

21 JULY 2003

NEW FOREST DISTRICT COUNCIL

Minutes of a meeting of the New Forest District Council held at Appletree Court, Lyndhurst on Monday, 21 July 2003.

p J A G Hutchins - Chairman
p Lt Col M J Shand - Vice-Chairman

Councillors:

p G Abbott
p K F Ault
p K E Austin
p C Baker
p G C Beck
p Mrs J L Cleary
p J E Coles
p D E Cracknell
p G F Dart
p W H Dow
p Miss P A Drake
p M H G Fidler
p Mrs L C Ford
p P C Greenfield
e R C H Hale
p C J Harrison
p D Harrison
p F R Harrison
p J D Heron
p D A Hibbert
p P E Hickman
p Mrs M D Holding
p J M Hoy
p Mrs M Humber
p M J Kendal
p Mrs B M Maynard
p Mrs M McLean
p M J Molyneux
p R J Neath

Councillors:

p G J Parkes
p B M F Pemberton
p J Penwarden
p L R Puttock
p A W Rice TD
p B Rickman
p Mrs M J Robinson
e B Rule
p D J Russell
p T M Russell
p D N Scott
p N E Scott
p S A Shepherd
p Mrs B Smith
p Mrs L P Snashall
p Mrs S I Snowden
p M H Thierry
p A R Tinsley
p D B Tipp
p Mrs B Vincent
p M S Wade
p S S Wade
p G M Walmsley
p J G Ward
p A Weeks
e Dr M N Whitehead
p C A Wise
p P R Woods
p Mrs P A Wyeth

Officers Attending:

N Gibbs, Ms J Bateman, Mrs P Higgins, Miss G O'Rourke, and Mrs R Rutins

15. DECLARATIONS OF INTEREST.

Councillor Robinson declared an interest in minute 19.

All members declared an interest in minute 20. (Pensions for Councillors and Members' Allowances Scheme)

16. MINUTES (REPORT A).

RESOLVED:

That the minutes of the meeting held on 23 June 2003, having been circulated, be signed by the Chairman as a correct record.

17. CHAIRMAN'S ANNOUNCEMENTS.

(a) Mr R Sly

The Chairman announced with pleasure that Mr Rob Sly, of Ringwood, had been awarded the MBE in the Queen's Birthday Honours list for his work in overseeing the implementation and development of the Job Centre's New Deal initiative. He had worked as a co-ordinator since the scheme's foundation in 1998 and has helped scores of people re-train for a different career.

Members joined the Chairman in congratulating Mr Sly on his achievement.

(b) Past Chairman's Charity

The Chairman congratulated the past Chairman, Councillor John Hoy, on raising £5,094 for his charity, Forest Bus.

Representatives from Forest Bus had attended Appletree Court that afternoon, along with employees and members who had volunteered their time to help Councillor Hoy raise the money, when Councillor Hoy had handed over a cheque for the money raised.

18. PETITION.

In accordance with Standing Order 23 the Chairman received a petition presented by Mr Fry, Secretary of the Ringwood Re-development Action Group, on behalf of the business people in Ringwood, expressing their dissatisfaction to the current proposals for the development of Ringwood.

Mr Fry said that he spoke on behalf of a large group of retailers and other businesses in the town. Last year UCG Ltd. presented a second commercial development proposal for the Furlong car park and the southern half of the town. The action group took steps to try to reach an agreement with UCG Ltd. to produce a plan that would be complementary to the town. Mr Fry said that it was common knowledge that there were likely to be more planning applications submitted and there was controversy over this sensitive and important issue.

The action group were of the view that any development proposed should be acceptable to the residents and businesses of Ringwood and should reflect what the town required. Mr Fry said that they were not against re-development in principle and would like to be included in talks that would enhance and not destroy their market town.

The Chairman thanked Mr Fry for the petition and said that members were aware of the sensitivities of the matter and were in the process of discussing the issues.

For the purposes of the Council meeting the Chairman considered the matter to be non-urgent and the petition therefore stood referred to the Cabinet for consideration.

19. CABINET.

Cllr Robinson declared a personal interest (Item no.19 Lime Kiln Lane, Holbury – Provision of affordable dwellings) as a Board Member of Medina Housing Association. She did not consider her interest to be prejudicial. She remained at the meeting.

The Chairman presented the reports of the Cabinet held on 4 June and 10 July 2003. On the motion that the reports be received and the recommendations adopted it was:-

RESOLVED:

That the reports be received and the recommendations adopted.

20. STANDARDS COMMITTEE.

All Members present declared personal interests in Items 2 and 3 (Pensions for Councillors and Members' Allowances Scheme.) They did not consider their interests were prejudicial as the subject matter related to an exemption specified in paragraph 10(2)(g) of the District Council's Code of Conduct.

The Chairman presented the report of the Standards Committee held on 25 June 2003. On the motion that the report be received and the recommendations adopted:

(a) Members' Allowances Scheme

It was moved and seconded

- (i) That the scheme of members allowances attached as appendix 2 to the report to the Council be amended by the substitution in paragraph 1 – Basic Allowance – of the amount of £4,464 for the amount £3,722; and
- (ii) That the proposed supplementary estimate required to meet the costs of the revised basic and special responsibility allowance be revised to £69,300.

In moving the amendment the Finance and Support Portfolio Holder said that the employment of an Independent Review Panel was mandatory to ensure that members' allowances were independently assessed, fair and transparent. He felt that the Panel had performed its task assiduously and its recommendations were supported with the evidence of its findings. It was the judgement of the Panel that, on average, a member should spend 12 hours per week on council business. The Standards

Committee believed that this should have been 10 hours but otherwise accepted all the recommendations.

The Portfolio Holder said he respected the view of some members that their time spent on council business should be given free however he did not feel that anyone should be excluded from being a councillor simply because they could not afford it. The Panel had taken this point on board and recommended that the first four hours of members' time each week should be given freely leaving 8 hours a week to be paid.

The Panel had recommended that the hourly rate to be paid should be the same regardless of the position that the member held on the Council and that the rate should be the same as the average hourly earnings rate for the New Forest.

The Portfolio Holder supported in full the recommendations of the Independent Remuneration Panel and said that, if adopted, the Council would have a firm and credible basis from which to move forward. All that would be needed in future was an adjustment of the hourly rate to keep members allowances in line with the New Forest average.

Other members spoke in support of the recommendations of the Independent Remuneration Panel and the amendment proposed by the Finance and Support Portfolio Holder.

Upon a vote the amendment was agreed.

(b) Standards Committee – Terms of Reference

The Leader of the Liberal Democrat Group moved an amendment that recommendation (9) should be deleted and that the consideration of the annual reports on corporate complaints and complaints to the Local Government Ombudsman should remain within the remit of the Corporate and Finance Review Panel. She said that it was important that the Review Panel maintained an overview of how the Council performed. It would not be appropriate for this matter to be transferred to be within the remit of the Standards Committee, which was not politically balanced and comprised some non-elected members.

Officers advised the Council that the Corporate and Finance Review Panel could continue to scrutinise the work of the Standards Committee and as such could still have a role to play. The remit of the Standards Committee was widening and would now include monitoring of a Code of Corporate Governance on behalf of the Council. It would therefore be pertinent for the Standards Committee to monitor these issues.

Other members spoke for and against the proposal.

Upon a vote the amendment was carried.

RESOLVED:

That the report be received and the recommendations adopted subject to:

Members' Allowances Scheme – the recommendations being amended to read:

- (a) That the members' allowances scheme currently in force be revoked on 21 July 2003;
- (b) That the scheme of members allowances attached as appendix 2 to the report to Council be amended by the substitution in paragraph 1 – Basic Allowance – of the amount of £4,464 for the amount £3,722; and
- (c) That the proposed supplementary estimate required to meet the costs of the revised basic and special responsibility allowance be revised to £69,300.

Standards Committee Terms of Reference – recommendation (9) be deleted.

21. PORTFOLIO HOLDERS' QUESTION TIME.

Question No. 1 from: Cllr McLean to Cllr Thierry, Environment Portfolio Holder

“On 1 April, the cost of collecting individual large household items rose to £15 for 5 items. Could the Portfolio Holder please inform me how people receiving benefits are made aware that they are entitled to free collection?”

Answer:

The Portfolio Holder responded that the free special collection service was benefit linked. In 2002/03 the Council made 5,545 special collections of which 506 qualified as being free. To qualify for a free collection a resident has to be in receipt of either Council Tax or Housing benefit, Income Support or Job Seekers allowance.

Applications were dealt with sensitively by the Customer Services section. A form was sent to the customer for them to complete and return. The information received was then confirmed with the Tax and Benefits section. The customer was notified by telephone if they qualified for a free collection and by letter if they did not.

The Portfolio Holder said that Information on free special collections and the qualifying criteria would soon be available on the Council's website.

Cllr McLean said that she felt that the current system was protracted and it would have been more helpful to customers for forms to have been available to use at Council offices.

22. NOTICE OF MOTION.

Cllr Tipp moved the following Notice of Motion standing in his name:-

- “(i) That this Council notes the proposed European Constitution being prepared by the European Convention will have huge implications for

New Forest District Council. The Constitution will give the European Union 'shared competence' over home affairs, transport, energy, social policy, economic and social cohesion, consumer protection and the environment, meaning overall more legislation and guidance binding on local government will be decided at a European rather than a national level.

- (ii) That given the Government has used referendums to approve other constitutional change affecting local and national government, including establishing regional assemblies and directly-elected mayors, this Council believes the people of the New Forest District should be able to have their say on these constitutional changes in a referendum.
- (iii) This Council therefore resolves to make a formal written submission to the Prime Minister, supporting calls for a national referendum on the proposed European Constitution."

In accordance with Standing Order 41.2 the Chairman of the Council agreed that the Notice of Motion was urgent and should be dealt with at the meeting.

Cllr Tipp in moving the motion said that the proposed constitution, if ratified by the Government, would bring about enormous changes and that people were not aware of the consequences. He highlighted a number of important points and said that the proposed constitution would result in a considerable shift of power to the European Union. Many of this Country's current policies, such as the Foreign Policy, would be superseded by European Union Policy.

Other members spoke for and against the motion. Some members speaking in support of the motion said that a referendum was necessary to publicise the proposals and inform the wider public.

A member said that whilst she was entirely in favour of a referendum and agreed that reform was needed she was however, not clear what the notice of motion, as moved, would achieve.

Other members said that the constitution was still at the draft stage and it was not yet appropriate to call for a referendum on issues that had not yet been finalised. Another member said that even though the legislation was still being prepared it was important that Council knew, at the earliest opportunity, what local government rights would be lost. There should be individual referenda on each specific proposal. Other members commented that whilst no one disagreed with the principle of a referendum, it should be based on facts and the notice of motion as moved was too generalised.

In summing up Cllr Tipp repeated that there had been a huge drift of power to the European Union and whilst the clock could not be turned back at least if a referendum was held, it would give people a chance now to make their views known on the constitution proposals.

The motion was seconded and upon a vote was agreed.

RESOLVED:

That the notice of motion as set out above be agreed.

23. DELEGATION OF POWERS.

RESOLVED:

That the following veterinary practitioners be appointed for the purposes of, and to take the action previously delegated to Mr B Fuller under, the following legislation:

Legislation

Veterinary Practitioners

Dangerous Wild Animals Act 1976)	
Guard Dogs Act 1975)	Gerry M Benbow, MRCVS
Riding Establishments Acts 1964 and 1970)	Peter Scott, FRCVS
Pet Animals Act 1951)	John Chitty, MRCVS
Breeding of Dogs Act 1973)	Dr Miranda F Stevenson
Animal Boarding Establishments Act 1963)	
Zoo Licensing Act 1981)	

CHAIRMAN