

HARDWICK PARISH COUNCIL

I hereby give notice that as previously arranged, the Meeting of the Parish Council will be held on
Tuesday 22 August 2017 at the Pavilion at 7.00 pm

The Public and Press are cordially invited to be present. The order of business may be varied.

All members of the Council are hereby summoned to attend for the purpose of considering and resolving upon the business to be transacted at the meeting as set out below.



Gail Stoehr, Clerk 16/08/17

AGENDA

Open Public Session including reports from the County & District Councillors

1. **To approve apologies for absence**
2. **To consider any applications to fill the casual vacancy**
3. **Declaration of interests**
 - 3.1 To receive declarations of interests from Cllrs on items on the agenda and details of dispensations held
 - 3.2 To receive written requests for dispensation and grant any as appropriate for items on this agenda
4. **To approve the minutes of the last meeting**
5. **Matters arising and carried forward from the last or previous meetings for discussion/decision**
 - 5.1 (10) Review of busway route and Park and Ride location
 - 5.2 (5.1) Community Transport initiative – to consider correspondence and advice received and consider the next steps
 - 5.3 (5.6) Hardwick Church - Query whether Hardwick Parish Council is an eligible Parish Council with regard to the Localism Act S8 and whether it can give money to the Church
 - 5.4 (June) To consider quotations for Internal Auditor for FY ending 31st March 2018
6. **To consider any correspondence / communications received**
 - 6.1 Herts and Cambs Ground Maintenance – problems with low hanging trees
 - 6.2 Resident request for barrier in the Ellison Lane/Pershore Road passage to prevent anti-social behaviour by youths on mopeds and make the area safer for local residents
 - 6.3 18A Ellison Lane – request that large tree on Parish Council land on the verge/grassed area next to the fence of the property is cut back
7. **To consider any planning applications and decision notices and tree works applications ***
 - 7.1 Planning applications
 - 7.1.1 S/2665/17/FL – 339 St Neots Road – Erection of two family dwellings
 - 7.1.2 S/2455/17/PN – Land at Red Brick Farm, Main Street – Application for prior notification of proposed development by telecommunications code system operators for a communications tower, antennas, ground based apparatus and ancillary development
 - 7.2 SCDC decision notices – to note
 - 7.3 Tree works applications
8. **Members reports and items for information only unless otherwise stated**
 - 8.1 New Housing Developments and Planning Obligations including report on Planning Committee meeting^(SR, AG)
 - 8.2 Webmaster vacancy – to consider how to fill the vacancy ^(AG)
 - 8.3 Proposal that the Parish council adopts a policy that any resident requesting tree branches are cleared back from their boundary may do so themselves^(AG)
9. **Finance, risk assessment and procedural matters**
 - 9.1 To consider any quotes for urgent work required because of risk and the Clerk's use of delegated powers
 - 9.2 To receive play areas and skate park inspection reports
 - 9.3 To receive the financial report and approve the payment of bills
 - 9.4 To consider the CCTV report from Alarm Maintenance
10. **Closure of meeting and items for the next agenda**

* NB Some planning and tree works applications may not be specifically listed on this agenda but may still be considered by the Parish Council due to the time constraints of making a recommendation to the District Council. For more information see the current planning application consultations on <http://plan.scambs.gov.uk/swiftlg/apas/run/wchvarylogin.display>

Hardwick Parish Council meets on the fourth Tuesday in each month except December when the meeting is on the third Tuesday. Meetings are held in the School but occasionally, when the School is closed they are held in the Pavilion. Please check the notice board for the venue which is shown on the agenda for each meeting.

CLERK REPORT TO HARDWICK PARISH COUNCIL MEETING ON 22 AUGUST 2017

Please note that the meeting will be held in the Pavilion.

Open public session

The County Councillor's reports are circulated between meetings.

Wil Huisman intends to attend the meeting to introduce himself. "My name is Wil Huisman, and I am one of the leaders at Hardwick Evangelical Church along with Steve & Kate Gaze and Susie Thomson. We are aware that somewhere in the next 2-5 years we will lose the use of the community room in the school, leaving only the hall available for hire. A new community building will be built in the village but the location and design of this building are still to be determined. As we look forward as a church we see four possible options in the future:

1. We continue to use the hall only on a Sunday morning
2. We use the new community building (perhaps with other community spaces depending on the size and location of the new building)
3. We build our own building
4. Something we haven't thought of yet (but God has!)

We thought it would be a good idea for one of us leaders to be involved in some way with the new community building and it was suggested I make contact with the Parish Council to see where things stand at the moment and how I could be involved going forward.

This information has already been passed to Cllr Rose.

1. Apologies for absence – will be reported at the meeting
2. To consider any applications to fill the casual vacancy – None received at the time of writing.
3. Declaration of interests – members should declare their interests state why they have an interest, the type of interest held and if they have a dispensation state this and the extent of their dispensation i.e. to either speak or speak and vote.
4. To approve the minutes of the last meeting on 25 July 2017 (attached)
5. Matters arising and carried forward from the last or a previous meeting for discussion/decision
- 5.1 (10) Review of busway route and Park and Ride location
Please see the following link for the latest position at the time of writing:
<https://www.greatercambridge.org.uk/news/cambourne-to-cambridge-better-bus-journeys-scheme-update/>

Option 6 of the busway route

https://cambridgecredibletransport.files.wordpress.com/2017/02/1lf_better-bus-route-overview-final-draft.pdf

Page 66 onwards contains most of the relevant data.

<http://scams.moderngov.co.uk/documents/s97870/A428%20Appendix.pdf>

- 5.2 (5.1) Community Transport initiative – to consider correspondence and advice received and consider the next steps

James Fisher S106 Officer at SCDC

"So long as the Parish Council has a formal contract with the new entity, that has been set up to deliver the community transport, then I am sure the District Council would have no objections [to S106 money being passed to a separate body].

The reason this is important is that, in the event the money is not expended on its intended purposes or not spent in the relevant time period, then the Parish Council will be liable to repay the money to the District Council for onward payment to the developer.

I think we are more concerned with ensuring the scheme gets up and running (and keeps running) rather than being concerned with the nature of the organisation which provides the service. In Melbourn the Parish Council are looking to use s106 monies to expand services offered by 'Royston and District Community Transport' which operates as a registered charity.”

CAPALC Helpdesk Response

“What seems to be proposed is an organisation which has charitable status.

This organisation does not appear to be a trust of the council and so operates completely independently of the council. The council is empowered to grant this organisation funds to undertake its non profit making charitable purposes.

As the organisation is not part of the parish council it would be inappropriate for the council to pay for goods that would be in the ownership of the charity and reclaim the VAT as the inspectorate at HM revenue and customs would likely see this as a form of evasion of taxes or duty payable.

If the council purchased the vehicle in question it would fail the same test if passed on to the charity so by default the council would own the vehicle and have to ensure it was maintained and insured.

This query falls under charity law so the council may wish to seek further clarification from the Charity Commission.”

Response from Cambridgeshire ACRE:

“Thanks for getting in touch. Community transport schemes aren't an area we have any experience in, I'm afraid.

I believe the County Council still has a Community Transport Officer as I found this email address community.transport@cambridgeshire.gov.uk that you can contact for advice. The Community Transport page on the Council's website also has links to some resources on setting up a scheme that may be useful: <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/community-transport/>. So that may be a good place to start.

Another source of advice should be the Community Transport Association <http://www.ctauk.org/>. It looks like there may be some advice leaflets etc available here but you will need to register to access. They also have a telephone helpline you can call. I would think this would be the best place to go for advice on governance models as they will have experience and be able to recommend the best approach.

In respect of your four questions at the end of your email:

1. With regards to the best governance model, my *instinct* is that a Charitable Incorporated Organisation (CIO) may be the most appropriate model. I have just checked the Charity Commission website for Community Transport organisations and many of those listed are CIOs, rather than charity and company limited by guarantee, which would be the alternative. However, I would strongly recommend a conversation with the CTA (above) first, as they will know best. If the Parish Council uses an accountant then I imagine he/she would be well placed to offer advice on tax implications.
2. My understanding of Section 106 funds is that they have to be spent on a capital project (e.g. a piece of land, or improvements to a building or a piece of equipment) and cannot be used for revenue purposes. So I don't therefore think you could just pass the funds over to a new organisation.
3. I think it may be possible for the Council to purchase the minibus, reclaim the VAT, and gift to the new charity in lieu of a grant. The provision of grant aid or a gift to a voluntary organisation is a non-business activity of a local authority if the local authority receives nothing in return. It follows that, VAT may be reclaimed by a local authority where, in lieu of making a grant, the authority purchases goods or services and gives them to the voluntary organisation and receives nothing in return. The VAT can be reclaimed under Section 33 of the VAT Act 1994 as being attributable to its non-business activities provided the local authority:
 - places the order

- receives the supply
- receives a tax invoice addressed to it
- makes payment from its own funds (including grants it has applied for and has been subsequently awarded) without either being reimbursed by, or receiving any kind of benefit, from, the voluntary organisation which will receive the goods/services, or any other body.

All these conditions must be met. To enable a local authority using this arrangement to demonstrate to HMRC that it did indeed accept responsibility for a particular item of work or purchase of goods, it is recommended that the local authority keeps a copy of its written order for goods or if services are involved, a copy of the written contract between the authority and service supplier.

4. The Charity Commission website has some general advice about choosing a governance structure: <https://www.gov.uk/guidance/charity-types-how-to-choose-a-structure>. It also has model templates available to download and it is simply a case of using the one you decide on and completing it following the guidance provided.

I am sorry we cannot offer particular guidance on community transport but I hope these general points and signposting to others who will know better than us are of some use.”

Best wishes
Alison Brown
Head of Business Services
Cambridgeshire ACRE

Links to the relevant Charity Commission advisory pages are shown below:

<https://www.gov.uk/government/organisations/charity-commission>

<https://www.gov.uk/topic/running-charity/setting-up>

<https://www.gov.uk/government/publications/public-benefit-the-public-benefit-requirement-pb1/public-benefit-the-public-benefit-requirement>

A response from HMRC is awaited.

- 5.3 (5.6) Hardwick Church – query whether Hardwick Parish Council is an eligible Parish Council with regard to the Localism Act S8 and whether it can give money to the Church

Localism Act 2011

Interpretation of Chapter 8

(2) A parish council is “eligible” for the purposes of this Chapter if the council meets the conditions prescribed by the Secretary of State by order for the purposes of this section.

General powers of competence

The General Power of Competence, Localism Act 2011 Sec 1 (1) gives local authorities, including eligible local councils, “*the power to do anything that individuals generally may do*” as long as they do not break other laws. It is intended to be a power of first, not last, resort.

NALC Solicitor advises the Parish Council that “the answer is “no”. The GPC permits a council to do anything an individual can do unless specifically prohibited by legislation. Any statutory limitation that applied to a local authority before the GPC was introduced will continue to apply. The Local Government Act 1894 Act contains such a pre-commencement limitation - that the power of parish councils to maintain parish property pursuant to Section 8 cannot be exercised in respect of property relating to “the affairs of the church or held for an ecclesiastical charity.”

- 5.4 (June) To consider quotations for Internal Auditor
Quotations will be brought to the meeting if received.

Other for info only

(7.3) Tree in woodland between Sudeley Grove and Ashmead Drive - Peter Oakes was informed by the SCDC Trees officer on 25 July that he could now go ahead and remove the tree.

6.1 Herts and Cambs Ground Maintenance – problems with low hanging trees

Herts and Cambs Ground Maintenance have written:

“There are a lot of trees that are getting far too low, not only are we struggling to get equipment under them they will soon kill the grass off under them. Maybe you could make the council aware of this.”





6.2 Resident request for barrier in the Ellison Lane/Pershore Road passage to prevent anti-social behaviour by youths on mopeds and make the area safer for local residents

A resident writes: “I am writing to you regarding the increasing of a group of local youths causing a nuisance and danger by using the passages connecting some of the roads in Hardwick. I live in Ellison Lane and the passage that connects this road and Pershaw Road has become a regular shortcut for these youths on their mopeds. This is not acceptable and of coarse against the law. This could result in someone getting knocked over and with the darker nights looming it could only be a matter of time before this happens.

I have noticed that the passage that connects Pershaw Road with Hall Drive has had staggered metal barriers installed that slows cyclists down and prevents M/Cycles from using it. Would it be possible to look into getting one of these barriers installed in the Ellison Lane/Pershaw Road passage to stop this antisocial behaviour and make the area safer for the local residents in this part of Hardwick.”



6.3 18A Ellison Lane – request that large tree on Parish Council land on the verge/grassed area next to the fence of the property is cut back

There is a large tree on Parish Council land on the verge/grassed area next to the fence of the property. The Gentleman said that the branches are hanging over the garden of the house, which is rented to an elderly lady, and are about 20 foot high and too tall to cut back by them. He would like the council to do the work.

7.1 Planning applications

NB Some planning applications may not be specifically listed on this agenda but may still be considered by the Parish Council due to the time constraints of making a recommendation to the District Council. For more information see the current planning application consultations on <http://plan.scams.gov.uk/swiftlg/apas/run/wchvarylogin.display>

7.1.1 S/2665/17/FL – 339 St Neots Road – Erection of two family dwellings

7.1.2 S/2455/17/PN – Land at Red Brick Farm, Main Street – Application for prior notification of proposed development by telecommunications code system operators for a communications tower, antennas, ground based apparatus and ancillary development

7.2 SCDC decision notices

7.2.1 S/1692/17/FL – 8 Grace Crescent – Proposed single storey front infill and internal alteration – Permission granted.

7.3 Tree works applications

Tree works applications may now be viewed on the SCDC Planning Portal. NB Some tree works applications may not be specifically listed on this agenda but may still be considered by the Parish Council due to the time constraints of making a recommendation to the District Council. For more information see the current tree works application consultations on <http://plan.scams.gov.uk/swiftlg/apas/run/wchvarylogin.display>

None at the time of writing.

8. Members' reports and items for information only unless otherwise stated

8.1 New Housing Developments and Planning Obligations including report on Planning Committee meeting

8.2 Webmaster vacancy – to consider ow to fill the vacancy

8.3 Proposal that the Parish council adopts a policy that any resident requesting tree branches are cleared back from their boundary may do so themselves^(AG)

9. Finance and risk assessment and procedural matters
- 9.1 To consider any quotes for urgent work required because of risk and Clerk's use of delegated powers
(5.5) Moss clearance at Grenadier Walk – a quotation for £300.00 was received for the moss removal. Cllr Gill kindly offered to clear it. A risk assessment was undertaken.
- 9.2 To receive play areas and skate park inspection reports
- 9.3 To receive the financial report and approve the payment of bills – attached
- 9.4 To consider the CCTV report from Alarm Maintenance – to be reported to the meeting.
10. Closure of Meeting and items for the next agenda

HARDWICK PARISH COUNCIL MONTHLY FINANCIAL STATEMENT

Aug-17

Summary of previous month

Balance brought forward **£140,943.74**
Adjusts/transfs/inc during period

Expenditure approved at last meeting/between meetings

HERTS AND CAMBS GROUND MAINT. GRASSCUTTING -282.00

Misc credits

| | | |
|-------------|------------|--------|
| HARDWICK FC | PITCH HIRE | 250.00 |
| NS&I | INTEREST | 17.26 |

Total Adjustments -14.74
 Balance revised after adjustments £140,929.00

Bank Reconciliation to last statement

| Account | Funds | Statement | Outstanding |
|-------------------------|-------------------|-------------------|------------------|
| Current Account | 20,608.64 | 24316.23 | -3,707.59 |
| Business Account | 546.44 | 546.44 | |
| Cambridge Counties Bank | 91,773.92 | 91,773.92 | |
| Bonds | 28,000.00 | 28,000.00 | |
| Total | 140,929.00 | 144,636.59 | -3,707.59 |

Expenditure for approval

£

| | | |
|--|-----------------------------|---------|
| | SALARY | 90.36 |
| | SALARY | 48.00 |
| LGS SERVICES | ADMIN SUPPORT | 1246.54 |
| HERTS AND CAMBS GROUND MAINT. GRASSCUTTING | | 720.00 |
| RPM | EGREMONT RD CONCRETE POSTS | 120.00 |
| PETER OAKES | TREE WORKS - SUDLEY GROVE P | 660.00 |
| NEST | PENSION | 166.75 |

Total expenditure 3051.65
 Balance c/f £137,877.35

Notes:

Late invoices will be brought to the meeting