

21 APRIL 2008

NEW FOREST DISTRICT COUNCIL

Minutes of a meeting of the New Forest District Council held at Appletree Court, Lyndhurst on Monday, 21 April 2008.

- p Cllr W H Dow - Chairman
- p Cllr P R Woods - Vice-Chairman

Councillors:

- p G C Beck
- p D A Britton
- p Mrs D M Brooks
- p Mrs F Carpenter
- p Mrs J L Cleary
- p G F Dart
- p S P Davies
- p L T Dunsdon
- p Ms L C Ford
- p H F Forse
- p P C Greenfield
- p C J Harrison
- p D Harrison
- p E J Heron
- p P E Hickman
- p Mrs J A Hoare
- p Mrs M D Holding
- p J A G Hutchins
- p Mrs P Jackman
- p M J Kendal
- e C Lagdon
- p Mrs M E Lewis
- p Mrs K J Lord
- e Mrs P J Lovelace
- p B D Lucas
- p Mrs A E McEvoy
- p Mrs M McLean
- p G J Parkes
- p Sqn Ldr B M F Pemberton

Councillors:

- p J Penwarden
- p L R Puttock
- p M P Reid
- p A W Rice
- p B Rickman
- p W S Rippon-Swaine
- p Mrs M J Robinson
- p Mrs A M Rostand
- p D J Russell
- p R F Scrivens
- e Lt Col M J Shand
- p A E J Shotter
- p Mrs B Smith
- p Mrs S I Snowden
- p A J Swain
- p M H Thierry
- p A R Tinsley
- p D B Tipp
- p C R Treleven
- p F P Vickers
- p M S Wade
- p S S Wade
- p R A Wappet
- p J G Ward
- e A Weeks
- e Dr M N Whitehead
- p C A Wise
- p Mrs P A Wyeth
- Vacancy

Officers Attending:

D Yates, R Jackson, J Mascall, D Atwill, Mrs M Dunsmore, A Rogers, Miss G O'Rourke and Mrs R Rutins.

73. MINUTES (PAPER A).

RESOLVED:

That the minutes of the meeting held on 25 February 2008, having been circulated, be signed by the Chairman as a correct record.

74. DECLARATIONS OF INTEREST.

Cllr Dunsdon - Minute No. 76 - item 8 of the report of the Cabinet dated 2 April.

Cllrs Mrs Hoare and Shotter - Minute No. 76 - item 11 of the report of the Cabinet dated 2 April.

Cllr Kendal - Minute No. 76 - item 2 of the report of the Cabinet dated 5 March.

Cllrs M & S Wade - Minute No. 76 - item 9 of the report of the Cabinet dated 2 April and Minute No. 77.

Cllr Mrs Wyeth - Minute No. 77.

75. CHAIRMAN'S ANNOUNCEMENTS.

Death of Councillor Danny Cracknell

The Chairman announced with sadness the death of the Council's friend and colleague, Councillor Danny Cracknell.

Danny had spent over 20 years working for the people of the New Forest; he had been first elected in May 1991 and had served on the Council since that time.

At the time of his death, he had been the sole independent member of the Council for five years. His main interest was in leisure-related issues and he served on leisure committees and panels during most of his term of office.

He had represented the Council on a number of outside bodies; these included the Poulner Community Centre Management Committee and the Ringwood Recreation Centre Consultative Committee.

Danny's funeral would take place at the Church of St Peter and St Paul, in the market place, Ringwood at 1.30 p.m. on Tuesday, 29 April, followed by cremation at Bournemouth. There would be a get-together at Ringwood Conservative Club afterwards.

The Chairman advised those who wished to attend the funeral that Danny's family would prefer bright colours to be worn in celebration of his life. There would be family flowers only but donations to Salisbury Hospice Care Trust could be sent to Barrow Bros & Tapper Funeral Service, 29a Southampton Road, Ringwood, BH24 1HB.

Many members spoke in memory of Councillor Cracknell and expressed their sadness and deep regret at his passing. They recalled how Councillor Cracknell had been a dedicated ward member, who always put Ringwood first and a charitable man of great principle who did a tremendous amount of work for the poor and disadvantaged in society. He was a pleasure to work with and would be greatly missed by everyone at New Forest District Council.

Death of Robert Beazley

It was with great sadness that the Chairman announced the untimely death of Robert Beazley, who had worked as a Leisure Attendant at Lymington Health and Leisure Centre from July 2005 to March this year. He was just 22 years old and would be missed by many.

All present stood in silence in memory of Cllr Cracknell and Robert Beazley.

Planthunters' Fair

The Chairman was pleased to advise members on this year's Planthunters' Fair on 10 May. The event had been renamed Planthunters' Plus owing to the extra activities that would now be included. The Chairman hoped to make it a really enjoyable family day, but asked members for their help to make this achievable. He would send formal invitations to all members, and hoped that members would attend and offer to assist, even if for short periods.

Civic Service

The Chairman expressed his gratitude to all those who had helped make the Civic Service held on Sunday, 20 April a memorable occasion. Celebrations took place at the Church of the Holy Ascension in Hyde with a great turnout from civic heads from around Hampshire, close friends and local people. The Chairman also gave special thanks to Dianne Bailey for her hard work and dedication that ensured it was such a wonderful day.

Royal recognition for Lymington SailAbility

The Chairman announced that he and his wife had had the honour of being presented to HRH The Princess Royal, Patron of RYA SailAbility.

Her Royal Highness had visited Lymington that afternoon to launch two of their new boats and to celebrate the commendable work of the local charity that helped people with disabilities to sail. The self-funded charity had been helping disabled people get on the water for over a decade.

Three disabled sailors who had achieved qualifications from the Royal Yachting Association through facilities provided for them by Lymington SailAbility had been presented with their awards by The Princess.

76. REPORTS OF CABINET.

Cllr Dunsdon declared a personal and prejudicial interest in item 8 of the report of the Cabinet dated 2 April as the Chairman of the Blackfield Neighbourhood Centre. There was no discussion on the item.

Cllrs Mrs Hoare and Shotter declared personal interests as members of Marchwood Parish Council in item 11 of the report of the Cabinet dated 2 April. They did not consider the interests to be prejudicial and remained in the meeting. There was no discussion on the item.

Cllr Kendal declared a personal and prejudicial interest as a member of Hampshire County Council in item 2 of the report of the Cabinet dated 5 March. There was no discussion on this item.

Cllrs M S and S S Wade declared personal and prejudicial interests as a member of their family worked as a Tourism Officer for the authority in item 9 of the report of the Cabinet dated 2 April. No discussion took place on this item.

Cllr Kendal, the Leader of the Council and the Chairman of the Cabinet, presented the report of the meetings held on 5 March and 2 April 2008.

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

The Corporate Plan – 2008/2012 Leading our Forest Communities

Cllr Hickman expressed the view that the Plan should make clearer statements with regard to strengthening the Council's role in its stewardship of the environment. He considered that the Council should seriously consider the suggestions made by the Liberal Democrat Group in their alternative budget proposals in respect of kerbside collection of glass and should pursue the recycling of batteries. He said that large numbers were going to landfill sites and emitting harmful toxins.

He said that while many aspects of the comprehensive waste management service were excellent, there had been recent reports of alienation of private users at amenity sites. The restrictions on the size of trailers were causing resentment. There had also been anecdotal evidence of increased fly tipping in the District.

In response, the Leader of the Council said that the Council had to have evidence of the advantages of kerbside collection of glass. The Council had committed to reducing its own carbon footprint and there was the possibility that the overall carbon footprint would increase with extra vehicles on the road collecting glass. There were many studies going on on this topic and results of these had to be properly assessed before an informed decision on kerbside collection could be made. In relation to battery recycling, batteries were extracted at commercial sites and were stripped of their parts for recycling.

The Leader of the Opposition expressed the view that the terminology 'Providing affordable housing' under paragraph 3 of 'How we will deliver our vision' and repeated under 6.1 of the draft corporate aims was misleading. She felt the wording was not appropriate as the Council itself no longer provided affordable housing. She felt that this wording should be amended to "reducing the number of families in temporary or inadequate housing" and proposed an amendment to this effect. The amendment was seconded.

The Leader of the Council explained that affordable housing was one of the Council's key priorities and as such he considered it appropriate to reflect this clearly in the Plan. He considered that clarity was important and, while he was not in complete disagreement with the Leader of the Opposition's sentiments, he felt that the current wording was preferable.

Some members also considered that the issue of affordable housing was a great challenge for the Council which could be made worse in the current housing market. The Council already had a long waiting list which might not necessarily reflect an accurate picture of the true housing need in the District as many families chose not to place themselves on the list due to the criteria and long waiting times. Some members therefore considered that the Council could learn from best practice of other local authorities in similar situations. They felt that the Council should focus policy towards reducing the waiting list and getting people out of temporary accommodation.

On the other hand, other members considered that the Council had an exemplary housing service which strove for continuous improvement in seeking to address the housing needs of the District. The Portfolio Holder, in particular, was working very closely with officers in finding solutions, such as examining best practice in other organisations, examining the Council's housing stock and making the best use of accommodation to solve housing issues.

The Portfolio Holder took the issue of affordable housing, temporary accommodation and the large waiting list very seriously and was constantly looking at ways to tackle these issues. There were many barriers to solving these problems such as land availability and lack of Government support and funding. Many members felt that the suggested change in the wording in the Corporate Plan at 6.1 would reduce the focus on affordable housing provision, particularly when the LDF Core Strategy stated the Council's intention to increase the percentage of affordable housing in the District.

In summing up, the Leader of the Opposition considered that the key priorities and headings in the Corporate Plan should accurately convey what action the Council intended, and was able, to take on key issues.

Whilst the Leader of the Council felt that the current terminology was appropriate, he agreed that the key issues in terms of temporary accommodation and adequate housing could be highlighted. He therefore suggested that a new paragraph 6.3 be added with the words "Reducing the number of families in temporary or inadequate housing". The motion was seconded.

Upon a vote, the amendment proposed by the Leader of the Opposition was lost.

Upon a vote, the amendment proposed by the Leader of the Council was carried.

RESOLVED:

That the report be received and the recommendations be adopted subject to the amendment of Appendix 1 to Item 6 as follows:-

By the addition of the following paragraph 6.3:

'6.3 Reducing the number of families in temporary or inadequate housing.'

77. REPORT OF GENERAL PURPOSES AND LICENSING COMMITTEE.

Cllrs M S Wade, S S Wade and Mrs Wyeth declared personal and prejudicial interests in this item as family members worked for the authority. No discussion took place on this item and they remained in the meeting.

Cllr Puttock, Chairman of the General Purposes and Licensing Committee, presented the report of the meeting held on 21 April 2008.

On the motion that the report be received and the recommendation be adopted, it was

RESOLVED:

That the report be received and the recommendation be adopted.

78. REPORT OF COMMERCIAL SERVICES JOINT COMMITTEE.

Cllr Wise, Chairman of the Joint Committee, presented the report of the meeting held on 4 March 2008.

On the motion that the report be received, it was

RESOLVED:

That the report be received.

79. REPORT OF STANDARDS COMMITTEE.

Cllr Hutchins, Vice-Chairman of the Standards Committee, presented the report of the meeting held on 28 March 2008.

On the motion that the report be received and the recommendations adopted, it was

RESOLVED:

That the report be received and the recommendations adopted.

80. QUESTIONS UNDER STANDING ORDER 22.

There were none.

81. PORTFOLIO HOLDERS' QUESTION TIME.

Question from: Cllr Mrs Carpenter to Cllr Treleaven (Planning & Transportation Portfolio Holder)

"In our new Corporate Draft Plan 'Leading Our Forest Communities' it states under paragraph 8.2 Using Planning to Protect the Environment that "we will resist inappropriate development, large and small, which would damage the unique environment of this area".

It is now obvious to both councillors and public alike, that some developers are choosing to use increasingly aggressive and devious behaviour to succeed in getting their hands on land and their applications passed. Some of this behaviour borders on harassment and bullying of residents. Other acts are undoubtedly criminal activity, for example, the illegal removal of protected trees.

It is my view that current planning laws actively encourage such behaviour.

Things that need to be fundamentally changed at Government level, if the system is to change for the better:

- final planning decisions left to local councils not the planning inspectorate! (all bar very exceptional circumstances)
- the classification of gardens as brownfield
- higher fines for removing trees/shrubs illegally, and before permission for building has been granted
- removal of the right to demolish property before permission to build has been given
- removal of the right to demolish perfectly good, liveable homes, or to leave them empty to deteriorate, sometimes for years - what an absolute waste when we need good housing!
- increasing incentives for developers to renovate buildings, rather than simply demolish
- removal of the right to submit multiple applications/appeals on a site at the same time
- removal of the option to submit 'outline' planning applications
- removal of the right to apply for planning permission on property you do not own
- making it an offence for developers to hassle residents to sell their homes with persistent letters/phone calls
- removal of developers' 106 contributions as a get out for not planning enough green space on a site
- reducing density figures
- improving national parking/parking space laws

Until these things are changed, it seems to me that the Council is actually powerless to do much to resist against, or protect the environment and residents from, inappropriate development or developers.

Does the Portfolio Holder feel the Council are doing enough to try to get such changes implemented at Government level, for example lobbying the Government on planning, or sending evidence of harm brought about by current planning laws to the Communities Minister? I am not sure that we are.”

Answer:

The Portfolio Holder replied that the question expressed the frustrations that residents often felt when they saw yet another development of multiple housing units being constructed on a site previously occupied by only one or two dwellings. Indeed, the Council’s Planning Development Control Committee had on many occasions voted to refuse such planning applications – particularly on the grounds of such a development having an adverse impact on the character of the local area – only to find after that the applicant would often go to appeal and the inspector overturned the decision.

The question queried whether the Council’s current planning policies were sufficiently robust to prevent inappropriate development, and further, whether it was the fault of Central Government if they were not.

It had been even more difficult to resist such developments, but as a result of pressure from Local Planning Authorities such as this Council, the Government issued a more flexible Planning Policy for housing in the form of PPS3 at the end of 2006. This had allowed local planning decisions to be less dictated by formulaic housing densities and parking standards and permits the Council to judge for example whether an application “facilitate(s) good design by identifying the distinctive features that define the character of a particular local area”. In following each month the list of planning appeals against our decisions for refusals, it is noticeable that Inspectors are beginning to dismiss some of these appeals, using the very same reasons for dismissal Councillor Mrs Carpenter was urging should be made more dominant. At least there was a beginning of a trend in the right direction.

The second consideration, before the Council campaigns to the Government, was for members to be reminded of policies of which the Council already claims ownership. For example, there had been no dispute that 60% of development should be on brownfield land, partly because the Council wished to restrict the amount of building on green fields and partly because closer proximity to existing services reduced the need to travel. The Council also acknowledged the need for local people to have access to affordable homes, and expressed its disappointment when even the modest targets for building these were not achieved.

The Council was currently drawing up the key parts of the new Local Development Framework, which gave the Council the opportunity to revisit current development control policies. Subject to meeting the apportioned housing targets of the SE Plan – which currently were not particularly excessive for the District compared to recent house building rates. The Council was now able to strike a balance between brown and green field development, how to define and conserve local character, how to encourage innovative quality design, assessing the proportion and locality of affordable housing for local people, how much open space to insist on, to headline some of the major topics.

The Portfolio Holder expressed the view that it would be interesting to see on 23 April, at the member meeting called to discuss the final version of the Core Strategy and at subsequent meetings framing detailed planning policies, how many policy modifications members suggested which actually ran up against Government imposed barriers. It would be at that point where a lobbying exercise might start.

In response to a supplementary question regarding the Council's commitment to lobby ministers to protect the interests of the people of the District, the Portfolio Holder replied that he was happy to do this if and when appropriate.

Question from: Cllr D Harrison to Cllr Kendal (Policy & Resources Portfolio Holder)

"More than one hundred construction companies have been accused of conspiring to rig thousands of public sector contracts worth billions of pounds. The Office of Fair Trading formally named 112 companies that it says colluded to inflate the cost of a wide range of contracts. Will the Leader find out whether any of the construction companies named by the Office of Fair Trading have been awarded contracts by New Forest District Council and if so, what action is being taken to protect the interests of local taxpayers"?

Answer:

The Council was aware that following one of the largest ever Competition Act investigations, the Office of Fair Trading (OFT) had issued a Statement of Objections (SO) against 112 firms in the construction sector in England.

The OFT formally **alleged** that the construction companies named in the SO had been engaged in bid rigging activities.

The construction companies under investigation carried out general building work including construction of housing, as well as commercial and industrial construction both in the public and private sector.

No assumption should be made at this stage that there had been an infringement of competition law by any of the companies named in the SO. The 112 parties concerned now had the opportunity to make written and oral representations which the OFT would take into account before making a final decision as to whether competition law had been infringed, and as to the appropriate amount of any penalties the OFT might decide to impose on each of the firms concerned.

The Council had reviewed the list of companies named. The majority of companies named had not had any dealings with the Council. However, a limited number of companies on the list had current or had recent contracts with the Council.

The Council would undertake a further review of the reasonableness of these current and recent contracts. If any issues arose, officers would report back to members appropriately.

To reassure members and local taxpayers, the Council had a very robust system in place for awarding contracts. Whilst no local authority system could entirely eliminate exposure to the type of activity referred to in the OFT allegations, this Council was as well protected as could be reasonably expected. The Council's External Auditor had positively commented upon the Council's systems during the latest Use of Resources assessment.

82. NOMINATIONS FOR APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN.

RESOLVED:

That Cllr P R Woods be nominated as Chairman and Cllr L R Puttock as Vice-Chairman of the Council for the following Municipal Year.

83. STANDARDS COMMITTEE – ANNUAL REPORT (REPORT B).

Cllr Hutchins, Vice-Chairman of the Standards Committee, presented the annual report of the Standards Committee.

Members of the Council expressed their appreciation of the work of the Independent Members of the Standards Committee and were pleased to hear that an additional independent member and an additional representative from Town and Parish Councils would be appointed to serve on the Committee.

RESOLVED:

That the report be received and noted.

84. REPORT OF THE REVIEW PANELS FOR 2007/08 (REPORT C).

Cllr Ward, Chairman of the Corporate Overview Panel, commended the annual report of the Review Panels to the Council.

Some members considered that the report overstated the effectiveness of the Council's scrutiny function. They queried why Opposition spokespersons had not been invited to comment on the reports as they had done in previous years. The Chief Executive undertook to look into the issue.

RESOLVED:

That the report be received and noted.

85. MEMBERSHIP OF COMMITTEES AND PANELS.

There were no changes proposed by any of the political groups.

CHAIRMAN