

REPORT OF CABINET

(Meeting held on 4 September 2002)

1. COMMERCIAL SERVICES DIVISION, ENVIRONMENTAL HEALTH – BEST VALUE REVIEW (REPORT A) (MINUTE NO. 52)

The Cabinet has considered the outcomes and agreed the Action Plan for continuous improvement over the next five years of the Best Value review of the Commercial Services Division of Environmental Health. Members have congratulated officers on the excellent work that they were doing.

Nearly all of the services carried out by the division are statutory requirements. The only real area for discretion is the provision of education courses and health promotion, which, overall, accounts for less than 2% of the division's time.

The five year Action Plan lists 24 improvement areas. The Action Plan should result in an estimated 2% efficiency improvement which, translated into employee costs would be £13,450 as a result of the restructuring of the provision of education courses.

The Best Value Inspectorate has chosen this particular Best Value review for inspection and this will take place in October 2002.

2. DRAFT LOCAL GOVERNMENT BILL (REPORT B) (MINUTE NO. 53)

In December 2001, the Government published its blueprint for the future of Local Government in a White Paper entitled "Strong Local Leadership – Quality Public Services". As a result of consultation on the White Paper with local authorities and other stakeholders, a draft Bill has recently been issued for comment. Many of the measures in the Bill relate to local government finance and the Cabinet has agreed a response to the Office of the Deputy Prime Minister on behalf of the Council specifically on the financial proposals.

The Key financial measures set out in the draft bill include:

- (i) The abolition of credit approvals, to be replaced by a new prudential capital finance system;
- (ii) New duties on local authorities in relation to financial management;
- (iii) Introduction of formula grant, and the merging of revenue support grant (RSG) and non-domestic rates;
- (iv) Establishment of business improvement districts;
- (v) Changes to non-domestic rates, including rate relief for small businesses;
- (vi) Introduction of a statutory revaluation cycle for council tax, and various changes to the operation of the council tax;
- (vii) Changes to housing finance;

- (viii) New powers to charge for discretionary services (and to trade); and
- (ix) New powers for the Secretary of State to remove controls on authorities depending upon their performance classification.

Members particularly noted the Capital Accounting rules that will give the Council greater flexibility in terms of borrowing for future capital investment; the financial implications of the transfer of Housing rent rebates to the General Fund; and the fact that the redistribution of Revenue Support Grant is unlikely to be advantageous to Councils in the south of England.

The response to the DTLR is attached as Appendix 1 to this report.

3. STRATEGY FOR THE NEW FOREST – WORKING DRAFT CONSULTATION FROM NEW FOREST COMMITTEE (REPORT D) (MINUTE NO. 55)

The New Forest Committee adopted the first Strategy for the New Forest in February 1996. It has now reviewed this Strategy and published a revised document for public consultation. A copy of the full document is available in the Members' Room.

The draft Strategy retains broadly the same structure of the previous Strategy in that it is based on a Vision for the New Forest, and retains sections entitled Working Together, Conserving the Forest, Living in the Forest (now entitled Living and Working in the Forest), and Enjoying the Forest. However, the most substantial change is that it now seeks to cover the whole of the area proposed for inclusion in the National Park, as it is intended that ultimately it should form the basis for a National Park Management Plan.

Overall, the revised Strategy offers a very thorough and useful review of issues affecting the Forest, and a welcome update of the 1996 Strategy. It draws together a number of existing initiatives and policy documents, and offers a useful means of co-ordinating policies and activities. The provision it makes for future monitoring is welcome. In principle, its aims and proposals accord with those pursued by this Council, and are generally supported.

Members highlighted a number of aspects in the proposed strategy including the need to ensure that consultation on initiatives was undertaken through the proper democratic process at Town and Parish Council level; the need to protect and maintain back-up commoning land and the importance of the use of demand management to reduce the environmental impact of car use. These, together with some other issues where the Cabinet felt that further consideration was necessary, are reflected in the response to the New Forest Committee which is attached as Appendix 2 to this report.

Members praised the work of the New Forest Committee and the economic benefits that they had achieved for the New Forest. Whilst the Cabinet acknowledged that the future role of the New Forest Committee would need to be considered they felt that, in view of the proposed National Park status for the New Forest, it was too early to undertake any such review. They were however mindful that this would need to be done at some point in the future.

4. SOUTH EAST REGIONAL TRANSPORT STRATEGY – CONSULTATION DRAFT (REPORT E) (MINUTE NO. 56)

The Cabinet has agreed a response to the South East Regional Transport Strategy produced by the South East England Regional Assembly (SEERA) which is attached as Appendix 3 to this report. The Regional Transport Strategy, once finalised, will have a major impact on transport investment in the region and set a regional basis for local transport policies in Local Transport Plans and Development Plans.

A copy of the full consultation document is available in the Members' Room.

The Cabinet agreed that the transport system in the region currently failed to meet need and that before travel could be diverted from cars and lorries there had to be significant investment in other modes of transport. In order for public transport to be accessible the Cabinet agreed that it had to be fully funded by central government.

5. LYNDHURST CONSERVATION AREA (REPORT F) (MINUTE NO. 57)

The Cabinet has agreed to the adoption, as supplementary planning guidance to the New Forest District Council Local Plan, of the Lyndhurst Conservation Area Appraisal.

The appraisal for Lyndhurst is one of an agreed programme of six such appraisals for those conservation areas where there is the greatest continuing pressure of development. The appraisals for Milford-on-Sea, Fordingbridge and Lymington are already adopted. The appraisals for Ringwood and Hythe are yet to be prepared.

The Planning Development Control Committee, at its meeting on July 2002, commended the content of the appraisal and endorsed the suggested responses to the representations that had been made during the consultation period. In particular the Committee endorsed the view that there should not be an extension to the Lyndhurst conservation area boundary, which had been reviewed twice during the 1990's.

6. PLANNING ENFORCEMENT – POLICY GUIDANCE (REPORT G) (MINUTE NO. 58)

Following consultation the Cabinet has agreed a revised Planning Enforcement Policy Guidance booklet.

A copy of the consultation draft was sent to all Town and Parish Councils' in November 2000 for their comment. Copies were also made available to the public.

In response to comments received from Parish Councils' the Cabinet noted that the policy guidance is more weighted towards helping to explain the Council's procedures to those people affected by unauthorised development, rather than to those who carry out unauthorised development. Many people who contact the Council about alleged breaches of planning control are surprised that the Council cannot always take immediate action to stop an unauthorised development. One of the aims of the policy guidance is to help people understand that there are a number of issues that have to be taken into account before enforcement action can be commenced.

The Cabinet noted that the Planning Green Paper has acknowledged that more effective sanctions are needed against "*those trying to cheat the system*" and that the "*current enforcement system is unduly complex and cumbersome*". The Green Paper states that the Government intends "*to review current arrangements with the intention of introducing simpler procedures. As part of this process we will look again at whether there should be punitive charges for retrospective applications and whether a deliberate breach of planning regulation should constitute an offence immediately pursuable through the courts.*"

7. TOTTON DEPOT DRAINAGE – SUPPLEMENTARY CAPITAL ESTIMATE (REPORT H) (MINUTE NO. 59).

The Cabinet has agreed to a supplementary capital estimate of £19,700 to fund works to improve the drainage system at this depot.

In January 2001 there was an incident of vandalism at Totton Depot that resulted in fuel escaping and draining into a stream on the site. The Cabinet noted that the Environment Agency was prosecuting the Council for the incident.

It is very important that a similar incident does not occur again. An audit of all fuel and chemical storage facilities, plus the drainage system, has been undertaken. This has identified that another petrol interceptor needs to be purchased and installed at the Depot, and the vehicle washdown facility relocated to make use of an existing interceptor. This will minimise the risk of future pollution due to vandalism.

8. DIBDEN GOLF CENTRE VIREMENTS (REPORT I) (MINUTE NO. 60).

The Cabinet has considered virements of £9,000 for additional drainage works to the 18th fairway, and £12,000 for the installation of CCTV in the car park. These virements can be met from the existing budget of £21,000 for resurfacing the overflow car park.

After consideration by the Golf Centre Focus Group it was agreed that the drainage and the provision of CCTV were higher priority schemes than resurfacing the overflow car park and the Cabinet are therefore recommending that the work should be undertaken.

RECOMMENDED:

That virements of £9,000 for additional drainage to the 18th fairway and £12,000 to implement the first stage of a CCTV system in the car parks at Dibden Golf Centre be approved, to be funded from the existing £21,000 budget for resurfacing the overflow car park.

9. COLLECTION OF CLINICAL WASTE (REPORT J) (MINUTE NO. 61)

The Cabinet has agreed a supplementary estimate of £19,600 for 2002/2003 to cover the cost of operating a second clinical waste collection vehicle and to take on board the recommendations of the Industrial Relations Committee. They have also authorised officers to use their discretion to allow such waste to be disposed of through the normal domestic waste stream where this would not cause any problem.

While there has been a reduction in the number of clinical waste collections made by the Council since November 2001 following an audit and an increase in the charge for commercial clinical waste collection, the reduction has not been as great as was anticipated. It had been expected that only one clinical waste collection lorry would need to be operated in the current financial year, whereas in practice, largely for geographical reasons, a second lorry is still being used three days a week.

New legislation introduced changes affecting the collection, transport, handling and disposal methods for clinical waste from January 2002. In July 2002 the Industrial Relations Committee discussed employee concerns about the revised arrangements for collecting clinical waste in the light of the new legislation, in particular the fact that regulations now allow some types of low grade clinical waste that are not considered infectious to be disposed of through the ordinary household waste collection system. The Employee Side were concerned about the health risks to refuse collectors and vehicle fitters who might come into contact with such waste.

10. REVIEW OF ROAD TRAFFIC MANAGEMENT SCHEME – EMPLOYMENT OF CONSULTANTS (REPORT K) (MINUTE NO. 64)

The Cabinet has agreed, following an exception of Standing Orders as to Contracts agreed by the Director of Environment Services, to the appointment of consultants RTA Associates Ltd (RTA) to carry out a review and consultation process on a Road Traffic Management Scheme.

Much of the above review will be of a specialist nature. RTA has already completed an initial review into the impact and possible benefits of introducing decriminalised parking arrangements into the District, which reported to a small cross party group at the end of last year. They have also completed similar reviews for many local authorities in Hampshire and Dorset and are well respected for their professionalism.

It is estimated that the first phase of the review up to and including attendance at all local meetings, writing up findings and preparing a report to be considered by Cabinet at its meeting on 6th January 2003 will cost £16,000 plus expenses.

The cost of employing RTA can be met and vired from the saving that will accrue from a staff saving.

**Cllr S A Hayes
CHAIRMAN**

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**RESPONSE TO THE DTLR DRAFT LOCAL GOVERNMENT BILL
– (ITEM 2 REFERS)**

1. CAPITAL FINANCE

- 1.1 This Council welcomes the proposals on capital finance, particularly the greater freedom to borrow to finance capital expenditure, where this can be afforded. The development of a Prudential Code for Capital Finance by CIPFA is also supported.
- 1.2 However it is unlikely that this will result in a significant increase in this Council's capacity to invest on capital assets, especially if the Council loses substantial amounts of revenue grant and capital receipts to the national pool, over the same period.
- 1.3 This Council strongly objects to any extension to the pooling of capital receipts, including those for housing. This will provide no incentive for the effective and efficient use of assets within this Council, as we would no doubt be penalised by a redistribution of capital receipts, as well as incurring higher land values and building costs for new investment and homes. The Government is aware of the pressures within this District from homelessness.
- 1.4 It is unnecessary for the Secretary of State to hold powers to make new regulations and orders setting limits for all or individual authorities, given the principle of a prudential system for capital financing.

2. FINANCIAL ADMINISTRATION

- 2.1 With the exception of the easing of section 114, which is welcomed, it is considered that there is no need for new statutory powers to specify the level of local authorities' reserves or to monitor budgets. These issues already form part of a chief finance officer's duties, in accordance with professional guidance and practice.

3. FORMULA GRANT

- 3.1 We strongly oppose the suggestion of combining the RSG and NNDR grants. It is considered that this proposal does not add transparency, and believe that the separate identification of NNDR is important, particularly in the context of this Council's budget discussions with its business community.
- 3.2 This Council believes that the return of business rates to the control of local authorities is the most effective way of increasing local control over income and addressing the balance of funding. This proposal detracts from that objective.

- 3.3 We have significant concerns that there may be a detrimental effect on this Council through the resource equalisation option in the grant review, when taking into account the proposals for revaluation of domestic properties.

4. BUSINESS IMPROVEMENT DISTRICTS

- 4.1 We support this proposal and see this as a useful means of promoting local services through partnership working; however, we have some doubts about the extent to which local businesses will wish to support additional levies.
- 4.2 There also appears to be some contradiction between the amalgamation of NNDR into one grant, with the introduction of BIDS.

5. NON-DOMESTIC RATES

- 5.1 We welcome the proposal for rate relief for small businesses.

6. COUNCIL TAX

- 6.1 These proposals are welcomed. The success and stability of this tax relies on it being seen as fair and equitable, and revaluations should be kept up to date; there have been considerable changes in relative property values since 1991. However, we are concerned that this may lead to higher increases within this district and the need for transitional arrangements within this district.
- 6.2 We support the abolition of the council tax benefit subsidy limitation scheme and the new powers for the Secretary of State to vary the number of bands for council tax.
- 6.3 We also wish to make representation to amend the final bill to give this Council the discretion to remove discount for second homes and retain the proceeds for local use. This will help the Council tackle a growing homelessness problem which is exacerbated by the number of second homes in the District.

7. HOUSING FINANCE

- 7.1 This Council does not support the proposal to remove rent rebates from the HRA unless this is matched by grant. The Council does however support a simplification of the present subsidy arrangements.
- 7.2 The proposed new powers to borrow money for capital investment, although welcome, is unlikely to produce substantial additional resources for this Council, given the effects of the rent restructuring.

- 7.3 We are also concerned about the pooling of capital receipts and the factors taken into account in the redistribution of funds. This district continues to have an increasing problem in providing new homes to meet current and future demands, particularly with high land and associated building costs, and would wish to see this reflected in any proposals for the redistribution of capital receipts.

8. POWERS TO TRADE AND CHARGE

- 8.1 We welcome the ability to trade with other organisations and to charge for discretionary services. However, the proposals do not appear to present substantive progress in removing controls and promote greater freedoms and flexibility, even for higher performing councils.

APPENDIX 2

RESPONSE TO THE NEW FOREST COMMITTEE – STRATEGY FOR THE NEW FOREST (ITEM 3 REFERS)

- (i) The New Forest Committee be thanked for their consultation on the draft revised 'Strategy for the New Forest', and congratulated on the production of a useful and comprehensive document;
- (ii) The New Forest Committee be advised of the following general concerns of this Council:
 - a) **Lymington and Ringwood:** the special considerations that will apply in these towns and their particular role in relation to the National Park need to be drawn out more strongly, and the revised Strategy needs to clarify the proposals that would apply within these settlements;
 - b) **Affordable housing:** Section 4.6 needs to be updated and broadened to cover policies applying in Lymington and Ringwood and those in other districts included in the proposed National Park;
 - c) **Design:** many of the detailed design issues raised are covered already by existing published documents; where they are not, the onus should be on local communities to undertake necessary appraisals through the Countryside Agency's Village Design Statement and Vital Villages schemes;
 - d) **Commoning (back-up grazing):** in view of inability of the planning process to provide effective protection for back-up land, the Strategy needs to address in more detail alternative ways of protecting and maintaining a supply of such land;
 - e) **Tourism:** a greater focus is needed on the very strong and crucial link between tourism, visitor management, recreation and transport, including a comprehensive forest-wide research programme, where all agencies agree on comparable and non-duplicated research needs that can be applied to GIS delivery;
 - f) **Understanding and enjoying the New Forest:** the introduction to this section should include the need to reflect on the interaction of social, environmental and economic aspects when action is being considered. This theme should be at the centre of any work that raises awareness of the Forest and the issues which face it;
 - g) **Recreation:** the future plan for a detailed recreation management plan should be done at a level that looks across the whole Forest and then it can be decided if there is value in plans based at a more local level;

- h) **Environmental quality:** there is a need for some amendment to clarify the role of this Council in work on air quality, contaminated land and monitoring water quality;
 - i) **Transport:** some clarification is needed of the relationship between the draft Strategy and the New Forest Transport Strategy (NFTS);
 - j) **Coast:** in view of the length of the Forest's coastline, the historic links between the Forest and the coast and the potential of the coast for recreational and grazing use, the strategy should explore in more detail the coastal characteristics of the Forest.
- (iii) That officers be authorised to negotiate with the New Forest Committee such detailed wording changes to the Strategy as are necessary to resolve these concerns, and to make other minor corrections/ clarify statements as necessary.
- (iv) That the New Forest Committee be invited to participate in the consultation process relating to traffic management and parking currently being undertaken by New Forest District Council, having particular regard to means of overcoming problems arising from those seeking to avoid paying parking charges (e.g. parking on road verges, track entrances and illegal on-street parking

**SOUTH EAST REGIONAL TRANSPORT STRATEGY – CONSULTATION DRAFT
(ITEM 4 REFERS)**

The Cabinet has agreed the following response to SEERA:

- i) The basic aims and principles of the draft Regional Transport Strategy should be supported. Many of them are clearly embodied in national guidance, local transport plans and strategies, and development plans.
- ii) The policies focus on capacity improvements, mainly in public transport infrastructure. However, it is not clear whether the measures proposed are sufficiently radical and extensive to achieve the aims of putting the region “as good as the best region in North West Europe by 2021”. Given the current scale of the problems and the increasing demands for transport, the transport “crisis” in the south east region is likely to get worse unless:
 - major improvements are forthcoming in the capacity of transport systems in the region;
 - ways can be found of stemming the growth in travel demands and successfully diverting travel modes towards walking, cycling and public transport. This will need practical solutions that result in non-car modes being (relative to the car) the most convenient and/or least cost ways of travelling; and
 - a substantial increase is forthcoming in funding available for public transport, including in areas such as New Forest District.
- iii) With regard to Policy T8 (Airport development), the implications of the statement that the Regional Assembly “encourages Southampton Airport to sustain and enhance its role as an airport of regional significance” need to be assessed. What would be the implications for the surrounding areas, including this District? How much of a constraint is the length of the runway? There could be major implications for the M27 and the railway (including the effect on planned railway improvements) if the runway were to be extended to allow the Airport to achieve its full potential?
- iv) Policy T9 refers to the encouragement of short sea shipping connections linking into the wider European network; and Policy T21 states that Development Plans should safeguard wharves, depots and others sites which are, or could be, critical in developing infrastructure for the movement of freight, particularly by rail or water. However, the draft strategy does not make any policy statements directly relating to Dibden Bay.

- v) With regard to Policy T13 (Development of the public transport network):
 - (a) The Regional Transport Strategy should aim to ensure that real improvements are forthcoming in public transport services in areas such as New Forest District, as well as in and between the proposed regional transport “hubs”. This is likely to need substantial increases in funding for relatively small scale local measures and support. This needs to be considered alongside the major regional infrastructure proposals specified in the draft strategy.
 - (b) The strategy should ensure real improvements in rail capacity and services within the region – both for passengers and freight;
 - (c) A recent study commissioned by Hampshire County Council makes it clear that Quality Bus Partnerships on their own will not deliver "area wide" higher patronage of bus services in areas where the bus services are not commercially viable (i.e. have to be subsidised by the Local Authority) or the services are not frequent (say less than 4/hr). In the NF area there is perhaps only one corridor (Waterside to Southampton) that is likely to be the subject of a QBP in the next few years;

- vi) Policy T18 deals with parking provision. It allows for local levels of parking provision for non-residential developments to be within 30% and 100% of the maximum level of provision set out in PPG13. Provision in a largely rural District like this one would be expected to be generally towards the upper end of this range. This policy is consistent with the approach to local parking standards recommended to Cabinet in April this year with regard to the Local Plan Alterations.