

## APPENDIX A

9 December 2019

### **APPEAL FROM CLAYBROOKE MAGNA PARISH COUNCIL (CMPC) TO FULL COUNCIL TO REVIEW TREATMENT OF SMALL PARISHES IN RESPECT OF S106**

CMPC is appealing to Full Council to review the treatment of small Parish Councils in relation to S106 in light of our experience.

We have found the process impenetrable with decisions being made, and set in stone, by Officers with no appropriate dialogue with the PC. As a small Parish, we have no experience of S106 and are the first to acknowledge our naivety. It is important to note, however, that we had no support from HDC to help us at the time and it is only now that we are aware of the scope and scale. We have discovered we are in the 'Pythonesque' situation where we have an agreement in place that allocates, what for us is a significant sum, to a budget head which we cannot access as we have no relevant facility. As a result, we asked for a deed of variation, supported by the relevant developer, which would allow the appropriate funding to meet the community need in respect of our children's playground, but have been met with intransigence.

It has since emerged that Officers were under the impression that a play area to be provided on the development in question will meet community need but it does not, being of a different nature entirely and more suited to older children. Whilst we will be delighted to have such a facility it does not replace the playground, which was designed following a Parish Plan consultation, with its equipment and layout specifically aimed at young children in accordance with the identified need. It has also emerged that the funding has been earmarked for a facility that does not meet HDC's own criteria as it is outside the designated development area entitled to S106 benefit. Had Officers engaged in dialogue with the PC we wouldn't be where we are today.

HDC are now planning to provide S106 training to Parishes as a direct result of our experience which is a positive outcome but it's too little too late for us and any other small Parishes finding themselves in our position. So, what we are asking for is for Council to arrange a compassionate review of S106 agreements already in place with small Parishes which requires some flexibility from Officers to help PCs meet the real needs of the residents they serve. For information, we enclose below a copy of our submission to HDC Officers which sets out more of the background.

## APPENDIX A

### CLAYBROOKE MAGNA PARISH COUNCIL S106: COPY OF HDC SUBMISSION DATED 2.12.19

The Parish Council has been reflecting on the S106 situation and wishes to make the following submission.

To begin with we probably need to go back to what really matters here, and why all of us involved either work or volunteer in the public sector, that is to do the very best we can to serve our community. And within that community we would no doubt agree that the needs of our children are paramount and our responsibility is to do to our utmost to meet them. To quote Nelson Mandela *"There can be no keener revelation of a society's soul than the way in which it treats its children"*.

In that spirit we would like to request a compassionate review of the S106 situation. We acknowledge that we are asking for a variation here. Had we on the PC understood the scope and scale of S106 we would, of course, have made a different application at the outset. But we didn't. Please bear in mind we are all unpaid volunteers, with no experience in such matters. We do not have the resources that HDC has at its fingertips. Indeed, we are aware that HDC has recognised the difficulties PCs in general have in dealing with S106 matters, hence the recent approach with support from the Parish Liaison Officer (for which we were grateful). One could also question why HDC has allocated funding for a budget head CMPC is unable to access. But we want to look forward, not back, and the lesson we have no doubt all learnt is that the help is required by PCs at the outset of the S106 bidding process. We hope other small councils will be given more support at the right time.

What none of us will want is for local children to lose out because of a bureaucratic system, particularly when there is still the opportunity to put things right. Access to this funding could allow us to make such a huge difference for our youngsters by laying a safe playground surface and replacing the aging equipment. We are aware there are various grants available but these are small in comparison and we would have to guarantee several funding streams simultaneously to be able to embark on such a project and, in reality, that is simply not going to happen.

So how do we move forward? We would like to suggest a compromise that will share the S106 benefit, that is to allow half the Sport Facilities money to be reallocated to cover the playground. That would allow approx. £33K for CMPC to access and £33K for the rugby club. We would be surprised if they would object as we know it to be a public-spirited organisation, Councillors have many friends who are active at the club. The developer too has shown a willingness to help so it would be such a shame if, between us, we cannot find a way to make it work.

## APPENDIX A



As an addendum, you will understand that the future of the playground is a hot topic for the village, being our only facility for young children. A 5 year old resident, along with her mummy, delivered this drawing to a Councillor yesterday as had been upset to hear her parents discussing that we might not get money to keep the playground going in future. The child wanted us to write to the Queen to ask for help and for us to have the picture to illustrate her point. We enclose to remind us all what's at stake here. It's not about process, who's right and who's wrong, it's about providing for the children.