

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

At a meeting of the Scrutiny and Overview Committee held on  
Thursday, 11 March 2004

**PRESENT:** Councillor SGM Kindersley – Chairman  
Councillor MP Howell – Vice-Chairman

Councillors:	RE Barrett	RF Bryant
	EW Bullman	NN Cathcart
	Mrs J Hughes	EL Monks
	WH Saberton	Mrs GJ Smith
	LJ Wilson	

Councillors Dr DR Bard, RF Collinson, R Hall, Mrs SA Hatton, Mrs EM Heazell, Mrs CAED Murfitt, J Shepperson, Mrs DSK Spink MBE and RT Summerfield were in attendance, by invitation.

Apologies for absence were received from Councillor PL Stroude and DALG Wherrell.

Officers:	Jo Fowler	- Communications Officer
	Nick Grimshaw	- Conservation Manager
	Greg Harlock	- Finance and Resources Director
	Keith Miles	- Planning Policy Manager
	Ian Salter	- Performance Improvement Officer
	Chris Taylor	- Head of Legal Services
	Patrick Adams	- Senior Democratic Services Officer

Mr Peter Mann as a representative of Hatley Parish Council.

### **1. APOLOGIES**

Apologies for absence were received from the following members of the Committee:  
Councillors PL Stroude and DALG Wherrell.

### **2. MINUTES OF PREVIOUS MEETING**

The minutes of 12<sup>th</sup> February 2004 were agreed as a correct record, subject to the following amendments:

In section 7.(a) Revenue and Capital Estimates for the Community Development Portfolio, the third sentence under the heading Milton Country Park be amended to read: "The Community Development portfolio holder stated ..."

In section 7.(b) Revenue of Capital Estimates for the Conservation Portfolio, the final sentence was amended to read: "The Conservation Manager informed the Committee of the work of the Green Belt Project."

In section 7.(d) Revenue of Capital Estimates for the Housing Portfolio, the paragraphs under the heading Rent Increase 2004/05 were amended to read:

"In response to questioning the Housing portfolio holder asserted that any increase in rents was regrettable but the Council was attempting to address what locally, at this

time, were incompatible Government objectives:

- increasing rents to a level more in line with those of other social landlords, and
- retaining rent levels at or below the Government Guideline.

“The Housing Portfolio Holder informed the Committee that any additional rent income received, as a result of imposing an increase above the Government Guideline, would involve a rent rebate penalty. This would require the Council to pay to the Department of Work and Pensions, a sum equivalent to the additional costs of housing benefit that would be awarded to tenants as a consequence of an “over Guideline” increase. The size of the rent rebate penalty was expected to be approximately half of the additional rent income received.

“The Portfolio Holder went on to explain that in those instances where retaining rents at Guideline prevented otherwise more rapid progress towards rent equalisation (i.e. achieving target rents calculated in accordance with Government formulae), Officers had received confirmation from the Office of the Deputy Prime Minister that the Authority would not be criticised for any consequential delay in achieving equalisation. Indeed, Officers of the ODPM were most understanding of the Council’s predicament and fully accepted that the Council would not wish to incur a rent rebate penalty, merely to achieve the aim of rent equalisation earlier than would otherwise be the case.

“The Portfolio Holder confirmed her expectation that, for the vast majority of properties, target rents would be achieved in the next 8-9 years.”

In the second paragraph under the heading Tenant Participation, in the same section, the second sentence was amended to read:

“The Head of Shire Homes explained that if necessary, revenue savings out of the total Housing, Repairs and Maintenance budget of £9 million would have to be made.”

The final sentence, under the heading Equity Share Housing, was amended to read:

“It was noted that the Council should be charging equity shareholders the cost relating to their individual scheme, rather than a set fee determined for the district as a whole.”

Under the heading Bus Services, the Mordens be amended to read “Meldreth”.

In the section 7.(e) Revenue and Capital Estimates for the Information and Customer Services Portfolio under the heading Meeting Rooms & European Elections, the words European Union in the last sentence were amended to “Government”.

In the section 7.(f) Revenue and Capital Estimates for the Planning and Economic Development Portfolio, under the heading Building Control, the last sentence was amended to read: “A proposal that fees for Schedules 1 and 2 would be increased at the beginning of April, in line with the LGA model scheme, was noted.”

In the section 7.(h) Revenue and Capital Estimates for the Sustainability and Community Planning Portfolio, under the heading Tourism, the second sentence was amended to read: “The portfolio holder for Sustainability and Community Planning stated that the East of England Tourist Board suggested that in 2002 £133.6 million was brought into the District through tourism.”

In the same section, under the heading CABs, Mobile Wardens and Council Tax, the first sentence was amended to read: “Concern was expressed that the Council’s grants to Citizens’ Advice Bureaux were being reduced and Village Mobile Wardens were being

inadequately funded.”

### 3. DECLARATIONS OF INTEREST

Councillor SGM Kindersley expressed a personal and a prejudicial interest in the public question on St Denis Church, East Hatley as the owner of land adjoining the churchyard and the clerk to Hatley Parish Council. He left the chamber while this item was discussed.

Councillor SJ Agnew stated that he was Chairman of the Conservation Advisory Group which had discussed the issue of St Denis Church and he did not participate in the Committee's debate. Councillor NN Cathcart as Vice-Chairman of the Conservation Advisory Group took no part in the subsequent debate.

### 4. PUBLIC QUESTIONS

#### **St Denis Church, East Hatley**

In the absence of the Chairman, Councillor MP Howell became the Acting Chairman for this item. He introduced Mr Peter Mann, a resident of East Hatley who was presenting the questions to the Committee on behalf of Hatley Parish Council. Councillor Howell stated that a paper copy of the Conservation Manager's comprehensive answers to the Parish Council's 18 questions had been circulated before the meeting. *These are attached to the minutes at Appendix 1.*

Mr Mann stated that East Hatley was a quiet village of approximately 30 houses, which had no main roads. The 800 year old Medieval Church was easily the oldest building in the village and he expressed his concern that the Council was allowing this Grade II\* listed building to fall down. He stated that the scaffolding the Council had erected in February 2003 was costing £111 a week and had amounted to a total cost of £6,000 so far, which he asserted was an inappropriate use of tax payers money. He explained that access to the church was restricted to a strip of grass which was only 4 to 5 feet wide, there was no access road or parking and the floor had been removed. For these reasons local residents were concerned about the feasibility of plans to use the building for practical purposes. He stated that local residents opposed plans for installing a temporary roof due to the cost. He suggested that the Council should take steps to stabilise the building and make it weather proof.

The Conservation Manager explained that the Council had taken ownership of the church in 1985 on the understanding that it would be used as a nature reserve. In 2002 it was noticed that ivy growth was damaging the building. This ivy had to be removed to allow the building to be inspected by architects and a range of options were forthcoming. In response to questioning, the Conservation Manager informed the Committee that an impasse had been reached as any potential funding to support a partnership restoration scheme possibly working with the Wildlife Trust or The Heritage Lottery Fund would be dependent on establishing a practical use of the building, but local residents opposed this. It appeared unlikely that the political will existed for the Council to agree the funding necessary to secure the building without a practical use or partnership funding having been identified.

Councillor EL Monks stated that the parish council had refused ownership of the building 19 years ago and he asked what the opinion of the Parish Council was in 1985 regarding the upkeep of the building. It was noted that Mr Mann was not a Parish Councillor and was unable to answer this question.

In response to questioning, the Chairman of the Conservation Advisory Group stated

that the Advisory Group were not in favour of spending public money on renovating St Denis Church.

In response to questioning, the Conservation Manager explained that in hindsight the Council would have purchased the scaffolding had the length of time for which it was required been known. He explained that the roof was deteriorating, but to remove it would expose the flint wall and would require the permission of the Secretary of State.

Councillor Mrs DSK Spink, the Conservation portfolio holder, reminded the Committee that the church had been empty for over 20 years before the Council took ownership of the building on the understanding that it would become a nature reserve.

In his supplementary question Mr Mann asked when positive action was likely to be taken. The Conservation Manager stated that he was hopeful that an appropriate scheme could be agreed upon which might secure Heritage Lottery funding. If forthcoming this would enable implementation of option F, which was to make the building weatherproof with safe public access; such a scheme would cost at least £80,000. Cabinet approval would be required.

It was understood that the current lack of access and basic services made it difficult to turn into a private residence and that such a use would probably not be locally supported. It was noted that Parish representatives had been invited before to Council meetings when this item had been discussed.

The Committee

**RECOMMENDED** that the Conservation Advisory Group note this debate when next discussing St Denis Church at East Hatley.

## 5. DRAFT AGENDA PROGRAMME AND LIST OF RECOMMENDATIONS

The Committee

**AGREED** to examine the process in which the Council deals with Conservation issues at a future unspecified date.

The Committee **NOTED** the Draft Agenda Programme.

## 6. ADVICE ON SECTION 106 AGREEMENTS

The Chairman read out recent correspondence from Caldecote Parish Council which asked the Committee to consider three issues, which were considered in turn by the Head of Legal Services:

- The enforcement of Section 106 agreements
- The drafting of legally watertight Section 106 agreements
- Guidance on funding the maintenance of Public Open Spaces

### The Enforcement of Section 106 Agreements

The Head of Legal Services explained that these questions had first been addressed at the Committee meeting on 23<sup>rd</sup> October 2003. He stated that the Council had declined Caldecote Parish Council's request to take legal action against the developer and had instead taken action short of actual legal proceedings, which had eventually resulted in

what was likely to be a successful outcome.

### **Advising Parish Councils on Section 106 Agreements**

The Head of Legal Services presented this report which informed the Committee on how the Council would be advising Parish Councils on Section 106 agreements. He explained that the “Note in Respect of Proposed Section 106 Agreements” in Appendix A, which would be sent to parish councils, was an amended version of the document sent to all parties seeking a Section 106 agreement. He highlighted and justified each amendment to the document:

- The agreement could include the County Council
- The agreement was relevant to the land, not the current owner
- Contributions from the developers could be dealt with by apportioning the aggregate amount on a per completed dwelling basis
- Parish councils needed to aware that the amenity land would not remain in private ownership and the terms of transfer needed to be negotiated with the developers
- The District Council has discretion on whether to enforce the terms of the Section 106 but the parish council could seek to enforce terms that only affect them
- The developers need to ensure that promised community infrastructure be delivered before the trigger points are met
- The agreement will be likely to include prohibition of further development until any default situation is remedied

It was noted that the agreement at Caldecote included prohibition of further development at 98% occupation, which was not a realistic sanction and was virtually unenforceable. It was understood that the need to provide facilities before the trigger points were met, would be incorporated in future Section 106 agreements.

The Head of Legal Services explained that the Section 106 agreements required the acquiescence of all parties and it was unlikely that developers would agree to draconian measures that could be taken against them in the event of non-compliance. He asserted that the majority of Section 106 agreements resulted in satisfaction for the parish councils concerned. He knew of only three instances where there had been substantial problems. Councillor Monks stated that Over were satisfied with the outcome resulting from their Section 106 agreement.

Councillor Dr DR Bard, Planning and Economic Development portfolio holder, stated that it was imperative that parish councils were encouraged to seek legal advice when drafting a Section 106 agreement. It was noted that the developer should pay for the legal advice received by the parish council. It was agreed that the “Note in Respect of Proposed Section 106 Agreements” needed to include a line advising parish councils to seek independent advice. It was understood that the District Council needed to remain neutral throughout the process.

It was suggested that Section 106 agreements needed to comply with the Council’s Corporate Objectives and annual priorities; the Head of Legal Services stated that the Development and Conservation Control Committee ensured that successful planning applications complied with this.

It was agreed that a “plain English” version of the “Note in Respect of Proposed Section 106 Agreements” in Appendix A was required to complement but not replace the original document.

## **Guidance on Maintaining Public Open Spaces**

Councillor Mrs GJ Smith stated that the Grounds Maintenance Task and Finish Group had received a number of complaints from parish councils regarding Section 106 agreements, including references to the cost of maintaining Public Open Spaces. She asked whether the Committee wished the Task and Finish Group to investigate this matter further, or whether a separate Task and Finish Group should be set up.

The Committee

**RECOMMENDED** that the Grounds Maintenance Task and Finish Group address the issue of advising parish councils on Section 106 Agreements, in particular the issue of preparing a “plain English” version of the “Note in Respect of Proposed Section 106 Agreements”, which should include references to the legally worded original.

## **7. ECONOMIC DEVELOPMENT GRANTS**

The Planning Policy Manager presented this report which detailed the Economic Development Grants awarded by the Council in 2003/04. He informed the Committee that the purpose of these grants was to support the local economy, by providing grants to assist organisations which help disadvantaged groups to gain access to the labour market.

Members of the Committee made the following comments:

- The Council should encourage organisations who provided a similar service to amalgamate.
- Recipients of these grants should fulfil specific criteria.
- Recipients of these grants should have clear objectives and should update the Council on progress made on these objectives.
- Recipients of these grants should provide the Council with basic operational statistics, including how many residents from the District they had helped.

The Planning Policy Manager replied that each organisation issued a yearly report to the Council and were subject to a visit from officers.

In response to questioning the Planning and Economic portfolio holder stated that these grants were trying to achieve sustainable development with the District and so were linked to the Council’s corporate objectives. He added that Invest East of England aimed to attract sustainable development to the region and would be opposed to developing this area beyond the capacity of its infrastructure. The grants were part of the Economic Development Strategy and so were also linked to the Council’s annual priorities. It was suggested that this link needed to be more explicit.

It was understood that an explanation for the closure of the Village Shop Development Scheme would be circulated to members of the Committee.

The Committee

**RECOMMENDED** that in future, economic development grants only be awarded if they comply with the Council’s corporate objectives and annual priorities.

## 8. APPORTION OF RECHARGES BETWEEN THE SERVICES

The Finance and Resources Director presented this item which outlined the process involved in recharging the cost of Staffing and Central Overhead Accounts, including ICT costs, to the portfolio services.

Recharges originated from the Council's Staffing and Central Overhead Accounts and comprise salaries, office accommodation and other costs of running the departments. The split of recharges between the different services of the Council depend on the allocations of officer time submitted in respect of each individual service. The costs to be recharged amounted to £16.5 million in the 2004/05 estimates.

Councillor RF Collinson, portfolio holder for Sustainability and Customer Planning, stated that he had not expected the recharges that had increased his budget despite savings of £10,000. He expressed his concern at the recharges of officer time indicated in appendix C, which amounted to £47,700, as he had no control over these amounts and was unaware of the duties carried out by some of the officers who were allocating time to his budget. He asked whether he could or should seek to control this area of his budget.

In response to questioning, the Finance and Resources Director explained that officers were warned that they had to be able to justify the hours they allocated to other cost centres on their staff cost allocations sheet. He reminded the Committee that each portfolio budget had a Cost Centre Manager and portfolio holders were encouraged to liaise with these managers if they had any queries. It was suggested that the cost allocation sheets should be available electronically as this would make analysis easier.

Councillor RT Summerfield, Resources and Staffing portfolio holder, suggested that the reason for the increase in the amount of recharging to other budgets was due to an increase in partnership working in accordance with the Council's Corporate Objective to achieve a Sustainable future for South Cambridgeshire.

The Finance and Resources Director stated that in future the Committee would receive the information on the detailed recharges to services in its paperwork on the Revenue and Estimates.

The Committee

**RECOMMENDED** that a simplified version of this report be included in the Councillor induction process to ensure that all new members could gain a basic understanding of the budgetary process.

## 9. DRAFT SIX MONTHLY REPORT

It was understood that this report would be amended by the Chairman and presented to the next meeting of the Committee. It was noted that the new report would include the following:

- An analysis of the Council's performance in achieving its 03/04 priorities
- A review of the Cabinet's performance
- More details of the Committee's involvement in the implementation of the wheeled bin scheme and the shaping of the Council's policy regarding the Section 106 Agreement at Cambourne

- Rewording of the last sentence in paragraph 2.3.2, for the sake of clarity

The Committee **NOTED** the report.

**10. PROGRAMME OF KEY DECISIONS**

The Committee **NOTED** the Forward Programme.

**11. TO NOTE THE DATES OF FUTURE MEETINGS**

It was noted that future meetings would be held on:  
2004: 15<sup>th</sup> April and 13<sup>th</sup> May.

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**The Meeting ended at 4.50 p.m.**

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