

1 SEPTEMBER 2010

NEW FOREST DISTRICT COUNCIL

CABINET

Minutes of a meeting of the Cabinet held at Appletree Court, Lyndhurst on Wednesday, 1 September 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:

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

In Attendance:

Councillors:

G F Dart
Ms L C Ford
C J Harrison
D Harrison
Mrs A J Hoare
Mrs P Jackman
C Lagdon

Councillors:

Sqn Ldr B M F Pemberton
L R Puttock
R F Scrivens
Mrs S I Snowden
F P Vickers
A Weeks

Also In Attendance:

Mrs A Murphy, Housing Policy and Report Focus Group Representative.

Officers Attending:

D Yates, R Jackson, J Mascall, Ms J Bateman, M Devine, C Elliott and Miss G O'Rourke and for part of the meeting J Bull, A Groom, Mrs D MacLean and C Read.

22. MINUTES.

RESOLVED:

That the minutes of the meeting held on 5 July 2010 be signed by the Chairman as a correct record.

23. DECLARATIONS OF INTEREST.

Cllr Heron declared interests in Minute nos. 30 and 31.

24. PUBLIC PARTICIPATION.

No issues were raised during the public participation period.

25. HOWARDS MEAD, PENNINGTON – HOMES AND COMMUNITIES AGENCY FUNDING (REPORT A).

The Cabinet considered a proposal to fund the development of an affordable housing scheme at Howards Mead from Housing Revenue Account (HRA) capital reserves rather than prudential borrowing.

The Housing Portfolio Holder explained that in light of the new Government's agenda to reduce the national deficit, the original funding allocation for the Howards Mead project had now changed. The Council had been informed in July that funding for the project from the Local Authority New Build programme had been withdrawn as the Government did not want to add to the deficit by making councils enter into prudential borrowing.

The new funding offer of £600,000 from the National Affordable Housing Programme was conditional on NFDC funding the remainder of the scheme (estimated at £800,000) through other means.

The Housing Portfolio Holder fully supported the alternative funding proposal through the HRA Capital Reserves. She thanked the Strategic Housing Manager for the work that she had done in bringing the project to a conclusion.

The Tenants, through their Policy and Report Group, and the Housing Review Panel also fully supported the proposal.

RECOMMENDED:

That the proposal to build nine affordable council owned homes at Howards Mead, Pennington be agreed with £800,000 towards the initial scheme cost of £1.4m being funded from the Housing Revenue Account capital reserves.

Action : Diana MacLean

26. LYMINGTON CAR PARKING STUDY (REPORT B).

The Cabinet considered the results of a study undertaken to try to ascertain future parking pressures in Lyminster and provide suggestions on how these could be met.

The Planning and Transportation Portfolio Holder said that whilst there was no one answer to the parking issues in Lyminster there were a number of short and medium term options that could be followed as outlined in the action plan in Report B to the Cabinet. Those included the use of privately owned parking areas through discussions with Chamber of Commerce; the changing of the ratio of long and short stay places; an investigation of a Saturday park and ride scheme from the Ampress site; and the possible implementation of coach parking drop off/pick up point with a longer term parking facility out of town.

Members noted that there had been a full consultation on the issues and the proposals before the Cabinet were supported by the local Chamber of Commerce

and local members. They agreed that easy access and parking were vital to the economy of market towns around the district. They did not discount the possibility of some funding arising from car park charges being used to achieve the best results.

RESOLVED:

That the action plan be progressed within the financial guidelines as set out in section 12 of Report B to the Cabinet.

Action John Bull

27. OPEN SPACE SCHEMES FOR TOTTON (REPORT C).

The Cabinet considered an offer from Linden Homes to agree a variation to the Unilateral Section 106 Obligation arising from a successful appeal by Linden Homes which affected open space schemes in Totton. The sites concerned were Southern Gardens and Little Testwood Farm.

The Leisure, Culture and Youth Matters Portfolio Holder said that it was essential to safeguard the Southern Gardens site in its entirety and that the proposal in Report C to the Cabinet would do that. In relation to the Little Testwood Farm site the Portfolio Holder felt that it was important to keep all options open at this stage and that included the possibility of the land being used for employment in the future.

In answer to questions members noted that the proposals before the Cabinet gave the opportunity for negotiation to give choices for the future. Linden Homes were required to carry out a contamination survey of the Little Testwood Farm site and whether the Council took on that land would be dependent on the outcome of that survey. Members also agreed that, in relation to this site, there were savings for the developer in the proposals. It would therefore be more appropriate to consider, should there be a development that released value accrued in future, the effect to which that might be shared. It was important that the maximum benefit to the community and council was secured.

The Leader of the Opposition supported the proposal for Southern Gardens but said that he would only support the use of the Little Testwood Farm site for public open space. It was noted that as offered the site could only be classed as informal public open space. The Council's Core Strategy specified a deficit of formal open space in Totton. There was however a shortage of employment land.

RESOLVED:

- (a) That the Planning Development Control Committee be advised that the Cabinet supports the acceptance of a new Section 106 Agreement to secure the benefits as outlined in Report C to them;
- (b) That subject to the Planning Development Control Committee concurring with the decision of Cabinet, authority be granted to the Executive Directors in consultation with the Portfolio Holder for Finance and Efficiency and the Portfolio Holder for Leisure Culture and Youth Matters ("the relevant Portfolio Holders"), the Head of Legal and Democratic Services; Head of Property Services and Head of Communities and Employment to:

- (i) Enter into all necessary legal documentation to include a new Section 106 Agreement and associated land transfers and leases to give effect to the proposals in sections 4 & 5, subject to further consideration being given to the use of any accrued value from future development, and within the financial parameters set out in the report (with the legal costs associated with all such documentation being met by Linden Homes), and subject to the Council being satisfied that the land hatched black on Appendix 2 of Report C to the Cabinet will be transferred to the Council free of all contamination and also subject to any revised terms being agreed by the relevant Portfolio Holders and the Executive Directors; and
- (ii) Enter into all other necessary contracts to ensure the sites at Southern Gardens and Little Testwood Farm are brought into effective use.

Action : Martin Devine/John Bull/Grainne O'Rourke/Andy Groom

28. FINANCIAL REPORT – OUTTURN PROJECTION BASED ON PERFORMANCE TO JULY 2010 (REPORT D).

The Cabinet considered the financial performance for the first 4 months of 2010/2011 and the potential implications on a portfolio and committee basis.

The Finance and Efficiency Portfolio Holder said further work would need to be done once the outcome of the Government's spending review in October was known. Members noted a correction in relation to the variations reported which resulted in an increase in capital budgets of £475,000 resulting in a forecast outturn of £16.553m.

RESOLVED:

- (a) That the change in financial context since the budget was set in March and the impact that this has already had in 2010/11 be noted together with the indications announced by the Government for future years;
- (b) That the approach to LPSA2 funding as set out in Report D to the Cabinet be endorsed;
- (c) That the inability to charge for personal searches of the land charges register with effect from 17 August 2010 following the amendment of the Local Land Charges Rules 1977 by the Local Land Charges (Amendment) Rules 2010, which remove the authority for the charge be noted. The likely income loss of £30,000 in this financial year (£50,000 in a full year) is reflected in the revised revenue outturn forecast as detailed in Report D to the Cabinet;
- (d) That the revised outturn forecasts and their potential impact on the authority's revenue and capital (paragraphs 3.5 and 4.1 respectively of Report D to the Cabinet) budgets be noted subject to an amendment showing that the increase in capital budgets was £475,000 resulting in a forecast outturn of £16.553m; and

- (e) The detailed variations as set out in Appendices 1 and 2 of Report D to the Cabinet be noted.

Action : Alfons Michel

29. CEMETERY REGULATIONS (REPORT E).

Following a review the Cabinet considered amended Cemetery Regulations.

The Environment Portfolio Holder thanked the Environment Review Panel and the Working Party for their work in producing the amended regulations. The revised regulations were now more realistic and enforceable. The Portfolio Holder was also pleased with the work that had been undertaken at both district and county level with the gypsy and travelling community to accommodate their unique cultural practices.

RESOLVED:

- (a) That, following the consultation with the Gypsy and Travelling community, the revised regulations, including the amendment relating to only one floral tribute and a memorial plaque being allowed in the woodland areas, as set out in Appendices 1 and 2 of Report E to the Cabinet be approved; and
- (b) That the Cemeteries at Eling and Blackfield have separate regulations as set out in Appendix 2 to Report E to the Cabinet, to reflect the nature of those specific cemeteries.

Action : Colin Read

30. PARTNERSHIP FOR URBAN SOUTH HAMPSHIRE (PUSH) BUSINESS PLAN – 2010-2012 (REPORT F).

Cllr Edward Heron declared a personal interest in this item as a council representative on the Partnership for Urban South Hampshire. He did not consider his interest to be prejudicial. He remained at the meeting and voted.

The Cabinet considered the PUSH Business Plan for 2010 – 2012. PUSH was required to produce a business plan each year setting out its proposed actions and priorities. The Plan had to be approved by the eleven local authority partners.

Members noted that as the Government was currently reviewing this and other partnership arrangements, the proposed fundamental review had not been undertaken. This year's Business Plan was a holding position in view of possible changes.

RECOMMENDED:

That the PUSH Business Plan 2010-12, as set out in the appendix to Report F to the Cabinet be approved as a basis for the operations of the PUSH Joint Committee.

31. PUSH REVISIONS TO CONSTITUTIONAL ARRANGEMENTS (REPORT G).

Cllr Edward Heron declared a personal interest in this item as a council representative on the Partnership for Urban South Hampshire. He did not consider his interest to be prejudicial. He remained at the meeting and voted.

The Cabinet considered a proposal for a change in the constitutional arrangements relating to PUSH. The change related to ensuring indemnification protection for the lead authority when entering into contractual arrangements.

RESOLVED:

That the supplementary legal agreement, as detailed in Appendix A to Report G to the Cabinet, be agreed to enable a change in the constitutional arrangements relating to the Partnership for Urban South Hampshire (PUSH) in relation to indemnification protection for the lead authority.

CHAIRMAN

(DEMOCRAT/CB010910/MINUTES.DOC)