

Clerks report 13th May

The General Power of Competence

The General Power of Competence (1) replaced the Power of well-being (2). This power is known as the power of first resort and allows a council to act without restrictions of budget and place, provided it acts in a lawful way. The power can be used where there is no other statutory power applicable.

There are restrictions in using this power. A council eligible to use the power must have

- 1) A qualified clerk who holds a sector specific qualification eg the CiLCA or a Higher education certificate in Community Governance. (Degree in Local Government Administration from eligible awarding bodies.
- 2) Two thirds or more of the councillors have been elected.

The GPC allows a local authority power “to do anything that individuals generally may do (s 1(1))”.

The council must pass a resolution at the annual meeting after the election of the chair, setting out that they are eligible to apply the power and this must be reaffirmed every year to confirm that they are still eligible in the annual meeting.

Examples

Activity	Restriction	Risks
Take over the local post office	Should not trade in competition with another local shop.	In danger of diminishing public money and confidence
Set up a company or co-operative Eg a sports/youth centre	Must be for the benefit of the community and not set up for profit.	The commitment to run the company outlives the eligible status of the council
To invest money into a struggling enterprise	Cannot raise the precept to carry out the loan.	Funding must be available to sustain the commitment.

Legal reference

- 1) Localism Act 2011 s1
- 2) Local Government Act 2000 s2.

Source

www.legislation.gov.uk/

Speeding update PCSO response

With regards to the concerns that you have expressed for speeding in Tutbury I drove around last week in order to risk assess the locations which were raised as a concern.

In relation to those areas I have identified that Park Lane and Burton Road/Street are viable options for conducting speed checks. I positioned myself on Park Lane last week with my laser gun in the afternoon and found that Traffic coming away from Tutbury towards Fauld appeared faster than that going into Tutbury. I found that at certain times the cars parked on Park lane almost acted as chicanes so speed checks will occasionally be hit and miss.

In relation to the other streets, such as Ludgate Street and Green Lane etc although they are long lanes they are not suitable for speed checks due to the lack of line of sight for the speed gun to be used effectively and then also stop vehicles safely. As for Ferrers Avenue and Norman Road, these roads are far too short for any type of speed enforcement with laser guns to be used. This does not mean that proactive patrols of the area cannot be carried out where drivers can be enforced who are believed to be speeding or driving in a manner deemed to cause harassment alarm or distress as per section 59 of the Police Reform Act.

I hope this helps and makes sense and if you have received any information to suggest when the key times are for speeding then I will try and complete checks around these times.

County Council response to Green Lane Speed

The mounting height of the 30mph signs need to be this high to allow good visibility of the signs and also so that they are above head height of pedestrians and cyclists who may use the road. It is unfortunate that Mr Fraser can see it from his window but we cannot reduce the height of the signs and this appears to be the most suitable place for them to be located. I believe that the signs are not located at the exact terminal point of the 30mph limit as shown on our records but it may be that with the new development this is the only suitable place for them to now be sited and it may be that the street lighting has been extended and as default a street lit section of road is classed as 30mph.

I have checked and it does appear that the old signs on one side of the road have not been removed and may confuse some drivers but I will raise a job to have these removed.

As to the location of the signs, to extend this beyond its current location would require a Traffic Regulation Order as there is no system of street lighting along this section to make it a default 30mph as so as with all roads of this nature it falls to national speed limit. Whilst this would allow speeds of up to 60mph I think that is unlikely this would ever be achieved, when I went down it 10 to 15 mph seemed about right so a 30mph would send out the wrong message about what speed is appropriate.

A one way system would also require a Traffic Regulation Order and lots of signage which would spoil the appearance of the lane and may not be something everyone would want. It could also increase traffic speeds as the expectation of meeting oncoming traffic would be removed increasing driver confidence.

BUS SHELTER SEATS

Dear Parish Council.

I have recently undergone a prolonged period of treatment at the Derby Royal Hospital. During this period I was fortunate enough to be able to use the public transport (bus) from Tutbury to the DRH.

The bus service was excellent, and I noticed how well the service was used by all sections of the community.

The issue I would like to highlight is the total lack of seating at any of the bus stops in Tutbury with one exception (adjacent to the public toilets).

This is a real difficulty for many people including the elderly, people with disabilities and young parents with children.

More importantly it is preventing people using this valuable community resource. Individuals who cannot stand for upwards of 30 minutes will be discouraged from attempting to use this service.

There are no doubt reasons why this situation has arisen but I would suggest that these reasons be reconsidered.

I have heard it said by other PCs that the problem is vandalism or the seats would encourage young people to "gather" or that they would create a litter problem.

I don't underestimate the cost implications but the bus service itself involves hundreds (if not thousands) of pounds of public money. It would make sense for the maximum number of people to have access to this facility.

Robust metal seating does not have to be expensive and if young people were to "gather" surely this would be an added benefit.

In conclusion this is a small issue which has a big impact on a vulnerable section of the community. On a wider scale recent events prove we should be embracing public transport and taking steps to ensure no one is left behind.

Bus Shelter Repairs Quote

One quote received for £595

Annual Return external audit documents

The councillors will approve sections 1 and 2 of the annual return.

Pitch improvements quote

For implementing the following items;

Item 1-Fertilising – Main Pitch

Supply and apply fertiliser in May of 9:6:9 fertiliser, July 10:15:10 fertiliser and October 6:9:6 fertiliser.

Price £895.00 + VAT.

Option 2

Fertilising using 20-10-10 granular fertiliser @ 150kg per pitch

Price £110.00 per pitch + VAT

Item 2- Over-seeding Main Pitch.

Supply and drill BSH Rapid Sports Renovator Grass Seed @ 20gms per m2 using a Vredo Over seeding drill.

Price £485.00 + VAT

Item 3 - De-compaction

For de-compacting football pitch using Imants Shockwave de-compactor.

Price £295.00 + VAT

Or

For de-compacting football pitch using a Verti – drain.

Price £325.00 + VAT

Item 4 –Sanding – Main Pitch

For supplying and spreading 58 tonnes of Mansfield MM45 Sand.

Price £2780.00 + VAT

Item 5 Herbicide Spraying

For supplying and applying Depitox broad leaf weed herbicide as per the manufacturer's recommendations.

Price £155.00 + VAT

Item 6 Infilling low areas on football pitch

To supply 20t of 10mm screened topsoil, infill low areas and level.

Price £975.00 + VAT

For additional 20t loads of 10mm screened topsoil including levelling.

Price £870.00 + VAT

Cornmill Lane Lease

I have been instructed to act on behalf of Tutbury General Charities in connection with the grant of a 25 year lease to Tutbury Parish Council for a sum of £500 per annum. I have prepared a draft lease on this basis and have pleasure in attaching this together with the proposed lease plan for your approval.

I understand that the Parish Council is to be responsible for the landlord's legal fees in relation to the lease and confirm that these will be in the sum of £500 plus VAT and disbursements of approximately £15 and should be grateful if you could please provide this to us on account as soon as possible.

Please also note that the lease is registerable at the Land Registry and the cost for this will be £40 and it will be your responsible to register the lease, however if you do not have solicitors instructed we can register the lease on your behalf.

Planning

P/2019/00423

Proposal: Replacement front door

Location: 29 High Street, Tutbury, Staffordshire, DE13 9LS

Cllrs suggested comments

New Double glazed door looks in keeping with the current single glazed door therefore no objections

P/2019/00361

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

18 Tulip Road, Tutbury, Staffordshire, DE13 9LX

Cllrs suggested comments

1. The existing and proposed plan is incorrect re the elevations. The front is East facing, rear is West facing, East is South facing and the West elevation shown is in fact North facing. Hopefully this is a genuine error and not an attempt at hoodwinking the Local Planning Officer.

2. Having a 2 storey extension will have an impact on the privacy for at least five properties over Green Lane whose rear gardens back onto Green Lane. This impact can be minimised by the proposed plan moving the bedroom window to the south facing wall (where it would only overlook 2 properties) and not as shown on plan looking over the rear (West facing).

3. Also a 2-storey extension this size so close to the road and other dwellings is not in keeping with other properties and is an unacceptable dominance over neighbouring properties.

4. The dominance of the properties will further reduce the light into the neighbouring properties on Green Lane.

Planning advice from SPCA

A right to light is indeed protected under common law, adverse possession or by the Prescription Act 1832 (A right to light may be acquired by anyone who has had uninterrupted use of something over someone else's land for 20 years). If a new building limits the amount of light coming in through a window and the level of light inside falls below the accepted level, then this constitutes an obstruction.

The effect on sunlight and daylight to neighbouring properties is, therefore, a material consideration in the determination of planning applications and any related concerns can certainly be commented upon to the local planning authority, even if the problem only affects garden areas rather than light entering through a window of the neighbouring house.

Information from ESBC parking policy

Parking Policy Oct2017 set out by esbc stipulates

Class C3 (dwellings)

1 Bedroom 1 space + 1 space per 3 dwellings for visitors

2 or 3 Bedrooms 2 spaces

4 or more Bedrooms 3 spaces

Sheltered Housing 1 space per 1 dwelling

P/2019/00463

Demolition of existing dwelling to facilitate the erection of a replacement dwelling and erection of a detached store/carport

3 Cherry Tree Lane, Fauld, Tutbury, Staffordshire, DE13 9GR

P/2019/00438

Application for a Certificate of Lawfulness for the continued use as a separate dwelling.

Water House, Lodge Hill, Tutbury, Staffordshire, DE13 9HF

p/2018/01475

Previous application comment submitted

Tutbury Parish Council would like to object to this application. It was thought that if an application to build a residence/ apartment in this location was sought that this would be refused. The habitable area of the flat is only half that of the government '2015 minimum nationally described space standard' for new homes, which specifies a minimum of 37sq metres for a dwelling. This development is 21.84 sq metres. The parish council would like this to return to being a garage not a residence.

Decisions

P/2019/00118

EAST STAFFORDSHIRE BOROUGH COUNCIL in pursuance of powers under the above-mentioned Act hereby GRANTS Listed Building consent:

Listed building application for the display of a notice board
Charity House, Duke Street, Tutbury, Staffordshire, DE13 9NE