

31 JULY 1995

NEW FOREST DISTRICT COUNCIL

Minutes of a meeting of the New Forest District Council  
held at Appletree Court, Lyndhurst on 31 July 1995.

p Cllr S S Wade - Chairman  
p Cllr Miss S A Cooke - Vice-Chairman

Councillors:

p K E Austin  
p Mrs O A M Badland  
p S Bailey  
p P A Baker  
p Mrs P D Baker  
p Major C Beeton MBE  
e Mrs C A Bianchi  
p E R Bowring  
p D S Burdle  
p J E Coles  
p M R Cox  
p D E Cracknell  
p W F Croydon  
p B D Dash  
p G Dawson  
p J J Dawson  
p Miss P A Drake  
p K W Drew  
p B C Earwicker  
p A S Emery  
e Mrs L K Errington  
p R K Goodridge  
p W J Greer  
p R C H Hale  
p L E Harris  
p D Harrison  
p F R Harrison  
p S A Hayes

Councillors:

p Mrs A M Howe  
p J M Hoy  
p J A G Hutchins JP  
p M R Jones  
p M J Kendal  
p G N D Locock  
p Mrs B M Maynard  
p N D M McGeorge  
p Mrs M McLean  
p S M Noel  
p R F Orton  
e P G Pearce-Smith  
p C G Ramsden  
p A W Rice TD  
p B Rickman  
p Miss G M Rickus CBE  
p Mrs M J Robinson  
p D N Scott  
p Lieut Col M J Shand  
p S A Shepherd  
p Mrs B Smith  
p Mrs L P Snashall  
p G Spikins  
p Mrs J K Vernon-Jackson MBE JP  
p M S Wade  
p Dr M N Whitehead  
e Mrs D Wilson  
e Mrs P A Wyeth

Officers Attending:

P A D Hyde, N J Gibbs, D A Gurney, Mrs M Holmes, E S  
Johnson, I B Mackintosh, Miss J Debnam and C Gilmour.

10. MINUTES.

RESOLVED:

That the minutes of the meeting held on 22 May  
1995, having been circulated, be signed by the  
Chairman as a correct record

11. QUEEN'S BIRTHDAY HONOURS.

Members noted the following awards in the Queen's  
Birthday Honours List.

Sir Michael Cobham	Mr Geoffrey Bright MBE
The Hon Mrs Catherine Villiers OBE	Mrs Sunny Garrett MBE
Mrs Angela Guillaume CBE	Mr Philip Howard MBE
Mr Roderick Hewitt CBE	Mr Fred Reeder MBE
Mrs Patricia Allott MBE	Mr Joe Spedding MBE

12. CHAIRMAN'S ANNOUNCEMENTS.

(a) Wessex Children's Hospice Trust

The Chairman advised members that he had adopted this charity for support during his term of office. To this end he would be donating the funds which would have been used to organize the Chairman's Garden Party to the Trust;

(b) Duke of Edinburgh Award Scheme

The Chairman announced that six local young people had recently gained their Gold Awards under the Duke of Edinburgh's Award scheme;

(c) Customer Care Awards

The Chairman was pleased to present fifteen members of staff with Customer Care Awards in recognition of their helpful and courteous service to the public and fellow officers;

(d) Vic Carrington and Ted Marsh

The Chairman reported with regret the recent deaths of Vic Carrington, the Secretary of the New Forest Federation of Chambers of Trade and also of Ted Marsh who was Chairman of the New Forest Non-Domestic Ratepayers Committee.

13. CENTRAL SERVICES COMMITTEE.

Cllr McGeorge presented the minutes of the meetings held on 22 May and 20 June 1995.

On the motion that the minutes be received and the recommendations be adopted

RESOLVED:

That the minutes be received and the recommendations be adopted.

14. DIRECT SERVICES CONTRACTS COMMITTEE.

Cllr Rickus presented the minutes of the meetings held on 22 May and 27 June 1995.

On the motion that the minutes be received:-

(a) 1994/95 Provisional Accounts (Minute 8)

Cllr Rickus drew members' attention to the press release about the profits achieved by the Highways Section in the first two months of the financial year. She advised members that every effort would continue to be made to ensure that this Section would trade at a profit.

RESOLVED:

That the minutes be received and the recommendations be adopted.

15. EMERGENCIES COMMITTEE.

Cllr Shand presented the minutes of the meetings held on 22 May and 3 July 1995.

On the motion that the minutes be received

RESOLVED:

That the minutes be received.

16. ENVIRONMENTAL SERVICES COMMITTEE.

Cllr Smith presented the minutes of the meetings held on 22 May and 8 June 1995.

On the motion that the minutes be received:-

(a) Neighbour Noise (Minute 15)

Cllr Burdle referred to the recent problems caused by a noisy all-night party, and believed that the Council needed every power available to deal with such situations. He considered that causing excessive noise overnight should be made a criminal offence. He moved that this matter be referred back for further consideration. The amendment was seconded by Cllr Greer.

Cllrs Earwicker and Croydon believed that there were better methods of combating noise nuisance. One of the major problems was to define the level at which noise was sufficient to be a criminal offence.

Cllr Smith reminded members that there were already powers available to combat excessive noise. In the case of the Netley Marsh party a Noise Abatement Notice had been served, and a warrant subsequently obtained to seize the amplification equipment. This issue had been debated extensively at the Environmental Services Committee where it had been recognised that there were practical difficulties in defining the level of noise which would constitute an offence. She reminded members of the cost implications of maintaining a twenty-four hour noise service, and cautioned that the officers could not be expected to attend alone to police the

noise generated at large over-night parties.  
With seventeen members voting in favour and a  
greater number against the amendment was lost.

- (b) Coast Protection - Hurst Spit Emergency Works - January 1995  
(Minute 29)

Cllr Beeton believed that dredging materials from the Shingles Bank would restore Hurst Spit at the expense of local marine life. This was not a licensed area for mineral extraction. He also expressed his concern as he had believed that the delay in receiving consent to restore Hurst Spit had been caused by differences of departmental view at Government level. He quoted from a letter from Tony Boldry MP which stated that the required materials could be obtained from a licensed site and the Council had been required to undertake market testing. Cllr Beeton questioned the continuing delay, which was putting local peoples' lives at risk.

Cllr Vernon-Jackson also expressed her concern at the continuing delay in gaining consent to restore the Spit. If the Spit was seriously breached it would affect the regime in the entire Solent.

Cllr Smith regretted the continuing delay but hoped that the Council was now closer to resolving this problem. The tendering process for the supply of materials would soon be completed. The help of the local Members of Parliament had been enlisted and letters sent to Government departments. The Environmental Services Committee continued to debate this issue at every meeting to ensure that every action was taken to resolve this matter.

RESOLVED:

That the minutes be received.

17. HOUSING COMMITTEE.

Cllr Robinson presented the minutes of the meetings held on 22 May and 4 July 1995.

On the motion that the minutes be received and the recommendations be adopted;-

RESOLVED:

That the minutes be received and the recommendations be adopted.

18. LEISURE SERVICES COMMITTEE.

Cllr J J Dawson presented the minutes of the meetings held on 22 May and 6 June 1995.

On the motion that the minutes be received:-

- (a) Netley Marsh Play Area - Use of Developers' Contributions  
(Minute 15)

Cllr J J Dawson moved and Cllr Howe seconded the motion that this minute be referred back for further consideration. He spoke of the warm support which the Leisure Services Committee had given to proposals to replace the play area in Netley Marsh.

Cllr Burdle was surprised that the Strategic Growth in Totton Advisory Committee, which had no executive powers, had been accorded the power to veto the proposals.

With the majority of members indicating their support the amendment was carried.

- (b) Lymington Phase II Development Minute 19)

Cllr Scott questioned whether a special meeting of the Lymington Recreation Centre Consultative Committee should be called in response to the County Council's decision to hold the construction of Phase II of the Lymington Recreation Centre development in abeyance.

Cllr Vernon-Jackson considered that the governors and teachers of Priestlands School must define their requirements before this Council could progress any decisions on the location of the Phase II development. She regretted the delay as the sports facilities were badly needed in Lymington.

Cllr J J Dawson confirmed that it would be premature for the Sports Hall Consultative Committee to meet at this stage but reassured Cllr Scott that he would be kept fully informed of developments. The County Council was reviewing the needs of the school, and this was linked with a review of the future of the Gurney Dickson Centre. These long term plans could have been prejudiced by the start on Phase II of Lymington Recreation Centre. The contractors had been advised of the position and their price for the work was held until 4 October 1995. Substantive consultations on the future uses on the School site would be started in early September.

RESOLVED:

That the minutes be received, with the exception of Minute 15 relating to the Netley Marsh Play Area which was referred back for further consideration.

#### 19. LICENSING COMMITTEE.

Cllr D Harrison presented the minutes of the meetings

held on 22 May and 1 June 1995.

On the motion that the minutes be received:-

RESOLVED:

That the minutes be received.

20. PLANNING COMMITTEE.

Cllr G Dawson presented the minutes of the meetings held on 3 May, 22 May, 14 June and 12 July 1995.

On the motion that the minutes be received:-

(a) Attendance by Councillors

Cllr G Dawson advised members that, in future, items for which members of the Council, who are not members of the Committee, were attending the meeting would be taken before lunch to avoid them having to wait into the afternoon.

(b) Site of Streamland (Lot 4), Royden Lane, Boldre (Ref 144/139/94) (Minute 16)

Cllr G Dawson advised Cllr Scott that a written reply would be sent to him on progress in serving an Enforcement Notice in respect of this site.

(c) 50 Hammonds Green, Totton (Application 55467) (Minute 17)

In answer to a question from Cllr F R Harrison, Cllr G Dawson advised members that a report on this site would be brought back to the Committee in September.

RESOLVED:

That the minutes be received.

21. PROFESSIONAL SERVICES CONTRACTS COMMITTEE.

Cllr Cox presented the minutes of the meeting held on 22 May 1995.

On the motion that the minutes be received:-

(a) Committee Name (Minute 3)

In answer to a question from Cllr Austin, Cllr Cox advised members that the name of the Committee had been changed to reflect more closely the subject area which it would be covering.

RESOLVED:

That the minutes be received.

22. STRATEGIC GROWTH IN TOTTON ADVISORY COMMITTEE.

Cllr Shepherd presented the minutes of the meeting held on 20 June 1995.

On the motion that the minutes be received:-

- (a) Netley Marsh Play Area - Use of Developers' Contributions (Minute 9)

Cllr Burdle moved and Cllr Scott seconded as an amendment that this matter be referred back for further consideration. Cllr Burdle believed that the request for a grant from developers' contributions had been treated unfairly. He considered that it was a legitimate request following the precedent set in grant aiding works to Colbury Village Hall. He did not believe that artificial geographical divisions should be created for people seeking services in the District.

Cllr J J Dawson reminded members that it was usual for such requests to be considered by the Strategic Growth in Totton Advisory Committee, who had been advised that the grant for the Netley Marsh play area might be ultra vires. The Leisure Services Committee supported the need to renovate this play area but they would need evidence that the Parish Council had taken all possible action on their own part to raise the necessary funds. The request would be generously received by the Leisure Services Committee, but they must comply with the law when agreeing to make a financial contribution.

A number of members noted that the developers' contributions for West Totton were strictly ring-fenced to ensure that they were used to provide recreational facilities for the community which had paid for them. Colbury Hall was used by a significant number of people from West Totton and had therefore qualified for assistance from developers' contributions. Netley Marsh Parish Council had a disproportionately low precept compared with other Parishes of a similar size in the District and they considered that this source of funding should have been used.

Other members considered that a high proportion of the users of the Netley Marsh play area came from West Totton and were concerned that, if this scheme did not qualify for assistance from developers' contributions, other schemes may also have been ultra vires.

Cllr Shepherd reminded members that this matter would be re-considered through the Leisure Services Committee. The problem lay not with the sum of money involved but the principle of whether it could lawfully be paid, and it was proper that the

Leisure Services Committee should re-consider the request in the light of information on this aspect.

With twenty-two members voting in favour and thirty against, the amendment was lost.

- (b) Financial Strategy and Expenditure Plans 1996/97 to 199/2000 (Minute 10)

In answer to a question from Cllr Scott, Cllr Shepherd gave an assurance that full information would be made available on the legal constraints which applied to the payments which might be made from Developers' Contributions.

- (c) Railtrack (Minute 13)

In answer to a question from Cllr Rice, Cllr Shepherd advised members that he shared their concerns that Railtrack had not been represented at this meeting, as expected, to talk about levels of service to the community. No explanation had been given, but Cllr Shepherd believed that part of the problem arose from uncertainties in Railtrack arising from the prospective privatisation of British Rail.

RESOLVED:

That the minutes be received.

23. JOINT MEETING OF THE DIRECT SERVICES CONTRACTS AND POLICY AND RESOURCES COMMITTEES.

Cllr Coles presented the minutes of the meeting held on 26 June 1995.

On the motion that the minutes be received:-

RESOLVED:

That the minutes be received.

24. POLICY AND RESOURCES COMMITTEE.

Cllr Coles presented the minutes of the meetings held on 22 May, 5 July and 31 July 1995.

On the motion that the minutes be received and the recommendations be adopted:-

- (a) Guidelines for the Review of Expenditure Plans for 1996/97 to 1999/2000 (Minute 6)

In answer to comments, Cllr Coles invited all members of the Council to take a full and active part in identifying savings in the forthcoming review of expenditure. The Council had rigorously examined service provision and would continue to do



so, although additional savings were now harder to identify. He also invited any member who was not satisfied with progress on Hurst Spit to raise the matter directly with the Secretary of State.

(b) New Forest Committee (Minute 22)

Cllr Kendal did not consider that this Council should renew its commitment to the New Forest Committee in advance of consideration of their recently published Management Strategy for the New Forest. He also questioned whether the Council should fund a body which the Government was not funding directly. He moved that this matter be referred back for further consideration. The amendment was seconded by Cllr Bailey.

Other members spoke of the valuable role that the New Forest Committee played in encouraging each of the statutory organisations to co-ordinate their activities for the greater good of the New Forest. The greater harmony that this promoted was efficient and saved resources which had previously been spent on resolving conflicts of interest.

Cllr Coles supported the role that the Committee played in bringing people together and in canvassing the views of Forest interests. This was of value to the Forest which was under a growing threat from visitor pressures. This Council had an obligation to take every action to safeguard the Forest for future generations.

With seven members voting in favour and a greater number against, the amendment was lost.

(c) Netley Marsh - Proposed Public Event - 19 August 1995 (Minute 28)

Cllr Coles advised members that the organisers of the proposed musical event at Netley Marsh had originally postponed it following advice that they had insufficient time to produce plans and for necessary consents to be issued.

Cllr F R Harrison moved and Cllr G Dawson seconded the motion that in accordance with Standing Order 50, Standing Orders 12 and 14 be suspended to allow Cllr Burdle to make a full statement on this matter. The motion was agreed without debate.

Cllr Burdle confirmed that the event, which had originally been cancelled, was now re-scheduled for September. The organisers had been sent a letter containing nineteen requirements to meet the needs of health and safety. No reply had been received. He hoped the Council would adopt Paragraphs 3 and 4 of the Local Government (Miscellaneous Provisions) Act 1982 in order to have access to the full range of requirements necessary to control such an event. If the Council adopted the recommendations of the

Licensing Committee to adopt these provisions, this event would require a licence. The Acting Chief Solicitor had delegated authority to act should the event proceed without the necessary licences and consents. He advised members that the organisers had sought the provision of a licensed bar, but there was some doubt that this could be obtained. Finally, Cllr Burdle was satisfied that the Council would be taking every possible action, in conjunction with other authorities, to safeguard the interests of local people during the event.

(d) Exclusion of the Public and the Press (Minute 29)

In answer to a question from Cllr Kendal, Cllr Coles advised members that the public had been properly excluded in accordance with the Council's Standing Orders.

(e) New Forest Contract Services - Future Business Strategy (Minute 31)

Cllr Scott moved as an amendment that

"The Council requests the Policy and Resources Committee to re-consider its recommendation with a view to externalising the New Forest Contract Services in the interests of the employees, customers and taxpayers on terms to be considered, following consultation with the employees in accordance with agreed industrial relations procedures".

The motion was seconded by Cllr Kendal.

The Chairman of the Council moved

"That under Section 100(a)(iv) 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 8, 9 and 11 of part 1 of Schedule 12(a) of the Act",

which on being duly seconded by Cllr F R Harrison, was carried.

Cllr G Dawson referred to the minutes of the joint Direct Services Organisation and Policy and Resources Committees Meeting where it had been established that retaining the Direct Service Organisation on the tender list for services reduced bids and consequently saved money for Council taxpayers. He reminded members that the DSO had a proven record of best service and commitment. The employees looked to the Council for leadership and they had expressed the view that they did not wish to be externalised.

Cllr Dash did not believe that there was any proper

justification for externalising the DSO and the correct decision had been taken in the light of the facts available. Cllr Rickus reminded members that the question of externalisation had been examined over a two year period. On 26 June members had before them information which demonstrated that externalisation would not necessarily, under current circumstances, produce the financial advantages which some members believed. This was based on the experience of neighbouring authorities who had recently undergone the process. The funds realised were roughly equivalent to those already being paid back to general funds by the DSO.

Cllr Kendal believed the original recommendation to externalise the DSO should have been adopted and the matter should have been debated in public.

Cllr Scott believed that this was an opportunity to achieve savings which should have been taken and the consultants' original recommendation to externalise should have been followed. He drew members' attention to Compulsory Competitive Tendering which put DSO jobs at risk. He believed their jobs could have been safeguarded and savings made through externalisation. The Council could have afforded greater protection to the employees' conditions of service through voluntary agreement with a trading partner and, in addition, the greater scope of business which would have then been available to them would have increased the efficiency and viability of the DSO.

Cllr Coles believed that this matter had been fully and properly debated at both the joint meeting and by the Policy and Resources Committee.

With fourteen members voting in favour of the amendment and a greater number against, the amendment was lost.

Note: Cllrs Kendal and Scott voted in favour of the amendment.

RESOLVED:

That the minutes be received and the recommendations be adopted.

25. RE-ADMISSION OF THE PUBLIC AND PRESS.

It was proposed, seconded and

RESOLVED:

That the public and the press be re-admitted to the meeting.

26. ADJOURNMENT AND RESUMPTION OF MEETING.

The meeting adjourned for lunch at 12 noon and resumed at 1.00 pm.

p Cllr S S Wade - Chairman  
p Cllr Miss S A Cooke - Vice-Chairman

Councillors:

p K E Austin  
p Mrs O A M Badland  
p S Bailey  
p P A Baker  
p Mrs P D Baker  
p Major C Beeton MBE  
e Mrs C A Bianchi  
p E R Bowring  
p D S Burdle  
p J E Coles  
p M R Cox  
p D E Cracknell  
p W F Croydon  
p B D Dash  
p G Dawson  
p J J Dawson  
p Miss P A Drake  
p K W Drew  
p B C Earwicker  
p A S Emery  
e Mrs L K Errington  
p R K Goodridge  
p W J Greer  
p R C H Hale  
p L E Harris  
p D Harrison  
p F R Harrison  
p S A Hayes

Councillors:

p Mrs A M Howe  
p J M Hoy  
p J A G Hutchins JP  
p M R Jones  
p M J Kendal  
p G N D Locock  
p Mrs B M Maynard  
p N D M McGeorge  
p Mrs M McLean  
p S M Noel  
p R F Orton  
e P G Pearce-Smith  
p C G Ramsden  
p A W Rice TD  
p B Rickman  
p Miss G M Rickus CBE  
p Mrs M J Robinson  
p D N Scott  
p Lieut Col M J Shand  
p S A Shepherd  
p Mrs B Smith  
p Mrs L P Snashall  
p G Spikins  
p Mrs J K Vernon-Jackson MBE JP  
p M S Wade  
p Dr M N Whitehead  
e Mrs D Wilson  
e Mrs P A Wyeth

Officers Attending:

P A D Hyde, N J Gibbs, D A Gurney, Mrs M Holmes, E S Johnson, I B Mackintosh, Miss J Debnam and C Gilmour.

27. LICENSING COMMITTEE.

Cllr D Harrison presented Minute 16 of the meeting of the Licensing Committee held on 27 July 1995.

On the motion that the minute be received and the recommendations be adopted:-

- (a) Public Entertainment Licences - Musical Events in the Open Air (Minute 16)

Cllr Cooke moved and Cllr F R Harrison seconded the motion that, in accordance with Standing Order 50, Standing Order 12 be suspended to allow this matter to be debated in full. The motion was agreed without debate.

Members debated the merits of adopting Paragraphs 3 and 4 of the Local Government (Miscellaneous Provisions) Act 1982 in detail. It was noted that the provisions would not allow events to be stopped, but would allow the imposition of requirements to ensure public safety, health and hygiene. Some members were concerned that the need to acquire a licence would be unduly onerous on many small events in the District, and may indeed discourage them from being held. If these provisions were adopted, they could not be rescinded if it was proved that they did not work.

While sharing the concerns to safeguard the many small events which took place in the District, other members believed that it would be possible to agree a scale of charges which would be sufficient to recover costs on large events, but would be minimal for small local events. The officers would also have discretion to waive charges. It was noted that neighbouring authorities had now adopted these controls which would make this District, with its rural character, increasingly attractive for such events. It was essential for the Council to be able to control such events effectively and should the authority find that it needed to prevent an event by injunction, it was a prerequisite that these provisions had been adopted.

In replying to the debate, Cllr D Harrison welcomed the serious consideration which had been given to this matter. He reiterated the arguments which had been made in support of adopting these provisions.

With the majority of members voting in favour and three against, it was

RESOLVED:

That the minute be received and the recommendations be adopted.

## 28. NOTICE OF MOTION.

With the consent of the Chairman and in accordance with Standing Order 7, this matter was debated at the meeting and not referred to the Environmental Services Committee for consideration.

It was proposed by Cllr Croydon, seconded by Cllr Ramsden and

RESOLVED:

That this Council fully supports the residents of Copythorne and Netley Marsh Parishes who are affected by unacceptable and excessive noise pollution from the M27 motorway and instructs the Chief Executive to write to the Secretary of State for the Department of Transport and their local members of Parliament, Sir Patrick

McNair-Wilson and Mr Michael Colvin, seeking urgent action to introduce measures that will help to alleviate this problem.

29. NOTICE OF MOTION.

Cllr M S Wade moved the following motion which was seconded by Cllr Croydon

"This Council notes the threat to health, the environment and the economy posed by traffic congestion and the resulting air pollution from vehicle emissions. The fact that petrol duty increases have not eased the problem while costing the average family motorist over 100 per year.

This Council believes that higher duty alone is not the answer to the problems, it should only be increased further in return for a graduated system of Vehicle Excise Duty designed to encourage the ownership of fuel efficient vehicles.

This Council resolves that in preparation for the introduction of such a policy to make every effort to purchase and/or hire only the most fuel efficient vehicles available which are capable of carrying out the required tasks. In addition to write to the Secretary of State for Transport to support the introduction of graduated Vehicle Excise Duty as a positive method of reducing the pollution from vehicle emissions".

In accordance with Standing Order 7 this matter was referred to the Environmental Services Committee for debate, for a report to be brought back to the next meeting of the Council.

30. SEALING OF DOCUMENTS.

RESOLVED:

That the Common Seal of the Council be affixed to any orders, deeds or documents necessary to give effect to any decision made at this meeting.

CHAIRMAN