

## **REPORT OF CABINET**

**(Meetings held on 2 June and 5 July 2004)**

### **1. SURVEILLANCE POLICY (REVISION MAY 2004) – REGULATION OF INVESTIGATORY POWERS ACT 2000 (REPORT A – 2 JUNE 2004) (MINUTE NO. 6)**

The Cabinet has agreed a revised Surveillance Policy under the Regulation of Investigatory Powers (RIPA) Act 2000. This Act imposes duties on public bodies, when carrying out investigations that involve covert surveillance and the conduct and use of covert human intelligence sources. The Office of Surveillance Commissioners (OSC) has a duty to inspect those bodies that are authorised under the Act to undertake surveillance.

The Council's policy has recently been inspected and it was concluded that the Council has developed a sound structure for both the RIPA authorising process and a sensible use of statutory powers. Some suggestions were made to improve on the Council's good practice and these have been incorporated into the revised policy document.

The Cabinet noted some updates to the functions to be undertaken by the authorised officers and agreed that the functions as detailed in Appendix 1 to Appendix B of Report A to the Cabinet, as amended and circulated at the meeting, be formally delegated to the officers as shown.

### **2. ICT SECURITY POLICY FOR EMPLOYEES (REPORT B – 2 JUNE 2004) (MINUTE NO. 7)**

The Cabinet has agreed a revised ICT Security Policy for Employees.

Following an independent consultants review, improvements have been made to the style and format of the Council's existing ICT Security Policy to simplify the document and make it more user friendly. The policy covers ICT security matters that are relevant to employees and, whilst it gives good guidance on legislative and other matters, it is not intended to regulate e-Government initiatives. Issues such as receiving payments via the Internet are being addressed as part of the Council's e-Governance strategy and will be the subject of separate policy statements in due course.

The Employee side have supported the new policy and said that it is now less confusing for the average user.

The revisions will simplify and clarify the policy and, whilst maintaining the security of the Council's ICT infrastructure, will still enable employees to use the Internet in a measured and balanced way.

**3. COASTAL MANAGEMENT PLAN REVIEW (REPORT C – 2 JUNE 2004)  
(MINUTE NO. 8)**

The Council published a Coastal Management Plan (CMP) in 1997. The CMP provided a wide range of information, policies and strategies relating to all activities on the Council's coastline and is widely regarded as leading the way in best practice for coastal zone management.

The review of the CMP reflects changes to the management and operation of coastal zone activities. Some of the changes have had a significant impact on the way in which some coastal related services are run and the document has been updated to show these. However, overall the updated plan mainly reflects changes where information was incorrect or out of date.

The Cabinet has supported a revised Coastal Management Plan (CMP) and an updated action plan. Members noted that this area of work now made a major contribution to the Council's finances, and was an extremely important tool in delivering integrated and cost effective management of coastal issues.

***RECOMMENDED:***

***That the revised Coastal Management Plan document be approved, subject to officers updating references to Dibden Bay in the light of the recent Inquiry decision.***

**4. HYTHE CONSERVATION AREA APPRAISAL (REPORT D – 2 JUNE 2004)  
(MINUTE NO. 9)**

The Cabinet considered the results of a consultation exercise in respect of Hythe Conservation Area appraisal and, subject to the additional wording detailed below, have supported the proposed amendments.

**“To add the following to the text in 4.8.1 (Character and Relationship of Spaces within Area - Analysis and Assessment):-**

**'Works are imminent which will create a more attractive and invigorating space at the water's edge. It is a shared desire, and a commitment on the part of the authorities carrying out the works to the Promenade, to connect the Promenade at a later date to the area at the Pier Head.**

**This would greatly increase the attractiveness of the waterfront for pedestrians and make the Promenade part of a circuit of routes rather than in part a cul-de-sac as at present. The conservation area itself would benefit from such an enhancement of the network of pedestrian routes.'**

To add the following to the bold case text in 4.8.2 (**Character and Relationship of Spaces within Area - Implications for Development**):-

- ' • **5 Developments to the rear of the east side of the High Street near the Pier Head and the northern end of the Promenade should have regard to the commitment that exists to connect the Promenade to the area at the Pier Head for pedestrians and should not jeopardise the ability for this to take place.'**

The preparation and adoption of conservation area appraisals are urged on local authorities as best practice by English Heritage. English Heritage has cited the appraisals prepared by this Council as being models to follow.

The Cabinet has agreed that the Hythe Conservation Area Appraisal be approved and adopted as supplementary planning guidance to the New Forest District Local Plan.

#### **5. SOLENT EUROPEAN MARINE SITES (REPORT H – 2 JUNE 2004) (MINUTE NO. 13)**

The Solent European Marine Sites (SEMS) project was set up in November 2000, with the aim of developing a strategy for managing the marine and coastal resources of the Solent in a sustainable way. As a result a draft Scheme of Management has been produced for all key agencies to approve. Following this, the Scheme will be presented to DEFRA for adoption.

The Scheme is concerned with promoting the sustainable use of a living, working coast. This will ensure that the valuable natural resources of the area are there for the enjoyment and prosperity of all both now, and in the future.

The Cabinet has supported the submission of the Solent European Marine Sites draft Scheme of Management to DEFRA.

#### **6. CHURCHILL COURT, NEW MILTON (REPORT J – 2 JUNE 2004) (MINUTE NO. 15)**

The Cabinet considered the outcome of a recent special meeting of the Housing Health and Social Inclusion Review Panel that met to discuss a “call in” of the Cabinet decision made on 7 April 2004 in relation to Churchill Court.

The Cabinet noted the grounds on which two Panel members had “called in” the decision together with the comments made by the Housing Portfolio Holder in response to the “call in”.

At the Cabinet meeting the Tenants’ representative, Mrs White, said that the residents at Churchill Court were happy that the issue had been given the consideration it deserved.

After consideration the Cabinet agreed that the decision taken at the meeting on 7 April 2004 regarding the future of Churchill Court be re-affirmed.

**7. LAND EXCHANGE WITH HAMPSHIRE COUNTY COUNCIL (REPORT K – 2 JUNE 2004) (MINUTE NO. 16)**

The Council together with Hampshire County Council are joint freeholders of land at Pennington (8 Acre Pond and adjoining land). HCC has recently rebuilt premises on the site for their Coastal Warden and Countryside Officer and, as a direct result of this capital investment, they have asked NFDC to transfer their half ownership to them.

Since 1998 NFDC has been trying to acquire 0.5 acres of land at Bartley Avenue, Totton for inclusion within the Bartley Water Public Open Space. The Council also wishes to acquire an area of approximately 4.25 acres of land at Ashley Junior School, New Milton to improve recreation provision in the town.

Both these areas are owned by HCC who have agreed to transfer these freehold titles to NFDC, in exchange for the Council's freehold interest in the land at Pennington. The Cabinet has therefore agreed that the proposals for a transfer of the District Council's interest in land at Pennington (as shown in appendix 1 to report K to the Cabinet) in exchange for the freehold title of the County Council's land at Bartley Avenue and Ashley Junior School (as shown in appendices 2 & 3 of report K to the Cabinet) be approved.

**8. HISTORIC BUILDING GRANT SCHEME – DELEGATED POWERS (REPORT L – 2 JUNE 2004) (MINUTE NO. 17)**

The Council has a historic building grant budget of £20,000 per annum that enables contributions to be made towards the expenses incurred in the repair or maintenance of listed or other buildings of architectural or historic interest.

In order to ensure the most efficient administration of the scheme the Cabinet has agreed that the power to offer grants should be delegated to the Head of Policy Design and Information.

Grants to a maximum of £2,000 will be offered towards repairs to listed, and in conservation areas, important unlisted buildings and structures. Members noted that the budget provides the Council with a valuable opportunity to influence decisions made by the owners of listed buildings that, in turn, could save time and resources at a later date.

Local members are always consulted before any decision is taken and, in addition, the Cabinet has agreed that the Economy and Planning Portfolio Holder should keep the use of the grant scheme under review.

**9. COMMERCIAL SERVICES JOINT COMMITTEE – EXTENSION OF POWERS (REPORT A – 5 JULY 2004) (MINUTE NO. 22)**

The Cabinet has supported proposals to give power to the Commercial Services Joint Committee to tender for work with other public bodies, up to a maximum cumulative annual value of £650,000. The work, which will be within the core business of the Partnership's Constitution, will enable Commercial Services to achieve the benefits of a larger organisation in accordance with its objectives.

Test Valley Borough Council and New Forest District Council established the Joint Committee for Commercial Services in September 2002 and established a constitution and a commercial agreement. Those documents set out, amongst other things, delegations to the Director of Commercial Services and require that any new work be authorised by the two constituent authorities.

Whilst there are no immediate financial implications, successful bidding for contracts will require additional resources and the Cabinet recommends that the Joint Committee's Financial Regulations should also be amended to allow for this.

**RECOMMENDED:**

- (a) *That the Joint Committee be empowered to tender for work with other public bodies (being a public body within the Local Government (Goods and Services) Act 1970) up to a maximum cumulative annual value of £650,000;***
- (b) *That the Commercial Agreement be amended as appropriate to include provision for power to tender for new contracts to be delegated to officers, the wording to be agreed by the Heads of Legal Services of the 2 authorities; and***
- (c) *That the Financial Regulations of the Joint Committee be amended to authorise spending, by Commercial Services, in addition to existing budgets, up to the value of new contracts in order to purchase the materials, equipment and staff necessary for the contract.***

**10. PROVISIONAL FINAL ACCOUNTS 2003/04 (REPORT B – 5 JULY 2004)  
(MINUTE NO. 23)**

Under the Audit and Accounts Regulations 1996, Local Authorities are required to adopt their final accounts within five months of the financial year to which they refer. The Council, elsewhere on this agenda, is asked to appoint a special committee specifically for the purpose of approving the final accounts.

While work continues on the closedown process, the Cabinet has considered the provisional outturn position on the General Fund, the Housing Revenue Account, the Capital Programme and Commercial Services.

The Cabinet noted that the overall saving from the original estimate on the General Fund is £389,000. The General Fund balance at 31 March 2003 was £2.036m, which equates to 10.6% of the 2003/2004 net operating budget. This is broadly in line with the recommended 10% level.

The Council, during the year received reimbursement of £54,000 of business rate plus interest, following a successful appeal against the health and leisure centres rateable values, dating back to 2000.

The provisional income and expenditure for the Housing Revenue Account identifies savings of £203,000. This, together with previously reported overspends of £263,000 gives an overall overspend of £60,000 from the original estimate. The estimated balance on the Housing Revenue Account at 31 March 2004 is £2.818m.

The estimated trading surplus for the operational section of Commercial Services Directorate is £108,000. The balancing transfer from Commercial Services to the General Fund will be in the region of £84,000. The total credited back to the general fund is £96,000, which exceeds the latest approved budget by £26,000.

The total actual capital expenditure for 'Other Services' for 2003/04 is £4.563m this is an under spend of £1.351m from the last approved budget. This is principally due to slippage of £1.453m

The total actual expenditure for the Housing Capital Programme for 2003/04 is £2.768m which is an overspend of £352,000 from the last approved budget. The Cabinet noted that this was mainly due to slippage of £238,000 in Social Housing Grant.

In the last financial year there have been a large number of budget variations but some issues such as changes to the Council tax and benefits payments were beyond the Council's control. Members agreed that there was a need to improve budgetary information to inform decisions more accurately.

#### **11. FINANCIAL STRATEGY 2005/08 (REPORT C – 5 JULY 2004) (MINUTE NO. 24)**

The Cabinet has considered a financial strategy that provides a medium term financial backcloth upon which the Council can allocate resources aligned to its corporate priorities.

The Financial Strategy sets out the likely potential resources the Council will have at its disposal over the next four years. The forecast demonstrates that the Council has some difficult financial decisions to consider and therefore recommends that resources should be closely aligned to priorities. Whilst setting out macro-economic issues, the Strategy also identifies some significant financial issues that are particularly relevant in the New Forest. In particular members noted the financial implications of the establishment of the National Park needed to be confirmed and will no longer be as positive as first envisaged, as a result of the change to the boundary.

The underlying message of the Financial Strategy is one of restraint and focus. The Council continues to face a financially challenging situation made worse in the coming year by the possibility of being capped. The Government will be announcing the Balance of Funding review in the next week but the Cabinet are not optimistic as to the final grant settlement that the Council will receive.

The Crime and Disorder Portfolio Holder expressed disappointment that no agreement has been reached with the Police and Fire authorities over the retention of additional income generated from the reduction in the second homes discount within the district. The Cabinet agreed that both these authorities should be approached again with a view to securing this money as a grant towards the employment of Community Wardens in Hythe and New Milton.

#### **RECOMMENDED:**

- (a) That the Financial Strategy as detailed in paragraph 8 of report C to the Cabinet be approved;**

- (b) *That the timetable for the expenditure planning and budget setting process be approved; and*
- (c) *That officers write to the Police and Fire Authorities formally requesting that, in the light of the additional funding they have received following the reduction in Council Tax discount on second homes, they make a grant to the Council towards the employment of Community Wardens in Hythe and New Milton.*

**12. THE COUNCIL'S IMPROVEMENT PLAN (REPORT D– 5 JULY 2004)  
(MINUTE NO. 25)**

The Cabinet has agreed the Council's Improvement Plan and noted the progress made in the various areas. The Council has been judged as an 'excellent and improving' authority and it is important that the Council continues to improve. The Improvement Plan attached to report D to the Cabinet provides a simple checklist that will be updated every six months, as areas for improvement are completed and new ones identified.

The Improvement Plan is geared to make major impacts across the five corporate objectives. It is particularly strong in improvement areas relating to maintaining the Council as an organisation of excellence. Some areas of the Plan provide a focus on specific issues eg: completion of the Waste Management Strategy whilst others provide impact on these issues through the delivery of improvement eg: implementing the Community Strategy.

The Plan is intended for both members and officers to use as part of a strategic overview approach to ensure the Council continues to move forward.

**13. REVIEW OF OVERVIEW AND SCRUTINY FUNCTIONS (REPORT E – 5 JULY 2004) (MINUTE NO.26)**

In June, the Corporate and Finance Review Panel considered the results of a review of the Council's overview and scrutiny functions. In coming to a view the Panel considered a report from Cllrs Ward and Mrs Robinson on behalf of the Panel; a report from Marianne Abley of the Audit Commission and a report by the Leader of the Conservative Group. All members of the Council have received copies of these reports.

In forming their recommendations the Panel considered issues surrounding officer support; the need for the development of a co-ordinating scrutiny function to underpin delivery of corporate objectives; a title for and membership of the proposed new panel; the role of portfolio holders and the need for further scrutiny training.

Subsequently, the Chairman of the current Corporate and Finance Review Panel has suggested that the most appropriate name for the new Panel would be 'Corporate Overview Panel'. The Cabinet and the Leader of the Opposition concurred with this suggestion.

**RECOMMENDED:**

- (a) That the Corporate and Finance Review Panel be renamed the “Corporate Overview Panel”;**
- (b) That the membership of this Panel be increased to 14 (on the basis of the current proportionality of the Council this would mean 8 Conservative and 6 Liberal Democrat places);**
- (c) That the terms of reference of all Panels be amended to include a responsibility to scrutinise the Corporate Plan (Heart of the Forest) and to choose which of the aims and topics they wish to examine;**
- (d) That the Corporate Overview Panel be given the administrative task of pulling these choices together with a view to assessing whether or not adequate resources were available, to assist in linking the annual budget with the strategic objectives;**
- (e) That the Corporate Overview Panel also be tasked with identifying any aims and topics that are:**
  - (i) not covered; or**
  - (ii) are duplicated**

**and to request the relevant Panel Chairmen to agree a way forward (This could be by employing small joint working groups, holding joint meetings, or a simple split of responsibilities);**
- (f) That all Panels have responsibility to assist in the development, implementation and monitoring of the Council’s Performance Management framework, including the fundamental and annual service plans relating to their functions;**
- (g) That Portfolio Holders and Panels continue to work towards constructive relationships;**
- (h) That members at all times retain the right to call in or scrutinise any particular issue (on the same basis as present), but that Panels be encouraged to work together with the Portfolio Holder to move issues forward. (Final decision-making will rest with the Cabinet and the Portfolio Holders but the Panels should play a part leading up to the decision);**
- (i) That comprehensive training for both members and officers on the roles and responsibilities of overview and scrutiny, and the skills needed to undertake the roles, be implemented;**
- (j) That the Corporate Overview Panel undertake a review of officer support for the scrutiny function and identify future areas for improvement which should preferably be cost-neutral and robust;**



- (k) *That there be a further review of the scrutiny arrangements in two years' time, in particular to analyse the effectiveness of the new measures; and*
- (l) *That the Head of Legal and Democratic Services be authorised to make the necessary amendments to the Constitution.*

**14. COMMERCIAL SERVICES DIRECTORATE – SERVICE PLAN (REPORT F – 5 JULY 2004) (MINUTE NO. 27)**

The Cabinet has supported the Commercial Services Directorate Service Plan for 2004/2005.

The partnership between the New Forest District Council and Test Valley Borough Council was created in September 2002. The Partnership Constitution requires that an annual business plan is submitted to the parent authorities for approval.

The Service Plan sets out the key issues and opportunities facing the partnership for the coming year, these include:

- Preparation of a New Forest Waste Management Strategy
- Extension of kerbside clear sack scheme to rural areas of Lymington, Milford, New Milton, Bransgore and Totton.
- Undertake review to determine the feasibility of integrating the Partnership onto a single financial accounting system.
- Implementation of E Procurement solution to enable the procurement of goods and services using the Internet to access on-line catalogues.
- Actively seek opportunities to expand the customer base where there are clear benefits to the partnership and both councils.

All the activities identified in the Service Plan have been through the Council's budget process and there are no further financial implications arising.

***RECOMMENDED:***

***That the 2004/05 Service Plan for the Commercial Services Directorate be approved.***

**15. DECRIMINALISATION OF ON STREET PARKING (REPORT G – 5 JULY 2004) (MINUTE NO. 28)**

The Cabinet has considered the results of discussions with Hampshire County Council and the Police on the decriminalisation of on-street parking and the undertaking of local enforcement.

The introduction of the clock scheme and charges gives a financial and administrative base to allow progression to the next stage of traffic management, the implementation of decriminalised parking.

The introduction of Decriminalised Parking will give the District Council more flexibility and influence to determine new traffic management measures such as residents' parking schemes and waiting restrictions. It will also assist in working with other agencies, for example the Forestry Commission. This will be of particular assistance in co-ordinating traffic management/parking regulations throughout the District.

Under decriminalisation, parking offences become a civil matter with a national adjudication service. This will relieve the criminal courts of the need to deal with comparatively minor motoring offences. Whilst the introduction of decriminalised parking is a complex process, the combining of on and off street parking enforcement/management will give better use of resources and parking enforcement would become more locally accountable and adaptable.

The Police, locally and at County level, wish to encourage local authorities to take on this responsibility which will then allow them more time to concentrate on issues of greater importance.

The County Council will contribute £120,000 towards the introduction of decriminalised parking which will leave a balance of £131,970 to be funded by this Council. The following table indicates the net cost to the Council by financial years. Formal agreement to the County's contribution will need to be obtained as a prerequisite to the project proceeding.

	2004/5 £	2005/6 £	2006/7 £	X. £	TOTAL £
Set-up costs	34,700	154,090	63,180		251,970
HCC Contribution	-34,700	-85,300	-	-120,000	
NFDC Costs	-	68,790	63,180		131,970

Income will be derived from penalty charge notices, additional off-street income due to displacement and income from County Court judgements. In revenue terms the on-street account should break even. Whilst, in the early stages, the proposal does represent a significant cost to the Council, by taking on this role it will enable a joined up strategy for both public and residential parking.

**RECOMMENDED:**

- (a) ***That, in partnership with Hampshire County Council, Decriminalised Parking be introduced throughout the District, the target date for introduction being January 2006;***
- (b) ***That the set up and ongoing revenue costs shown in report G to the Cabinet be incorporated in future expenditure plans;***
- (c) ***That, in partnership with Hampshire County Council, an application for the introduction of decriminalised parking be made to the Secretary of State. The application to cover the setting up of Special Parking Areas (SPA) / Permitted Parking Areas (PPA) to cover the whole of the District except for designated Trunk Roads or Motorways;***

- (d) ***That an Agency Agreement be entered into with the Highway Authority (Hampshire County Council) to facilitate the introduction of decriminalised parking with terms to be agreed by the Director of Resources;***
- (e) ***That the Head of Legal and Democratic Services be given authority to enter into an Agreement under Section 101 of the Local Government Act 1972 to join the National Parking Adjudication Service;***
- (f) ***That the Council nominate one member to act as representative on the Joint Committee of the National Parking Adjudication Service;***
- (g) ***That the District Council adopt the higher level of charges as set out in table 1 of 7.1 of report G to the Cabinet; and***
- (h) ***That the following levels of charges, as prescribed by the Home Secretary be adopted in the event of the Council removing a vehicle under the Road Traffic Act 1991:***

<b><i>Vehicle Removal</i></b>	<b><i>£105</i></b>
<b><i>Vehicle Storage</i></b>	<b><i>£12 for each 24 hours, or part thereof, that the vehicle is impounded</i></b>
<b><i>Disposal of unclaimed Vehicle</i></b>	<b><i>£50</i></b>

**16. RINGWOOD LONG STAY PARKING/USE OF LORRY PARK (REPORT H – 5 JULY 2004) (MINUTE NO. 29)**

Following concerns expressed by the Town Council, the local Chamber of Trade and local members about the shortage of long stay parking in the central Furlong car park in Ringwood, the Cabinet has agreed proposals to help alleviate the situation.

Surveys have indicated that by 9:00 a.m. the car park has reached capacity with the problem being exacerbated by:

- Commuters are using the car park as a “park and ride” facility. A recent survey indicates that approximately 22% of those using the long stay car park did not in fact state their final destination as Ringwood.
- The adjoining Waitrose Store is in the process of being extended. This will result in the permanent loss of approximately 20 spaces. Construction of the store extension will take approximately 50 weeks and involve the loss of some 40 spaces.

In line with suggestions from the Town Council and the Chamber of Trade the Cabinet has agreed that officers should advertise the following amendments to the District of New Forest Parking Order:

- (i) To allow lorries to park only between the hours of 18:00 and 08:00 in the existing lorry parking area of Ringwood Car Park;
- (ii) To reduce the waiting restriction in the long stay Furlong Car Park to nine hours between 08:00 and 18:00;
- (iii) That the area forming the present Ringwood Lorry Park be marked to accommodate cars in order to increase its capacity;
- (iv) That a supplementary estimate of £8,000 be raised to cover the cost of implementing these recommendations.

The location of the car park adjacent to the A31 trunk road makes it attractive for park and ride and car sharing. Unfortunately this results in a shortage of long stay parking facilities for those who work in Ringwood. Reducing the waiting times makes the car park less attractive for those not working in Ringwood. The 9-hour restriction will allow those working an average day to park for all of that period without having to move their vehicles. The remarking of the lorry parking area to accommodate cars and restricting lorries to parking between 18:00 and 08:00 will create approximately 30 additional long stay spaces.

The County Council has been informally consulted on these proposals and has indicated they will have no objections.

In addition the Cabinet has agreed that officers should investigate the financial and parking management implications of providing reserved parking spaces for use by local businesses. It is believed that some businesses require, and would be willing to pay for a reserved parking space. The availability of such spaces may relieve some of the concerns raised by local businesses about long stay parking availability.

#### **17. RINGWOOD HEALTH & LEISURE CENTRE CREATION OF A MIND-BODY/DANCE STUDIO (REPORT I – 5 JULY 2004) (MINUTE NO. 30)**

The Cabinet has agreed proposals to create a dance/ mind-body studio at Ringwood Health and Leisure Centre by converting two of the three existing squash courts.

A comparison of performance with other leisure providers shows that Ringwood is a poor performer both in participation and income from their fitness programme. The main cause is the capacity and quality of the aerobics studio. Funding exists in the current year to upgrade the facility.

The new facility will generate increased participation across a much wider range of user groups and allow an expansion to the health and fitness programme promoting new opportunities for a healthier community.

Following extensive consultation, a number of options to create a new dance studio have been considered. The Leisure Review Panel, after full consideration, has supported the proposal for the conversion of two squash courts. However, they did feel that consideration should be given to developing squash at New Milton Health and Leisure Centre, as a specialist activity, to cater for the demand for squash over a wider area to include Ringwood. The Cabinet has agreed that this suggestion should be investigated.

**Cllr M J Kendal  
CHAIRMAN**

(CB050704/Report of Cabinet.doc)