

15 APRIL 2013

NEW FOREST DISTRICT COUNCIL

Minutes of a meeting of the New Forest District Council held at Appletree Court, Lyndhurst on Monday, 15 April 2013.

p Cllr Mrs A E McEvoy – Chairman
ap Cllr Ms L C Ford – Vice-Chairman

Councillors:

p A R Alvey
ap Mrs D E Andrews
p G C Beck
p Mrs S V Beeton
p Ms R Bellows
ap Mrs S M Bennison
p J E Binns
p D A Britton
p Mrs D M Brooks
p S J Clarke
p Mrs J L Cleary
p G F Dart
p S P Davies
p W H Dow
p A T Glass
p M R Harris
p C J Harrison
p D Harrison
p E J Heron
p J D Heron
p Miss A J Hickman
p Mrs A J Hoare
p Mrs M D Holding
p Mrs P Jackman
p M J Kendal
A N G Kilgour
p C Lagdon
p Mrs M E Lewis
ap Mrs P J Lovelace

Councillors:

p B D Lucas
p Mrs M McLean
p A D O'Sullivan
p N S Penman
p J Penwarden
p L R Puttock
p A W Rice
p B Rickman
p W S Rippon-Swaine
p Mrs M J Robinson
ap Mrs A M Rostand
p D J Russell
p R F Scrivens
p Miss A Sevier
p M D Southgate
p A J Swain
p M H Thierry
p A R Tinsley
p D B Tipp
p F P Vickers
p M S Wade
p S S Wade
p R A Wappet
p Mrs C V Ward
p J G Ward
p C A Wise
ap Mrs B M Woodfield
p P R Woods
p Mrs P A Wyeth

Officers Attending:

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

71. LATE BARONESS MARGARET THATCHER.

The Council stood for a minute's silence in remembrance of Baroness Margaret Thatcher who had died recently.

72. MINUTES.

RESOLVED:

That the minutes of the meeting held on 25 February 2013 be signed by the Chairman as a correct record, subject to the amendment under Minute 65, item 4, that Cllr D Harrison had seconded the motion.

73. DECLARATIONS OF INTEREST.

Cllrs Lagdon, M S Wade, S S Wade and Mrs Wyeth disclosed interests in Minute 76 – Report of the General Purposes & Licensing Committee.

Cllrs Glass and Kendal disclosed interests in Minute 76 – Report of Cabinet, 6 March 2013, item 2.

74. POINT OF ORDER

Cllr D Harrison requested that the Chairman suspend Standing Orders in order to allow Mrs Joan Cundill, Chairman of New Forest Access for All, to address the Council on the proposal to introduce car parking charges for blue badge holders.

The Chairman decided that it was not appropriate to suspend Standing Orders and at her suggestion the Leader of the Council agreed to speak to Mrs Cundill after the Council meeting.

75. CHAIRMAN'S ANNOUNCEMENTS.

There were none.

76. LEADER'S ANNOUNCEMENTS.

There were none.

77. REPORTS OF COMMITTEE AND CABINET.

Report of General Purposes and Licensing Committee

Cllr M S Wade disclosed a pecuniary interest in this item as his wife worked for the Authority. He left the meeting for the consideration of this item. Cllrs Lagdon, S S Wade and Mrs Wyeth disclosed non-pecuniary interests in this item as family members worked for the Authority. They concluded that there were issues under common law which prevented them from speaking and voting. They did not speak and abstained from voting.

Cllr Beck, Chairman of the General Purposes and Licensing Committee, presented the report of the meeting held on 15 April 2013.

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

RESOLVED:

That the report be received and the recommendation be adopted.

Reports of Cabinet

Cllr Kendal disclosed a non-pecuniary interest in item 2 of the report of the Cabinet dated 6 March as Executive Member for Environment and Transport at Hampshire County Council. He concluded that there were issues under common law which prevented him from speaking and voting. He did not speak and abstained from voting. Cllr Glass disclosed a non-pecuniary interest in this item as he was a blue badge holder. He concluded that there were no issues under common law which prevented him from speaking and voting.

Cllr Rickman, the Leader of the Council and the Chairman of the Cabinet, presented the reports of the meetings held on 6 March and 3 April 2013.

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

(a) Council Car Parks – Consideration of Introducing Charges for Blue Badge Holders

Cllr Lagdon questioned the financial assessments of the cost of introducing the proposed charges. He considered that the amounts quoted were conservative. The Planning & Transportation Portfolio Holder responded that the report considered by the Cabinet had provided robust details of how the figures had been arrived at. These included the cost of new pay and display parking meters which would need to be installed to allow people in wheelchairs to use them. However, the meters were, in any event, coming towards the end of their useful life and would be due for replacement in the near future.

Cllr M S Wade said that the Cabinet's recommendation had many flaws. It was unfair that the Council should impose charges on disabled people in these difficult financial times, particularly when the parking meters did not need immediate replacement. The proposal seemed to be a waste of council tax payer's money.

He felt that blue badge holders would find the charges financially burdensome, particularly those reliant on benefits, who also faced challenges with the coming benefit changes and cuts in disability living allowance. The proposal would be detrimental to vulnerable members of the community and as such should not be approved.

Other members also spoke against the Cabinet's recommendation and said that the proposal discriminated against vulnerable members of the community and that blue badge holders should not have to pay to park. Furthermore, it was felt that the Council had been given conflicting legal advice from Government departments as to whether it was possible to treat blue badge holders who were exempt from vehicle excise duty differently. It was also felt that the Cabinet were unfairly proposing charging disabled residents to raise funds to allow the authority to maintain 0% rise in Council Tax. Other vital factors such as

displacement parking and the drop in sales in parking clocks had not been given due consideration.

Some members spoke in support of the Cabinet's recommendation. They felt that the Task & Finish Group established to examine this issue had undertaken a thorough review, including lengthy and extensive consultation. During consultation many disabled residents had supported the proposal because of the abuse of blue badges. The Task & Finish Group had undertaken a detailed investigation and evaluation of this issue.

The Planning & Transportation Portfolio Holder, in responding to debate, said that 15% of residents were blue badge holders. In these difficult financial times there should be fairness with regard to charging and charges should apply to all residents. Advice from the Government regarding tax exempt vehicles was contradictory and this would be investigated. The Task & Finish Group had thoroughly investigated all the issues involved in this matter. The Cabinet did wish to maintain a 0% increase in Council Tax and that would benefit all residents of the District.

(b) Revocation of Fawley Air Quality Management Area

Cllr M S Wade congratulated officers and the local industries for their achievements which had enabled the air quality management area to be revoked.

RESOLVED:

That the reports of the Cabinet dated 6 March and 3 April 2013 be received and the recommendations adopted.

78. REPORT OF THE OVERVIEW AND SCRUTINY PANELS FOR 2012/13 (REPORT B).

The Council considered the report of the Overview & Scrutiny Panels for 2012/13.

In response to a question as to why leisure issues were not mentioned in the Community Panel's Report, the Health and Leisure Portfolio Holder replied that the Health and Leisure Centres were performing above expectations and therefore there had been no need for reviews by the Panel.

RESOLVED:

That the report be received and noted.

79. QUESTIONS UNDER STANDING ORDER 22.

There were none.

80. QUESTIONS TO PORTFOLIO HOLDERS UNDER STANDING ORDER 22A.

Question 1 from: Cllr C Harrison to Cllr B Rickman, Policy & Resources Portfolio Holder and Leader of the Council

“On the 15 March 2013, a former Leisure Centre Manager, Larry Nelson, wrote to you with details of salary underpayments, involving an estimated 300 NFDC staff. Apparently, the situation has prevailed for several years, creating a potential liability of hundreds of thousands of pounds.

Despite giving you the opportunity to check with officers, the detail of his case, Mr Nelson contends that neither you or anyone else at the Council have been able to explain exactly why you think this contractual liability to pay the agreed salaries does not arise. He has therefore asked us, in the interests of openness and transparency and in an effort to avoid expensive litigation, to call on you to provide details as to why the District Council appears not to be facing up to this issue.”

Answer:

The Leader of the Council replied that this was not technically a valid Portfolio Holder question as it concerned terms and conditions which were not an Executive function. However, in the interests of openness and transparency, the question would be answered.

Issues had been raised by an individual former employee that might, or might not, lead to legal action. The Leader had been briefed on these issues and the Leader of the Opposition had also been offered a full briefing. If necessary, a legal risk assessment would be prepared. The specific allegation made about major financial implications for a large number of other employees was without foundation. The Leader of the Council said that it would be inappropriate to say more at this stage.

In response to a supplementary question, the Leader of the Council said that the Trade Unions were aware of this matter.

Question 2 from: Cllr Binns to Cllr E J Heron, Environment Portfolio Holder

Cllr Binns reported an enquiry from a constituent following a press report that millions of tons of recyclable waste was being sent to foreign landfills. He sought reassurance about the position with regard to recyclable waste collected in the District Council's area.

Answer:

The Portfolio Holder replied that the Council's recycling was managed through the Project Integra partnership which included a long term agreement with Veolia, the County Council's waste management contractor. Veolia consistently explored ethical and sustainable markets for recyclable waste. Through this long-term arrangement with a responsible waste management company, the Council's recyclable waste was being disposed of appropriately.

Question 3 from: Cllr D Harrison to Cllr Wise, Finance & Efficiency Portfolio Holder

Cllr D Harrison asked the Portfolio Holder whether he had concerns regarding the potential liability for payments to Health and Leisure staff and legal costs involved in possible action outlined in Cllr C J Harrison's earlier question to the Leader of the Council. If legal action ensued, he asked the Portfolio Holder to ensure that all members of the Council were regularly updated.

Answer:

The Portfolio Holder assured members that the Council's balance sheet was strong.

Question 4 from: Cllr M S Wade to Cllr E J Heron, Environment Portfolio Holder

Cllr M S Wade asked the Portfolio Holder how many tons of the District's recyclable waste were disposed of by incineration.

The Portfolio Holder said that the Project Integra Partnership tried to avoid burning recyclable waste if at all possible, not least because of the cost involved in incineration. He explained that recyclables collected from residents went to the material recycling facility for sorting. All suitable material was recycled and generated an income. However, where recyclables were contaminated or where material collected was not recyclable, it had to go through another sorting process and would eventually be taken to the energy from waste facility (EWF) for incineration. This cost the Council money. The EWF was very efficient and energy generated from incineration was fed into the national grid. Recycling, rather than incineration, was, in addition to being desirable, the most cost-effective way of dealing with recyclable waste. To maximise recycling and save costs, the Council undertook regular education campaigns to explain to residents what could, and what could not, be recycled.

81. **POLITICAL REPRESENTATION ON THE COUNCIL.**

The Council considered changes to the political representation on the Council and the necessary amendments to the seats on Committees and Panels.

RESOLVED:

That the following changes be made: -

Appeals Committee	Cllr Mrs Wyeth off; Cllr Scrivens on.
General Purposes & Licensing Committee	No change. Cllr Scrivens remains a member but as a UKIP and not a Conservative Group member.
Planning Development Control Committee	Cllr Scrivens off, Cllr Penwarden on. Cllr Lagdon remains a member but as a UKIP and not a Conservative Group member.

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

RESOLVED:

That Cllr Ms Ford be nominated as Chairman and Cllr Mrs Holding as Vice-Chairman of the Council for the following Municipal year.

83. HONORARY FREEDOM OF THE DISTRICT (REPORT C).

The Council considered bestowing the honorary freedom of New Forest District on Dame Mary Fagan DCVO JP and associated arrangements.

RESOLVED:

- (a) That a special meeting of the Council be held at 6.30 p.m. on Monday 13 May 2013 for the purpose of admitting Dame Mary Fagan DCVO JP as an Honorary Freewoman of the District of New Forest; and
- (b) That the annual meeting of the Council commence at the conclusion of the special meeting referred to in (a) above

84. DELEGATION OF POWERS TO OFFICERS.

The Council considered changes to the Scheme of Delegations to Officers.

RESOLVED:

That the following changes to the delegation of powers to officers be approved:

- (i) The deletion of those delegations where operational, administrative or legislative changes make the delegation redundant;
- (ii) Where it does not already specify, it be agreed that each delegation also includes any subsequent amendments and re-enactments of legislation in respect of the original delegation already authorised; and
- (iii) That Section 33 of the Localism Act 2011 be added to the existing delegation already granted to the Monitoring Officer in respect of dispensations.

CHAIRMAN