

REPORT OF CABINET

(Meetings held on 4 November and 2 December 2009)

1. NEW FOREST NATIONAL PARK MANAGEMENT PLAN CONSULTATION DRAFT (REPORT A – 4 NOVEMBER 2009) (MINUTE NO. 42)

The Cabinet has agreed a response to a consultation on the revised draft of the New Forest National Park Management Plan. The New Forest National Park Authority (NFNPA) has engaged in a substantial consultation process in revising the plan. The Cabinet has welcomed the revised Plan which represents an entirely different approach, particularly regarding the recognition of the need for the NFNPA to work with others; and a much more balanced approach to the needs of the communities within the NFNPA.

The revised draft is now only a Management Plan, rather than trying to combine a Management Plan, a Core Strategy and Development Control policies all into a single document. The Cabinet supports this approach and looks forward to being consulted on the Core Strategy in due course, and hopes that that document will also address the Council's earlier concerns in that area.

The revised draft Plan, which is available on the Council's website, now has:-

- shorter introductory chapters and a more concise vision;
- ten topics, all of which are of equal importance with an objective and priority actions for each topic;
- extensive text revisions to make the document more positive and inclusive in tone and emphasise the importance of the work being undertaken by different organisations;
- a "Working together" chapter, which includes a description of the roles of the key statutory organisations (including NFDC);
- a list of the key partner organisations for each of the priority actions included under the topics.

The revised Plan also contains:-

- **A different approach to transport**, focusing on education and information and current traffic management techniques. The reference to possible future road pricing and road closures has been removed.
- **No policies on zoning**. There was a strong consensus from respondents that the New Forest is already sufficiently 'zoned' for management and planning purposes (e.g. SSSIs, Conservation Areas, Flood Risk Zones to name but a few) and that any further zoning would create confusion and a geographical hierarchy inappropriate to a National Park.
- **No policies on service villages**. Revised policies on the settlement hierarchy and affordable housing percentages will be included in the Core Strategy.

- **A more positive approach to the economy**, catering for a wide range of business opportunities, not only those that make a contribution to the Park's purposes but also supporting those that do not conflict with them.
- **No policies on recreational horse-keeping.** A revised policy (more closely aligned to the 'saved policies' of the New Forest District Local Plan) will be included in the Core Strategy.
- **No policies on car park closures affecting dog walkers.** Instead the emphasis will be on encouraging and promoting responsible dog ownership.

The Cabinet has drawn the NFNPA's attention to a number of detailed comments which are shown in Appendix 2 to Report A to them, but is generally pleased to support the document and looks forward to working with the NFNPA in implementing the strategic objectives set out in the Management Plan through the detailed measures.

2. PORT OF SOUTHAMPTON MASTER PLAN 2009 – CONSULTATION PAPER (REPORT B – 4 NOVEMBER 2009) (MINUTE NO. 43)

The Cabinet has agreed a response, as detailed in Report B to them, to a consultation draft of the Port of Southampton Master Plan published by Associated British Ports (ABP). The Master Plan, which is supported by a Shadow Strategic Environmental Assessment and a Shadow Appropriate Assessment, sets out ABP's vision for the future development of the port to 2030.

The consultation follows the Government's 'Guidance on the Preparation of Port Master Plans' published in December 2008. The guidance outlines that all major ports should produce master plans and consult on them with their community in order to clarify individual port's own strategic planning for the medium to long term, assist regional and local planning bodies and inform port users, employees and local communities how they can expect to see their port develop over the coming years.

Consultation on the Master Plan runs until 13 November 2009. Following completion of the consultation period ABP intend to publish a final version of their Master Plan by the end of the year. ABP indicated that they intend to review and update the document from 'time to time' and at least every five years to ensure that it remains relevant and appropriate.

The Cabinet's response to ABP on the consultation has particular regard to proposals within the New Forest District at Dibden Bay and formally objects to the Master Plan based upon a number of reasons including the impacts that port development at Dibden Bay would have upon national and international nature conservation designations and on the amenity of local people including transport and visual impacts and noise disturbance.

In addition to a response to ABP in relation to the consultation the Cabinet is also making comments to central Government regarding national policy in relation to the Port of Southampton.

The Government is about to publish a National Ports Policy, and ABP's Master Plan is being drawn up in advance of this. A further report will be made to Cabinet on that policy document in due course. In the meantime the Cabinet is commenting to the Government that the current national policy framework in relation to ports fails to set

out a strategic position in relation to the Port of Southampton. Any reference implicitly or explicitly to Dibden Bay in the national policy statement on ports should take proper account of the internationally important nature conservation designations that affect the site.

3. POOLE & CHRISTCHURCH BAYS DRAFT SHORELINE MANAGEMENT PLAN (REPORT C – 4 NOVEMBER 2009) (MINUTE NO. 44)

The Cabinet has agreed a draft Shoreline Management Plan (SMP) for public consultation.

The NFDC shoreline is covered by two Shoreline Management Plans. The North Solent SMP covers the NFDC frontage between Redbridge and Hurst Spit. The Poole and Christchurch Bays SMP covers the NFDC frontage between Hurst Spit and Chewton Bunny (the boundary between NFDC and Christchurch Borough Council), although the SMP continues on to Durlston Head in the west and includes Christchurch Bay and Poole Harbour.

Bournemouth Borough Council is the lead authority for this SMP, with a steering group partnership comprising all affected local, regional and national authorities and agencies overseeing the process.

The key purpose of the SMP process is to inform Defra of the potential future flood and coastal defence requirements and the associated potential financial requirements, for the England and Wales shoreline, thus giving an indication of the national picture.

A SMP is a non-statutory document that aims to balance the management of coastal flooding and erosion risks, with natural processes, and the consequences of climate change. It determines technically, economically and environmentally sustainable policies for management of the shoreline over 3 timeframes (epochs), the present day (0-20 years); the medium-term (20-50 years) and the long-term (50-100 years).

Due to the current legislative and funding arrangements, climate change and environmental considerations, it may not be possible to protect, or continue to defend, land or property from flooding or erosion. Discrete lengths of coastline, termed policy units, have been defined based on natural sediment movements and coastal processes. The units show the assets and features potentially at risk of flooding and/or erosion within the coastal zone. A single policy has been applied per epoch per policy unit.

The SMP has been produced with a view to establishing the best proposals for the future taking into account all of the constraints and resource implications. The proposals represent the most practical way forward and the public should be reassured that everything that the Council is realistically able to do to slow down coastal erosion will be done.

The public consultation period will run from the end of November 2009 to Mid February 2010 and all interested parties are encouraged to engage with the process. The comments and views received will then be reported back to the Cabinet with a view to the Council then agreeing the final Plan.

4. FINANCIAL MONITORING – OUTTURN PROJECTION BASED ON PERFORMANCE TO SEPTEMBER 2009 (REPORT D – 4 NOVEMBER 2009) (MINUTE NO. 45)

Following consideration of the Council's budget performance for the first 6 months of 2009/10 on a portfolio and committee basis the Cabinet has agreed revised outturn forecasts and their potential impact on the Authority's revenue and capital budgets.

The Cabinet is pleased to report that to date in the current year net expenditure has reduced by £406,000. The changes to the Capital Programme are mainly as a result of re-phasing and there are no variations to date expected in the Housing Revenue Account outturn.

5. MEDIUM TERM FINANCIAL PLAN 2009-2013 (REPORT E – 4 NOVEMBER 2009) (MINUTE NO. 46)

The Cabinet has considered an update to the Council's Medium Term Financial Plan (MTFP) 2009 – 2013. The MTFP sets out the broad financial framework that the Council will operate within during the forthcoming years, in support of the Corporate Plan. The Council's Financial Strategy is to deliver a balanced budget, with reserves used only as an interim measure, over the medium term period of the plan.

The original General Fund Revenue budget for 2009/10 was £22.668m after allowing for a staff vacancy target of £200,000 and an estimated transfer of £975,000 from reserves. The vacancy savings target is on line to be achieved and, identified efficiency savings of £978,000, which will be achieved in 2009/10, remove the need to draw from reserves.

The latest Financial Monitoring identifies anticipated additional budget savings in 2009/10 of £406,000. At this stage there remains significant uncertainty particularly in relation to income levels. Therefore, no assumption has been made about the utilisation of these anticipated resources. The likely year end outturn position will continue to be monitored over future months.

The level of approved capital expenditure is reviewed throughout the year, to ensure that the programme is being delivered within the estimated resources made available. The original 2009/10 budget (excluding Housing) was £5.890m. This has been increased in the year by £354,000 due principally to the inclusion of additional schemes funded from Developers' Contributions and Coast Protection expenditure funded by Government Grant. The programme is currently on target to be achieved in the year.

Income from Fees and Charges is a key element of the budget. In order to make the process more flexible and less bureaucratic the Cabinet is recommending that the Council's Financial Regulations be amended to allow annual 'in year' changes to be made to Fees and Charges and for such decisions to be made formally by Portfolio Holders, subject to:-

- Decisions being taken in accordance with the Council's agreed budget strategy and plans; and
- Appropriate consultation taking place with user groups and other affected parties, consistent with current good practice. This will include Review Panels where consideration is being given to increases above the agreed budget strategy.

In discussing the detail of the budget proposals, the Cabinet also noted that replacing 'yellow fleet' vehicles is now considerably more expensive and on occasions yellow vehicles are not readily available. The Portfolio Holder has therefore agreed that in future, replacement vehicles will be white giving a potential saving of up to £10,000 per annum.

The Council's agreed Savings and Efficiency plan has already made a significant difference with over £2.3m of savings and efficiencies identified. Whilst this places the Council in a better starting position for next year, in future years, significant further savings will be required in order to achieve a balanced budget.

RECOMMENDED:

That Financial Regulations be amended with immediate effect to allow annual 'in year' changes to be made to Fees and Charges and for such decisions to be made formally by portfolio holders as detailed in the guidance in paragraph 4.3 of Report E to the Cabinet which proposes that such decisions be subject to:-

- ***them being taken in accordance with the Council's agreed budget strategy and plans; and***
- ***appropriate consultation taking place with user groups and other affected parties, consistent with current good practice. This would include Review Panels where consideration is being given to increases above the agreed budget strategy.***

6. COMPREHENSIVE AREA ASSESSMENT (2 DECEMBER 2009) (MINUTE NO. 50)

The Audit Commission is releasing the result of the first round of Comprehensive Area Assessments on 9 December, 2009 under the title of 'One Place'. The result will include an organisational assessment of each council, including its use of resources and managing performance scores. NFDC has already received very positive feedback from the Audit Commission but cannot publish the report until the agreed date.

An update on the findings will therefore be made to the meeting of the Council on 14 December 2009.

7. ABANDONED SHOPPING TROLLEYS (REPORT A – 2 DECEMBER 2009) (MINUTE NO. 51)

The Cabinet has agreed to adopt the powers under Schedule 4 of the Environmental Protection Act 1990 to seize abandoned shopping trolleys and charge for their return.

Schedule 4 of the Clean Neighbourhoods and Environment Act 2005 gives the Council the opportunity to adopt such powers subject to them taking into account the views and opinions of local stakeholders. Following a consultation process the Environment Review Panel considered the matter further at their meeting on 10 September 2009.

The list of organisations consulted about abandoned shopping trolleys included all of the supermarkets in the New Forest from the smaller local supermarkets to the larger out-of-town superstores. The list of consultees also included every Town and Parish Council with a supermarket in their area. The responses were divided; with some organisations saying that abandoned shopping trolleys are not a significant problem in the New Forest and other organisations saying that the Council should do more to tackle the problem.

After detailed consideration of the results the Environment Review Panel, whilst accepting that abandoned shopping trolleys are not a major problem in the New Forest, agreed there are occasional problems and on balance they supported the adoption of powers under Schedule 4 of the Clean Neighbourhoods and Environment Act 2005.

Following a review of other Hampshire Local Authorities who have adopted these powers, the Cabinet has also agreed the following scale of charges that will reflect the actual cost of dealing with abandoned shopping trolleys:-

£25 per trolley if collected by supermarket
£35 per trolley if returned by Council
£55 per trolley destroyed

A further charge is proposed for the recovery of shopping trolleys from inaccessible locations such as water courses. In these cases the actual cost of recovery to the council will be charged.

These charges will be reviewed annually as part of the Council's Expenditure Plan process.

The Cabinet emphasise that it is the Council's intention to continue to work with supermarkets and other trolley providers in a constructive manner to ensure that abandoned trolleys do not become a nuisance. The powers proposed are intended to be used only where providers have failed to work with the Council to resolve problems with abandoned trolleys. It is hoped that by adopting these powers the Council will further encourage trolley providers to be mindful of their responsibility to deal with abandoned trolleys.

8. THE COUNCIL TAX 2010/2011 – SETTING THE TAX BASE (REPORT B-2 DECEMBER 2009) (MINUTE NO. 52)

The Cabinet has considered, and in so far as it is empowered to do so by law, approved the calculation of the Council Tax base for the year 2010/11 as set out below. It has decided that pursuant to Report B to them and in accordance with the Local Authorities (Calculation of Council Tax Base) (Amendment) Regulations 2003, the amount calculated by this Council as its council tax base for the year 2010/11 be as follows and as detailed in Appendix 1 to Report B to the Cabinet:

PARISH/TOWN	TAX BASE 10/11
Ashurst & Colbury	926.8
Beaulieu	513.3
Boldre	1048.2
Bramshaw	345.1
Bransgore	1866.6
Breamore	185.0
Brockenhurst	1854.7

PARISH/TOWN	TAX BASE
	10/11
Burley	784.0
Copythorne	1235.2
Damerham	239.5
Denny Lodge	158.0
East Boldre	395.3
Ellingham, Harbridge & Ibsley	601.5
Exbury & Lepe	108.2
Fawley	4888.8
Fordingbridge	2386.2
Godshill	219.6
Hale	265.0
Hordle	2468.6
Hyde	511.3
Hythe & Dibden	7818.5
Lymington & Pennington	7201.1
Lyndhurst	1411.0
Marchwood	2127.9
Martin	192.6
Milford on Sea	2757.2
Minstead	362.6
Netley Marsh	832.2
New Milton	10971.9
Ringwood	5481.0
Rockbourne	169.6
Sandleheath	281.7
Sopley	307.7
Sway	1691.7
Totton & Eling	9860.7
Whitsbury	103.1
Woodgreen	254.6
Whole District	72826.0

9. INCLUSION OF NFDC OWNED STREET LIGHTS IN HCC'S LIGHTING CONTRACT (REPORT C – 2 DECEMBER 2009) (MINUTE NO. 53)

The Cabinet at their meeting on 5 November 2008 agreed arrangements for including NFDC's street lights in HCC's Public Finance Initiative (PFI). Since then a number of changes have been made to HCC's PFI and the Cabinet has now agreed revisions that will allow improvements to the arrangements.

The new arrangements will give reduced costs resulting from a combination of lower energy charges, more 'highway' standard lights being transferred to HCC prior to the PFI and agreed transfer of upgraded lighting during the initial replacement phase of the contract will allow the estimated additional costs for 2010/11 to be contained within existing budgets.

The inclusion of all NFDC's lights in the PFI rather than have some (conservation areas, including 'historic' lights) under a separate contract or possible 'call off' rates, will provide better, more cost effective maintenance and energy consumption.

There are now also revised arrangements in respect to the Council's 'historic' lights which will allow for their sensitive replacement/refurbishment (lantern replacements only unless the columns are unserviceable) under the initial replacement phase of the contract, with this Council having the ability to remove the units from the PFI (termed 'de-accrue').

The arrangements for signing HCC's Agreement provide for this Council's legal department to view the signed Contract before completing the Agreement. The Cabinet has also agreed that the Chief Executive be authorised, in consultation with the Planning and Transportation Portfolio holder, to agree any further minor amendments arising from the finalisation of the PFI contract, with the Chief Executive being authorised to sign the completed agreement.

**Cllr B Rickman
CHAIRMAN**

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