

**NORTH HERTFORDSHIRE DISTRICT COUNCIL  
SOUTHERN RURAL COMMITTEE  
(Cadwell, Chesfield, Codicote, Hitchwood, Offa & Hoo,  
Kimpton and Knebworth Wards)**

**Minutes of the meeting held in Committee Room 1, Council Offices,  
Gernon Road, Letchworth Garden City  
on Thursday, 26 September 2013  
at 7.30 p.m.**

**MINUTES**

**PRESENT:** *Councillors David Barnard (Chairman), Cathryn Henry (Vice-Chairman)(from 8.16pm), Alan Bardett, Faye Barnard, John Bishop and Mrs C.P.A. Strong.*

**IN ATTENDANCE:** *County Councillor Tony Hunter, Stuart Izzard (Community Development Manager), Margaret Bracey (Community Development Officer), Mary Caldwell (Development and Conservation Manager) and Ian Gourlay (Committee and Member Services Manager).*

**ALSO PRESENT:** At the commencement of the meeting 3 members of the public.

**23. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Tom Brindley and Jane Gray.

**24. MINUTES – 25 JULY 2013**

**RESOLVED:** That the Minutes of the Meeting held on 25 July 2013 be approved as a true record of the proceedings and be signed by the Chairman.

**25. NOTIFICATION OF OTHER BUSINESS**

There were no notifications of other business.

**26. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed everyone to the meeting, particularly those giving a presentation.

Members were reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which requires they leave the room under Paragraph 7.4 of the Code of Conduct, can speak on the item, but must leave the room before the debate and vote.

**27. PUBLIC PARTICIPATION**

Katy Frayne-Johnson (Clerk to St. Pauls Walden Parish Council) re: Grant request for contribution towards defibrillator

Katy Frayne-Johnson advised that she was requesting grant funding of £500 towards the provision of a community defibrillator for Whitwell. The total cost would be £1,900 - £500 had been provided by Hertfordshire County Council and, subject to approval of the NHDC grant of a further £500, the balance of funding would be paid by St Pauls Walden Parish Council.

Katy explained that if, following a heart attack, a heart was re-started within 8 minutes, then there was a 70% survival chance for the victim. The nearest first responder for Whitwell was in Hitchin, which was more than 8 minutes away, hence the request for a local defibrillator.

Katy further explained that the proposal was for the defibrillator to be located in a box on the outside of the Whitwell Doctor's Surgery building. A code would enable access to the box, and as many volunteers as possible in the village would be trained in the use of the equipment.

Katy hoped that the Committee would agree to approve a grant of £500 towards the provision of the defibrillator, as she felt it was eligible under the Council's Grants Policy criteria in supporting community safety and promoting community health awareness and wellbeing.

The Chairman thanked Katy Frayne-Johnson for her presentation.

## **28. SECTION 106 AND UNILATERAL UNDERTAKINGS**

The Development and Conservation Manager presented an annual update report, as at 27 August 2013, on the details of the current NHDC-related Section 106 agreements and Unilateral Undertakings within the wards/parishes in the Southern Rural area. The following appendix was submitted with the report:

Appendix 1 - Monitoring report on Section 106 and Unilateral Undertakings.

The Development and Conservation Manager advised that, in 2006, the Council had introduced a Planning Obligations Supplementary Planning Document (SPD), giving a formula for developers to calculate as to what their Section 106 costs might be. This had led to the majority of sites within the District since 2006 contributing towards the cost of infrastructure. Unilateral Undertakings were a particular type of obligation under Section 106 that were only signed by the developer, instead of bilaterally by both the Council and the developer.

The Development and Conservation Manager stated that the three statutory tests for requiring a signed section 106 Agreement/Unilateral Undertaking were that it was:

- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development; and
- Fair and reasonably related in scale and kind to the proposed development.

The Development and Conservation Manager reminded Members that the standard charges contained within the SPD were based upon contributions to be paid to NHDC towards the following categories:-

- community centre/halls;
- leisure facilities;
- play space;
- pitch sport;
- informal open space;
- sustainable transport; and
- waste collection facilities and recycling.

There was also provision for contributions towards the public realm from non-residential development.

The Committee was informed that the Appendix to the report showed Section 106 monies which had been received and where they had been allocated. Paragraph 8.12 of the report showed where contributions had helped fund projects in the last 12 months and Paragraph 8.13 of the report showed the likely spend for 2013. What the report did not include was the monies for Hertfordshire County Council (highways works, schools and libraries).

The Development and Conservation Manager referred to an e-mail she had received from the Clerk to Knebworth Parish Council which stated:

“I have read the report for tonight's meeting and it appears that NHDC has secured significant s106 for non-parished areas. I appreciate that the scale of development is not the same in rural areas, but it is NHDC officers who lobby for funds. What systems are in place to ensure that Parish & Town Councils do not miss out on s106 funding?”

In response, the Development and Conservation Manager stated that NHDC officers did not lobby, but rather negotiated with developers for potential Section 106 funding in accordance with planning policies and the SPD. All Parish Councils were notified of every application in their parish area, and could advise her of any potential requirement for funding at that stage. In addition to which there was ongoing communication with the Community Development Officer. Any negotiations would, of course, need to satisfy the statutory tests referred to earlier, and use of the monies had to be for a capital project in the parish.

The Development and Conservation Manager next referred to an e-mail she had received from Councillor Jane Gray (Knebworth Ward Councillor) which stated:

“Knebworth has felt somewhat short changed generally and would like to see a more focused approach to fund allocation/spending, so that it effectively and tangibly benefits the village.”

The Development and Conservation Manager commented that if there was no development in the village, then there would be no Section 106 funds requiring to be negotiated. Again, if there was no capital project planned for the village, then the Section 106 monies could not be justified.

The Development and Conservation Manager explained that Recommendations 2.3 and 2.4 in the report had been framed to take account of comments made at the July 2012 meeting of the Committee, the last time Section 106 Agreements had been discussed.

In response to a question, the Development and Conservation Manager advised that Neighbourhood Development Plans could potential be a useful tool to lever funds from the Community Infrastructure Levy (CIL), although the level of funding was an unknown quantity. However, an adopted Local Plan was required to work effectively with CIL, and hence the reason why NHDC had decided not to implement CIL at this time was the difficulty of the lack of an adopted Local Plan.

In order perhaps to focus Parish Councils on potential capital projects for which Section 106 monies could be utilised, it was agreed that the Development and Conservation Manager be requested to circulate an annual update to parish Councils in the Autumn of each year (ie.) when the following year's budget/precept was being considered.

**RESOLVED:**

- (1) That the contents of the report be noted;
- (2) That a report continues to presented on an annual basis to each of the Area Committees;
- (3) That, other than where a contribution has been negotiated for a specific purpose or project, Ward Members of the area where Section 106 or Unilateral Undertaking funding is generated be consulted prior to allocation of funds to any project; and
- (4) That, other than where a contribution has been negotiated for a specific purpose or project, Ward Members of the area where Section 106 or Unilateral Undertaking funding is generated and the Area Committee be consulted prior to funding being allocated away from that area or from a village location to a town.

**REASON FOR DECISION:** To ensure that there is a robust system for negotiating and managing Section 106 and Unilateral Undertakings; to ensure that this is kept under constant review; and that the risk associated with this activity is managed in an appropriate manner.

## 29. PROVISION OF EQUIPMENT FOR VOLUNTARY ORGANISATIONS

The Committee considered the report of the Head of Finance, Performance and Asset Management which addressed issues of grant funding to voluntary organisations for capital expenditure, and ways in which NHDC could retain ownership of these items.

The Committee was advised that the report had originated from discussion at a recent Letchworth Committee meeting regarding a grant application. Members supported the aims of the applicant and wished to support the start up of the group applying for the grant, but expressed concern about the amount of capital expenditure requested for a new group and felt that ownership of the equipment purchased with any grant should remain with NHDC.

It was noted that the view of the Head of Finance, Performance and Asset Management was that items purchased should be owned by the grant recipients, although treated equivalently from a monitoring perspective as being on loan to the organisation in question, and ideally recorded on a NHDC inventory, with a clear audit trail to include:

- who the organisation were and that they were a formally constituted body (community interest company, charity, social enterprise etc);
- the organisation should be a 'not for profit' i.e. they could make a surplus, but any surplus made must be shown to be re-invested back into the organisation and its aims;
- who in the organisation is responsible for the item, i.e. a named contact and proven address;
- where the items purchased would be located;
- an annual statement provided by the organisation to the Council to confirm ongoing use and appropriate maintenance, to include PAT testing for electrical items; and
- confirmation that the organisation would arrange appropriate insurance.

The Committee was not supportive of the approach suggested by the Head of Finance, Performance and Asset Management. Members considered that the Council should trust the groups to whom grants were given to act in a responsible manner. The Committee considered that it would too onerous to track each piece of equipment used by a group which was funded by an Area Committee grant.

### **RESOLVED:**

- (1) That the report be noted; and
- (2) That the approach whereby items acquired, and subsequently owned, by external organisations utilising grant funding should be treated equivalently to being on loan to the organisation in question, following a proportionate approach depending on value and a clear audit trail, as described in Paragraph 8.3 of the report, be not supported.

**REASON FOR DECISION:** To inform Area Committees of the financial reporting approach to be taken with regard to grant-funded purchases.

## 30. CHAMPION NEWS AND FINANCE REPORT

The Community Development Manager presented the report of the Head of Policy and Community Services entitled Champion News and Finance Report and drew attention to the following:

### Unallocated Funds

The current level of unallocated funds within the Committee's Development Budget was £18,050; the current level of unallocated funds within the Committee's MoU Budget was £5,370; and the current level of unallocated funds within the Committee's Ward Member Budgets is £5,401.

### NHDC Rural Grants Fund Update

Returned grant applications seeking funding from this year's round of Rural Grant Fund had started to be received over the summer months.

Members were advised to signpost / remind contacts within their respective Wards that the deadline for all completed forms to be submitted was 27 September 2013.

Officers were currently assisting a number of Parishes in re-applying and would continue to do so right up to the end of the month to ensure receipt of applications from a wide range of projects and initiatives from Parishes throughout the rural areas of the District.

The overall funding pot for this year's awards was in the region of £40,000 and the three funding streams were:

- The Community Building Refurbishment Fund – Grants up to £3,000;
- The Playground Fund – Grants up to £2,500; and
- The Environmental Improvement Fund – Grants up to £1,000.

### Unilateral Undertakings (UUs) / Section 106 Contributions and Funding Advice

The Community Development Manager was liaising with the following Parishes regarding the potential unlocking of collected UU contributions held by the Authority and assisting to compile evidence of need within each community in respect of any current and future developments. These were subject to meeting relevant criteria set under regulation and by which the Authority must abide:

- Ickleford – Listing potential projects and gaps in current provision regarding future community need;
- Great Offley and Cockernhoe – looking at potential projects regarding the possibility of unlocking funds currently received, as well as highlighting future areas of future community need; and
- Kings Walden – looking at potential projects regarding the possibility of unlocking funds currently received to go towards the newly proposed developments to the Tennis/Recreation Ground.

### Highway Matters

No Highway matters were raised by Members of the Committee.

### North Hertfordshire Parish, Town and Community Councils' Conference 2013

This year's date for the Conference had been set for Wednesday, 23 October 2013 at 6pm at the District Council Offices, Gernon Road, Letchworth Garden City. All NHDC Members whose wards included a rural/parished element would be formally invited, as would all county councillors. Two representatives would be invited from each Parish, Town or Community Council.

### **RESOLVED:**

- (1) That the activities and schemes with which the Community Development Officer has been involved with, as set out in the report, be noted;
- (2) That the budgetary expenditure, balances and carry forwards within the Area Committee Development Budget Spreadsheet, as attached at Appendix 1 to the report, be noted; and

- (3) That no support funding be made at the current time to any potential Highways Schemes.

**REASON FOR DECISION:** To ensure that the Committee is kept informed of the work of the Community Development Officer and to inform Members of the financial resources available to the Committee.

**31. GRANT REQUEST – DEFIBRILLATOR FUNDING – ST PAULS WALDEN PARISH COUNCIL**

**RESOLVED:** That £500 be allocated as a contribution towards the provision and installation (at Whitwell Doctors Surgery) of a community based defibrillator machine, primarily for the 800 residents of the village, together with the training of volunteers within the village to operate the machine.

**REASON FOR DECISION:** To promote community health awareness and well being in the Whitwell area.

**32. NEXT MEETING**

It was agreed that the next Southern Rural Committee on 28 November 2013 should commence at 6.30pm and finish by 8.00pm, to allow networking with Parish Council representatives.

The meeting closed at 8.40p.m.

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Chairman