taking place on the foreshore and the main site; and
- (d) That officers report back to Members if they consider that significant progress is not being made, in respect of either the remediation of the foreshore or the main site, whereupon Members will give consideration to formally determining the land as contaminated under Part 2A of the Environmental Protection Act, 1990.

18. HOUSING REVENUE ACCOUNT REFORM (REPORT B).

The Cabinet considered a response to a Government consultation document entitled "Council Housing : A Real Future".

The Housing Portfolio Holder pointed out that NFDC was in negative subsidy which meant that the Council made a contribution of nearly £9m per year to the Government. That effectively meant that 40% of the rent that any tenant in new Forest District went to the Government and brought no benefit to the Council.

She said that whilst the details of the review were still unknown the proposed self financing arrangement would mean that the Council would have to take on a loan of £132m although, it would no longer be paying the annual £9m. The proposals would also mean that the Council could retain the full receipt of any 'Right to Buy' sales rather than pay 75% of these monies to the Government. The Council would have 'local' control over its housing, it could mean that a greater investment was possible in the housing stock and there would be a real chance of a substantial house building programme, particularly in the longer term once the debt had been repaid.

The Portfolio Holder said that she broadly supported the proposals but the future detail would need to be carefully considered. The proposed response to the consultation would include the concerns of the tenants and particular concern would be expressed about the level of debt that the Council would be required to take on.

Mr Walls, Housing Policy and Report Focus Group Representative said that the tenants were disappointed that the Council would be required to take on a substantial amount of debt. That was an unfair penalty and burden on the authority.

Other members also commented on the unfairness of the Council being forced into debt when the authority's finances were so well managed.

RESOLVED:

- (a) That the proposed responses to the consultation as set out in Report E to the Cabinet be agreed; and

- (b) That the following points raised by the Housing Review Panel and endorsed by the Cabinet be included in a covering letter accompanying the consultation response: -
- (i) That the Council has concerns regarding the complexities of how the Government has calculated the debt this Council would have to incur and the fact that these calculations do not come with any guarantees or safeguards from the Government regarding the long term stability of the Council's finances;
 - (ii) That the Council feels frustration at being penalised by having to take on a significant debt when it has proved itself to be a debt free responsible landlord; and
 - (iii) That the unfairness of the system needs to be addressed as authorities in the south of the Country have to take on significant debts despite being debt free, to off set debts accrued by northern authorities.

19. MARSH LANE DEPOT FORECOURT SEPARATOR – SUPPLEMENTARY CAPITAL BUDGET REQUEST (REPORT C).

The Cabinet considered a supplementary capital budget request of £40,000 for the purchase of a Class 1 Forecourt Separator at Marsh Lane Depot.

The Finance and Efficiency Portfolio Holder said that problems with the separator system had been discovered as a result of an inspection. The Council was anxious to maintain their high environmental standards and therefore a Class 1 Forecourt Separator was proposed.

In response to a question members noted that officers were confident about the estimated level of cost.

RESOLVED:

That a supplementary capital budget of £40,000 be agreed to cover the cost of the Class 1 Forecourt Separator at Marsh Lane Depot.

20. PERFORMANCE MATTERS – ANNUAL REPORT LOOKING BACK AT 2009/10 (REPORT D).

The Cabinet considered the content and publication arrangements for the Annual Report : Looking Back 2009/2010. It was noted that the figure referred to in paragraph 4.1 should read £326.

The Finance and Efficiency Portfolio Holder said that some examples of savings included £600,000 that had been achieved through the restructuring of the Health and Leisure Service. A further £400,000 was anticipated from the Office

Optimisation project. The Council had successfully completed 413 new kitchens and 205 new bathrooms in its local housing stock. The Portfolio Holder said that the Council, though its prudent approach to financial management, was well placed for the future.

The Crime and Disorder Portfolio Holder reported on an excellent example of partnership working that had taken place on 29 June 2010 in New Milton and surrounding areas. 250 police officers were involved in executing 19 drug related warrants with the aim of interrupting the supply of Class A and B drugs into New Milton, Lymington and the surrounding areas. The Safer New Forest Partnership that includes the Council, had undertaken work following the execution of the warrants to reassure the community and give advice and support.

The Housing Portfolio Holder was pleased to report that work undertaken by the Strategic Housing Team had reduced the waiting time for a disabled facilities grant from 18 months to 6 months and this would be reflected in next year's 'looking back' annual report.

The Employment, Health and Wellbeing Portfolio Holder was pleased that the Council was showing continuous improvement. She said that businesses in the district were still enthusiastic despite the difficult economic climate.

The Environment Portfolio Holder made special mention of the street cleansing service. There had been a significant improvement in performance indicators and customer feedback and this had been mainly achieved through changes to working practices. A similar process would now be undertaken in the refuse and recycling service where it was hoped to make further improvements.

The Planning and Transportation Portfolio Holder was pleased that the revised Core Strategy had enabled maximum flexibility for the provision of affordable housing. The new proposals from the Government would continue the trend for more local decision making and the work already undertaken by the Council would provide the opportunity to take that forward.

In response to a question members noted that the free swimming initiative for the over 60's and the under 17's had only been introduced as a result of a subsidy being available. The Leisure, Culture and Youth Matters Portfolio Holder said that now that the subsidy had been withdrawn she would consider options for the future. An item would appear on the forthcoming Forward Plan of Key Decisions.

Members noted the detail of the Council's revenue and capital expenditure; assets and investments and employee figures.

RESOLVED:

That the content and format of the "Performance Matters - Annual Report : Looking Back 2009/10" be approved for publication.

21. SCHEME OF DELEGATIONS – ENVIRONMENTAL HEALTH.

Following a review, the Cabinet considered changes to update the Officers' Scheme of Delegations.

RECOMMENDED

That, the reference to Appointment of Proper Officer under the Public Health (Control of Disease) Act 1984 be deleted in existing scheme of delegation and replaced with the following:-

Source	Power Delegated	Delegated To
<i>The Health Protection (Notification) Regulations 2010</i>	<i>The receipt and disclosure of notifiable suspected disease, infection or contamination in patients and dead persons.</i>	<i>Director of the Hampshire and Isle of Wight Health Protection Unit of the Health Protection Agency to act as Proper Officer for these purposes.</i>

RESOLVED:

- (1) That the reference to the repealed legislation "The Official Feed & Food Controls (England) Regulations 2007 (as amended)" be deleted in existing scheme of delegation and replaced with the following:-

Source	Power Delegated	Delegated To
The Official Feed & Food Controls (England) Regulations 2009	Powers of entry, investigation and sampling. The service of notice to require detention, destruction, special treatment, re-dispatch and other appropriate measures for non compliant food.	Environmental Health Manager (Commercial), or Senior Environmental Health Officers, or Environmental Health Officers

- (2) That the following be added to the Officers' Scheme of Delegations:-

Source	Power Delegated	Delegated To
Public Health (Control of Disease) Act 1984	Authorised officer to act in matters as specified by the Act and amendments.	Head of Public Health and Community Safety, or Environmental Health Manager (Commercial), or Senior Environmental Health Officers, or Environmental Health Officers

Source	Power Delegated	Delegated To
The Health Protection (Part 2A Orders) Regulations 2010	Provisions in relation to orders applied for and made under Part 2 A of the Public Health (Control of disease) Act 1984 and ability to impose charges in order to recover the costs of local authority actions pursuant to a Part 2 A order.	Head of Public Health and Community Safety, or Environmental Health Manager (Commercial), or Senior Environmental Health Officers, or Environmental Health Officers
The Health Protection (Local Authority Powers) Regulations 2010	Powers to impose restrictions and requirements for the purposes of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination which presents or could present significant harm to human health.	Head of Public Health and Community Safety, or Environmental Health Manager (Commercial), or Senior Environmental Health Officers, or Environmental Health Officers

CHAIRMAN

(DEMOCRAT/CB050710/MINUTES.DOC)