

11 SEPTEMBER 2023

**NEW FOREST DISTRICT COUNCIL**

Minutes of a meeting of the New Forest District Council held on Monday, 11 September 2023

- \* Cllr Neville Penman (Chairman)
- \* Cllr David Hawkins (Vice-Chairman)

**Councillors:**

- \* Alan Alvey
- \* Peter Armstrong
- \* Geoffrey Blunden
- \* Hilary Brand
- \* Mark Clark
- \* Steve Clarke
- \* Jill Cleary
- \* Keith Craze
- \* Kate Crisell
- \* Sean Cullen
- \* Jack Davies
- \* Steve Davies
- \* Philip Dowd
- \* Barry Dunning
- \* Jacqui England
- \* Allan Glass
- \* David Harrison
- \* Matthew Hartmann
- \* John Haywood
- \* Jeremy Heron
- \* Nigel Linford
- \* Patrick Mballa
- \* Colm McCarthy

**Councillors:**

- \* David Millar
- \* Neil Millington
- Ian Murray
- \* Alan O'Sullivan
- Stephanie Osborne
- \* Adam Parker
- \* Dave Penny
- \* Dan Poole
- \* Caroline Rackham
- \* Alvin Reid
- Joe Reilly
- \* Janet Richards
- \* Barry Rickman
- \* Steve Rippon-Swaine
- John Sleep
- Michael Thierry
- \* Derek Tipp
- \* Neil Tungate
- \* Alex Wade
- \* Malcolm Wade
- \* Christine Ward
- \* Phil Woods
- \* Richard Young

\*Present

**Officers Attending:**

Kate Ryan, Alan Bethune, James Carpenter, Grainne O'Rourke, Daniel Reynafarje, Joe Tyler and Karen Wardle

**Apologies**

Apologies for absence were received from Cllrs Osborne, Reilly and Sleep.

**28 MINUTES**

**RESOLVED:**

That the minutes of the meeting held on 10 July 2023, be confirmed.

*Note: Cllr M Wade reported that in minute number 25, relating to Council questions, that the Portfolio Holder for Community, Safety and Wellbeing stated he would*

*provide an answer outside of the meeting to the supplementary question on Question 1. This had not been provided to date and therefore requested that a written response be provided to the Council.*

## **29 DECLARATIONS OF INTERESTS**

There were no declarations of any disclosable pecuniary interests by Members.

## **30 CHAIRMAN'S ANNOUNCEMENTS**

### **Engagements**

The Chairman referred to the following recent engagements:-

#### 12 July

Attended the Annual Civic Heads Dinner with the new Lord Mayor and Lady Mayoress of the City of Portsmouth.

#### 19 July

Attended the Grand Opening of Platinum Jubilee Business Park, along with various representatives from NFDC. The Chairman gave a speech to officially open the business park.

#### 24 July

Attended the evening annual show dinner, for the New Forest and Hampshire County Show and well as the show on one of the 3 days. The District Council had a coast and climate themed stand this year, which was awarded second place for best large trade stand from the Show's organisers. The Chairman presented rosettes to the heavy horse musical drive.

#### 28 July

Attended the new Mayor of New Milton, the Vice-Chairman, Cllr David Hawkins investiture. The Chairman met local residents and Councillors from New Milton Town Council.

#### 2 September

Attended and carried out a reading at an Annual Commemoration event hosted by the Friends of New Forest Airfields. During World War 2, the New Forest was host to 12 Airfields which supported aircrew from many nations in many flying roles. In particular was the build up for D-Day. To recognise this immense task and sacrifice, the New Forest Airfields Memorial was created at which an annual commemoration was held to honour the people who worked and the aircrew who were lost.

The Chairman expressed his thanks to the Vice-Chairman who, on 11 July, attended the Civic Service for the Mayor of Test Valley Borough and the annual civic service for the Mayor of Havant on 3 September.

**Report of Cabinet – 6 September 2023 (Agenda Item 5)**

The Chairman reminded members that there were two parts to the report of Cabinet, which provides members the opportunity to comment on the items resolved by Cabinet, before moving onto the items that require a Council decision.

At Part Two, the Chairman reported he would formally ask for a mover and seconder on each item and that the Council would vote on each item separately.

**31 LEADER'S ANNOUNCEMENTS****Annual Canvass**

The Leader reported that the annual canvass was being carried out. Residents were being reminded to check and update their details on the electoral register. This was a legal process to complete to make sure that everyone eligible could join the electoral register to be able to vote in elections. The canvass runs through to November and there was information on the website to reassure anyone who might be concerned that this contact was genuine.

**Annual Community Grants**

The Leader reported she was delighted to be able to announce that the annual community grant application process was open with a closing date of 31 October. The administration prioritises local action and continues to set aside funding for community grants. This year 19 organisations had been supported which cover a range of activities with grant funding of £221,600. She encouraged organisations which might not have considered applying before to look online and apply. There were one-off capital grants to improve community facilities, and revenue grants to support the day to day running costs for organisations providing a charitable or community service or programme that would benefit the residents of the New Forest District Council.

**Sewage Leak near Lyndhurst Golf Club**

The Leader reported she was aware that some members had expressed deep concern about a recent incident where there was a sewage leak into a stream near Lyndhurst Golf Club; this stream ultimately flows into Beaulieu River. She shared these concerns and agreed that pollution of the District's rivers and land was unacceptable. She gave the following update:-

The Council had been liaising with the Environment Agency who were the regulatory agency leading the investigation.

The Environment Agency had been actively dealing with this matter and its officers had been on site to mitigate and limit any environmental harm. They were gathering evidence around the incident, which would inform any potential enforcement action once all investigations were completed.

The Environment Agency would be increasing compliance checks of controlled waters to help prevent serious pollution incidents and the District Council would do all it can to support them.

The New Forest has some of the most unique and protected landscapes, habitats and rivers in the country. She gave assurance that the District Council would continue to work hard with partners to protect and improve the environment.

## 32 REPORT OF CABINET - 6 SEPTEMBER 2023

### PART I – ITEMS RESOLVED BY CABINET

#### **Item 1 – Feasibility Study to deliver long term value from Appletree Court, Lyndhurst**

A number of Members questioned whether the expenditure of up to £100,000 for a feasibility study was a good use of public funds and how this amount had been derived. The Portfolio Holder for Finance and Corporate suggested that as this matter was raised as a Council question; he would respond to members later in the meeting.

#### **Item 2 – Financial Monitoring Report**

One Member raised a question in relation to paragraph 5.3 of the Cabinet report. He asked why the £35,000 received as a Government grant towards projects relating towards Domestic Abuse was being transferred to an earmarked reserve for future use. He highlighted that there had been an increase in recorded domestic abuse incidents over the last year and therefore felt that the funding should be used to help victims of this now rather than in the future. In response, the Portfolio Holder for Finance and Corporate noted that funding would be set aside to enable the options for expenditure to be reviewed. Projects would be brought forward in a structured manner with clear objectives.

### PART II – RECOMMENDATIONS TO COUNCIL

#### **Item 3 – Strategic Risk Register**

Cllr Cleary introduced the report and moved the recommendations from the Cabinet meeting. Cllr S Davies seconded the motion.

Two matters were raised by Members for the inclusion into the Strategic Risk Register. One being, the use of Reinforced Autoclaved Aerated Concrete (RAAC) and whether it was present within buildings owned and maintained by the Council, also giving consideration to the buildings within the wider community. The other matter related to Strategic Risk (SSR) no 5, in relation to data risk. It was suggested that there be a detective control to identify whether any breaches had occurred which had previously been undetected. The example was provided of the Electoral Commission data breach which had occurred in 2021 but had not been detected until 2022. The Leader reported that the Audit Committee would consider these matters. She confirmed that RAAC had not currently been identified within the Council's estate, however investigation work was ongoing.

#### **RESOLVED:**

That the Strategic Risk Register, be adopted.

**Item 4 – Vehicle and Plant Replacement Programme**

Cllr Blunden introduced the report and moved the recommendations from the Cabinet meeting. Cllr S Davies seconded the motion.

**RESOLVED:**

That Council approve:-

- (a) A supplementary budget of £126,000 for the revised budgets for Vehicles and Plant Replacement Programme for 2023/24; and
- (b) A revised budget of £2.102 million for the Vehicle and Plant Replacement Programme for 2024/25.

**33 QUESTIONS**

Questions were put and answered under Standing Order 22, as follows:-

- From Cllr J Davies to the Portfolio Holder for Planning and Economy, Cllr Tipp, on the making of an Article 4 Direction in Pennington to remove permitted development rights.
- From Cllr Millar to the Portfolio Holder for Planning and Economy, Cllr Tipp, on a policy to minimise the use of treated water in future allotments.
- From Cllr M Wade to the Portfolio Holder for Finance and Corporate, Cllr Heron, on the proposed £100k on a consultant's report for the future use of Appletree Court.
- From Cllr Clark to the Portfolio Holder for Finance and Corporate, Cllr Heron, on the investigation of Reinforced Autoclaved Aerated Concrete within the Council's estate.
- From Cllr A Wade to the Portfolio Holder for Planning and Economy, Cllr Tipp, on the issue of granting of planning permission for Fawley Power Station.
- From Cllr Brand to the Portfolio Holder for Community, Safety and Wellbeing, Cllr Poole, on the unsolved burglaries in Lyndhurst and Minstead.

Note: A copy of the full questions and replies are attached to these minutes.

**34 MEETING DATES 2024/25****RESOLVED:**

That the following dates of meetings for 2024/25, be agreed (Mondays at 6.30pm):-

- 13 May 2024 (AGM, already agreed)
- 8 July 2024
- 16 September 2024
- 14 October 2024
- 9 December 2024
- 24 February 2025
- 14 April 2025
- 12 May 2025 (AGM)

**35 MEMBERSHIP OF COMMITTEES AND PANELS**

There were no changes.

CHAIRMAN

## FULL COUNCIL – 11 SEPTEMBER 2023 – QUESTIONS UNDER STANDING ORDER 22

### Question 1

#### **From Cllr J Davies to the Portfolio Holder for Planning and Economy, Cllr Tipp**

Pennington, like many villages across our district, needs to keep its shops. They're a vital part of any thriving community. In recent years, our shopping parades (especially South Street) have come under increasing pressure with developers using new permitted development rights to change shops into houses and flats.

Would the District Council consider making an Article 4 direction for both Pennington Square (encompassing South Street parade) and Fox Pond shops to remove permitted development rights?

*Answer:*

*Thank you for question. We all know that shopping habits are changing dramatically at the moment, and in recent years due to internet shopping on so on. Local shops are very important but it is very important for local people to use them, if you don't use them, of course they don't exist.*

*In answer to your question, according to Government guidance removing Permitted Development Rights under an Article 4 direction should only be taken in exceptional circumstances.*

*If you have the compelling evidence that you believe makes the case for this, then if you send it to me, I will pass it on to the planning policy team for their consideration.*

### Question 2

#### **From Cllr Millar to the Portfolio Holder for Planning and Economy, Cllr Tipp**

The new allotment space for the new developments at Augustus Park uses treated water rather than having a borehole that taps into the abundance of water running beneath Fordingbridge. Given the cost of treating water, should Council now institute a policy that all future allotments agreed within any planning development are built with a water strategy that minimises the use of treated water.

*Answer:*

*You will be pleased to know that the Council has recently consulted on proposals to reduce mains water use within new development as part of its draft Planning for Climate Change Supplementary Planning Document. Council officers are currently considering the comments received during this consultation and expects to report back to the Council's Cabinet on next steps later this year.*

### Question 3

#### **From Cllr M Wade to the Portfolio Holder for Finance and Corporate, Cllr Heron**

In these times of belt tightening and a cost-of-living crisis, how can the Leader of the Council justify spending a proposed £100k on a consultant's report for the forward use for Appletree Court? Does he realise how profligate and navel gazing this looks to our beleaguered residents?

Answer:

*Thank you. Two years ago we suffered a pandemic, the result of that, was there was a significant change in the way this Council operates. Fortuitously, due to forward planning, good investment in ICT, a Conservative administration was in a position, where we could continue to operate and deliver services for the community, because we were forward thinking and we look forward and plan for the future and not look backwards. Interestingly, following on from that, we had a period where working patterns had considerably changed and there was a devil of uncertainty as to whether it was permanent situation or a temporary situation. This Council prudently allowed for this to settle, to see how those patterns changed and what the future looked like for people doing administration and working online. We have continued to be an employer of choice in the area and that has shown that a hybrid way of working, where people work from home and in the office seems to be the way forward for the best productivity that is delivered. Also, to deliver a work life balance, a way of sustaining and supporting your employees. We have come forward now, to establish what is now considered a more normal way of working; a hybrid of within and without the office. The consequence of that, we are severely over developed with office space and that office space does not necessarily deliver what we see as necessary.*

*Cllr Wade is always purporting to be a man keen on the environment. Every time we look to deliver on our environmental commitments, he objects. We are at present lighting and heating large amounts of space that is not needed. Therefore, it is sensible to look to reuse space efficiently. This comes to looking at the space we potentially let and also the space we maintain for staff, to ensure it delivers for our staff in the accommodation suitable for them. This is quite complex. There is a lot of cabling and wiring and electricity points.*

*The figure brought forward is the one professional officers have arrived at to deliver on a job, he may wish to argue with the professional officers, he may have a greater understanding of building surveying than I have, but the officers have come forward, the officers I assume that he trusts, like me, and they have said to do the job properly, that is the budget they require. I am delivering that budget because I believe in supporting our officers. If he doesn't, he can make an alternative suggestion.*

*Note – in response to a supplementary question which acknowledged that the Council had officers with the knowledge and skills to organise the Council's office accommodation, the Portfolio Holder supported officers in their request for an additional budget. It was reported that there would be environmental savings and the proposed changes would deliver a payback to the Council to support wider activity.*

#### **Question 4**

##### **From Cllr Clark to the Portfolio Holder for Finance and Corporate, Cllr Heron**

To what extent has this Council investigated the use of Reinforced Autoclaved Aerated Concrete (RAAC) within its estate? Have the use of such concrete been discovered and what programme of remedial action has been planned?

Answer:

*Thank you for this question. As you know, this concrete was developed in the mid 1920s, and used extensively in buildings, not only for screening but also for flat roofing, being approximately a fifth of the weight of standard concrete. As you are aware a recent concern has been raised with its safety. We are not aware of any within our own estate, but we are continuing to evaluate this and look at it, following the latest advice on what should be done. But nothing found yet.*



*Note – in response to a supplementary question regarding whether a particular team was looking at this in relation to housing, the Portfolio Holder confirmed that building services were reviewing on a fixed programme.*

## **Question 5**

### **From Cllr A Wade to the Portfolio Holder for Planning and Economy, Cllr Tipp**

This is a follow-up to a question submitted to the Council meeting held on 10 July 2023, regarding the Planning Committee's decision to grant permission to re-develop the site of the former Fawley Power Station.

The application 19/10581 is still "Awaiting decision", subject to a completed Section 106 agreement. The Council's Case Officer addressed the Planning Committee at their December 2022 meeting with an "Update".

The completed S106 was expected in January this year, and the Service Manager - Development Management, has emailed the Committee with another message stating the delay lays with the applicant.

Are the Council Officers trying to get the applicant to agree to unreasonable demands set by this Council and can the Portfolio Holder carefully and clearly state what the issues are?"

*Answer:*

*As you have stated yourself in your question, the Planning Committee has been told that the Section 106 is with the applicant for signature. This is on the basis of what has been mutually agreed with the applicant following discussion. It is not for me to guess, what issues may be causing the delay. The Council cannot dictate the time it takes the applicant to achieve this sign off. The suggestion, in the final sentence of your question, that our Council Officers are making unreasonable demands, I find this quite disappointing.*

*Cllr Wade, do you not expect that our planning officers will seek the best outcome possible for our residents.*

*Personally, I would commend our officers' best efforts to secure the affordable housing we want from developers, as well as the contributions that are required for health and education and towards transport improvements, parks and open spaces.*

*Note – in response to a supplementary question in relation to when the Portfolio Holder and officers would step in to move this forward, the Portfolio Holder reported that there were no easy solutions that could readily be deployed. He had been informed that the time taken to date on what is a complex application, was not unusually long. He therefore felt it was appropriate to wait a little longer before considering any new steps.*

## **Question 6**

### **From Cllr Brand to the Portfolio Holder for Community, Safety and Wellbeing, Cllr Poole**

Following a report that shows Lyndhurst and Minstead has the most unsolved burglaries in the Country at 84. Isn't that appalling?

Local businesses have lost faith in the local Police due to consistent thefts from their shops. This is not unique to Lyndhurst, however.

So, is it about time we prioritised theft from businesses and residential properties as part of our Community Safety plan for the New Forest?

Answer:

*Thank you for the question. I understand the concerns and acknowledge the wide-ranging consequences and emotional impact of being a victim of crime; whether from incidents of shoplifting, theft, criminal damage, burglary or anti-social behaviour. The recent report of 84 burglaries, whilst understandably concerning, does not specially refer to dwellings or commercial burglaries. In the main, these are incidents that are non-dwelling related and often relate to sheds, garages and outhouses, whilst these are completely unacceptable there are often issues in obtaining the necessary evidence to pursue perpetrators and sometimes there are delays in reporting these crimes as they are not always immediately noticed.*

*Officers across the New Forest continue to work closely with local residents and business owners, offering target hardening and crime prevention advice to prevent criminality to local businesses and residents.*

*In the New Forest, I am pleased to report we have seen a steady decrease in commissioned crime, specifically theft offences over the past 12 months. This follows efforts of the Safer New Forest partnership and commitment made by the Constabulary that they will attend every reported dwelling burglary and follow up to investigative opportunities.*

*The recent appointment of the new Chief Constable, Scott Chilton, has resulted in geographical changes to policing in the forest which will see a new local policing team based out of Lyndhurst Police Station to tackle issues within our community. This local based police team includes a CID unit, new Neighbourhood Enforcement Teams and Response and Patrol Officers to complement existing priority crime teams. Also, our Safer New Forest Partnership website hosts valuable information and advice on the prevention of crime for both domestic and business sector. Additionally, security items including locks and alarms can be purchased at cost price from NDFC Information Offices across the District.*

*As you'll be aware, this administration is committed to enhancing crime prevention methods and reducing the fear of crime, allocating an additional £300,000 to extend the Council's CCTV public network cameras across the District.*

*The Councils Service Manager for CCTV recently held a meeting with Lyndhurst Parish Council with the offer of installing CCTV cameras within the village, which I am pleased to report is progressing. The Safer New Forest partners continually review all crime data to ensure the activities of the partners and priorities of the plan reflect emerging or changing trends.*

*As Portfolio Holder and Chair of Safer New Forest Strategy & Delivery Group, I wish to reassure all Members that the partnership is committed to supporting communities and the business sector in ensuring the New Forest remains a low crime area, hostile to offenders.*