

**PARISH COUNCIL MINUTES OF MELDRETH PARISH COUNCIL**

**Minutes unApproved** of the Parish Council Meeting held on Thursday 4<sup>th</sup> April 2019 7.30 p.m. in the Green Room of Meldreth Village Hall.

**Present:** Cllr R Goddin- Chairman (**RG**) - Chairman, Cllr R A Searles- Vice Chairman (**RAS**), Cllr J Fallon (**JF**), Cllr N.Garner (**NG**), Cllr P Gilmore (**PG**), Cllr R James (**RJ**), Cllr C A Land (**CAL**), Cllr N Pellatt (**NP**) and Cllr A Young (**AY**)

**In attendance:** J Damant (**Clerk**) and County Councillor Susan van de Ven (**SvdV**) and District Councillors Jose Hales (**JH**) and Philippa Hart (**PH**).

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- 001/04/19**      **To receive any apologies for absence:** *LGA 1972 sch12 para 40 – Quorate is one third but no less than 3 members LGA 1972 sch12, para 45*  
There were no apologies as all Councillors were in attendance.
- 002/04/19**      **Councillors to disclose any Pecuniary Interests (disclosable pecuniary interests (DPIs) include interests held by a member’s spouse, civil partner or similar) listed on the Agenda:**  
There were no interests declared.
- 003/04/19**      **Public Participation: [For up to 15 minutes members of the public may contribute their views and comments to the Parish Council - 3mins per item]**  
There was one member of the public in attendance no questions were raised. Mr Grimes was in attendance to cover any questions regarding item 010/04/19 as he is part of the Traffic Working Group.
- 004/04/19**      **To approve and sign Minutes of the Meeting dated 7<sup>th</sup> March 2019:**  
The minutes were proposed by Cllr Land, seconded by Cllr James and agreed by all. The Chairman then signed the minutes as a true record.
- 005/04/19**      **District and County Councillor Reports: (Appendix 1)**  
Additional items.  
Cllr van de Ven reported that CCC had put in their ‘call for sites’. Cllr Hales stated that SCDC have done the same though they have very little land in this area, however CCC do have substantial land holdings in this area. There are none for Meldreth but there are some in the surrounding areas of Bassingbourn, Melbourn and Whaddon. There will be a request for other land owners to put forward their land. This is part of the next Local Development Framework where possible land for housing is being proposed. This is in the very early stages of this process and not all land put forward will be suitable.  
Cllr van de Ven also reported that the Transport Select Committee are conducting an enquiry about footway parking (pavement parking).  
Cllr Gilmore enquired if the Community Repaint, on CCC’s report, would cover the village hall, Cllr van de Ven believed that it would.
- 006/04/19**      **Proposed East/West Routes:**  
Cllr James reported that the comments from the Parish Council have been submitted by the Clerk. The Environment and Transport Subcommittee have met and everybody but St Neots are in favour of route A. St Neots preferred any route which went North. The next stage is for East West Rail to come back with a definitive route and a formal public consultation on that route will commence.
- 007/04/19**      **Meldreth, Shepreth and Foxton Community Rail Partnership:**  
Cllr James reported that S106 funding has been applied to restore the footpath across the Meads which links Melbourn and Meldreth via the station.  
The level crossing at Foxton is still being investigated.  
Improvements at Shepreth level crossing are being looked into.
- 008/04/19**      **Rail User Group:**  
There is to be a grand relaunch of the Rail User Group. The franchise with Govia is coming to an end so a wish list of what is needed needs to be submitted soon.  
The user group have had their AGM and a Community Interest Company have taken over the finances. There has been article in the Royston Crow linking level crossings with suicide incidents. This has mainly been due to a coroner’s report. There has been no further update on the proposed closing of the level crossing in Meldreth across the footpath near Fieldgate.

Better station access for disabled / alternatives to the kissing gate was discussed and Cllr van de Ven reported that she is to have a meeting with the railway department who may have an idea as to what could be done.

**Action SvdV**

It was reported again that the reason the kissing gate was in situ was to safe guard children from running into the road. There is no place to put a railing along the footway at the bottom of the footpath due to cables running underground. However, the possibility of replacing the gate with a more practical gate will be investigated.

Cllr van de Ven reported that the disabled access for the London bound trains and the bridge are also being investigated by the railway. It was also noted that the car park at the station is also very busy.

### Working Group Updates/Reports:

#### **009/04/19 Meldreth Futures Working Group: Community Funding**

Bowls Club application.

It was proposed by Cllr Young to agree to the amount of £1131.00 to install external lighting this was seconded by Cllr James and agreed by all.

Village Hall Trust application.

It was proposed by Cllr Young to donate £2000 towards the stage lighting project for the stage. Melbourn have agreed to donate £1650 towards the project, this was seconded by Cllr Searles and agreed by all. It was also noted that the Village Hall have lost revenue from the playgroup moving into the primary school and that they have various projects they are looking into in order to improve the Village Hall. It was also noted that the software should be made available to all users. It was requested that the Village Hall Trust advertise the availability of the new equipment.

Memorial Bench for Recreation Ground

Donations totalling £250 have been raised in the village community towards a memorial bench at the recreation ground, in memory of the late Lysa Kemp. The Parish Council has been requested to provide the balance of the funding required. It considers that it would be a good idea to place more benches in the recreation ground and supports the application in principle. However, the Parish Council have been concerned about maintenance of much of the street furniture within the village and the destruction of the recent wooden bench at the stocks, which was donated by a village family, and replaced by the Parish Council. The bench soon to be installed there is metal and it was proposed by Cllr Young that the Parish Council should purchase this type of bench in any future purchases. This was seconded by Cllr James and agreed by all. Clerk is to write up a policy stating that all street furniture should be low maintenance. Clerk had forwarded details of three benches to the applicant but two of these were wooden. It was proposed that the applicant reconsider the metal bench submitted as this is the type the Parish Council would favour installing.

Meeting closed at 8.20pm

#### **010/04/19 Meldreth Traffic Working Group:**

A discussion was taken regarding the purchasing of Speed Indicator Devices (SID) equipment. A report had already been circulated to councillors including the preferred device and eight possible site areas. The preferred device has been approved by CCC and will cost £2678.00. It was suggested by Cllr Gilmore that the Parish Council purchase one SID with a possible second one via the Local Highway Initiative (LHI) which opens in May 2019. These devices can be moved and it was reported by the Traffic Working Group that Speedwatch will be involved in the scheme regarding looking after the devices. Cllr Young agreed that this would be a good idea but that the Parish Council will need the 'go ahead' from Highways before a device is purchased.

Meeting opened at 8.35 pm.

Funding for the first SID to come from the Community Benefit Fund was proposed by Cllr Goddin, seconded by Cllr Pellatt and agreed by all. The cost of a devise is £2678.00.

Clerk is meeting with Mr Josh Rutherford (CCC Highways) next week and will make enquiries regarding the proposed eight sites. If Highways are in favour the clerk to purchase the first SID.

**Action: Clerk**

Cllr Goddin thanked all the members of the Working Group for all the work they have put into this scheme.

011/04/19

**MAYD:**

Cllr Gilmore reported that a Governance meeting has taken place and it was noted that it has been difficult to get all members to attend as the providers Groundwork are unable to make evening meetings due to youth club commitments. It was agreed that evening meetings may take place without Groundwork being present. The matter of other children attending from outside areas was discussed and Cllr van de Ven will be meeting Royston Town Council to discuss the matter further.

Cllr Goddin reported that it was the open-ended nature of the agreement and signing up to it, without having any control of rising costs, which was the main cause of concern. Cllr Garner suggested that the Parish Council pay what is being requested for 2019/20 but to look at this on an annual basis to investigate attendance issues as this is what the costs are based on. It was proposed by Cllr Young that the Parish Council pay, in principal, the current invoice subject to setting up an annual review, this was seconded by Cllr Goddin and agreed by all.

012/04/19

**Mettle Hill: Appendix 2**

A report had been circulated. The working group has looked at the issues raised and made their report. The working group now feel that have completed their investigations and it is for the Parish Council to look at the financial aspects and will now be assisted by the Financial Working Group. Cllr Goddin reported that following advice from both CAPALC and NALC councils are not permitted to hold large unallocated reserves.

Cllr Searles enquired if there was an overall comprehensive report? Cllr Goddin stated that a dossier can be put together to assist future councils. The original survey never looked at affordable housing and this has become more relevant in the past couple of years.

A question was raised about the long term management of the site and whether the Parish Council could manage the site itself or bring in another manager. Management directly by the Parish Council would require the General Power of Competence which the council does not have at the present time.

It was proposed by Cllr Young that the Mettle Hill Working Group now be disbanded, this was seconded by Cllr James and agreed by all.

The full Working Group Report will be put on the website and there will be a summary in Meldreth Matters.

**Planning:**

013/04/19

**Planning:(Town and Country Planning Act 1990 schedule 1, paragraph 8)**

(Full Planning Minutes are available via the Clerk, website or notice board).

Planning meeting held on 21<sup>st</sup> March 2019

Planning meeting held on 7<sup>th</sup> March 2019: verbal report

**Ongoing Projects**

014/04/19

**Playground:**

Monthly Report from Cllr Fallon – all equipment appears to be in good working order.

Matting quotes still being obtained and the repositioning of the flat swings to be undertaken by a registered company.

015/04/19

**Recreation Ditch and New Access Route:**

The Clerk has had confirmation that the track leading from Howard Road to the Anglian Water tank is owned by SCDC and permission would be granted. Clerk to write requesting occasional use of the track to gain access to the recreation ground. **Action: Clerk**

Planning have stated that they see no reason for a planning application to be submitted as long as permission has been granted to use the track for the installation of new gates and fencing. Clerk to obtain two further quotes. **Action: Clerk**

Once the gates and fence have been completed the dredging of the ditch can take place.

The birds' nesting season will also have ended and the frogs and spawn will no longer be an issue.

016/04/19

**Recreation Ground Compensation:**

The three new trees and guards have been installed. The matter of watering was discussed. Cllrs Gilmore and Fallon will put together a watering rota. **Action: PG/JF**

017/04/19

**Cycle Stands:**

Cllr Goddin reported that he had nothing new to report on the positioning of the bicycle stands from the S106 agreement with Melbourn development.

**Administrative /Other****018/04/19****Correspondence and Clerk's Report:**

Office computer website – Clerk is still undergoing training but the website should be able to go live by May 2019.

Clerk has had software training and it is hoped that this will now make handling the accounts easier.

Delete, as in conflict with 016 Trees and tree guards have been ordered and awaiting planting and erecting.

The trees at the boundary of the recreation ground and the Tennis courts to be cleared.

Clerk to send the PPP report to Councillors.

**Action: Clerk****019/04/19****Matters arising: (no actions, information only)**

There were no matters arising

**020/04/19****Policies:**

Complaints Procedure and Policy. It was proposed by Cllr Fallon to accept the policy, seconded by Cllr Gilmore and agreed by all.

**Finance****021/04/19****To receive details of cheques to be drawn on the Parish Council's account as detailed or amended by late payments. To approve payments:**

LGA Local Government Act; TCA Telecommunications Act; OSA Open Spaces Act; PHA Public Health Act; PCA Parish Council Act

**1. Cheques/internet payment for approval and signature including any additional payments:****Payments already made**

	Gross	Vat		Power	
Staff salaries/PAYE/NI & pensions	1684.92	0	March Salaries	LGA 1972 s112	Bacs & dd
D P Gardens	721.66	0	March Grass and verge cutting	OSA 1906 s9/10	Bacs
Barchams	390.00	65	Trees for Rec	OSA 1906 s9/10	Bacs
34sp	95.40	0	Website hosting	LGA 1972 s142	Bacs

**Payments awaiting Approval**

	Gross	Vat		Power	
Roger Faires – CB	27.20	0	Planning soil	OSA 1906 s9/10	Bacs
Roger Faires - CB	50.00	8.33	Plants	OSA 1906 s9/10	Bacs
Four Counties	650.00	0	Tree removal	OSA 1906 s9/10	Bacs
Four Counties	410.00	0	Planting of trees with guards	OSA 1906 s9/10	Bacs
Roem	281.88	46.98	Training training	LGA 1972 s111	Bacs
SCDC	64.59	0	Rates – BG	LGA 1972 s111	Bacs
SCDC	564.65	0	Rates – Recreation	LGA 1972 s111	Bacs
Moncraft Limites	30.00	0	Computer maintenance	LGA 1972 s111	Bacs
Cambridge Water Business	85.90	0	Pavilion Water	LGA (misc) 1976 s19	Bacs
Cambridge Water Business	28.27	0	Burial Ground Water	OSA 1906 s9/10	Bacs
Staples	90.29	15.05	Supplies	LGA 1972 s111	Bacs
Wicksteed	22.95	3.82	Swing shackles	LGA 1972 s111	Bacs

**Deposits**

OPC rent	90.00
OPC Donation to office costs	1068.65
	<b>1158.65</b>

Item	Gross	Vat	Net
Trees	390.00	65.00	325.00
Guards	510.00	85.00	425.00
Fitting	410.00	0	410.00
Total expenditure	1310.00	150.00	1160.00
Donation received	1000.00	0	1000.00
Outstanding	310.00	0	160.00

Outstanding Net amount of £160.00 will be transferred to the chequing account from the Community Benefit Account, vat of £150.00 will be reimbursed direct to the chequing account.

All Payments were proposed by Cllr Goddin, seconded by Cllr Land and agreed by all.

**Balfour Beatty Street Lights:** Balfour Beatty's quote for the street lights was discussed. The Parish Council have been looking at replacing the lights along Chiswick End and North End (13 lights) in total. The quote was received today for the amount of £8,042.04 to replace or upgrade the lights. The Parish Council have precepted £5000 which was for up to three lights on a rolling year management plan. It was agreed that accepting the Balfour Beatty quote would be a better option. It was proposed by Cllr Searles to accept the quote and have all the work completed, this was seconded by Cllr Gilmore and agreed by all. Two columns need replacing and the rest consists of replacement lights and brackets. Clerk to contact Balfour Beatty.

**Action: Clerk**

Cllr Gilmore enquired if the lights along Elin Way could be improved, Cllr Searles agreed to look into the matter.

**Action: RAS**

**022/04/19**

**Councillors' Reports:**

Cllr Fallon. There appears to be a new padlock for the Tennis Courts, the Football Club have the new key. Cllr Fallon also reported that there had been reports that children were unable to get onto the courts to play. This could be because bookings are done at the pub. Cllr Pellatt suggested that it may now be time to review the booking system and the overall usage of the courts.

Cllr Pellatt. There was a report of a sewage leak at Biddall's Blvd. Cllr Pellatt gave the concerned residents contact details of Anglian Water and Environmental Health. It would appear that a contractor, brought in by the landowner, has dug a trench to take the overflow to the brook/stream. Cllr Pettatt will make further enquiries.

**Action: NP**

Cllr Searles. A concerned resident reported that HGV have been seen going over the railway bridge. Most vehicles are Eternit vehicles and there was a gentlemen's agreement that HGV would not use the bridge due to it not being suitable due to the narrowness of it. It was requested that the Clerk contact Eternit to enquire if this is happening.

**Action: Clerk**

Cllr Young. The manhole cover behind the tennis courts needs replacing. Clerk is presently investigating who is responsible, Anglian or Cambridge Water/Sewage. In the meantime, Cllr Young has taped the area off.

**Action: Clerk**

Cllr Young also suggested putting up banners for the Annual Meeting of the Parish (village meeting) which is to take place on 16<sup>th</sup> May at 7.30pm at the Village Hall.

**Action: Clerk**

**023/04/19**

**Agenda items for the next meeting:**

Tennis courts booking system

There being no further business to discuss the Chairman closed the meeting at 9.40pm.

The next meeting is scheduled for 2<sup>nd</sup> May 2019 at 7.30pm in the Green Room of the Village Hall. This will be the Annual Meeting of the Parish Council (AGM)

Chairman: \_\_\_\_\_ Date: \_\_\_\_\_

For the avoidance of doubt the only legally acceptable version of the Minutes of Meldreth Parish Council are those signed in Public Meetings by the Chairman. They are available for public inspection from the Clerk

## Meldreth Parish Council - District and County Councillors Report, April 2019

**Empty Homes:** South Cambs is planning to increase the council tax on houses that have been left empty for a significant amount of time. The Council offers a lot of help to landlords and owners of empty homes to help them get them back into use, but now has the option to significantly increase council tax where there are no convincing reasons for them to remain empty.

Currently the owners of homes that are left empty and substantially unfurnished for more than two years must pay an extra 50% on top of the regular bill. Following the full Council meeting, the 50% premium will be replaced by the following arrangements:

- Homes that are empty for two years or more will be charged double their regular Council Tax (i.e. an additional premium of 100%). This will come into effect from 1 April 2019
- Homes that are empty for five years or more will be charged a 200% premium on top of their regular Council Tax. This will come into effect from 1 April 2020
- Homes that are empty for ten years or more will be charged a 300% premium on top of their regular Council Tax. This will come into effect from 1 April 2021

Currently in South Cambridgeshire, there are 100 properties that have been empty for between two years and five years. There are 41 homes that have been empty for between five and ten years. There are 39 properties that have been empty for more than ten years.

**The number of council houses built by SCDC to double:** This follows the Lib Dem administration's decision to prioritise providing affordable homes – the aim will be to build 70 homes per year . The administration will also insist that from 2020 new homes are built to higher environmental standards, meaning reduced carbon emissions and lower energy bills for householders.

**Solar Panels at Waterbeach Depot:** SCDC has installed a large array of solar photo voltaic panels on the roof of the waste management depot at Waterbeach. The money to do this has come from a fund resulting from the business rates from the large number of solar farms in the district. This initiative will generate income for the council which it can invest in other green enterprises. The solar panels will generate around a quarter of all the electricity the building uses. This follows on from a recent Council commitment to work towards the ambitious target of making South Cambridgeshire carbon-neutral by 2050, as well as a purge on single-use plastics at the authority.

**Local Plan:** The government inspector requires us to now embark on a new joint Local Plan with Cambridge City and this is now getting underway. The first piece of work is to ask landowners to come forward and tell us about any land they are prepared to offer up for future development.

The consultation is to identify potential sites that can be technically assessed for housing and economic development, to meet the needs identified for the District, for inclusion in our next local plan. Anyone can put forward sites, but it is usually landowners, developers, land promoters, businesses, local interest groups, parish councils, local property agents, neighbourhood forums.

Not all the sites that are submitted will be included in the plan: this will depend on the spatial strategy the council decides on, and the assessment of the sites based on several factors including whether they are suitable, available, achievable, and viable. The selected sites will then go through the Local Plan process and become part of the adopted policy when the plan is found sound and adopted.

**Mental Health support evening at the Hub, March 13:** This event had a strong gathering of local residents. The Mind CPSL presentation raised awareness of the NHS 111 Option 2 phone line for people in a mental health crisis, which has proven effective in providing a far better support route than A&E.

**Ofsted of CCC's Children's Services:** Cambridgeshire County Council's Children's Services has recently been assessed by Ofsted. Sadly, Ofsted have downgraded the council's children's services from 'good' (in 2014), to 'requires improvement' less than five years later. This is not a 'vote of confidence' in the quality of Children's Services in Cambridgeshire, as described by the County's own press release, but a clear sign that the quality of children's services has moved in the wrong direction. Details in the appendix.

**Removal of computer charge in libraries:** A report proposing the withdrawal of charges for computer access in libraries will be discussed shortly by the County Council. The £1 charge for computer access, introduced in May last year 2018, was part of a package of measures based on public feedback and trialled to ensure computers are available for those who most need them and to generate more income for the library service to ensure they remain financially sustainable for the future. In September, Members reviewed progress on these measures, including the charge for computer access. The recommendation to withdraw

the computer charge comes in response to this review, as well as feedback collected in a customer survey and a detailed analysis of the anticipated income – all of which was entirely predictable.

**Manor Farm, Girton:** We would not normally write about individuals. However, we have been asked about this matter quite a lot, especially given its recent appearance in Private Eye. The Deputy Leader of the County Council was granted the tenancy of a County Council owned farm, and currently enjoys a rent abatement on that tenancy. Councillors had recommended an investment of £183,000 in an extension to the property (which the tenant will repay over time), without initially knowing that the tenant was a senior councillor. The councillor concerned chaired the Council's former Assets sub-committee that had had responsibility for the Farms estate, and was the lead member for the council's 'Outcome Focused Review' of the County Farms Estate and member champion for the council's Farms Estate.

**Community RePaint:** A partnership with CCC, Cambridgeshire Community Reuse and Recycling Network (CCORRN) and Amey has collected and treated over 500,000 litres of paint in the last 8 years. The scheme collects used paint from Household Recycling Centres where it is sorted, tested and re-manufactured so that it can be resold or donated into the community. The scheme has a range of re-manufactured emulsion paint and chalky furniture paint in a host of great colours for great prices. So, if you are thinking of redecorating, upcycling or know of a community or school project that needs paint, why not visit CCORRN (located in March) or follow them on Facebook.

**MELDRETH PARISH COUNCIL**  
**Report of the Mettle Hill Working Group**

**Introduction**

The purpose of this Report is to present the evidence obtained for the 'best use' of the Mettle Hill site developed by the Mettle Hill Working Group. The report discusses the options for the development of, and income generation from the site. Necessarily the work of the MHWG required an investigation of planning, development, financial and income aspects of any development. In concordance with the remit of the MHWG the report only contains the factual information obtained during the investigations.

Of the many options developed by the MHWG the idea of a park homes development for the over 55s provides the 'best use' as evaluated by income, community benefit, reduced village impact and feasibility. Such a development would be subject to planning permission, would provide a 2-5 year significant income boost and over the longer term a more modest return. Such a scheme would take between 2-4 years from launch to generate any income. There are no technical reasons to develop the site urgently and it is anticipated that the lifetime asset value will increase over time.

The report is for the Parish Council and, possibly, the community generally who require a comprehensive account of issues relating to the Mettle Hill site. Any and all decisions on the evidence produced in the report is outside of the remit of the MHWG and is the responsibility of the Parish Council.

This is a full and detailed Report but it is our wish for it to be comprehensive, so that all readers have the best possible understanding of the issues, our direction of travel, the current position and our recommendations.

**Relevant History**

The current Mettle Hill Working Group was formed in mid-2016 to investigate possible uses for the gypsy/traveller site acquired and owned by the Parish Council at Mettle Hill, Kneesworth Road. This followed work performed by an earlier working group, leading to a survey of village opinion being conducted. That survey produced a wide range of views, all of which needed to be given careful consideration. The current Working Group consists of three Parish Councillors, a District Councillor and two members of the local community.

At the same time, the Parish Council became engaged with opposing a proposal to develop a major housing scheme on the factory site of Marley Eternit on the Whaddon Road. It was decided vigorously to oppose those proposals, for the development of 150 new houses, and to apply the limited resources of the Parish Council to that purpose as a priority. The Marley Eternit scheme was initially supported by SCDC Planning Officers but was rejected by SCDC itself. This led to an appeal before a Government Inspector, which was dismissed. These lengthy processes required much time and effort from the Parish Council, District and County Councillors and others of course, but resulted in our work on Mettle Hill having to be assigned a lower priority than we would have otherwise wished.

It also became clear that the Parish Council had legal obligations for the Mettle Hill site under the Occupiers Liability Act, 1984. These obligations had in fact been in force since the Parish Council acquired the site, but no advice had previously been sought in respect of necessary remedial action to the redundant and hazardous infrastructure at the site. As a matter of urgency, and following professional advice in 2017, remediation work was therefore conducted at the Mettle Hill site, to make the site as reasonably safe as possible to anyone entering it, with or without permission.

**Financial investment in the site**

The Parish Council acquired the site in 2013 from Cambridgeshire County Council for £122,500 with finance from the Public Works Loan Board, over a 25 year period at an annual interest rate of 3.58 per cent. Annual payments of capital and interest are £7,456. At the present time the outstanding balance is approximately £104,000. In addition, the Parish Council spent £13,416 on the necessary safety and remedial works mentioned in the previous section.

In this context, it should be noted that early repayment of the PWLB loan would incur a significant penalty, based on the lower interest rates now prevalent.

**Approach adopted by the MHWG**

Since the inception of the current Working Group much background research and other work has been performed by it, to address the issues with the levels of care and diligence expected in such a case. Central to the approach adopted has been the need to look carefully for a balanced use, in which each of the following factors was given properly weighted emphasis. These can be summarised as follows, not listed in any order of importance or priority:

Amenity and community benefits: the extent to which a proposal is likely to provide a useful facility for people in the community, distinguishing between the three main age groups

Diversity: the effect on the social mix of the village

Local employment: the effect on local work opportunities and other local economic activity

Burden: a negative factor relating to the effect of issues such as traffic, visual impact, noise pollution, social problems.

Financial impact: the level of rentals, capital and other returns likely to be generated over a given time horizon

Parish control: in three main areas (a) the extent to which a use is reversible or contains some clean-up or lock-in, (b) sustainability as regards the extent to which a use is self-managing or requires management input either from the Parish Council or volunteers and (c) the level and effectiveness of Parish Council control over the use and future of the site.

Feasibility: if the delivery of the scheme, within acceptable risk parameters, critically depends on the performance of a particular organisation we need to be satisfied that the counterparty is completely credible, financially and otherwise.

The Working Group did not consider any needs of the village for the financial proceeds from the scheme on the site, the amounts of such needs or any constraints on timing demanded by such needs.

#### **Application of criteria**

The Working Group applied its criteria described above to each of the project areas identified in the earlier consultative survey, with the result that the following uses were considered not to be suitable for further consideration:

Site for travelling showmen

Self-build housing and work/live housing options

Community projects, other than as part of larger mixed-use schemes

Possible uses considered suitable for further research were:

Park Homes development

Affordable housing development

Industrial units development

There was general consensus in the original public consultation that the freehold title of the site should not be sold.

During the investigations of the MHWG other possible uses were proposed, such as a woodland burial site. In all cases these ideas were considered but discounted as being significantly inferior to the leading candidates discussed below.

#### **Current status of suitable uses**

**A note on planning consent:** For all the leading schemes planning permission for the site will need to be obtained. Our initial assumptions were that because of previous use as a gypsy/traveller site a park homes scheme might be easier to gain permission. Discussions with the SCDC planning authorities reminded us that the site is outside the village planning envelope for residential development, is distant from the village and does not have good connectivity. They also confirmed any proposal would be 'starting from scratch' in the process.

**Over 55s Park Homes development:** detailed discussions have taken place with several leading park home manufacturing and park management companies. These indicate full site clearance and security, full infrastructure installation, population of the site over a reasonable time frame (2-4 years), with a sustainable community of like-minded residents, a long operating and management lease between the operator and the Parish Council and a good financial return. Residents would need to be over 55 years of age (a normal requirement in this sector) so there would be no impact on local education facilities. The park home companies with whom we have had discussions believe that there are reasonable prospects of obtaining planning consent.

**Affordable housing development:** the Working Group held discussions principally with two affordable housing providers but at that time could not generate the necessary interest. The site does not currently qualify, by reason of its position, as a "rural exception site" for affordable housing. There is however a well-recorded shortage of affordable housing in the area – supported by a survey of housing needs conducted for the Parish Council by Cambridgeshire ACRE - and this use would help to fill a major social need as well as providing a conclusive and permanent long-term use for the site. There is growing pressure at national and other levels for an increased house-building programme. This use would be supported by a more favourable planning environment or by natural long-term changes in the village.

**Industrial units development:** this use would offer local employment and economic activity but is not currently a buoyant sector and would be a difficult project to organise through to completion. Several possibilities were investigated but did not lead to attractive proposals.

### **MHWG Recommendations to the Parish Council**

1. We recommend that the Parish Council should endorse in principle the basic options for a use for the Mettle Hill site as determined by the general criteria described earlier in this note and subsequently researched by the Working Group. Any further detailed work that is required should therefore be carried on to a conclusion so that a scheme could be launched with minimal further enquiries if and when a decision to do so is under consideration.
2. We recommend that the uses already identified by the MHWG, as suitable under its criteria, should therefore remain as possible objectives for the future, against an undetermined development timescale. Remedial safety work in 2017 means that the site is safely 'mothballed' for future use.
3. We recommend that this Working Group should now be disbanded as its role in identifying uses for the site has been concluded. The Council may wish to consider appointing a new Group at an appropriate time to implement a scheme or to assist with any further stages of a Mettle Hill project.

Mettle Hill Working Group  
11 February 2018

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### **Technical Annex: Legal & Financial Matters**

*Does the Parish Council have the authority and ability to engage in the development of the scheme? Yes – with reservations.*

#### **Further investigation of legal and financial issues relating to the scheme**

The Working Group needed to investigate certain legal and financial issues; these were identified when investigating the park homes development option but are likely to be of similar importance to other schemes relating to the development of the site. The Cambridge and Peterborough Association of Local Councils (CAPALC), of which the Parish Council is a member, provides an advisory service in conjunction with the National Association of Local Councils (NALC). NALC has a legal team of specialists in local authority issues.

CAPALC/NALC were accordingly asked to advise in the following areas:

1. Did the Parish Council have the necessary powers to grant a ten-year lease to a park homes company, for the purpose of establishing a development in which, essentially, profits would be shared? Extending from that, were there any future circumstances in such a scheme where the Parish Council might not have the necessary powers to continue to manage a scheme if, for example, the park homes counterparty withdrew from the management arrangements. Further, did the fact that the rentals under the lease were to be calculated by reference to underlying profits generated by the park homes counterparty both from the sale of homes and from pitch rents in any way affect the legality of the arrangements and/or require powers that the Parish Council might not currently have. Such powers would either be specific under legislation or perhaps be endowed through what is known as the General Power of Competence. This is a specialized area of local authority law and practice lying outside the day-to-day knowledge of the Parish Council or its Working Group.
2. It is acknowledged that a site development scheme has the capability to generate large net cash flows to the Parish Council under the proposals that have been discussed, at the first level of detail, with potential park home manufacturers/counterparties and also likely to arise from other development schemes for the site. Such cash flows are capable of creating large reserves for the Parish Council. The Working Group was uncertain whether such large reserves (with or without any predetermination for their specific use) would satisfy the requirements of auditors or perhaps compromise the Parish Council's ability to raise continuing funding in the usual way through the Precept.
3. The Parish Council did not know how its returns from such a lease arrangement might be subjected to the deduction of tax by HMRC if defined as business income.

These points were duly put to CAPALC/NALC. Their first response was incomplete and it was necessary for the Working Group to ask further questions in clarification. The Working Group now considers that it has sufficient information from these advisers to be able to make the following statements.

**Powers:**

The Local Government Act 1972 s127 gives the Parish Council the power to lease land in which it holds the freehold interest. It needs however to be demonstrated that the rent payable under the lease is at least at market value and the Parish Council therefore would need to arrange a professional valuation of the land. Such a valuation should take into account the use to which the land is intended to be put on the assumption that the necessary planning consents would be obtained. In other words, it would not be appropriate to assess the rent under a park homes lease against a current valuation of the land based either on the use(s) currently approved for it or on its historic acquisition cost.

It is advised by NALC that the lease would be a business lease covered by the Landlord and Tenant Act 1954. This means that the tenant would, unless this provision were otherwise excluded prior to entering the lease, be able to require an automatic renewal of the lease for a further period.

Local authorities have the power under the Caravan Sites and Control of Development Act 1960 s24 to set up caravan sites (a park home is a caravan for this and for certain other legal purposes) but parish councils are not included in this power. However, the arrangements we are considering do not involve our setting up a site, as that would be done by the park homes company.

A particular issue could arise if for any reason the Parish Council needed to take over management of a park homes scheme, such as in circumstances where the park homes provider terminated the arrangements and the Parish Council had not been able to appoint a successor manager in due time. The Parish Council would not be empowered under the Local Government Act to manage the site, even temporarily. In those circumstances the Parish Council would only have recourse to being able to demonstrate that it has the General Power of Competence. The GPC is determined primarily by the composition of the Parish Council – at least two thirds need to be elected rather than co-opted – and by the Proper Officer (Clerk) having particular local authority qualifications. At present, and following the 2018 Election, the Parish Council satisfies the electoral qualification but the Clerk does not have the necessary professional qualification. Steps are however in hand for her to acquire that accreditation. It should be noted though that it is essential to be able to demonstrate the GPC at the time of any change in the future and thereafter for the Parish Council to be and to remain compliant with this necessary requirement both as regards the levels of co-option/election and the professional qualification. This situation would not arise in any outright sale of the site but only where there is continuing Parish Council interest and involvement in it, such as would be the case with a park homes scheme or any other type of scheme in which the Parish Council continued to be involved.

**Accounting and Reserves:**

The following views are expressed in the NALC guide and are summarised below. The general tenor of this advice is that holding excessive unallocated reserves would be *ultra vires*. We believe that this is a very important observation that the Parish Council needs to take fully into account.

As background, it should be noted from NALC's advice that local councils need to hold an amount in reserves to meet unexpected expenditure, to avoid the possibility of running out of money before the end of the financial year. It is generally accepted that a council should typically and prudently hold between 3 and 12 months expenditure as a general reserve. This is based on the propositions that if the general reserve is too low then it may not be enough to cover unexpected expenditure or emergencies, whilst if the general reserve is too high then local electors have paid a tax that is not being used for the benefit of the local community.

NALC's published guidance clearly states that local councils have no legal powers to hold revenue reserves other than for reasonable working capital or for specifically earmarked purposes, therefore the year-end general reserve should not be significantly higher than the annual precept. It is further explained that the council may have 'earmarked reserves' for specific projects, where money is allocated for specified purposes but may not be spent in that financial year. This may, for example, include reserves to undertake projects of a capital nature for the benefit of the community but those projects need to be specifically identified and obviously should not include projects or works (identified or otherwise) for which the legal responsibility resides elsewhere, with another authority for example.

If the amount of general reserves at the year-end is above a certain level in relation to the annual precept then the council must advise the external auditor of why this level of reserves is required. In this context, we hold a reserve arising from solar farm grants, the major part of which was paid up-front and can therefore be justified as being available to us to pay for community benefits over a reasonable period. Our main concern with regard to Mettle Hill is that some possible uses of the site are capable of producing large financial returns falling to be considered in the context of these rules and recommended practices.

We have received further advice from NALC with regard to what they describe as Earmarked Reserves or Capital Receipts Reserves (EMR/CRR). There is no upper or lower limit for such reserves but they must be held for "genuine or intended" purposes and be subject to review at least annually.

The Parish Council would need to specify and demonstrate the purpose for which reserves would be

“earmarked” to create an EMR status reserve. It is noted that at present the Parish Council has not established such a specific purpose. A CRR would arise from the disposal of a capital asset so this is not relevant to proposals involving leasing rather than the sale of the land. In both cases “genuine” can be taken to mean that any proposal would need to be able to withstand scrutiny as regards whether or not it is a genuine purpose rather than a scheme devised to circumvent the rules or procedures.

The Working Group considers that reserves (a) arising from leasing the site and (b) not specifically allocated could not be viewed as either EMR/CRR funds and would therefore fall to be seen as general revenue reserves. The rules for such revenue reserves do not permit excessive reserves to be held, as previously stated.

**Taxation:**

The income stream from a lease for park homes or a similar development scheme would seem *prima facie* to represent Property Income under HMRC rules and if so would be subject to tax after allowances are made for eligible offsets, such as, in our case, the interest payable to the Public Works Loan Board. This is about £3,500 a year at present and therefore only a minimal offset which will get smaller as the loan is repaid. NALC have recommended that we should take professional accounting advice on this point.