

24 OCTOBER 2005

NEW FOREST DISTRICT COUNCIL

Minutes of a meeting of the New Forest District Council held at Appletree Court, Lyndhurst on Monday, 24 October 2005.

- p Cllr Sqn Ldr B M F Pemberton - Chairman
- p Cllr D N Scott - 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 D E Cracknell
- p G F Dart
- p W H Dow
- p L T Dunsdon
- p M H G Fidler
- p Ms L C Ford
- e Mrs L P Francis
- p P C Greenfield
- p 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
- e J A G Hutchins
- p M J Kendal
- p Mrs B M Maynard
- e Mrs M McLean
- p M J Molyneux

Councillors:

- p R J Neath
- p G J Parkes
- p J Penwarden
- p L R Puttock
- p A W Rice TD
- p B Rickman
- p Mrs M J Robinson
- p B Rule
- D J Russell
- p T M Russell
- N E Scott
- e Lt Col M J Shand
- p S A Shepherd
- p Mrs B Smith
- p Mrs S I Snowden
- p M H Thierry
- p A R Tinsley
- p D B Tipp
- p C R Treleaven
- 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:

D Yates, N J Gibbs, C Malyon, J Mascall, Mrs M Dunsmore, Miss G O'Rourke and Mrs R Rutins

33. MINUTES (PAPER A).

RESOLVED:

That the minutes of the meeting on 13 September 2005, having been circulated, be signed by the Chairman as a correct record.

34. DECLARATIONS OF INTEREST.

The following members declared interests in the Item 1 of the report of the Cabinet dated 24 October – Proposed Amendment to District of New Forest (Off Street Parking Places) Order – Representations:

Cllrs Cracknell, Dart, Dunsdon, Fidler, Mrs Ford, Mrs Francis, C J Harrison, D Harrison, F R Harrison, Hibbert, Mrs Humber, Kendal, Mrs Maynard, Molyneux, Parkes, Puttock, Mrs Robinson, Shepherd, Mrs Smith, Thierry, M S Wade, S S Wade, Walmsley, Weeks and Mrs Wyeth.

Cllr Mrs Robinson – item 6 of the report of the Cabinet dated 5 October 2005 – South West Hampshire LIFT

35. CHAIRMAN'S ANNOUNCEMENTS.

Former Councillor Geoff Spikins

The Chairman reported with regret the death on 4 October of former Councillor Geoff Spikins, a colleague and friend.

Geoff had been elected as an Independent representative for the former Colbury Ward in 1991 and had served until 2003, when he had not stood for re-election. He had been Leader of the Independent Group and also a Parish Councillor. He had served on a number of Committees and Panels during his term of office on the Council, and had represented the Council on various outside bodies, including the Crime Prevention Working Party and the New Forest Police Liaison Committee.

Geoff was survived by his wife Mona, a daughter Rosie, and two grandchildren.

All present stood in silence as a mark of respect to the late Geoff Spikins.

The Holly and the Ivy Christmas Gift Fair

The Chairman said that the annual Holly and the Ivy Christmas Fair in aid of the Chairman's charities would take place on Saturday 19 November 2005 from 11.00 am to 3.00 pm at the Applemore Health and Leisure Centre. Councillors were encouraged to support the event and to bring along their children and grandchildren.

There would be more stalls than previously, with a wide range of hand-crafted items and lots of unique and imaginative items for sale. Many of the stallholders would be local New Forest or Hampshire craftsmen and women and the items they would have for sale were not readily available in the shops. There would be something for everyone, including a Santa's Grotto where children could have their picture taken for just £1.

Every penny of the £2.50 entrance fee [children under 16 free] would go to the Chairman's Charities, First Opportunities and Victim Support.

The Chairman requested volunteers to help on the day. Anyone who could spare an hour and a half was requested to contact Helen Saunders. Whether members were able to help or not, the Chairman hoped that they would come along to support the event.

Hallowe'en Event at Eling Tide Mill

The Chairman reported that he would be attending an evening of creepy goings-on at Eling Tide Mill on Hallowe'en night, Monday 31 October. There would be a spooky walk through the building (which was owned by New Forest District Council), apple bobbing, trick or treating and face painting. The event had been organised by the trustees of Eling Tide Mill to give children aged 6 - 11 the opportunity to celebrate Hallowe'en in a fun, safe and friendly environment. It was being supported by New Forest District Council, English Nature and ASDA. It was hoped that the evening would teach children about the traditions of Hallowe'en and the history of the mill. Entry was £1.00 per person and all children had to be accompanied by an adult.

36. PETITION FROM THE TAXI PLATE ASSOCIATION.

Mr Hunt of Galleon Taxis presented a petition on behalf of 95% of the taxi owners in the area, requesting the Council not to de-regulate hackney carriages. All members of the Council had received a copy. In presenting the petition, he stated that the Taxi Plate Association felt that the Government and New Forest District Council were asking taxi owners to commit financial suicide in proposing de-regulation that would benefit only a very small section of the local community. He said that many of the taxi owners in the District had run taxi businesses for many years, and had adapted their services to suit local needs. They knew the sort of service local people wanted, and they did not understand why the General Purposes and Licensing Committee wished the Council to take the decisions it proposed.

He commented that, as explained in the report to the General Purposes and Licensing Committee on 16 September, the Government anticipated a range of outcomes from reviews, including granting licences in order to meet unmet demand. The Government was not requiring a complete change of the system.

He further questioned why the recommendation of the General Purposes and Licensing Committee to grant new licences to Hackney Carriages (after April 2006) only for those vehicles which were wheelchair accessible couldn't run side by side with the current 88 plate system.

In closing his speech, Mr Hunt stated that the Taxi Plate Association would work with the Council and the public at large. He stated that in order to meet all the needs of the local community, a wide range of vehicles was needed, and not just wheelchair accessible vehicles. He suggested that a meeting between the General Purposes and Licensing Committee and the taxi trade be arranged to discuss options and to reach a way forward agreeable to all concerned.

37. REPORT OF COMMERCIAL SERVICES JOINT COMMITTEE.

Cllr Thierry, Chairman of the Joint Committee, presented the report of the meeting held on 8 September 2005.

On the motion that the report be received, it was

RESOLVED:

That the report be received.

38. REPORT OF GENERAL PURPOSES AND LICENSING COMMITTEE.

Cllr Dow, Chairman of the Committee, presented the report of the meeting held on 16 September 2005.

On the motion that the report be received and the recommendations adopted:

Item 1 – Deregulation of Hackney Carriages (Taxis)

It was reported that the recommendations before the Council had been arrived at unanimously by the Committee. Mention was made of the views expressed by Mr Hunt of Galleon Taxis when he had presented the petition from the Taxi Plate Association earlier in the meeting. A question was asked about the controls remaining with the Council if the Committee's recommendations were adopted. It was explained that the Council would still exercise control over the quality and types of vehicles licensed, and would also ensure that only "fit and proper persons" were licensed as drivers. Recommendation (a) related only to ceasing to restrict the numbers of taxi plates issued.

With regard to recommendation (b) and in reply to a question, the Chairman of the Committee informed the Council that provision had been made in the Disability Discrimination Act 1995 for all taxis to be wheelchair accessible, but that the regulations to bring this into force had not yet been made. The Government's guidance was that local authorities should not hold back on setting a policy for wheelchair accessibility for licensed vehicles, pending regulations. The Committee had considered it reasonable to require any new taxis licensed from 1 April 2006 to be wheelchair accessible.

It was explained that the Committee's previous recommendation to the Council that a survey be undertaken to determine whether there was unmet demand for the additional taxis had been referred back to the Committee by the Council for further consideration. The recommendation had been based on the taxi trade bearing the cost of the survey, with the cost being recovered by way of increased licence fees, but the trade had not been happy to bear this cost if, having received the survey results, the Council decided to deregulate. . Therefore, having reconsidered the issue, the Committee now recommended the deregulation of control over numbers of taxi plates.

Some questions were raised about the benefits of deregulation to users of taxis and the effect of deregulation on existing taxi businesses. It was noted that New Forest District Council was in the minority of Councils retaining control over taxi numbers. There was no evidence that deregulation had had a detrimental effect in those areas that had deregulated.

The Committee's recommendations were adopted.

Item 2 - Licensing Act 2003

Members of the Licensing Committee and the officers were thanked for their hard work over the last few months dealing with the licensing applications arising from the Licensing Act 2003.

RESOLVED:

- (a) That the report be received and that the recommendations be adopted; and
- (b) That the Council records its thanks to members of the Licensing Committee and the officers for their hard work and time in ensuring that the Council met its statutory obligations to decide licensing applications within the legal time limits.

39. REPORT OF CABINET - 5 OCTOBER 2005.

Cllr Kendal, the Leader of the Council and the Chairman of the Cabinet, presented the report of the meeting held on 5 October 2005.

On the motion that the report be received and the recommendations adopted:

Item 2 – Consultation Document “Where shall we live?” – District Housebuilding Targets for South East Plan

A member expressed concern that the South East England Regional Assembly (SEERA), an unelected body, had the role of recommending to the Government housebuilding targets for the area. This was being done without any regard to infrastructure or local people's wishes. The proposals would badly affect local people.

Other members pointed out that there was a need for housing, particularly affordable housing, in the area. In New Forest District there were 3,000 people on the housing register awaiting homes. In its response to the consultation, the Cabinet had, amongst other things, expressed the view that development in South Hampshire should be focused on urban regeneration. The Cabinet had opposed the options that suggested major new greenfield development in the Totton and Waterside areas.

The Leader of the Council said that, while it appeared that the Government had a creeping agenda of centralisation, it was important to ensure that local democracy remained strong. The work done across Councils through the Partnership for Urban South Hampshire (PUSH) on this matter had been a good example of how local democracy could respond to the challenges it faced. The development proposals were being forced on local authorities to meet overall housing needs and the local authorities had to respond in an effort to influence decisions on the location of the additional housing.

Item 3 – Planning Delivery Grant 2005/06

In reply to a question, the Leader of the Council said that not all of the planning delivery grant funding was being used for specific planning related purposes, but that, in a corporate organisation such as the Council, many other services supported the planning process. £250,000 had been spent on one-off expenditure such as the new planning system, and other backroom applications.

Item 6 – South West Hampshire LIFT

Cllr Mrs Robinson declared a personal interest in this item as Chairman of the Hampshire Partnership NHS Trust. She did not consider that her interest was prejudicial and remained in the meeting. There was no vote.

The Leader of the Council reported that, because of concerns that had emerged regarding potential liability and risk if the Council entered into the proposed partnership arrangement, it had been decided not to join the scheme.

RESOLVED:

That the report be received and the recommendations adopted.

40. REPORT OF CABINET – 24 OCTOBER 2005.

Cllrs Cracknell, Dart, Fidler, Mrs Ford, Mrs Francis, C J Harrison, D Harrison, F R Harrison, Hibbert, Mrs Maynard, Molyneux, Parkes, Mrs Robinson, Shepherd, Mrs Smith, Thierry, M S Wade, S S Wade, Walmsley, Weeks, and Mrs Wyeth declared personal interests in item 1 of the report, as members of Parish or Town Councils that had responded to the proposals.

Cllrs Dunsdon, D Harrison, Kendal, Rice and Weeks declared personal interests in item 1 of the report, as members of Hampshire County Council that had consented to the proposals.

Cllr Mrs Humber declared a personal interest in item 1 of the report, as a Trustee of St Barbe Museum that had made representations on the proposals.

None of the above members considered their interests to be prejudicial and they remained in the meeting, took part in the debate and voted.

Cllr Kendal, Leader of the Council and Chairman of the Cabinet, presented the report of the meeting held on 24 October 2005.

On the motion that the report be received and the recommendations adopted:

Item 1 – Proposed Amendment to District of New Forest (Off Street Parking Places) Order – Representations

Cllr Mrs Robinson proposed that this matter be deferred for further consideration as she was concerned that there had been insufficient consultation on the matter. The proposal was seconded.

Cllr Mrs Robinson said that, while concessions were being made for users of car parks that served the Lyndhurst and Beaulieu Community Centres, no regard had been had for the many voluntary workers around the District who were obliged to use District Council car parks and who would be financially penalised by the new arrangements. In her view, the concessions being proposed were complicated and would prove difficult to administer. She was also concerned from a security point of view that motorists would be displaying in their vehicles £80 parking clocks, without any identifying marks such as a car registration number. These parking clocks would be valuable commodities and would present opportunities for theft. While she was very pleased that the Council was trying to support the Hythe Ferry, she felt that the current proposals could disadvantage Hythe Village. She noted that the Council intended to give more publicity to Hythe Ferry, but residents of Hythe were concerned at the effect on parking availability if the numbers of users of the Ferry increased largely. She considered that more time was needed to consult on these issues.

Other members mentioned the position of voluntary workers and said that an inconsistent approach was being followed. Members of the opposition group referred to the fact that the car parking charging scheme introduced by the previous Liberal Democrat administration had been withdrawn after the Conservative Group had gained power at the 1999 elections, incurring expense in doing so, and had then incurred further costs in re-introducing charging in 2003. At the time charges had been re-introduced, assurances had been given to the public that the charges would not increase, but they had been increased once and were now being increased significantly.

Members of the Conservative Group expressed the view that there had been adequate consultation, and that not allowing any concessions other than those for the Lyndhurst and Beaulieu Community Centres was the correct course of action. In this way motorists were bearing the costs of car parking provision, and not the Council taxpayer as a whole. Motorists purchasing car parking clocks could write their names or car registration numbers on the rear of their parking clocks. In the light of experience of the scheme in 2006, consideration would be given to the security issues in the design of the clocks for 2007.

In summing up, Cllr Mrs Robinson said that she had not heard any arguments that justified the short consultation period. Hythe and Dibden Parish Council had not been consulted on proposals with regard to the special arrangements for Hythe Ferry users. She remained concerned at the security implications of displaying a transferable £80 clock in the windscreens of motor vehicles.

In replying to the debate, the Leader of the Council said that he did not consider that, bearing in mind motoring costs and in particular the rising cost of petrol, the additional cost of parking in the town and village car parks would deter voluntary workers. The proposals were supported by bodies such as the Lymington Chamber of Commerce and the New Forest Business Partnership, as the proposals helped ensure a turnover of vehicles in the car parks. Very few objections had been received. Of the 140 representations received, nearly half had related to a particular situation in Ringwood. He had not heard any arguments that would assist in effective traffic management and therefore he would not support deferring the matter.

The proposal that the matter be deferred was put to the vote and was lost.

RESOLVED:

That the report be received and the recommendations adopted.

41. QUESTIONS UNDER STANDING ORDER 22.

There were none.

42. NOTICE OF MOTION – CHILDREN JUMPING FROM BRIDGE AT REDBRIDGE.

The Chairman said that he had decided that it would be convenient and conducive to the despatch of business to deal with the motion at this meeting. However, as the subject matter was a Cabinet function, the Council could deal with it only if the Cabinet agreed. Members of the Cabinet agreed with this being done.

Councillor D Harrison moved the following motion:

“That the New Forest District Council undertakes to take the lead role in helping prevent the regular summer activity of children jumping into the River Test from the bridge at Redbridge, recognising that effective action will save young lives.”

In proposing the motion Cllr D Harrison said that this was an annual seasonal problem that had existed for many years. Various bodies such as New Forest District Council, Totton & Eling Town Council, Southampton City Council, the Coastguard, the Police, the Environment Agency and Hampshire Fire and Rescue, all had an interest in the matter but no one agency was prepared to take the lead. His motion asked that the District Council take the lead in trying to come up with workable measures that would help to save lives.

The motion was seconded.

Cllr Beck, Crime & Disorder Portfolio Holder, said that research carried out with the Coroner’s office had revealed that no fatalities had occurred since 1982, the earliest date from which the Coroner’s detailed report analysis was available. Other research carried out by Cllr D Harrison had revealed that the last fatality resulting from jumping from the bridge had occurred in the 1950’s.

The bridges referred to were owned by and were under the control of Hampshire County Council. This Council’s responsibilities were limited to the west bank and up to the mid-point of the River Test. Southampton City Council was responsible for the east bank and the remainder of the river.

Whilst this Council had the power to introduce byelaws in certain circumstances, Cllr Beck had considered the problems associated with enforcement of such byelaws and the limited penalties available, and felt that this Council should take no further action.

Any byelaw the Council might make in relation to those jumping from the bridge would only relate to the half of the river owned by New Forest District Council. It would be exceptionally difficult to prosecute anybody under any such byelaw as it would be difficult to establish which point they had jumped from and precisely which

part of the river they landed in. In order for any criminal prosecution to succeed evidence would have to be produced to prove the offence beyond all reasonable doubt. This would be very difficult to do. Cllr Beck did not believe that the imposition of a byelaw, and all the associated enforcement difficulties, would address the issue and prevent further jumping.

However, Cllr Beck said that he would support any action that Hampshire County Council, as owners of the bridge, might take in this matter. Hampshire County Council had indicated that problems of this type occurred County-wide and it would therefore seem sensible that action be considered on a County-wide basis. He asked the Council not to adopt the motion proposed by Cllr D Harrison.

Some Councillors spoke in support of the motion and said that the Council could clearly demonstrate its role as a community leader in trying to find a solution to the problem in partnership with the other agencies involved. They accepted that a solution might not lie with the District Council but considered that the Council should take steps to try to resolve the matter. However, other members said that this was a problem that occurred in many places in the country, and was an intractable one. The Leader of the Council said that he was happy to offer officer support in responding to initiatives to find a solution, but he did not consider the issue one on which the District Council should take the lead. He suggested that Cllr D Harrison request the Community Safety Partnership to take up the matter.

Cllr Beck clarified that he had spent many hours with the Council's Community Safety Officer investigating the problem and he had taken up the matter with both Southampton City Council and Hampshire County Council. He reiterated that he would support any initiatives to tackle the matter on a county-wide basis.

In replying to the debate, Cllr D Harrison stressed that all that he was asking was for the District Council to take the lead, drawing together the other agencies involved, in trying to find a solution. He was not convinced that a bye-law, as mentioned by Cllr Beck, was an appropriate way forward. If his motion was lost, he would like to take advantage of the Leader of the Council's offer of assistance from the Council's officers.

The motion was put to the vote and was lost.

**43. QUESTIONS TO PORTFOLIO HOLDERS UNDER STANDING ORDER
22A.**

Question No. 1 from Cllr Hale to Cllr Mrs Holding (Health and Social Inclusion Portfolio Holder)

"The Portfolio Holder will be aware of public concern over what has become known as Asian Bird Flu. This has been demonstrated by the current surge in requests for the winter flu vaccine which in itself did not offer protection against the bird flu virus.

In the event of an outbreak within our district, local people, as they do with flooding, will look to the council for help and advice. Can the Portfolio Holder outline what discussions she has had within the authority, so that the council is in the position to offer a measured response should such an outbreak occur?"

In reply, the Portfolio Holder said that since November 2004 when the Civil Contingencies Act had been introduced, the District Council had become a Category 1 responder to Civil Emergencies. It was now involved in a County-wide Local Resilience Forum which was a statutory body set up under the Act. The Forum actively monitored and assessed all risks in the community. Clearly, the potential seriousness of an Avian Flu outbreak was of great concern and the Council was receiving regular updates of the situation, bearing in mind the specialist medical advice that was being given.

This Council had looked at how it would be affected by an outbreak. If a major pandemic occurred it was possible that 25 to 40% of Council staff would be ill. Schools would be closed immediately and so parents would be home from work which would affect all services and jobs in the Forest. Transport would probably be badly affected. The Council was not in a position to know in detail which particular services would be badly hit but the Council had contingency plans so that all essential work and services in the Council would be covered and that benefits would still be paid.

At present vaccines were being stockpiled although until a particular strain of the flu was identified in a pandemic, vaccines could not be specific to a particular strain. The people responsible were dealing with this.

Cllr Mrs Holding pointed out that it was important to note that in the Far East people who had died had actually worked with birds – defeathering and slaughtering them. If a bird became ill in some Far Eastern countries it was cultural to slaughter and eat the bird. Through this very close contact by either working very closely with birds or eating them, people had become ill and had died, and in some cases had passed the disease to close family members.

Although the dead parrot in quarantine had had the highly pathogenic H5N1 avian influenza virus this did not affect the UK's official avian influenza disease-free status as the bird had been in quarantine. The Health Protection Agency considered that the current risk of human infection with avian influenza in the UK remained low and emphasised that all necessary actions were being taken to protect the public. Any response that might be required from the Council would be led via the Local Resilience Forum and would include County-wide advice to the public.

In a supplementary question, Cllr Hale said that he hoped that the Council did not contribute to any hysteria regarding the matter through any publicity it issued. He pointed out however that some birds such as ducks and pigeons were attractive to small children and he asked whether local authorities would have a role in advising on this.

In reply, Cllr Mrs Holding said that, amongst other things, DEFRA was now asking keepers of birds to be vigilant and, where possible, to feed and water their birds indoors. The risk of human infection remained low and it was important for people not to panic. She saw the Council's role as imparting measured information.

Question No. 2 from Cllr Hale to Cllr Thierry (Environment Portfolio Holder)

“Can the Portfolio Holder please clarify the position of shredded paper in the recyclable waste stream? Can it or can it not be recycled at the current MRF facilities or is it removed and landfilled?”

In replying, Cllr Thierry said that Cllr Hale’s question highlighted the confusion and misunderstanding on the part of residents regarding what could be recycled and why items which appeared readily recyclable were not. He displayed a number of paper, plastic and glass items and asked members to indicate which of these items they thought were recyclable via the clear plastic sack collection scheme. Members’ responses highlighted the need for residents to have clear messages.

The position was that, while all the material demonstrated, including shredded paper, were capable of being recycled, Onyx, the operators of the Materials Recovery Facilities for Project Integra, did not accept some items, including shredded paper. Shredding reduced the paper’s fibres to unusable lengths for Onyx’s purposes. If any recyclable items not accepted by Onyx were included in a clear recyclable sack, the sack was often regarded as contaminated and all the contents were disposed of. Cllr Thierry said that he would be pressing for all material to be sorted at the MRF, with the acceptable material being processed and that rejected being sent to the incinerator. Far too many recyclables were being burnt or landfilled because of inadequate sorting at the MRF. This year Christmas wrapping paper would not be accepted. The Portfolio Holder predicted that next year Christmas cards would be not accepted.

In a supplementary question Cllr Hale referred to the fact that, for security reasons, more and more householders were shredding items such as bank statements. He asked the Portfolio Holder whether he would work with the Portfolio Holder for Crime and Disorder to frame measures that would ensure the maximum recycling with the minimum of risk to residents of the District.

The Portfolio Holder reiterated that under the current arrangements shredded paper could not be recycled. He thought the solution was to pressurise Onyx and Hampshire County Council (as the waste disposal authority) to accept shredded paper.

Question No. 3 – from Cllr Mrs Robinson to Cllr Greenfield (Housing Portfolio Holder)

Cllr Mrs Robinson asked the Housing Portfolio Holder whether the Council had joined the recently established Association of Retained Council Housing.

Cllr Greenfield confirmed that this Council had joined the Association. He explained that those few local authorities that had retained their housing stock were getting together to share ideas. The aim of the organisation was to represent to the Government the views of housing stock-owning authorities. The Assistant Director (Housing Services) had attended the first meeting and Cllr Greenfield would be discussing the outcomes with him.

Cllr Mrs Robinson asked the Portfolio Holder to keep Councillors informed of developments within the Association and in particular whether the Association was meeting its original aims. Cllr Greenfield confirmed that he would do this.

CHAIRMAN

(DEMOCRAT/CL241005/MINUTES.DOC)