

3 APRIL 2013

NEW FOREST DISTRICT COUNCIL

CABINET

Minutes of a meeting of the Cabinet held at Appletree Court, Lyndhurst on Wednesday, 3 April 2013.

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

Councillors:

p Mrs D M Brooks
p Mrs J L Cleary

Councillors:

p F P Vickers
p C A Wise

In Attendance:

Councillors:

A R Alvey
Mrs D E Andrews
Mrs S V Beeton
Mrs S Bennison
A T Glass
C J Harrison

Councillors:

Mrs M E Lewis
J Penwarden
A W Rice
A J Swain
Mrs C Ward
P R Woods

Officers Attending:

D Yates, R Jackson, J Mascal, G Bettle, J Cranston, Miss J Debnam, Mrs C Gallagher, Mrs R Higgins, Mrs R Rutins and Miss G O'Rourke.

Also Attending:

Mrs A Gresham-Hale

67. MINUTES.

RESOLVED:

That the minutes of the meeting held on 6 March 2013 be signed by the Chairman as a correct record.

68. DECLARATIONS OF INTEREST.

Cllr Swain – minute 74
Cllr Vickers – Minute 70
Cllr Wise – Minute 74

69. PUBLIC PARTICIPATION.

The Cabinet noted the presentation from Anita Gresham-Hale on the safety of organised massed cycle events which, as they were not classified as races, were not subject to controls. In noting Mrs Gresham-Hales concerns, Members were aware that this issues was the subject of a significant amount of work behind the scenes, involving a local Member of Parliament and the County Council.

70. REVOCATION OF FAWLEY AIR QUALITY MANAGEMENT AREA (REPORT A).

Cllr Vickers declared a disclosable pecuniary interest on the grounds that a pension was paid to him by the parent company owning the Fawley Refinery. He took no part in the debate and did not vote.

Following the declaration of an Air Quality Management Area around Fawley village in 2005, an action plan had been developed with the full participation of the Environment Agency and ExxonMobil, the owners of the Fawley Oil Refinery, who were the main source of sulphur dioxide, which was exceeding the 15 minute mean air quality objective. The company had been very proactive in implementing the action plan, and there had been no monitored exceedances of the air quality objective since 2006. In accordance with government guidelines, the revocation of the Air Quality Management Area should therefore be considered. Following a full consultation exercise, in accordance with Defra guidance, the proposed revocation had been supported, and the Cabinet was therefore satisfied that the process should be completed and the Air Quality Management Area revoked.

The monitoring of air quality will continue in respect of sulphur dioxide and other pollutants controlled under the local air quality management process as set out in the relevant legislation.

The Cabinet congratulated the officers, partner organisations and the company for their work to achieve this welcome improvement to air quality standards.

RESOLVED:

- (a) That the Air Quality Management Area declared by the Cabinet on 3 August 2005 in respect of the exceedance of the 15 minute mean air quality objective for sulphur dioxide at Fawley be revoked; and
- (b) That the air quality monitoring stations located in Fawley village and Holbury Manor Infants School be maintained and monitoring continued for the foreseeable future in order to reassure the public that sulphur dioxide emissions do not deteriorate once the Air Quality Management Area has been revoked.

Action: Carole Gallagher and Rachel Higgins

71. PROJECT INTEGRA ANNUAL ACTION PLAN 2013-16, REVISED CONSTITUTION AND JOINT MUNICIPAL WASTE MANAGEMENT STRATEGY (REPORT B).

Following the fundamental review of the structure and operation of Project Integra, which had been carried out in 2010, the Cabinet considered revised arrangements to implement the agreed changes and to carry them forwards into an Annual Action

Plan, a revised Constitution and the Joint Municipal Waste Management Strategy, which set the context within which the Council's own waste management strategy could be updated. Members welcomed the improved efficiency of the organisation, and reduced bureaucracy, which would reduce running costs. The annual action plan was also more focussed with clear targets, performance measurement criteria and accountability for action.

The Cabinet thanked the Head of Environment Services for his work as a lead officer in bringing forwards these improved arrangements.

RECOMMENDED:

That Council approve

- (i) the Project Integra Draft Action Plan 2013-2016, as set out in Appendix B to Report B to the Cabinet;***
- (ii) the revised Constitution, as set out at Appendix C to Report B to the Cabinet; and***
- (iii) the refreshed Joint Municipal Waste Management Strategy, as set out in Appendix D to Report B to the Cabinet.***

72. PROCUREMENT RULES, REGULATIONS AND CONTRACT STANDING ORDERS (REPORT C).

Following a fundamental review of the Council's arrangements for procurement, the Cabinet considered the proposed changes developed by the Contracts Project Team. Of particular note was the development of "The Procurement Rules, Regulations and Contract Standing Orders" which brought all the necessary information together into one coherent reference document, as attached at Appendix A to Report C. This would assist officers to access complete, up-to-date information to ensure that all procurement followed the Council's rules and practices.

The officers on the Contracts Project Team and the Members who had contributed were thanked for their work to develop the new arrangements and documentation.

RECOMMENDED:

- (a) That the Procurement Rules, Regulations and Contract Standing Orders Document, as attached as Appendix A to Report C to the Cabinet, be approved and adopted, to become effective from 1 April 2013;***
- (b) That the changes to Contract Standing Orders (as part of the Procurement Rules, Regulations and Contract Standing Orders Document) be approved; and***
- (c) That the Constitution and Scheme of Delegation of Powers to Officers be updated in line with the revised arrangements set out in Report C to the Cabinet.***

73. MEMBERS' ALLOWANCES – SCHEME TO APPLY FROM 1 APRIL 2013 (REPORT D).

The Council is required to review, annually, its Members' Allowances scheme. Members considered that there should be no change to the current scheme.

RECOMMENDED:

That the current members' allowances scheme be adopted without change as the scheme to apply for the year commencing 1 April 2013.

74. APPLICATION FOR FUNDING SUPPORT TO PROTECT LYMINGTON HARBOUR (REPORT E).

Cllr Wise declared a non-pecuniary interest on the grounds that he had previously had a long standing association with the Lymington Harbour Commissioners. He took no part in the debate and did not vote.

Cllr Swain advised Members that although he had paid mooring fees in Lymington Harbour for 40 years, he had given up his berth last year and no longer had a declarable interest in this matter.

The Cabinet was advised that although the Lymington Harbour Authority undertook a statutory function, they were not able to access funding at preferential rates through the Public Works Loan Board. The Harbour Authority wished to carry out work to secure the long term protection of the harbour, involving the construction of breakwaters, costing £3.24 million. They had requested this Council to take out a loan with the Public Works Loan Board, on their behalf, over a ten year period, to allow them to access the preferential loan rates available.

The Cabinet was satisfied that the money would be used to safeguard an important element of the local economy, the local environment and the local community, in the pursuance of a statutory function. On this basis, subject to the provision of suitable security, and the full cost of the arrangements and of the loan being met by the Harbour Authority, the proposed funding could be supported.

RECOMMENDED:

- (a) That the principle of making a grant of £3.24 million to the Lymington Harbour Authority, on the basis set out in Report E to the Cabinet, be approved;***
- (b) That the Chief Executive, Executive Director and Head of Legal & Democratic Services in consultation with the Leader of the Council be authorised to finalise the terms of the loan with the Authority, including making appropriate arrangements in respect of securing the loan.***

CHAIRMAN