

27 OCTOBER 2003

NEW FOREST DISTRICT COUNCIL

Minutes of a meeting of the New Forest District Council held at Appletree Court, Lyndhurst on Monday, 27 October 2003.

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

Councillors:

e 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 Ms L C Ford
p P C Greenfield
e R C H Hale
p C J Harrison
p D Harrison
p F R Harrison
e 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
e 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
p B Rule
p D J Russell
e T M Russell
p D N Scott
e N E Scott
p S A Shepherd
p Mrs B Smith
e 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
e M S Wade
p S S Wade
p G M Walmsley
p J G Ward
p A Weeks
p Dr M N Whitehead
p C A Wise
p P R Woods
e Mrs P A Wyeth

Officers Attending:

D Yates, C Malyon, N Cross, Ms J Bateman, Miss G O'Rourke and Mrs R Rutins.

32. DECLARATIONS OF INTEREST.

All members declared an interest in minute 36. (Pensions for Councillors and Members' Allowances Scheme)

Cllr Mrs Smith declared an interest in Minute 35.

33. MINUTES.

RESOLVED:

That the minutes of the meeting held on 8 September 2003, having been circulated, be signed by the Chairman as a correct record.

34. CHAIRMAN'S ANNOUNCEMENTS.

(a) Mr R Murray

The Chairman announced with regret the death of Bob Murray, an employee of the Council. The Chairman said that he, together with other representatives and many of Bob's colleagues from the Council, had attended the funeral at Testwood Baptist Church on 16 October, 2003.

The Leader also spoke in praise of Bob Murray. He commended him as an outstanding employee and as someone of whom the Council and his family could be justly proud.

Members joined the Chairman in sending their condolences to Bob's wife and family. Members and Officers stood in silent tribute to the memory of Bob Murray.

(b) Hampshire Poppy Launch

The Chairman said that he had attended the Royal British Legion Poppy Appeal Launch by the Lord Lieutenant of Hampshire in Portsmouth on Friday 24 October 2003. There were many families in the New Forest that had direct experience of recent conflicts and the Chairman encouraged everyone to give generously to support the Poppy Appeal and the two minutes silence on 11 November.

(c) Annual Golf Match

The Chairman reported with pleasure that the annual New Forest District versus Christchurch Borough Council Golf March had been again won by the New Forest team.

The match had been held on Thursday 25 September at Dibden Golf Club. The Chairman thanked the members and officers who had played in the team and won back the trophy.

35. CABINET.

Cllr Mrs Smith declared a personal and prejudicial interest in Item 3 (Information and Communications Technology Services – Best Value). There was no discussion on that item.

The Chairman presented the report of the Cabinet held on 1 October 2003. On the motion that the report be received and the recommendation adopted:

(a) Financial Report – Forecast Full year and Actual for the Period April 2003 to August 2003

In relation to the VAT exemption on special collections and domestic and garden waste sacks, a member asked if the information offices and customers were aware that VAT that had been previously paid could be claimed back. Other members said that the fact that the cost of special collections and refuse sacks had not been reduced, in the light of the VAT exemption, amounted to a stealth tax on customers.

The Chairman responded that VAT refunds would be given to customers on production of a receipt. It was the duty of the Council to preserve a balance between the costs of the Council's services and the Council Tax. The charges for special collections and refuse sacks still represented good value for money.

RESOLVED:

That the report be received and the recommendation adopted.

36. 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.

Cllr Tipp presented the report of the Standards Committee held on 26 September 2003. On the motion that the report be received and the recommendation adopted:

(a) Members' Allowances – Travel and Subsistence

It was moved and seconded that in Item 1 – Members' Allowances – Travel and Subsistence, recommendation (a) the list of "Approved Duties" as set out in Appendix 1 be amended by the addition of the following paragraph (n):

"Journeys to political group meetings called by the leader of the political group and designated by him/her as being necessary for the conduct of Council business"

Upon a vote the amendment was agreed.

With regard to the mileage rate paid to Members it was moved and seconded that this should be based on the Inland Revenue's approved mileage allowance payment which was the maximum that could be paid without incurring tax liability. By fixing the amount this would avoid the need for further changes in future years.

Other members said that the rate proposed by the Standards Committee was the most appropriate rate to start and this could then be reviewed again after a few months of operation.

Upon a vote the amendment was agreed.

The substantive motion, as amended, was then put and, upon a vote, was agreed.

RESOLVED:

That the report be received and the recommendation, as amended, adopted.

37. GENERAL PURPOSES AND LICENSING COMMITTEE.

The Chairman presented the report of the General Purposes and Licensing Committee held on 12 September 2003. On the motion that the report be received and the recommendation adopted it was:

RESOLVED:

That the report be received and the recommendation adopted.

38. PORTFOLIO HOLDERS' QUESTION TIME.

Question No. 1 from : Cllr Whitehead to Cllr Rickman, Leisure Portfolio Holder

"In view of the recent call from the conference of the Institute of Environmental Health for local Councils to ban the use of sun beds in their recreation centres; and the increasing evidence of harm caused by the unregulated use of sun beds, could the Portfolio Holder tell the Council when sun beds will be phased out of the Council's leisure centres please?"

Answer:

The Portfolio Holder replied that as far as officers could research there had been no increasing evidence of harm caused by sun beds. The Institute of Environmental Health for local Councils had said that there was a growing incidence of skin cancer in general in the UK as a whole and had not said that this was as a result of sun bed use.

The use of sun beds in recreation centres was highly regulated with a limit of 20 sessions per user per year allowed compared with the 50 sessions recommended by the Sun Bed Association. In addition users in Recreation Centres were given detailed advice on the use of the beds in relation to their skin colour as well as written guidelines on safe use and the danger of over exposure to UV rays in general. Customers' use was therefore based on a fully informed personal choice.

There was little doubt that if the Council ceased to provide sun beds then customers would go elsewhere into unregulated providers. As a local authority the Portfolio Holder said that the Council provided a first class and safe service to customers based on choice and should continue to do so.

In response to a supplementary question the Portfolio Holder said that the Council offered an informed choice to people. He was as concerned for golfers spending considerable amounts of time on the golf course and not being protected from the sun.

Question No. 2 from : Cllr Baker to Cllr Wise, Finance and Support Portfolio Holder

“Will the Portfolio Holder explain how he intends to spend the £1,000,000 rebate of rates payments from the Council's recreation centres, for the benefit of all the council tax payers of this District?”

Answer:

The Portfolio Holder replied that the budget had compared favourably with the previous year by £1.5m. £0.5m had been as a result of a careful control of expenditure and the remaining £1m had been as a result of the rate rebate on the Council's recreation centres. The Portfolio Holder commended the officers' initiative in obtaining this rebate. He said that he did not intend the funds to be spent immediately. They would be used to enhance the Council's capital reserves that would then reduce the overall burden on the council tax payer.

In response to a supplementary question on how the money would be used, the Portfolio Holder replied that all members had the opportunity to comment through the Council's budget process on how the Council's finances should be used. There was no reason to look immediately for something to spend the money on. It would reduce the costs to council tax payers.

Question No. 3 from : Cllr Maynard to Cllr Holding, Health and Social Inclusion Portfolio Holder

“The Water Bill currently going through Parliament, will enable local communities to make decisions about water fluoridation. The current law gives water companies discretion on whether to agree to applications from strategic health authorities to add fluoride to local water supplies. The new Bill would place responsibility firmly in the hands of strategic health authorities, who will engage in consultation with local communities. How will the Portfolio Holder respond to such consultation on behalf of the District Council?”

Answer:

The Portfolio Holder responded that she was fully aware of a Commons motion calling on the Government to amend the Water Bill. The Bill would oblige Water Companies to fluoridate water supplies when a clear majority of the public requested it.

If the Bill became law it would allow Strategic Health Authorities to instruct water companies to fluoridate the public supplies as a means of preventing tooth decay in children if the general public wanted it. The motion called attention to the apparent correlation between fluoridation and much lower tooth decay amongst children in Birmingham where there had been fluoridation since 1964 and Greater Manchester where there had been none.

The Portfolio Holder said she had been in discussions with Dr Coates, Director of Public Health for the New Forest on the subject and officers were well aware of the issues. Studies in the 5 year old age group had already taken place in the New Forest area. If the Bill did become law then it was likely that each PCT and Local Authority would address the dental needs of its population and decide whether or not it supported the principle of water fluoridation.

In answer to a supplementary question the Portfolio Holder said that the Water Fluoridation Act would only allow the addition of two specific compounds and there would be monitoring of water supplies.

Question No. 4 from: Cllr S S Wade to Cllr T Russell, Economy and Planning Portfolio Holder

“Can you please confirm in total, the initial cost of the implementing the original car parking scheme by the previous administration, plus the cost of abolition of that scheme and the estimated cost of the implementing the proposed new scheme.”

Answer:

This question was deferred as the Portfolio Holder was absent from the meeting.

Question No. 5 from : Cllr D Harrison to Cllr Heron, Crime and Disorder Portfolio Holder

“What action will the portfolio holder for Crime and Disorder take in order to prevent the very strong possibility of young lives being lost through drowning arising from the seasonal habit of children jumping into the River Test from the two bridges at Redbridge?”

Answer:

This question was deferred as the Portfolio Holder was absent from the meeting.

Question No. 6 from: Cllr Baker to Cllr T Russell, Economy and Planning Portfolio Holder

“Is the Portfolio Holder satisfied with the effectiveness of his Planning Development Control facility? I particularly refer to (A), the facilities ability to control individual developments once planning approval has been given and (B), the use by developers of "retrospective" planning applications to circumvent the original approval?”

Answer:

This question was deferred as the Portfolio Holder was absent from the meeting.

Question No. 7 from: Cllr Whitehead to Cllr Holding, Health and Social Inclusion Portfolio Holder

“In view of the damage to health caused by the use of sun beds and the consequent cost to the NHS, will the portfolio holder for health be putting pressure on her colleague, the portfolio holder for leisure services, to phase out the provision of sun beds in the council’s leisure centres?”

Answer:

The Portfolio Holder replied that she supported the views of the Leisure Portfolio Holder. Sun beds were used in accordance with guidelines that had been produced in consultation with the Council’s Health and Safety Unit. The Environmental Health Division enforced health and safety in the private sector and all providers of sun beds had to comply with guidance from the Health and Safety Executive. It was wrong to suggest that the Council did not monitor sun bed use. Customers were given directions on usage, but there was still a freedom of choice. In the Council’s leisure centres customers were limited to a maximum of 20 sun bed sessions a year. In the private sector customers were allowed up to 50 sessions per year.

In a supplementary question Cllr Whitehead detailed the increasing incidence of skin cancers, and said that it was confusing to the public to be told of the link between skin cancer and sun bed use and yet see sun beds available in leisure centres.

The Portfolio Holder responded that there was a far greater incidence of skin cancer from sun bathing generally and that freedom of choice had to remain. Sun bed usage in Leisure centres was carefully monitored.

39. NOTICE OF MOTION.

Cllr Robinson (the Leader of the Opposition) moved the following Motion standing in her name:-

That the Council:-

- (a) Notes with great concern the major and unfair impact that successive council tax increases have on many citizens and recognises that this is substantially due to the Government’s management of grants to local authorities, as well as flaws in the system;
- (b) Regrets that the present system of local taxation takes no account of ability to pay;
- (c) Recognises that council tax therefore places a disproportionately high burden on residents with low incomes, such as pensioners;
- (d) Notes that since the Labour government came into office in 1997, the average Band D council tax bill has risen by £455, a rise of 70%;

- (e) Recognises that the huge increase in the level of direct and ring-fenced grants, combined with rising costs and additional duties imposed by Government on local councils has left authorities with the stark choice of huge cuts in services or massive increases in council tax, or a combination of both;
- (f) Regrets that the present system of local government finance is so confusing and lacking in transparency that accountability for the tax levied is blurred, with very few citizens able to penetrate the Government's use of smoke and mirrors to paint every settlement as generous, regardless of the facts.

The Council calls on the Deputy Prime Minister:

- (g) To propose future funding settlements which provide mainstream grant for local authorities sufficient to ensure the provision of high quality, locally accountable public services;
- (h) To replace the council tax with a local tax based on income, reinstating the principle of progressive taxation, that the more one earns, the more one pays.

In moving the motion the Leader of the Opposition said that it reflected the concerns about the Council Tax that were being expressed from many different sectors of the Community.

Local Government Leaders and Government Ministers were currently meeting to discuss local government funding through a group called 'the Balance of Funding Review Group'. This was chaired by Nick Raynsford, the Local Government Minister, who is quoted as saying '.....people want a system which is fair and relates to ability to pay and is transparent.....'.

The Group hoped to come up with a series of real options for change, but local government must not assume that this would happen without support and encouragement from the grass roots. The Council Tax was accepted as an escape route from the Poll Tax. However, it could never be fair as it was based on the value of people's houses and not their income. It was particularly unfair on people with fixed incomes such as pensioners. It was a fact that the poorest 20% of households spend over 3 times more of their disposable income on Council Tax than do the richest 20% of households.

Some county councils such as Kent and Hampshire had been looking at ways to minimise the impact of next year's Council Tax increases on pensioners. However, it emerged that their information was flawed and they would not have the power to offer discounts as it is only the billing authorities, (i.e. districts and boroughs), which were able to do so. If those authorities chose to take up the scheme then they would have to bear the costs. The enormous bureaucratic and administrative burden would have to be borne by the local council taxpayers, probably negating the effect of any discount in the process and making the burden even heavier on other residents.

The Leader of the Council then moved the following amendment which was seconded by Cllr Wise:-

That paragraph (h) from the Motion be deleted and replaced with the following:

“(h) To re-localise business rates which will create a local government finance system where the majority of local services are funded by the recipients of those services thereby improving accountability, providing greater clarity, and improving local democracy”

In moving the amendment the Leader of the Council said he was sure that members supported the sentiments of the Motion and that all members shared the concerns over the Council Tax increases, particularly in relation to pensioners. It was not feasible to offer a discount to pensioners as this would mean that non-discount payers would have to support proportionally greater increases.

The greatest problem with the current system was that only 45% of the Council's net expenditure was raised at a local level which leads to a major gearing ratio problem that tax payers did not understand.

Replacing Council Tax with a local income tax would not address the issue unless it was linked to a change in the funding ratio. The best way to tackle the problem would be for business rates to be put back into the direct control of local authorities.

New Forest District Council currently collected almost £36m from the businesses that operate within the District. This sum was paid to central government that then redistributed it nationally. The district received back £6m of this sum.

Even if the Council received back no more than this current £6m, if this amount was levied locally the amount of tax that was collected by the Council would immediately rise from the current 45% to 77%. Therefore, rather than increasing the Council Tax by 2.2% for every extra 1% of additional expenditure, as was the case at present, it would only lead to an increase of 1.3%. Furthermore it would bring some local accountability to business rates that had been lost since the introduction of NNDR. There was currently no relationship between the services consumed by businesses and the level of the tax that they paid. This could not be good for accountability and ultimately democracy.

In an ideal world if the Council increased its net expenditure by 1% this would lead to an automatic increase in the Council Tax of that level. The transfer of business rates to the local level would be a significant step towards achieving this and would bring greater clarity and public accountability.

In seconding the amendment Cllr Wise said that the Council was responsible for collecting both council tax and business rates and the entire system should not be abolished. A local tax based on income would mean increased costs to administer and would result in greater bureaucracy.

Other members spoke for and against the original motion and the amendment. Some members agreed that the current council tax placed a greater burden on those with less income whilst other members thought that a local income tax would be costly and complicated to administer.

In seconding the original motion Cllr D Harrison said that the Council needed to deliver a fair deal in a practical form. If one particular sector of people were offered a discount this would create more bureaucracy. Wealthy pensioners could benefit from discounts whilst other low paid workers would be worse off. No tax was popular, but a local income tax would reflect an individual's ability to pay and would therefore be fairer.

In summing up the amendment the Leader of the Council said that a local income tax could not be seen in isolation. There would be no incentive for business and inflation would rise. The amendment proposed was a fairer solution.

The Leader of the Opposition, speaking in support of the original motion, said that a local income tax was about an individual's ability to pay. The council tax was not easily understood, and if it was not changed the current problems would remain. The 'Balance of Funding Review Group' had not only looked at a local income tax but also at a number of related issues.

Upon a vote the amendment was carried.

The substantive motion, as amended, was then put and, upon a vote, was agreed.

40. CHANGES TO APPEALS COMMITTEE.

RESOLVED:

That the Appeals Committee membership be increased from 10 to 20 and that the following changes to the membership be made:

Cllr Dr M N Whitehead be deleted and that:

Councillors:

Cllr C Baker
Cllr Miss P A Drake
Cllr R F Harrison
Cllr J M Hoy
Cllr G J Parkes
Cllr B M F Pemberton

Councillors:

Cllr J Penwarden
Cllr Mrs S I Snowden
Cllr Mrs B Vincent
Cllr G M Walmsley
Cllr A Weeks

be added

CHAIRMAN