

Clerk's Report April 16th 2018

CORRESPONDENCE

PCSO update

There have been recent break ins around the village? There was a residential burglary on Church Street where high value jewellery was stolen. Sunday night/Monday morning, the antiques shop was broken into and again jewellery stolen and other small valuable items. The Crime Scene Investigators have retrieved DNA and foot prints from both so it's looking hopeful the offender/s will be caught.

The advice I am giving residents is if they are going away for any length of time, then hand valuable items to family or friends for safe keeping until their return.

On another note, we have received at least one complaint about speeding traffic on Park Lane. I will range through Highways for a speed monitor program to be conducted.

Ball Games on Protway Drive

The council has received a follow up request that a sign is put up next to the green area at the top of Portway Drive next to Green Lane. This is to prevent ball games being played in this area, due to the proximity to the road and the disturbance of neighbours. This was referred to Michael Hovers of ESBC who has now got this erected.

Mill Fleam

Complaints have been received about the litter in the fleam and along the path into Tutbury from Hatton on the Mill site. This again was referred to Michael Hovers from the ESBC who has stated that the fleam is not within the contract area for litter picking at the mill. However, he will instruct a contractor to address this.

Cornmill Lane changing rooms

A complaint has been received from the football team regarding the drains not being unblocked. Cllr D Morris and the clerk have visited the changing rooms and switched the fans off. There is still a problem with litter. Cllr Morris has now got a set of keys to tackle this problem if he can get the drain covers up and sufficient water power to clean them. It was apparent that boots had been cleaned in both changing rooms. A request to cut the pitch was received and the clerk visited the pitch to verify that the grass was long. However, the game was subsequently cancelled.

Noise on Lodge Hill

A concern has been raised regarding a regular loud noise that can be heard inside the houses on Lodge Hill which is very noisy in their gardens. This was referred the matter to environmental health and the cause of the noise has been identified as a pigeon scarer at Rolleston Park Farm. A resident has asked if this can be moved and hopefully the relocation of this will resolve the issue.

Conservation of the Priory Alabaster Arch (CoPAA)

CoPAA project status report emailed received up to the end of March 2018.

The Condition Survey Report has been received from Hirst, the offer of a grant from ChurchCare, requests for quotes have been issued and some funding changes.

Funding may become a serious project issue in 2018 – see the Funding section for details

Tutbury Market disable access concern.

A visitor to Tutbury Market has requested that the council can raise his concern regarding the lack of disabled access to the market. Stallholders did not leave enough room for wheelchair users to access the market and get around to enjoy it. Photos have been sent to highlight the issue. The email has been forwarded to the Tutbury Markey committee. The clerk will await a response.

Safer Roads grant application sent.

Community Building update

No further update has been received from the Legal representative of East Staffs Borough Council. Tutbury Parish council should consider the next steps on how to move this forward.

Tree stump removal at the closed churchyard

Quote 1 £300 plus Vat

Quote 2 £260.00 (no VAT)

Awaiting email Quote 3

DATA PROTECTION OFFICER

The training seminar was interesting and confirmed that the council requires a data processor which would be the clerk and a DP officer who cannot be the clerk or a councillor as there would be a conflict of interest. Councillors can be a DPO for a neighbouring council or there is an option to use the County Council as set out in the previous meeting.

Information from the Information Commissioner Office at a glance

- The GDPR introduces a duty for you to appoint a data protection officer (DPO) if you are a public authority, or if you carry out certain types of processing activities.
- DPOs assist you to monitor internal compliance, inform and advise on your data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the supervisory authority.
- The DPO must be independent, an expert in data protection, adequately resourced, and report to the highest management level.
- A DPO can be an existing employee or externally appointed.
- In some cases several organisations can appoint a single DPO between them.
- DPOs can help you demonstrate compliance and are part of the enhanced focus on accountability.

SPCA UPDATE

Data Protection Officer Service

It is encouraging to report that no fewer than fifty-six SPCA member councils have thus far declared an interest in taking advantage of the offer made by Staffordshire County Council to provide a Data Protection Officer service.

The offer remains open and we anticipate that more councils will wish to sign up in due course. We will very shortly be in a position to complete the process and the County Council will issue draft contracts to those councils which have suggested that they will use the service.

In the meantime, NALC has been active in representing the sector's interests during the second reading of the Data Protection Bill in Parliament and is continuing to call for greater clarity about the DPO requirement, proportionality and the possibility of financial support from central Government to help parish and town councils meet their obligations.

Amongst a number of ideas and options for the Government to consider to mitigate the impact and cost on councils and taxpayers, NALC has proposed the following:

- exempt all parish councils from the DPO requirement for a time limited period to allow us all to work together to provide the necessary support and help them work towards compliance;

- exempt just the smallest parish councils from the DPO requirement for a time limited period, and build upon the approach MHCLG have taken to the new audit regime;
- provide funding support to meet the new cost burden;

GDPR Telephone Advice Helpline

In the meantime, a reminder that there is now a dedicated telephone advice helpline set up by the Information Commissioner's Office (ICO) which offers help to small organisations preparing for the new data protection law, including the General Data Protection Regulation, due to be implemented on 25th May. The phone service is available to people running small businesses or charities and NALC has been successful in having the facility extended to parish and town councils.

To access the service **dial 0303 123 1113 and select option 4** to be diverted to staff who can offer support specific to local councils. As well as advice on preparing for the General Data Protection Regulation, callers can also ask questions about current data protection rules and other legislation regulated by the ICO including electronic marketing and Freedom of Information.

The role of the DPO

Staffordshire County Council options

- A series of changes will be flagged in the document. Parishes must complete the document and return to the DPO.
- The responses will be assessed
- Recommendations will be provided in response to GAP analysis to ensure compliance with the GDPR.
- This does not include specific advice just high-level recommendations

(Cost: £140)

Data Protection Officer Service

Tier 1 £150 per annum: Tier 2 £250 per annum: Tier 3 £450 per annum

NB Charges will be subject to VAT

Data Protection Officer Service Staffordshire County Council.

Sign up will be available throughout the year for an annual package however; it is advisable to sign up in May 2018 when the GDPR comes in to force. Three tiers of service are available with the lower tier being more an insurance service (just in case of issues) and the higher tier being a fully comprehensive questions and training package ideal for larger parishes and those wishing to ensure full compliance with the legislation and implement the recommendations made in the GAP analysis.

Provision of DPO services tier 1 including

- Sign off of data protection impact assessments;
- Sign off records of processing
- Support in liaison with the ICO
- Total 2 hours

£150

Provision of DPO services tier 2 including

- Informing/advising on obligations to comply with GDPR via email updates
- Sign off of data protection impact assessments;
- Sign off records of processing
- Support in liaison with the ICO
- Total 4 hours to include general ad hoc GDPR support and advice.

£250**Provision of DPO services tier 3 including**

- Informing/advising on obligations to comply with GDPR via email updates
- Sign off of data protection impact assessments;
- Sign off records of processing
- Support in liaison with the ICO
- Total 6 hours to include general ad hoc GDPR support and advice.
- Annual refresher training once a year arranged by Staffordshire Parish Council Association in Stafford

£450

External Audit.

The clerk has attended the external auditor briefing regarding the new form and organisation Mazaars. The forms can be submitted electronically this year. The internal auditor has visited and will now access the new website to carry out the checks he needs for the internal audit report, before visiting again 17th April to complete the internal audit section of the annual return in the May meeting and then the annual return will be sent off and published on our website, before the public rights to view the accounts commences in June.

The clerk and Cllr T Spencer Smith has been trained to update the website to be able to comply with the publishing of these documents.

The end of year accounts summary will be published in the Annual Parish.

<u>Year ending 31/3/16</u>		<u>Year ending 31/3/17</u>
	INCOME	
38094.56	Precept	38350.02
2810.00	ESBC income grant	2416.00
30.00	Sundries	
400.00	Parks & open spaces	
0.00	Loan/Capital receipts	
10.82	Interest on investments	10.84
	Other grants/donations	520.00
2066.23	Vat & other refunds	1793.13
<u>43411.61</u>	TOTAL INCOME	<u>43089.99</u>
	EXPENDITURE	
19921.20	General administration	22113.41
2366.85	Section 137 payments	3178.13
0.00	Capital schemes	140.00
6142.58	Highways, f'paths & bus shelters	1392.22
7730.09	Parks & open spaces	9201.33
0.00	Provision for doubtful debts	
2002.50	Other Grants	
2098.63	Vat on payments	2019.92
<u>40261.85</u>	TOTAL EXPENDITURE	<u>38045.00</u>
	FUND BALANCE	
29974.36	Balance at 1st April	33124.12
	Bank error & uncashed cheque	
43411.61	Add Total Income	<u>43089.99</u>
73385.97	Total Income	76214.11
40261.85	Deduct Total Expenditure	<u>38045</u>
<u>33124.12</u>	Balance at 31 March	<u>38169.11</u>

Earmarked Reserve for 2017/2018

Election costs £5000

New Burial Ground £4000 included in the Balance as at 31st March

Earmarked Reserve for 2018/2019

Old School community building (TOSCA)	1000
Election	5000
Burial	10000
Community B	5000
Contingency	3000
Total	<u>24000</u>

Asset register Total

180453.78

The annual return will be signed in the may meeting.

Accounts payable still to be confirmed

DETAILS		SUB	VAT	TOTAL
Karen Duffill	Clerks Salary			
Karen Duffill	Clerks Expenses			
Karen Duffill	Printing BKV material	3.00		
T Heath	Moving cornmill Lane pitch	50	10	60.00
Reflex Printing	Best Kept Village posters	16.00		16.00
SLCC	Annual Subscription	147		147.00
Staffordshire Pension				
HMRC				
Sterilizing services	Legionella control Monthlycheck inv 37443	36.00	7.20	43.20
Aucuba Landscapes	Churchyard contract inv 3957	198.87	39.77	238.64

BEST KEPT VILLAGE UPDATE

Judges' comments have been distributed by Cllr F Crossley to all community groups.

The clerk has written to the school to request involvement of the children to create posters.

Meeting Apr 10th

Attendance Cllrs G Raybould and Cllr F Crossley only.

Apologies received from representative from;

Civic society

WI

Village Hall

However, responses of involvement have been committed by the above groups. ESBC have stated that the fleam will be tidied up however, this has not yet been done.

Additional posters have been copied Cllr Raybould will ask shop and pub owners to display them.

Letter response received from the catholic church outlining their limited resource to tackle their area. Cllr F Crossley has complied a response.

PLANNING APPLICATIONS

P/2018/00363

Proposal: Crown reduction by 2.5 metres in height and 1 metre to both sides of 2 Sycamores trees

Location: 34C High Street, Tutbury, Staffordshire, DE13 9LS

P/2018/00274

Erection of an extension to front canopy, single storey rear extension, conversion of existing garage to form lounge, conversion of loft space above existing garage to form home office and conversion of existing lounge to form garage and utility area

39 Ironwalls Lane Tutbury DE13 9NH

DECISIONS

Erection of a single storey front extension and single storey side extension

45 Green Lane, Tutbury, Staffordshire, DE13 9NN

PERMITTED

Erection of a two-storey side and single storey rear extension

33 Wakefield Avenue, Tutbury, DE13 9JU

PERMITTED

Erection of a two storey rear extension and extension
90 Ferrers Avenue, Tutbury, Staffordshire, DE13 9JJ

PERMITTED

Annual Parish

Proposed agenda

- 1 Apologies
- 2 Minutes of the meeting held on May 2017
- 3 The Annual Report of the Parish Council
- 4 Statement of the Parish Council accounts for the year ending 31/3/1 (un-audited)
- 5 Statement of the Parish Charities accounts for the year ending 31/10/15
- 6 Report of the County Councillor for the Parish
- 7 Report of the Borough Councillors for the Parish
Report of a school representative of Richard Wakefield?
- 8 A talk by Staffordshire Police
- 9 Parish Quiz and refreshments

Posters and newsletter outstanding

Quiz in progress by Cllr Smedley and Cllr Guest.

Refreshments how many what should be provided?

WWI celebration trees quote

Planting of two sentry style trees that (without guarantee) should be in autumn colour at that time of year. The trees that spring to mind are Liquidamber 'slender silhouette' which offer gorgeous amber-red colours in autumn and indeed fit the sentry profile. I would suggest that you have a look via a search engine. You should be aware that the RHS suggests that they are destined to become 18m high trees. This may or may not work on the triangle and if it is a problem then you may wish to consider planting them in containers.

Amberol manufacture a plastic barrel effect self-watering planter at c. 860mm diameter at a cost of £180 plus VAT and delivery. We would as previously be prepared to collect them on your behalf for a 10% admin fee.

We would anticipate the two planters consuming c. £25 of compost.

If you chose to plant them in the ground the costs would be limited to labour, £10 compost and fertiliser.

Either way the trees are available at £135 each plus VAT and would require staking at a cost of £3.50 each. These are of a girth at 1m of c. 8-10 cm and are therefore anticipated to stand at c. 10ft plus. If you require bigger or smaller ones then they should also be available.

TUTBURY PARISH COUNCIL

Clerk:
Karen Duffill

9 PINFOLD CLOSE
TUTBURY
BURTON UPON TRENT
STAFFORDSHIRE

Telephone:
07486 406045

clerk@tutbury.staffslc.gov.uk

EMPLOYER: TUTBURY PARISH COUNCIL

LOCAL GOVERNMENT PENSION SCHEME REGULATIONS 2013

STATEMENTS OF POLICY ABOUT EXERCISE OF DISCRETIONARY FUNCTIONS

In accordance with Regulation 60 of the above regulations a Scheme employer **must** prepare a written statement of its policy in relation to the exercise of its functions under regulations:

- 16(2)(e) and 16(4)(d) (funding of additional pension);
- 30(6) (flexible retirement);
- 30(8) (waiving of actuarial reduction); and
- 31 (award of additional pension).

In addition and in accordance with Paragraphs 2(2) of Schedule 2 to the Local Government Pension Scheme (Transitional Provisions, Savings & Amendment) Regulations 2014 a Scheme employer **must** also prepare a written statement on

whether, in respect of benefits relating to pre 1st April 2014 membership, to 'switch on' the 85 year rule for a member who voluntarily retires (leaves employment) and elects to draw their benefits on or after the age of 55 and before the age of 60 thereby agreeing to waive in full or part any actuarial reduction applied to the member's benefits.

A Scheme employer **must** send a copy of its statement to the administering authority (Staffordshire County Council) and must publish its statement.

A Scheme employer **must** keep its statement of policy under review and make such revisions as are appropriate following a change of its policy.

Where a revision to the statement of policy is made, a Scheme employer **must** send a copy of its revised statement to the administering authority before the expiry of one month beginning with the date that any such revision is made. A Scheme employer must also publish its revised statement.

In preparing, or reviewing and making revisions to its statement, a Scheme employer **must** have regard to the extent to which the exercise of its discretionary functions could lead to a serious loss of confidence in the public service.

Whilst it is compulsory for a Scheme employer to prepare a statement in respect of the regulations detailed above, there are a number of other discretions available to a Scheme employer throughout the Scheme Regulations which do not require such a statement of policy to be made. It is recommended for administrative purposes that such additional statements are made and included as part of the statement of policy.

Once completed, a Scheme employer **must** ensure that its statement of policy is published in a place that is easily accessible to all of its eligible Scheme employees and that any revisions made to the statement of policy are equally accessible.

SCHEME EMPLOYER DECLARATION

The Scheme employer known as **TUTBURY PARISH COUNCIL** as prepared this written statement of policy in relation to its exercise of certain discretionary functions available under the Local Pension Scheme Regulations 2013. The Scheme employer declares that it will keep this statement under review and publish the statement (and any amendments made thereto) in a place that is easily accessible to all of its eligible

Scheme employees and that it will provide to the administering authority the most up to date version of the statement at all times.

Local Government Pension Scheme Regulations 2013

Regulation 16 – Additional Pension Contributions

The Scheme employer may resolve to fund in whole or in part any arrangement entered into by an active scheme member to pay additional pension contributions by way of regular contributions in accordance with ***Regulation 16(2)(e)***, or by way of a lump sum in accordance with ***Regulation 16(4)(d)***.

The Scheme employer may enter into an APC contract with a Scheme member who is contributing to the MAIN section of the Scheme in order to purchase additional pension of not more than the additional pension limit (£6,500 from 1st April 2014 subject to annual increase in line with the Pensions (Increase) Act 1971).

The amount of additional contribution to be paid is determined by reference to actuarial guidance issued by the Secretary of State.

Consideration needs to be given to the circumstances under which the Scheme employer may wish to use their discretion to fund in whole or in part an employee's Additional Pension Contributions.

Scheme Employer's policy concerning the whole or part funding of an active member's additional pension contributions

- ***TUTBURY PARISH COUNCIL WILL NOT FUND AN EMPLOYEE'S APC.***

Regulation 30(6) – Flexible Retirement

An active member who has attained the age of 55 or over and who with the agreement of their employer reduces their working hours or grade of employment may, with the further consent of their employer, elect to receive immediate payment of all or part of the retirement pension to which they would be entitled in respect of that employment as if that member were no longer an employee in local government service on the date of the reduction in hours or grade (*adjusted by the amount shown as appropriate in actuarial guidance issued by the Secretary of State – separate policy required under Regulation 30(8)*).

As part of the policy making decision the Scheme employer must consider whether, in addition to the benefits the member may have accrued prior to 1 April 2008 (which the member must draw), to permit the member to choose to draw all, part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014 and all, part or none of the pension benefits they built up after 1 April 2014.

Due consideration must be given OF THE DATES OF SCHEME MEMBERSHIPn to the financial implications of allowing an employee to draw all or part of their pension benefits earlier than their normal retirement age.

Scheme Employer's policy concerning flexible retirement

- ***TUTBURY PARISH COUNCIL WILL CONSIDER EACH APPLICATION ON ITS MERITS SUBJECT TO THE FINANCIAL IMPLICATIONS FOR THE EMPLOYER.***
- ***TUTBURY PARISH COUNCIL WILL ALLOW FOR ALL PENSION BENEFITS TO BE RELEASED REGARDLESS OF SCHEME MEMBERSHIP.***

Regulation 30(8) – Waiving of Actuarial Reduction

Where a Scheme employer's policy under regulation 30(6) (flexible retirement) is to consent to the immediate release of benefits in respect of an active member who is aged 55 or over, those benefits must be adjusted by an amount shown as appropriate in actuarial guidance issued by the Secretary of State (commonly referred to as actuarial reduction or early payment reduction).

A Scheme employer (or former employer as the case may be) may agree to waive in whole or in part and at their own cost, any actuarial reduction that may be required by the Scheme Regulations.

Due consideration must be given to the financial implications of agreeing to waive in whole or in part any actuarial reduction.

Scheme Employer's policy concerning the waiving of actuarial reduction

- **TUTBURY PARISH COUNCIL WILL CONSIDER EACH APPLICATION ON ITS MERITS SUBJECT TO THE FINANCIAL IMPLICATIONS FOR THE EMPLOYER.**

Regulation 31 – Award of Additional Pension

A Scheme employer may resolve to award

(a) an active member, or

(b) a member who was an active member but dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency,

additional annual pension of, in total (including any additional pension purchased by the Scheme employer under Regulation 16), not more than the additional pension limit (£6,500 from 1st April 2014 subject to annual increase in line with the Pensions (Increase) Act 1971).

Any additional pension awarded is payable from the same date as any pension payable under other provisions of the Scheme Regulations from the account to which the additional pension is attached.

In the case of a member falling within sub-paragraph (b) above, the resolution to award additional pension must be made within 6 months of the date that the member's employment ended.

Scheme Employer's policy concerning the award of additional pension

- **TUTBURY PARISH COUNCIL WILL NOT APPLY THIS DISCRETION.**

Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014

Schedule 2 – paragraphs 2 and 3

Where a scheme member retires or leaves employment and elects to draw their benefits at or after the age of 55 and before the age of 60 those benefits will be actuarially reduced unless their Scheme employer agrees to meet the full or part cost of those reductions as a result of the member otherwise being protected under the 85 year rule as set out in previous Regulations.

So as to avoid the member suffering the full reduction to their benefits the Scheme employer can 'switch on' the 85 year rule protections thereby allowing the member to receive fully or partly unreduced benefits but subject to the Scheme employer paying a strain (capital) cost to the Pension Fund

Scheme Employer's policy concerning the 'switching on of the 85 year rule

- ***TUTBURY PARISH COUNCIL WILL CONSIDER EACH OCCURRENCE AS IT ARISES SUBJECT TO THE FINANCIAL IMPLICATIONS FOR THE EMPLOYER.***

RECOMMENDED policy in accordance with the
Local Government Pension Scheme Regulations 2013

Regulation 9(1) & (3) – Contributions

Where an active member changes employment or there is a material change which affects the member's pensionable pay during the course of a financial year, the

Scheme employer may determine that a contribution rate from a different band (as set out in Regulation 9(2)) should be applied.

Where the Scheme employer makes such a determination it shall inform the member of the revised contribution rate and the date from which it is to be applied.

Scheme Employer's policy concerning the re-determination of active members' contribution bandings at any date other than 1st April

- ***TUTBURY PARISH COUNCIL WILL SET EMPLOYEE CONTRIBUTION RATES AT 1ST APRIL EACH YEAR AND MAKE NO CHANGES THROUGHOUT THE YEAR***

Regulation 100(6) – Inward Transfers of Pension Rights

A request from an active member to transfer former pension rights from a previous arrangement into the Local Government Pension Scheme as a result of their employment with a Scheme employer must be made in writing to the administering authority and the Scheme employer before the expiry of the period of 12 months beginning with the date on which the employee first became an active member in an employment (or such longer period as the Scheme employer and administering authority may allow).

Scheme Employer's policy concerning the extension of the 12 month transfer application period

- **TUTBURY PARISH COUNCIL EXAMINE EACH CASE AT THE APPROPROATE TIME.**
- **TUTBURY PARISH COUNCIL WILL ACCEPT TRANSFERS IN BEYOND THE 12 MONTH DEADLINE WHERE THERE IS NO FINANCIAL RISK TO THE EMPLOYER SUBJECT TO THE ADMINISTERUG AUTHORITY'S AGREEMENT.**

I DECLARE THAT TUTBURY PARISH COUNCIL WILL MAINTAIN THIS POLICY AND WILL REVIEW IT ANNUALLY.

.....PRINT.....

DATE.....

CHAIRPERSON OF TUTBURY PARISH COUNCIL.