CHURCH BROUGHTON PARISH COUNCIL

PARISH COUNCIL MEETING HELD ON THURSDAY 6TH JULY 2023

Those present: In attendance:

Councillor Pedley-Chairman Helena Steeples-Clerk

Councillor Redfern

Councillor Speake

Councillor Thorpe

Councillor Warriner

Councillor Woodhall

DCC Councillor Patten

SDDC Councillors Andrew, Davies & Meghani

1 parishioner

**32.0 APOLOGIES**

None.

**33.0 COMPLETE DECLARATION OF ACCEPTANCE OF OFFICE – COUNCILLOR WARRINER**

Councillor Warriner completed the form.

**34.0 REPORTS FROM DISTRICT & COUNTY COUNCILLORS & POLICE**

Councillor Pedley welcomed DCC Councillor Patten and the new SDDC Councillors and asked everyone to introduced themselves.

SDDC Councillor Meghani advised that he is the Deputy Leader of the Conservative Group and, therefore, Deputy Leader of the Opposition, and he is on the Finance & Management Committee; Standards Committee; & Joint Consultative Committee.

SDDC Councillor Andrew advised that he is Leader of the Liberal Democratic Group a member of the Finance & Management Committee, and Environment & Development Services Committee.

SDDC Councillor Davies advised that she always been very involved with community work and is a member of the NHS. Councillor Davies is also the Deputy Leader of the Liberal Democratic Group & is on the Planning, Housing & Community Committees.

DCC Councillor Patten reported on the following:

Oak trees – There is an issue in South Derbyshire with the processionary moths which have been sighted in the Long Eaton area. Looks like a train of caterpillars. Residents are asked to be vigilant and report any sightings to the Forestry Commission or DCC.

Adult Education courses are now open for registration starting in September. See DCC for details.

Adult Care – a consultation has begun to seek opinion on proposed changes on how we charge people receiving adult social care in the community. Information is on the DCC website.

Pension Credit – residents are advised to check to see whether they could be eligible. Details on the website.

Repair Cafes – these are dotted about in Derbyshire, run by volunteers and will repair most small items but bikes are also included and garden implements. Our nearest ones are in Derby, Long Eaton, Quarndon, and Woodville. Details of opening times for each one are on the DCC website.

Free school meals – we are encouraging parents and carers to apply for free school meals if they think they may be eligible. Apply online at DCC and we will check the rest.

Child eye checks – As children start school or those already at school, if they are experiencing issues i.e., need to be closer to read information, please apply for an eye test at derbyshirefamilyhealthservice.nhs.uk/vision.

SDDC Councillor Andrew & Davies reported that they had driven past the traveller’s site on Sutton Lane and confirmed cameras have been installed and work has been undertaken on the field next to site. Councillor Andrew has contacted the planning department to enquire if planning had been granted. A response has not been received. Parish Councillors advised that this site has had a retrospective planning application submitted and the works which have already taken placed is likely to have increased the risk of flooding on the road; the ditch has been illegally filled; hedging removed; and an illegal entrance established on a narrow lane. SDDC Councillors to keep the Parish Council updated. ACTION: SDDC COUNCILLORS

Councillors raised the question of condition of roads and their repair. Councillor Speake advised that some potholes have been filled but others have been left. When Councillor Pedley had attended a meeting at Matlock, Councillors were informed that the repair teams can note, and repair potholes close to the ones they have been sent to repair but this does not appear to be happening. Councillors asked if the repair teams could be monitored to ensure work is up to standard. DCC Councillor Patten asked that she be copied into any reports of potholes so she may prepare a file to be sent to Cabinet. It was agreed that potholes need to continue to be reported as this is currently the only way that repairs will be initiated.

Councillors offered to help Councillor Speake with the reporting of potholes.

ACTION: ALL COUNCILLORS

Footpaths – Councillor Woodhall is contacting landowners regarding damaged stiles. ACTION: COUNCILLOR WOODHALL.

Councillor Pedley updated all present on Boggy Lane.

Some Parishioners had been expressing their views on the access to Boggy Lane and their understanding that there is an unofficial right of way through the wooded area of Boggy Lane. The official designated public footpath in fact runs parallel though the field to the east of Boggy Lane and not through the wooded area of Boggy Lane. Some parishioners are in favour of a right way through Boggy Lane and some against. It is thought that Boggy Lane was once an official road into the village, but this ceased many years ago and rubbish (broken glass etc) was deposited on this land making access dangerous. A badger sett is located across the whole width of the southern part of the wooded area and legislation exists to protect badgers and their setts.

For many years people have walked through the wooded area of Boggy Lane and wished to have a public right of way placed though the area. The Parish Council with Mr Peter Shanks (solicitor) between 2004-2008, tried to have Boggy Lane listed as Common Land/Green Lane status. After numerous consultations, meetings at Matlock and searches they were unable to find who owned the land. It didn’t belong to Chatsworth Estate, but it could have defaulted to the crown. No one is listed as owning the land. It was agreed at that time to stop pursuing the idea.

Recently a group of parishioners have applied for a Map Modification Order (MMO) which needs evidence that there has been regular use over the past 20 years.

At the meeting in May 2023, the Parish Council after discussion agreed not to get involved with or support a MMO request but that did not stop any Parishioner or group of Parishioners from doing so themselves.

It is understood that landowners on either side of Boggy Lane have previously sought legal advice as to who owns the land and what their rights may be. It is understood that landowners on either side may make a claim to the middle of the wooded area and are likely to be successful in this. However, it is also understood that no one has made such a claim.

A meeting at Boggy Lane was held on 31st May 2023 between Councillor Pedley, Councillor Woodhall and the DCC Footpath Officer, Mr Patrick Mountain. Mr Mountain confirmed that the designated Public Footpath runs just parallel to, and to the east of Boggy Lane. He has also confirmed that although the path through the wooded area of Boggy Lane appears to have been used historically, the public access does not become a “Right” unless and until the legal process of claiming the Public Right of Way (Definitive Map Modification Order) is confirmed and completed.

SDDC Councillor Andrew suggested the council may wish to consider applying for the area to listed as an Asset of Community Value.

DCC Councillor Patten suggested Councillors should consider declaring interests in items in which they may be involved.

SDDC Councillor Andrew advised that there has been concerns raise over the sale of goldfish which are seen at fairs.

Councillors explained that at the parish meeting a suggestion for fund raising for the Community Hall was to hold councillors’ surgeries. SDDC Councillors to consider.

DCC Councillor Patten and SDDC Councillor Meghnai left the meeting at 7.45pm.

**35.0 PUBLIC PARTICIPATION**

The parishioner who attended the meeting explained they had been walking along the footpath which runs along the side of Boggy Lane and also the wooded area of Boggy Lane for many years and it was very distressing to be told by another parishioner that they should not be walking in the wooded area. The parishioner advised that it would be lovely to have wooded area of Boggy Lane as a public asset.. Councillors thanked the parishioner for their input.

**36.0 OUSIDE BODIES PARTICIPATION**

None.

**37.0 TO RECEIVE & APPROVE REQUESTS FOR DISPENSATIONS FROM MEMBERS ON WHICH THEY HAVE A DISCLOSURABLE INTEREST.**

None declared.

**38.0 MINUTES OF THE LAST MEETING HELD ON THURSDAY 25TH MAY 2023**

The minutes were read, approved and signed. Proposed by Councillor Speak and seconded by Councillor Pedley.

**39.0 MATTERS ARISING**

**39.1 COMMUNITY PLAN – UPDATE**

No report.

**39.2 COMMUNITY HALL UPDATE**

Planning application has been submitted but not yet validated by SDDC planning department. An environmental report may be required, and it was approved by all present to spend up to £600. Three quotes would be obtained if it was required, prior to the next parish council meeting in September.

The village shop has a licence to operate in the Community Hall up until August. It was agreed by all present to renew the licence at the same price of £200 per month. Councillors were informed that the village shop team would like to invest in new shelving to help display their goods.

The village shop team had previously pledged to commit £2000 of their funds towards the original acquisition of the Community Hall. It was agreed to allow the village shop team to withdraw this pledge and keep the funds within their control for making appropriate investments to ensure the success of the village shop.

Further to the risk assessment being carried out the fire extinguishers had been serviced and new seals fitted at a cost of £31.20. Invoice in finance section.

Councillor Pedley to make new access ramp.

New sign has been installed outside the building.

**39.3 RISK MANAGEMENT**

No further items to add/remove.

**39.4 MIDLAND CLASSIC BUS**

An email had been issued to the company to enquire if the bus route may be altered to include Church Broughton. No response has been received.

**39.5 ASHBOURNE TRANSPORT**

Councillor Pedley had spoken with Mr Watson (a Trustee of the company), who had indicated an assessment of demand for additional services would need to be carried out, but that he would take it away for consideration.

**39.6 BOGGY LANE**

Further to item 34.0

Boggy Lane Fly Tipping

After the last meeting the Parish Council had received an email on 14th June, raising concerns over fly tipping of garden rubbish in Boggy Lane, and also on Tippers Lane. It had become apparent that the Parish Council had been inconsistent when dealing with reports and when reviewing a recent case, in a different location. After discussion it was agreed that the Clerk email the parishioner who had contacted the Parish Council and apologise for the previous inconsistencies and to also issue information to the parish re the contact details of SDDC Clean Team, for parishioners to use if they so wish. ACTION: CLERK

Communication to village regarding Boggy Lane

Councillor Pedley apologised for omitting to copy Councillor Warriner on the email to Councillors containing the draft statement to the village, the key messages of which had been agreed at the Parish Council meeting held on 25th May 2023, where Councillor Warriner had sent his apologies for absence.

Councillor Warriner made a statement expressing dissatisfaction at the Parish Council’s communication to the village which had been agreed at the previous meeting (25th May 2023). The statement is incorporated below:

“The Parish Council’s email of 26th May 2023 to the wider Parish on the clearance of vegetation to help maintain a walking route along Boggy Lane was inappropriate in a number of respects. It sought to unduly influence and curtail my role as a Parish Councillor to represent members of our community. It was unnecessarily inflammatory and inappropriate to allude to potential criminality with respect to the Protection of Badgers Act 1992 in the public domain. If the Parish Council had good reason to believe that the law was being broken it should have reported the matter to the police. Members of the Parish Council failed to review and understand key aspects of the legislation or to visit Boggy Lane to review the activities in question before the email was published. The email was unbalanced and partisan in nature. It didn’t, for example, make reference to the fly tipping of green material in Boggy Lane that has continued for a number of months or concerns over harassment which are themselves illegal activities. In making this poor choice the Parish Council is in danger of bringing itself into disrepute with some members of our community.

Following the Parish Council’s email being published, and potentially because of its inflammatory nature, an unidentified person did call the police with concerns over badger protection. They attended Boggy Lane woods and reviewed the maintenance work. They discussed the matter with a member of the working party who had helped with the maintenance work and happened to be passing at the time. That person described the steps that had been taken to ensure badgers were protected and offered the names and addresses of all people involved. The police declined to take these details as they considered no offence had been committed and no further investigation was required. Anecdotally, they were clearly frustrated that their time had been wasted on this matter. Following this unnecessary escalation, I have contacted our local PCSO and confirmed that I was a member of the working party and provided my own assurances with respect to meeting the requirements of the 1992 Act.”

Part way through Councillor Warriner’s representation, Councillor Woodhall left the meeting at 9pm and then returned after 5 minutes.

Councillors disagreed with Councillor Warriner’s representation and no further discussion was required about its previous decisions regarding Boggy Lane.

**39.7 READING ROOM LAND, HAS ANY WORK BEEN CARRIED OUT SINCE THE LAST MEEING?**

Councillor Woodhall confirmed 5 hours worked was carried out on 27th June 2023.

**40.0 FINANCE**

**40.1 FINANCE REPORT**

A finance report as at 31st May 2023 had been circulated.

**40.2 SDDC STREET NUMBERING – COMMUNITY HALL £64.00**

An application had been submitted to SDDC to have the address amended for Church Broughton Methodist Church to Church Broughton Community Hall. Approved by all. Cheque serial number 001387 issued.

**40.3 GALLAGHER INSURANCE £798.50**

Insurance for the Parish Council £346.26 & insurance for the Community Hall £452.24 totalling £798.50. Proposed by Councillor Pedley and seconded by Councillor Woodhall. Cheque serial number 001368

**40.4 CLERKS SALARY £192.00**

It was proposed by Councillor Pedley and seconded by Councillor Woodhall to pay the Clerks salary. Cheque serial number 001431 issued.

**40.5 D WALLIS LENGTHSMAN £66.76**

It was proposed by Councillor Woodhall and seconded by Councillor Pedley to pay Mr Wallis. Cheque serial number 001432 issued.

**40.6 B RUDGE LENGTHSMAN £26.22**

It was proposed by Councillor Pedley and seconded by Councillor Woodhall to pay the Mr Rudge. Cheque serial number 001433 issued.

**40.7 B RUDGE LENGTHSMAN £20.00 – PREVIOUS CHEQUE NOT CASHED**

It was proposed by Councillor Woodhall and seconded by Councillor Pedley to re-issue a cheque for £20.00 to Mr Rudge for a cheque he had not previously banked. Cheque serial number 001434 issued.

**40.8 NEWMOUNT BRASS £125.00**

Further to the decision agreed at the last meeting to give a donation of £125.00 to Newmount Brass Band, for them playing at the Coronation Party, it was proposed by Councillor Woodhall and seconded by Councillor Pedley to donate £125.00. Cheque serial number 001435 issued.

**40.9 BW BELCHER & SON LTD £31.20**

It was proposed by Councillor Pedley and seconded by Councillor Woodhall to pay BW Belcher & Son Ltd for the servicing and new seals for the Community Hall fire extinguishers. Cheque serial number 001370 issued.

**40.10 CORONATION MEMORIA**

The Parish Council has £375.00 remaining from DCC Patten’s donation for Coronation celebrations. It was agreed to defer the decision and Councillors were asked to consider what the funds may be spent on. ACTION: ALL COUNCILLORS

**40.11 AUTHORISATION TO PAY SALARIES IN HOLIDAY PERIOD**

It was agreed by all present that salaries and a payment to HMRC could be paid during the August holiday period. Clerk to ensure cheques are signed by two signatories.

**40.12 HMRC £64.60**

It was proposed by Councillor Woodhall and seconded by Councillor Pedley to pay HMRC. Cheque serial number 001369 issued.

**40.13 AUDIT**

Clerk confirmed that PKF Littlejohn had received The Annual Governance Accountability Return (AGAR) for Church Broughton Parish Council. A review will now take place.

**41.00 PLANNING APPLICATIONS**

**41.1 DMOT/2023/0638 – THE PRUNING OF A SYCAMORE TREE COVERED BY SDDC TREE PRESERVATION ORDER NO 327 ON RECREATION GROUND, MAIN STREET, CHURCH BROUGHTON.**

No objections.

**41.2 DMPS/2023/0432 – CHANGE OF USE OF LAND TO EQUESTRIAN AND ERECTION OF TRAINING MENAGE WITH POST & RAIL FENCING FORGE HOUSE, LONGFORD LANE, CHURCH BROUGHTON**

No objections subject to the following consideration that the Parish Council would like to ensure that footpath 6 which passes through the applicant’s proposed change of use site is suitably protected and preferably enhanced as a condition of this development. The whole route with associated stiles and access points needs to be considered given walkers, some of whom will have dogs, will be passing through a menage area with horses. Both the walkers and horses need to be suitably catered for. This footpath has a problematic area where it passes through a narrow corridor between the applicant’s boundary and an outbuilding/garage, potentially because the outbuilding was constructed at an earlier date without due consideration of the footpath. This area has at times been overgrown and has been partially blocked by materials and equipment behind the outbuilding. Enhancing access to the footpath in this area is preferable.

**41.3 DMPA/2023/0432 – THE CREATION OF A DETACHED ANNEXE, GARAGE AND SWIMMING POOL BUILDING AT MEADOW COVERT, ASHBOURNE ROAD, CHURCH BROUGHTON.**

No objections.

**42.0 REPORTS**

**42.1 ROADS**

See item 34.0

**42.2 FOOTPATHS/MINRO MAINTENANCE**

Clerk has confirmed the Parish Council’s wish to be included in DCC Minor Maintenance Agreement for an allocation of £430.00.

Councillor Woodhall confirmed that she is in contact with landowners where stiles are requiring maintenance.

The new owners of Barton Hall have cleared the footpath 7 by the wooded area.

Councillor Woodhall has asked Ms Atkinson if she has applied for a permissive footpath on footpath 37. As yet Ms Atkinson has not.

Mr Coxon has been asked to fix stiles on footpaths 13 and 36

Mr Allen has fixed stile on Badway Lane footpath 7

Footpath 37 has been made accessible

Footpath 9 on Martins land – Mr Patrick Mountain, footpaths officer, had contacted Councillor Woodhall to confirm that no further action is required as there is a gap to step through and no stile needed as it is an arable field. There is a policy that they prefer gaps rather than stiles unless animals are in the fields.

**43.0 CORRESPONDENCE**

None

**44.0 POLICIES**

The following polices had been prepared and submitted to Councillors. It was agreed to allow Councillors longer to read and bring them to the next meeting.

Code of Conduct; Standing Orders; Complaints; Equality & Diversity; Freedom of Information Publication Scheme; Freedom of Information Policy; Retention; Accessibility; & Internal Audit. ACTION: CLERK

It was agreed by all present to make the Clerk the Data Protection Officer.

**45.0 CHAIRMANS NOTICES**

The issue of HGV’s travelling too far north along Woodyard Lane has been noted as being problematic. It was suggested that lorries should be encouraged to turn left off Woodyard Lane onto Woodhouse Lane and then left onto Hay Lane and follow the road back to the A50. Councillor Warriner was to speak to Councillor Smith but he is no longer in position so it was suggested he may speak with DCC Councillor Patten to assess the options for signage.

Councillor Pedley suggested Councillors should undertake Councillor Essentials training.

**46.0 DATE & TIME OF NEXT MEETING**

To be held on Thursday 7th September 2023 at 7pm.

Meeting closed at 9.40pm.