

Environment & Leisure Committee

meeting 27th June 2019 – Additional documents

BACKGROUND/ISSUE

I have for some time been concerned about the hazardous condition of the Elms Business Park behind the Clifford Arms and the bridle/footpath that passes through it. I have now been approached by a resident of Great Haywood regarding this. The abandoned foundations of the proposed houses to be built there look appalling but are fenced off. However, Alongside the bridle path bordering onto the railway embankment there are derelict huts/containers which have long been used by problematic individuals and these structures pose a health & safety hazard. Windows are broken in these and the remains of the contents (including an old fridge) are scattered by the side of the path. Action urgently needs to be taken to tidy up this area and at least remove anything that is hazardous and accessible to the public and, in particular, to our young people. This area is in the centre of our village and the bridle path is used regularly by walkers. It is an eye-sore that we should be ashamed of.

OPTIONS

1. To contact the existing owner to try and enforce him to improve the area.
2. To look into the possibilities of the Parish Council making this area safe and hazard free.

RECOMMENDATIONS

To be discussed by the Environment & Leisure Committee with a view to reporting back to the Full Council for action to be taken. A site visit may be helpful to clarify the need for action.

AGENDA ITEM FOR ENVIRONMENT & LEISURE COMMITTEE.

BACKGROUND/ISSUE

My attention has been drawn to the fact that there are several hedges/bushes throughout the villages that are overhanging the pavement to such an extent that they are a hazard. A particular complaint has been concerning the tree at 4 Hazeldene, Main Road, Great Haywood that borders on to the Memorial Hall. I personally have similar concerns regarding hedges and bushes on St Mary's Estate that have expanded width-wise to the extent that they take up half the pavement. If one tries to walk side by side with another person it is impossible and results in one person walking in the road. It causes a major problem for anyone pushing a pushchair and it also obscures road signs. St Mary's Road has several areas that fall into this category and one house in Manor Farm Road (18) is particularly difficult. This problem has grown up over several years and if it is not dealt with soon then some areas of footpath will become unusable.

OPTIONS

1. To ignore the situation and leave it to the householders to control their hedges as they wish.
2. to publicize the need to control hedges in the Parish Council newsletter and hope that householders will respond favourably.
3. To explore ways in which a ruling to cut hedges back to the pavement boundaries can be enforced.
4. Cutting back these hedges will be an expensive operation. Consideration needs to be given as to how far the Parish Council should/could be involved in helping to meet these costs.

RECOMMENDATIONS

The options should be discussed at the Environment & Leisure Committee and recommendations made to the full Council as to how this issue should be approached. I would feel that taking no action on the matter is not acceptable.

AGENDA ITEM FOR ENVIRONMENT & LEISURE COMMITTEE.

POWERS AVAILABLE TO THE COUNCIL TO SPEND MONEY ON COMMUNITY TRANSPORT SCHEMES

Local Government and Rating Act 1997, s.26-29

Section 26 car-sharing schemes

Section 28 Taxi fare concessions

Section 29 Information about transport

Transport Act 1985

106A Grants for bus services

Section 106A Grants for bus services.

- (1) A parish council or community council may make grants to any body towards expenditure incurred or to be incurred by that body in connection with the operation of—
- (a) a bus service appearing to the council to be wholly or mainly for the benefit of members of the public who are elderly or disabled; or
 - (b) a community bus service (as defined in section 22 of this Act).*
- (2) The power in subsection (1) above may only be exercised if—
- (a) the bus service benefits, or appears to the council likely to benefit, persons living in the council's area, and
 - (b) a permit in relation to the use of the vehicle by means of which the service is, or is to be, provided has been granted to the body concerned under section 19 or 22 of this Act.
- (3) Grants under this section may be made in such cases and subject to such terms and conditions as the council think fit.

***Section 22 Community bus permits.**

- (1) In this section and section 23 of this Act—
- “community bus service” means a local service provided—
- (a) by a body concerned for the social and welfare needs of one or more communities;
 - (b) without a view to profit, either on the part of that body or of anyone else; and
 - (c) by means of a vehicle adapted to carry more than eight **F1**... passengers; and
- “community bus permit” means a permit granted under this section in relation to the use of a public service vehicle—
- (a) in providing a community bus service; or
 - (b) in providing a community bus service and (other than in the course of a local service) carrying passengers for hire or reward where the carriage of those passengers will directly assist the provision of the community bus service by providing financial support for it.
- (2) A community bus permit may be granted by the traffic commissioner for the area in which the operating centre for any vehicle used under the permit will be.
- (3) A traffic commissioner shall not grant a community bus permit unless he is satisfied that there will be adequate facilities or arrangements for maintaining in a fit and serviceable condition any vehicle used under the permit.
- (4) A body may hold more than one community bus permit but may not use more than one vehicle at any one time under the same permit.

Section 19 Permits in relation to use of public service vehicles by educational and other bodies.

OTHER POWERS AVAILABLE

The Power of Competence in the Localism Act 2011 could be applied. To use the Power of Competence the Council needs a qualified Clerk and at least 2/3rds of the council to have been elected. In Colwich this equates to 10 out of 14 rounded up.

ASSESSMENT AGAINST POWERS AVAILABLE

Lunar cars is a private bus company providing a service to any passenger from Colton; Colwich; Ingestre with Tixall, Hixon and Stowe-by-Chartley irrespective of age or disability.

The Clerk and Deputy Clerk both hold the Certificate in Local Council Administration (CiLCA) and so the Council meets the first criteria. Unfortunately, only 8 Colwich Councillors have been elected with the remaining Councillors being co-opted.

The “Local Government and Rating Act 1997” and “Transport Act 1985” do not apply. Furthermore, Colwich Parish Council cannot use the Power of Competence as insufficient Councillors have been elected and so no power is available to the Council to fund this request.

RECOMMENDATION

That the Council does not support the project financially but instead considers an article in the autumn Newsletter and/or hosting the proposed timetable on the website and the noticeboard at the JPF.

10.3 Cashflow forecast

Section ten

[illegible]

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Total money out (£)	7,690.00	640.00	640.00	640.00	640.00	640.00	640.00	740.00	640.00	640.00	640.00	640.00	640.00	15,470.00
Balance (£)	310.00	860.00	860.00	860.00	860.00	860.00	860.00	760.00	860.00	860.00	860.00	860.00	860.00	10,530.00
Opening balance	0.00	310.00	1,170.00	2,030.00	2,890.00	3,750.00	4,610.00	5,470.00	6,230.00	7,090.00	7,950.00	8,810.00	9,670.00	
Closing balance	310.00	1,170.00	2,030.00	2,890.00	3,750.00	4,610.00	5,470.00	6,230.00	7,090.00	7,950.00	8,810.00	9,670.00	10,530.00	