

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 100th 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 Smith 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

18 MAY 2009

NEW FOREST DISTRICT COUNCIL

Minutes of a meeting of the New Forest District Council held at Appletree Court, Lyndhurst on Monday, 18 May 2009.

Councillors:

p G C Beck
p D A Britton
p Mrs D M Brooks
e Mrs F Carpenter
p Mrs J L Cleary
p G F Dart
e S P Davies
e W H Dow
e 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 J D Heron
e 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
p 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
p G J Parkes

Councillors:

p Sqn Ldr B M F Pemberton
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
e Mrs B Smith
p Mrs S I Snowden
p A J Swain
e 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
e Dr M N Whitehead
p C A Wise
p P R Woods
p Mrs P A Wyeth

Officers Attending:

D Yates, R Jackson, J Mascall, D Atwill, Miss D Miller, Miss G O'Rourke, Mrs R Rutins and Ms M Stephens.

The Chairman of the Council, Cllr P R Woods, in the Chair.

1. ELECTION OF CHAIRMAN.

Cllr Woods moved that Cllr L R Puttock be elected Chairman of the Council for the ensuing municipal year. The motion was seconded by Cllr Mrs Wyeth.

RESOLVED:

That Cllr Puttock be elected Chairman of the Council to continue in office until his successor becomes entitled to act as Chairman at the next annual meeting of the Council.

Cllr Puttock took the chair and made the declaration of acceptance of office, which was formally witnessed by the Chief Executive.

Cllr Woods invested the Chairman with the Chain and Badge of Office and presented Mrs Puttock, the Chairman's consort, with a bouquet of flowers.

On behalf of employees, the Chief Executive congratulated the Chairman on his election.

The Chairman thanked his fellow members for his election. He said he would strive to achieve the high standards set by his predecessors. The Chairman also thanked his wife, family and friends for their support and encouragement.

The Chairman announced that his chosen charities for the year would be the Stroke Association and Simon Says, an established charity offering children and young people bereavement support following the loss of a parent or close relative. The Chairman also announced that he would like to support, in some small way, the Fenwick 2 Hospital in Lyndhurst.

The Chairman said that he was looking forward to his year in office and hoped to serve the Council and its residents well.

2. VOTE OF THANKS TO CLLR P R WOODS.

The Chairman moved a vote of thanks to the outgoing Chairman, Cllr Woods.

The Chairman, in paying tribute to Cllr Woods, said that Cllr Woods and his wife had been held in high esteem by colleagues and residents alike during Cllr Woods' term as Chairman. They had proved to be excellent ambassadors for the New Forest, and had served the Council diligently and with style and grace.

The motion was seconded.

Members spoke in support of the motion. They said that Cllr Woods and his wife had worked very hard during their year in office and had been very successful in their charitable fundraising. They had represented the people of the New Forest very well and were great ambassadors for the Council. Other members commented on the happy memories of the past year, and the

popularity of the Chairman. In particular members thanked Cllr Woods for his efficiency and fairness in the running of the Council meetings. They congratulated Cllr Woods and his consort on a job well done.

The Chief Executive expressed his thanks to Cllr Woods for all his hard work during his year as Chairman.

RESOLVED:

That the thanks and best wishes of the Council be recorded to Cllr Woods for his service during his term of office as Chairman of the Council.

Cllr Woods thanked members for their kind wishes. He said that it had been a great privilege to serve as Chairman of the Council. He said that he had thoroughly enjoyed his time in office and through his many engagements as Chairman had seen many beautiful parts of the District and the County. Councillor Woods paid particular thanks to colleagues he had met over the last year, who had made his time as Chairman enjoyable.

Cllr Woods said that he could not have carried out his role efficiently without the help and support of fellow councillors, officers and in particular the support of his wife Olwen.

Cllr Woods thanked colleagues and officer for helping to raise £6,704 for his charities First Opportunities and Oakhaven Hospice Trust. While he was extremely pleased to be able to donate funds to these charities, he pointed out that the Council made substantial other contributions to the charitable and voluntary sector.

Representatives from both charities were in attendance at the meeting and gratefully received their cheques from Cllr Woods. They thanked the Council for its generosity and support.

3. APPOINTMENT OF VICE-CHAIRMAN.

It was moved by Cllr Wise and seconded by Cllr Hutchins that Cllr Mrs P A Wyeth be appointed Vice-Chairman of the Council for the ensuing municipal year.

It was seconded and

RESOLVED:

That Cllr Mrs P A Wyeth be appointed Vice-Chairman of the Council to hold office until immediately after the election of the Chairman at the next annual meeting of the Council.

Cllr Mrs P A Wyeth made the declaration of acceptance of office, which was formally witnessed by the Chief Executive. The Chairman invested Cllr Mrs Wyeth with her Badge of Office and a bouquet of flowers and presented Mr Wyeth, the Vice-Chairman's Consort, with a gift.

Cllr Mrs Wyeth thanked the Council for her election.

4. APPOINTMENT OF LEADER OF THE COUNCIL.

It was moved by Cllr E Heron and seconded by Cllr Mrs Cleary that Cllr Rickman be appointed Leader of the Council for the ensuing municipal year.

RESOLVED:

That Cllr B Rickman be appointed Leader of the Council for the ensuing municipal year.

5. MINUTES (PAPER A).

RESOLVED:

That subject to the amendment under Minute No. 73 of an error in the spelling of the name of Cllr Mrs Smith, the minutes of the meeting held on 20 April 2009, having been circulated, be signed by the Chairman as a correct record.

6. CHAIRMAN'S ANNOUNCEMENTS.

The Chairman drew members' attention to a press release which had been circulated to members announcing the NVQ Level 2 achievement in Waste Management Operations (Collections) by Environmental Services staff.

A member announced that Cllrs Shand and Dr Whitehead were regrettably unable to attend the Council meeting as the Clerk of Fordingbridge Council; a long standing employee of that council, was retiring the same evening.

On behalf of all members of the Council, the Chairman expressed his best wishes for an speedy recovery to Cllr Davies who was unwell.

7. MEMBERSHIP OF COMMITTEES AND PANELS.

RESOLVED:

That the following changes in the membership of committees and panels be agreed: -

(a) Appeals Committee

That Cllrs Mrs Jackman and Shotter be appointed to serve on the Committee in place of Cllrs E Heron and Mrs Wyeth

(b) Corporate Overview Review Panel

That Cllr Wappet be appointed to serve on the Corporate Overview Review Panel in place of Cllr Penwarden.

(c) Crime & Disorder Review Panel

That Cllr Kendal be appointed to serve on the Crime & Disorder Review Panel in place of Cllr Tipp.

(d) Environment Review Panel

That Cllr Dow be appointed to serve on the Environment Review Panel in place of Cllr Mrs Lovelace.

(e) General Purposes & Licensing Committee

That Cllr Woods be appointed to serve on the General Purposes & Licensing Committee in place of Cllr Puttock.

(f) Leisure, Culture & Youth Matters Review Panel

That Cllr Mrs Rostand be appointed to serve on the Leisure, Culture & Youth Matters Review Panel in place of Cllr Puttock.

8. CONSTITUTION OF CABINET AND PORTFOLIOS.

RESOLVED:

That the number and content of Cabinet Portfolios as shown in Appendix 1 to these minutes be agreed.

CHAIRMAN

Attachment: Minute 8 – Appendix 1

APPENDIX 1

1. The functions of the Cabinet shall be divided into Portfolios agreed by the Council.
2. The Leader shall allocate responsibility for each Portfolio to a Member of the Cabinet who shall be known as a Portfolio Holder.
3. The Portfolio Holder shall provide the political vision and leadership for each of the services contained within his/her Portfolio.
4. The responsibilities of the Portfolio Holders for the functions and services contained within each of the Portfolios approved by the Council, and referred to below, shall be as described in the Annexes to Chapter 4 to the Constitution:-

Policy and Resources

Functions and Services included:

- Corporate and Community Plans
- Performance Management
- Political and Management Structures
- Financial Strategy
- Risk Management
- Communications
- Human Resources Strategy
- Service Specific Grants
- Other Corporate Matters

Crime and Disorder

Functions and Services included:

- Crime and Disorder
- Community Safety
- Emergency Planning
- Road Safety
- Service Specific Grants

Employment, Health and Wellbeing

Functions and Services included

- Economic Development
- Business Partnership
- Tourism
- Adult Learning
- Personal Health
- Social Inclusion
- Environmental Health Services
- The Council's Health and Safety Responsibilities as an Employer
- Service Specific Grants
- Meals on Wheels and Sheltered Housing Catering

Environment

Functions and Services included:

- Sustainability co-ordination
- Refuse Collection
- Street Cleaning
- Grounds Maintenance
- Recycling
- Public Conveniences
- Abandoned Vehicles
- Cemeteries
- Coastal Protection
- Land Drainage and Sewerage (other than in the public health context)

Finance and Efficiency

Functions and Services included:

- Value for Money
- Information and Communications Technology
- Asset Management
- Commercial Services
- Capital and Revenue Budgets
- Council Tax and Benefits
- National Non-Domestic Rates and Discretionary Non-domestic rate relief
- Central Support Services
- Employee and Civic Catering

Housing

Functions and Services included:

- Housing Strategy
- Housing Investment Programme
- Housing Service Delivery
- Improvement Grants

Leisure, Culture and Youth Matters

Functions and Services included:

- Arts
- Play
- Sport
- Recreation
- Museums
- Galleries
- Libraries
- Children and Youth Matters
- Open Space
- Leisure related and other non-service specific and core funding grants (but not CAB or Community First)
- Eling Tide Mill/Tollbridge
- Catering at Health and Leisure Centres and Dibden Golf Centre

Planning & Transportation

Functions and Services included:

- Planning Strategy
- Development Plans
- Building Control
- Transportation
- Car Park Management
- Concessionary Travel
- Highways Agency and Highways Development Control Advice
- Street Naming and Numbering
- Local Land Charges