

20 APRIL 2009

## NEW FOREST DISTRICT COUNCIL

Minutes of a meeting of the New Forest District Council held at Appletree Court, Lyndhurst on Monday, 20 April 2009.

- p Cllr P R Woods - Chairman
- p Cllr L R Puttock - 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 W H Dow
- p L T Dunsdon
- p Ms L C Ford
- e H F Forse
- e P C Greenfield
- p C J Harrison
- p D Harrison
- p E J Heron
- p J D 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
- p Mrs P J Lovelace
- p B D Lucas
- p Mrs A E McEvoy
- p Mrs M McLean

### Councillors:

- p G J Parkes
- p Sqn Ldr B M F Pemberton
- p J Penwarden
- p M P Reid
- p A W Rice
- p B Rickman
- p W S Rippon-Swaine
- p Mrs M J Robinson
- e Mrs A M Rostand
- p D J Russell
- p R F Scrivens
- p 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 Treleaven
- p F P Vickers
- p M S Wade
- p S S Wade
- p R A Wappet
- p J G Ward
- p A Weeks
- p Dr M N Whitehead
- p C A Wise
- p Mrs P A Wyeth

### Officers Attending:

D Yates, R Jackson, Mrs R Rutins and Ms M Stephens.

### 65. MINUTES (REPORT A).

#### RESOLVED:

That the minutes of the meeting held on 23 February 2009, having been circulated, be signed by the Chairman as a correct record.

**66. DECLARATIONS OF INTEREST.**

Cllrs Kendal, Mrs McLean, Parkes, Mrs Robinson, and Vickers - Minute No. 68 - item 4 of the report of the Cabinet dated 4 March.

Cllr Dow – Minute No. 68 – item 6 of the report of the Cabinet dated 1 April.

Cllrs S Wade, M Wade and Mrs Wyeth – Minute No. 69.

**67. CHAIRMAN'S ANNOUNCEMENTS.**

The Chairman announced that since the last Council meeting he had represented the Council at various engagements in Hampshire, Dorset and the New Forest. There had been a wide range of events from the opening of the new clubhouse for the Ellingham and Ringwood Rugby Club; to the celebration of one of the New Forest resident's 100<sup>th</sup> birthday and a concert given by the Pontypridd Male Voice Choir at the Guildhall at Winchester.

It had been the Chairman's pleasure to host a reception for the Emergency Services at Appletree Court where Hampshire's new Chief Constable and others were able to meet and network. The Chairman thanked the Leader, other members and all the officers for assisting on this occasion.

On Sunday 8 March, the Chairman's Civic Service had taken place at New Milton Parish Church, and on this occasion the service had been shared with the Mayor of New Milton, Cllr John Hutchins and other members of new Milton Town Council. Some 150 people had attended. The Chairman thanked all members and officers who attended particularly those who helped with the arrangements and various tasks on the day.

On Saturday 28 March, the Chairman had held his Charity Dinner and Dance at Hoburne Bashley. The event had been highly successful with 123 people attending. The Chairman thanked all the members and officers who attended to support the event, as well as those members of staff and councillors who had purchased raffle tickets and donated prizes. The Chairman particularly thanked Cllr Goff Beck for his invaluable assistance and Rosemary Rutins and Donna Miller whose hard work had made the event so successful. In the region of £2,000 had been raised on the night for the Chairman's two charities.

**68. REPORTS OF CABINET AND COMMITTEE.**

Cllrs Mrs McLean, Parkes, Mrs Robinson and Vickers declared personal interests as members of Hythe and Dibden Parish Council in item 4 of the report of the Cabinet dated 4 March. There was no discussion this item.

Cllr Dow declared a personal interest in item 6 of the report of Cabinet dated 1 April as relative was a council tenant. He did not consider his interest to be prejudicial and remained in the meeting.

Cllr Kendal declared a personal and prejudicial interest in item 4 of the report of the Cabinet dated 4 March as Environment Portfolio Holder for Hampshire County Council. There was no discussion on the item.

Cllr Rickman, the Leader of the Council and the Chairman of the Cabinet, presented the report of the meetings held on 4 March and 1 April 2009.

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

**Item 6 - Council House Rent Increase**

The Housing Portfolio Holder informed members that the Council had now received further guidance from the Government on how the reduction in the original rent increase might be applied.

The advice was that Councils that wished to apply the reduction in the rent increase might do so, but they must ensure that the overall average rent increase should not exceed the guidance.

In the case of the New Forest, the Council had originally agreed to increase rent by an average of 5.8% (in accordance with the guidance given at the time). The Council could now reduce the rent increase to an average of 2.9%. In order that the average overall for the year did not exceed 2.9%, the Portfolio Holder proposed that from 25 May 2009 the Council reduce the increase to an average of 2.5%. This action would ensure the Council was in receipt of the full subsidy offered by the Government and would mean that the Housing Revenue Account would be no worse off as a result of the changes.

The Portfolio Holder for Housing proposed the following amendment to the recommendation:-

That, following receipt of a draft determination and proposed consultation period from the Government, taking into account the associated risks to the Council of implementing a rent decrease in advance of formal consultation versus the benefits to council tenants, a rent increase be agreed of an average of 2.5% from 25 May 2009.

The amendment was seconded.

Upon a vote it was

**RESOLVED:**

That the report be received and the recommendations be adopted, subject to the amendment to the recommendation under Item 6; Council House Rent Increase to read as follows:-

That, following receipt of a draft determination and proposed consultation period from the Government, taking into account the associated risks to the Council of implementing a rent decrease in advance of formal consultation versus the benefits to council tenants, a rent increase be agreed of an average of 2.5% from 25 May 2009.

**69. REPORT OF GENERAL PURPOSES AND LICENSING COMMITTEE.**

Cllrs M Wade, S Wade and Mrs Wyeth declared personal and prejudicial interests in this item as family members worked for the authority. They left the meeting during consideration of the item.

Cllr Puttock, Chairman of the General Purposes and Licensing Committee, presented the report of the meeting held on 3 April 2009.

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

**RESOLVED:**

That the report be received and the recommendations be adopted.

**70. QUESTIONS UNDER STANDING ORDER 22.**

There were none.

**71. PORTFOLIO HOLDERS' QUESTION TIME.**

**Question from:** Cllr Russell to Cllr Mrs Cleary (Housing Portfolio Holder)

"With the announced reduction in rents, how much on average is the rent going down by"?

**Answer:**

The introduction of the rent decrease from 25 May would mean that the average rent would reduce by £2.57 per week.

**Question from:** Cllr David Harrison to Cllr Treleaven (Planning and Transportation Portfolio Holder).

"Would the Portfolio Holder agree to instruct District Council planning and legal experts to review and evaluate evidence I have obtained that may yet scupper attempts by Linden Homes to build on two sports grounds in Totton?"

**Answer:**

The Portfolio Holder expressed his concern regarding the nature of the question.

He queried why Cllr Harrison referred to evidence he had obtained without saying what that evidence was, making the question difficult to answer.

The Portfolio Holder was also concerned as to why Cllr Harrison thought it necessary to ask whether appropriate officers would follow up the new evidence claimed to have been found. Portfolio Holders did not act as barriers or filters to members asking officers directly matters which concerned them, particularly in this regard, where there had been technical planning and legal issues surrounding a very controversial set of applications. Specifically, the Portfolio Holder referred to the e-mail communication to all councillors from the Head of Planning and Transportation dated 2 April, which outlined the result of the study of the legal and planning implications of the Appeal Decision which he and his

fellow professional colleagues had carefully undertaken to see if there was a case for a legal challenge. In concluding that there wasn't one, the Head of Planning & Transportation had invited councillors to contact him – and rightly not the Portfolio Holder - if they needed more details.

The Portfolio Holder was concerned about the timing of the question and why Cllr Harrison had waited until the Council meeting to ask it. Cllr Harrison would be aware that the Secretary of State's decision to support her own Inspector's approval to allow the appeals by Linden Homes Southern and others against this Council's earlier decision to refuse all three Planning Applications had been made on 9 March 2009. Her decision notice of that date specifically referred to the possibility of challenging her decision in the High Court within six weeks of that date. The six week period expired exactly on the date of the Council meeting.

That meant that if Councillor Harrison had evidence that might have allowed such a High Court challenge to be made, it was now too late to use it. And yet he must have had that evidence at least before last Friday in order to ask his question tonight. The Portfolio Holder asked why an earlier opportunity was not taken by Cllr Harrison to use his evidence when there might have been a chance to use it effectively.

In response to a supplementary question regarding whether the Portfolio Holder would be prepared to consider the dossier authored by a local Totton historian, the Portfolio Holder explained that he would be prepared to examine the document. However he reminded members that the High Court date of appeal had already passed.

**Question from:** Cllr Dr Whitehead to Cllr Mrs Brooks (Leisure, Culture and Youth Matters Portfolio Holder).

"Would the Portfolio Holder for Leisure, Culture and Youth Matters advise the Council how the results of the joint scrutiny panel relating to the slippery floor case are to be reported to Full Council?"

**Answer:**

A joint meeting of the Corporate Overview Panel and the Leisure, Culture and Youth Matters Review Panel took place on 9 April to receive and discuss a report from the two Executive Directors who carried out a full review of the Council's handling of all stages of the case.

The joint meeting asked the Executive Management Team (EMT) to ensure that all issues arising from the Executive Directors' review were pursued and, where appropriate, actions taken to amend systems and processes to ensure that improvements were made. The joint meeting asked further that EMT report to the November meeting of the Corporate Overview Panel on progress made in this respect.

It was not the normal practice for individual scrutiny reviews to be reported to full Council, and, indeed, the joint meeting had not asked that it should do so. However the minutes of the joint meeting would be circulated to all councillors in due course, in accordance with the Council's normal procedures.

The Portfolio Holder concluded that she was satisfied that the correct mechanisms were in place to ensure that the learning that had been identified took place.

In response to a supplementary question regarding the need to provide all members with opportunities to raise questions and queries regarding these cases, the Portfolio Holder said that formal member meetings were open to the public and councillors, and provided opportunities for members to raise their points of view.

**72. NOMINATIONS FOR APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN OF THE COUNCIL.**

Cllr Puttock was proposed and seconded for the position of Chairman of the Council.

Cllr Mrs Wyeth and Mrs Smithy were proposed and seconded for the position of Vice-Chairman of the Council. A ballot for this appointment was held.

**RESOLVED:**

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

**73. STANDARDS COMMITTEE – ANNUAL REPORT FOR 2008/09 (REPORT B).**

Mr A Lander, Chairman of the Standards Committee, presented the annual report of the Standards Committee.

Mr Lander said that following changes to the operation of Standards Committees as a result of the introduction of the new regulations which made local Standards Committees responsible for initial assessment of complaints, the Committee had held eleven meetings to consider local complaints. The number of meetings was comparable to other local authorities, but impacted on the Council in terms of effort and cost.

The Committee was endeavouring to take a proactive approach to reduce the level of complaints. One of its initiatives was to schedule further training for District & Parish Councillors and Parish Clerks in the near future. It was hoped that the training might go some way towards reducing the number of complaints in the District and the costs this generated.

Mr Lander thanked officers of the Council for their excellent support to the work of the Committee.

Members of the Council expressed their appreciation of the work of the Committee.

**RESOLVED:**

That the report be received and noted.

**74. REPORT OF THE REVIEW PANELS FOR 2008/09 (REPORT C).**

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

Cllr Ward referred to the fact that the current scrutiny system had been in place since 2004 following a review of scrutiny undertaken in 2003/04. Despite the fact that the scrutiny arrangements in the Council had evolved and been modified since that date, he considered that a more detailed review should be undertaken. He said that he intended to raise the matter formally towards the end of the current year, with the aim to present the review findings to Council by the end of 2010, for information following the quadrennial elections in 2011.

A member welcomed this suggestion, saying that a more robust system of scrutiny could have avoided recent embarrassment to the Council.

A member expressed the view that the valuable work of the Green Audit Project Board should feature in the work of all review panels, not just the Environment Review Panel, and should be given the prominence it deserved. It was hoped that the current scrutiny system would allow the work of the Board to maintain its current momentum.

**RESOLVED:**

That the report be received and noted.

**75. MEMBERSHIP OF COMMITTEES AND PANELS.**

**RESOLVED:**

That Cllr Rickman be appointed to serve on the Industrial Relations Committee in place of Cllr Kendal.

CHAIRMAN