

**AREA PANEL 3 COMMUNITY ISSUES – UPDATE REPORT
BACKGROUND INFORMATION
18 JANUARY 2006**

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1. Ref: 305041 – Petition – Rebuilding of railings, North end of Gladstone Street, Abbey - received 16.11.05

Responsible officer(s) for more information:

Ian Wheatley, Grounds Maintenance Manager, Commercial Services, telephone 716530

Issue:

A petition had been received requesting the rebuild of the railings at the north end of Gladstone Street, and the possible installation of a gate. It stated that since the Council took the original park railings away over a year ago, the remaining gap has become a focus for antisocial activities, including drug abuse, and threatening behaviour.

Previous key points / action taken:

New item.

Response on 16 November 2005

Councillor Burgess stated he was very glad this petition has been brought forward, as this had been something he had been battling with the parks department to get the railings reinstalled. Would hope that through working through the area panel, we can achieve this replacement. It has encouraged a lot of graffiti and rubbish being left there,

Councillor Afzal has visited the residents, and their main concern was that nobody had been paying any serious attention to the problem. Because the railings are missing, it is encouraging a lot of antisocial activities even during the daytime.

Actions agreed:

Ask Derby Parks to investigate and report back.

Update:

It is recognised that Gladstone Street is in Abbey ward while the railings are on the Normanton ward boundary.

Some railings along the private jitty beside houses on Gladstone Street were removed for safety reasons. The railings across the end of Gladstone Street are still in place. Annual inspections are now made of boundaries following the fatality at Osmaston Park. There is no covenant or legal reason why the council has to provide a fence along this private jitty that provides access to rear gardens, or install a gate to a private jitty. We have no need of the fence, the only reason for replacing it would be to provide security for the private properties. Therefore we do not plan to reinstall the railings.

Elsewhere on the park's boundary there are lengths of resident's fencing and old park railings that are dangerous and we have temporarily made them safe with a barrier railing. We give residents a couple of months to replace the fencing to maintain their security after which we will remove the barrier fencing.

Derby Parks are often asked to provide fences to people's gardens where they adjoin Public Open Space but Derby Parks decline to do so - if residents wish to protect their property then they need to provide their own fence. Fencing of parks was linked to locking them at night. Since locking ceased in the early 1970's, we have been slowly removing fences when they have become unsafe.

The cost of maintaining miles of park fencing was the main reason for deciding not to lock the parks and there is certainly no budget for providing fences to private land whenever requested by the landowner. The policy not to fence parks has been operated since the early seventies.

2. Ref: 305044 – Petition – Improvements to Stockbrook Street Area, Abbey- received 16.11.05

Responsible officer(s) for more information:

Shaun Bennett, Director of Investment and Regeneration, telephone 711033

Andy Thomas, Anti-Social Behaviour Team, Community Safety Partnership, telephone 256910

Issue:

A petition had been received from residents in the Stockbrook Street area asking for a variety of issues relating to anti social behaviour activities as well as transport issues to be tackled.

Previous key points / action taken:

New item.

Response on 16 November 2005

Councillor Williamson stated that the petition addresses the variety of antisocial behaviour issues in the area. He explained that there is a need to work with residents, and voluntary organisations in the area. He anticipates that the Council and partners will address the issues raised in the petition and are currently working up a number of proposals.

Actions agreed:

The panel agreed that updates and progress regarding this petition will be reported directly to the Stockbrook Street residents group.

Update:

Initial feedback has been provided to the Stockbrook Street residents group

3. Ref: 305046 – Request for zebra crossing – Mount Street, Abbey - received 16.11.05

Responsible officer(s) for more information:

Tony Gascoigne, Traffic Control Engineer, Development and Cultural Services telephone 715019
Dave Powner, Project Manager, Development and Cultural Services telephone 715030

Issue:

A resident asked the panel to consider the installation of a zebra crossing on Mount Street / Mill Hill Lane and Mount Street/ Burton Road junctions. He explained that this request had been considered in the past, and a survey had been carried out by the police over four years ago. He explained that traffic flows have changed and pedestrians have to run the gauntlet to get across these road, as there is no crossing until Normanton Road. He was aware of the Connecting Derby project, but felt that the situation would be a problem for at least another three years. He asked for clarification on the criteria for zebra crossings, and asked that a new survey be carried out to look at traffic flow between Charnwood Street and the Burton Road Junction.

Previous key points / action taken:

New item.

Response on 16 November 2005

David Gartside explained that a short term alternative solution would be very difficult as it forms part of the inner ring road, and that zebra crossings require a lot of space, and do cause excessive delays for vehicles. He stated that Mount Street would be incorporated into Connecting Derby, and this would offer the best solution.

Actions agreed:

Incorporate the request into the Connecting Derby scheme.
Respond directly to the resident to answer the issues relating to criteria for crossings

Update:

We have responded direct to the resident and have provided him with the pedestrian crossing criteria.

4. Ref: 305012 – Street lighting in Derby City centre, Arboretum – received 30.03.05

Responsible officer(s) for more information:

Alan Jacques, Street Lighting Manager, Development and Cultural Services, telephone 715014

Issue:

A member of the public commented that he had counted a large number of street lights out on the Wardwick and Uttoxeter New Road.

Previous key points / action taken:

June 2005 - We are aware of an ongoing problem with some of the lighting on Uttoxeter New Road, our clerk of works is currently trying to resolve the situation, we will endeavour to get them working as soon as possible. The Street lighting Engineer has surveyed the Wardwick area. All of the lights on Wardwick were lit, however a couple of the new lighting units on the Strand were out. Since these roads join together, these may be the lights referred to by the resident. These will now have been replaced. However, these new lights were installed as part of Connecting Derby, and the main contractor who did the works has become bankrupt. Unfortunately, this will continue to cause some delays in getting faulty lights working. It is understood that the lights will be 'handed over' to Streetcare in the next few weeks.

September 2005 - The Uttoxeter Road lights have been repaired. The handover of the new city centre lighting is expected to take place by October 2005.

November 2005 - Our Clerk of Works has now carried out a survey of the City Centre Connecting Derby scheme. There are many issues which require resolving before we are able to take these street lights over for maintenance. We are meeting with the Special Projects Team responsible for Connecting Derby to resolve this as soon as possible. We have given details of the defective lamps, as picked up by our Night Patroller, to the Special Projects Team in order for them to have the lamps repaired.

Response on 16 November 2005

A resident commented on the big improvement with the lights in the centre of Derby, but there are still five main lights that are out.

Actions agreed:

Update on repairing the five lights

Update:

We believe the lights referred to by the resident are at the Cathedral Row junction with Walker Lane. There is a problem with gaining access to the electricity supply which we are working to resolve.

5. Ref: 305027 – Petition - Turning area on Dexter Street, Arboretum - received 07.09.05

Responsible officer(s) for more information:

Neil Palfreyman, Traffic Management Engineer, Development and Cultural Services, telephone 716090

Councillor Khan, telephone 331555

Issue:

A petition had been initially received in September 2004 requesting the council to consider extra lighting, double glazing, damaged sewer pipes and a no-parking zone to create a turning area at the end of Dexter Street.

Previous key points / action taken:

September 2005 - A report was presented to the panel outlining the result of the investigation to look at a turning circle. Contact has been made with Rotadata Ltd and English, Scottish and Welsh Railways who each own land at the end of Dexter Street, because it would be necessary to obtain land from both companies to create a turning area at the end of Dexter Street. Agreements would have to be reached with both companies to take the proposal further. Rotadata are not prepared to allow the Council to purchase the land, as they suffer from excessive fly tipping and trespassing on their site and feel that by removing the wall at the end of Dexter Street and creating a turning area, access to their site would be made easier. Investigations have revealed that there is a large difference in levels between the end of Dexter Street and the Rotadata site. Large scale engineering work would be required to create a turning area with the costs reflecting the scale of the work. The only other option is to introduce waiting restrictions - double yellow lines - at the end of Dexter Street. This would create an area free of vehicles, if the restrictions are adhered to, which could be used as a turning area.

November 2005 - Officers have tried to contact the lead petitioner. An e-mail was sent on the 8 September 2005, offering assistance with any consultation. A letter was also sent on 29 September 2005. So far, no response has been received. Councillor Khan has been in contact with the lead petitioner and residents are keen to explore the option to introduce waiting restrictions to allow a turning area to be created.

Response on 16 November 2005

Councillor Khan confirmed that the lead petitioner had accepted the proposals put forward. The petition is expected in by the end of the week.

Actions agreed:

A response had been provided to all the issues except for the turning area. Agreed to contact the lead petitioner to discuss the introduction of waiting restrictions at the end of Dexter Street, to create an area free of vehicles to be used as a turning area

Update:

The Traffic Management Group has started the process of consulting and advertising upon a proposal to introduce waiting restrictions to create a turning facility at the end of the street. The Area Panel will be informed of any objections that are received.

6. Ref: 305042 – Petition - Antisocial behaviour, St Chads Road area, Arboretum- received 16.11.05

Responsible officer(s) for more information:

Inspector Gary Parkin, Derbyshire Police, telephone 222184

Andy Thomas, Anti-Social Behaviour Team, Community Safety Partnership, telephone 256910

Issue:

Councillor Khan informed the meeting that he had received a petition from local residents regarding vandalism, antisocial behaviour and drug abuse in the area of St Chads Road, Cromwell Road, Byron Street and Stonehill Road. There have been regular incidents where vehicles are vandalised, with windows smashed. Phone boxes are also vandalised, and are being used to sell drugs. He asked for something to be done.

Previous key points / action taken:

New item.

Response on 16 November 2005

Councillor Dhindsa stated that the Police and Anti Social behaviour Team will be asked to respond.

Actions agreed:

Police and Anti Social Behaviour team to investigate and report back

Update:

The Anti Social Behaviour Team has visited the St Chads Road area and found no obvious signs to indicate the level of Anti Social Behaviour -ASB complained about. There is some graffiti and rubbish but nothing out of the ordinary. There is no evidence of drug use around the phone box. The Police have had no ASB complaints from the area and only a couple of instances of criminal damage. There have been no recent incidents of note from the area.

The local Police have been informed about the alleged drug dealing and groups of youths and will visit the area.

The Anti Social Behaviour Team feel the level of ASB activity does not warrant a camera. In addition, there are no suitable camera points in the area.

The Anti Social Behaviour Team has met with BT to consider what action can be taken when a pay phone is used for anti social behaviour. BT has requested the Anti Social Behaviour team provide a list of phone boxes used for antisocial behaviour and this phone box will be included on the list.

7. Ref: 305006 – Cameron Road Homezone improvements and wheelie bins, Normanton - received 19.01.05

Responsible officer(s) for more information:

Neil Palfreyman, Traffic Management Engineer, Development and Cultural Services, telephone 716090

Issue:

A written question was submitted to the panel, asking the Council to enforce that wheelie bins are put away by every resident, as they are an hazard on the pavements, particularly for the blind and disabled. He also asked that the tree guards that are being installed are painted white instead of black, so that they are more visible to car drivers at night.

Previous key points / action taken:

June 2005 - reported that improvements to street lighting had increased the illumination of Cameron Road enormously. Considered that the trees and tree protectors were highly visible and did not require further illumination. Changes in the road layout had been designed to ensure Home Zone was self enforcing and vehicles were driven at appropriate speeds.

It was accepted that road users would need to alter their behaviour when using streets within the Home Zone and it was reported that it was noticeable that all those using the Home Zone were accepting the change.

Lack of parking on Cameron Road had been queried and the layout of the parking within the Home Zone had been altered as part of the design of the street layout. Although the number of parking spaces had decreased, the final design provided spaces that exceeded the measured demand. It was reported that officers had agreed to monitor the situation on a regular basis and would take action where it might be considered necessary in order to maintain or improve safety.

September 2005 - Consultation has been carried out with local residents about the reflective strips to the existing tree guards. Reflective strips used on other street furniture in the area were subject to vandalism and removed. In view of this we are looking for alternative reflective strips to lessen the risk of vandalism.

November 2005 - investigated various types of reflector and reflective paint, and have decided to trial high-tack reflective tape and are expecting samples within the next couple of weeks. Subject to the trial being successful, we then hope to have the reflective strips in place by Christmas.

Response on 16 November 2005

None.

Actions agreed:

Agreed to close the item when confirmed that the reflective strips are installed

Update:

We have installed reflective strips and are monitoring their effectiveness to all of the tree guards. Work began on 28 November to complete the Home Zone works in and around Cameron Road and all works should be complete by the end of March 2006. Propose to close.

8. Ref: 305010 – Chatham Street, Concern about impact of Homezone improvements, Normanton – received 30.03.05

Responsible officer(s) for more information:

Neil Palfreyman, Traffic Management Engineer, Development and Cultural Services, telephone 716090

Issue:

A member of the public raised concerns over the state that Chatham Street had been left in following the completion of the Homezone scheme. She said that one at the Council would take responsibility for finishing the work off that had been left uncompleted. Photographs were distributed to demonstrate the incomplete works. Concern was also expressed about the lack of kerb edges – especially at the end of streets. Residents present felt that this was potentially very dangerous for pedestrians – especially young children.

Previous key points / action taken:

June 2005 - The majority of the scheme is finished, however there are a number of issues that still need to be completed and these should be completed over the next few weeks. This scheme is like any other highway scheme in that following the completion of the work there is a 12-month maintenance period. The scheme has been carefully designed, including consultation with the local residents, to be in line with Government initiatives to change the way that streets are used. The design aims to improve the quality of life in residential streets by making them for people, not just for traffic. Changes to the layout of the street emphasised this change of use, so that motorists perceive that they should give informal priority to other road users and the scheme is therefore self enforcing. The Road Safety Unit carries out child pedestrian training at schools for Years 1 & 2 and would cover issues such as these.

September 2005 - The work has not yet been completed. We are liaising with the contractors to get the work done as soon as possible.

November 2005 - The contractors have now completed all the footway works that were remaining at the Randolph Road and Chatham Street junction.

Response on 16 November 2005

A member of the public stated that the Homezone was a complete waste of money, it was unfinished, although they had been informed that works would start again. There is insufficient parking for the number of houses, and emergency service vehicles would find it very difficult to access the street. Cannot park anywhere near your property, cars cross over the pavements as it is all on one level, so pedestrians cannot pass. Asked the panel if anything could be done, and preferably put it back to its original state.

Another resident stated that a van had parked on the road, unloading goods, and it blocked access to his property. He stated that there was no point in having the homezone. It is impossible to go along the street and the garage parking more and more cars on the street. Have been told that the works will be completed by 29 December, and was asked to keep the street clear for the next month. He stated that he had not seen any councillors visiting the site, and residents feel that they are not being listened to.

Another resident stated that it is very dangerous when pushing a buggy out directly onto the road with cars speeding.

A member of the public raised concern over untaxed vehicles being parked on Cameron Road, blocking her access to her property, and not allowing any right of way to pedestrians. She explained that she had contacted the police who had advised her to contact DVLA, who informed her that they were permitted to park anywhere without any tax. She asked the panel what is being done about pedestrians not having access to the footpath.

Councillor Dhindsa agreed that the outstanding work needs to be completed as quickly as possible, and agreed that as a panel, would push for this to be done. He was unsure if the decision could be reverse. The intention of the homezone was to slow down traffic and have a more community atmosphere and environment. If speeding traffic is still happening, then have to look into this. Regarding the garage, they need to be contacted, to ensure that the road is kept clear for residents parking. He agreed to visit and to talk to the resident directly.

Councillor Williamson confirmed that the Council have sought the views of residents, and recognised that some residents support the homezone and while others don't.

Actions agreed:

- Contact the garage regarding the parking of vehicles on the street.
- Clarify parking rights on untaxed vehicles in the homezone area.
- Update on outstanding works
- Inform Councillor Dhindsa of the residents details.

Update:

- The garage has the right to park cars on the highway as long as they are taxed, insured and have an MOT in the same way as any member of the public. We are making observations of the parking in the street, which is not part of the homezone. So far we have not seen any evidence of inconsiderate parking. If we do, we will speak to the garage owners directly.
- There is no outstanding Homezone work on Chatham Street.
- Homezones are part of the highway so therefore you cannot park untaxed vehicles on them. We have contacted the traffic wardens and police to request they check on untaxed vehicles.
- We have contacted Councillor Dhindsa and offered to visit the resident with him.

9. Ref: 305040 – Petition – Removal of road humps, Browning Street, Upperdale Road and Stanhope Street, Normanton - received 16.11.05

Responsible officer(s) for more information:

Tony Gascoigne, Traffic Control Engineer, Development and Cultural Services telephone 715019

Issue:

A petition was received at the meeting requesting the removal on the traffic humps on Browning Street, Upperdale Road and Stanhope Street in Normanton. It stated that the road humps on the roads were very intrusive and damage cars and other vehicles. They are also having a negative impact on the elderly, infirm – particularly those with back problems, and the general public who travel in vehicles over them. It was noted in the petition that these types of humps had been removed from various roads in Sinfin and Boulton.

Previous key points / action taken:

New item.

Response on 16 November 2005

It was reported that people are now travelling the longer way round into town, so they can avoid these roads, due to the humps.

Another resident asked the panel why the humps were installed on Upperdale Road, as the housing is set back from the road, yet on other roads, where homes are close to the road, no traffic measures have been installed. He confirmed that he uses alternative routes, to avoid the humps.

Actions agreed:

To refer to traffic management to investigate and consider less intrusive traffic calming measures.

Update:

Investigations are continuing and a report will be presented to Area Panel 3 on 22 March 2006.

10. Ref: 305043 – Petition – Improvements to Meynell Street, Normanton - received 16.11.05

Responsible officer(s) for more information:

John Edgar, Maintenance Manager Development and Cultural Services, telephone 715067
Martin Gadsby, Private Sector Housing Manager, Chief Executive's, telephone 255236
Neil Palfreyman, Traffic Management Engineer, Development and Cultural Services, telephone 716090

Issue:

A petition had been received from residents of Meynell Street requesting that action be taken on the state of the front and rear of the garden walls, the blocked drains, the state of the pavements outside residents homes, why it is not part of any local area renewal programme and the need for speed ramps to slow down traffic.

Previous key points / action taken:

New item

Response on 16 November 2005

A resident commented that they felt the area has been neglected.

It was reported that initial investigations to some of the issues had been completed. Regarding the condition of footways, sections of Meynell Street have been reconstructed/resurfaced in the past. The remaining sections, although not in as good a condition as we would like them to be, do not have sufficiently high priority for reconstruction when compared with all other footways across the city. The footways will be routinely inspected every six months, and any defects exceeding our intervention levels will be repaired. There are no such defects at present. Whilst the condition of the footways do not justify reconstruction, we will consider them for next year's slurry sealing programme. Slurry seal is a low cost thin coat surfacing which extends the life of the footway and gives it a uniform appearance.

It is accepted that some of the gullies need cleaning out but there is an access problem for the gully cleansing vehicle because of parked vehicles. We will issue letters to residents asking them to move their vehicles on a particular day but we do not expect to achieve 100% success. Arrangements are also being made to sweep the road. The entries are privately owned and we do not feel that StreetCare has any duty to keep these clear.

Actions agreed:

Investigate and report back on why the area is not part of any local area renewal programme
Investigate and report back on the request for speed ramps to slow down traffic.
Report back on success cleaning the road

Update:

A report is included in item 6 on the agenda

11. Ref: 305047 – Problems with a high tree, Kenilworth Avenue, Normanton, - received 16.11.05

Responsible officer(s) for more information:

David Slinger, Team Leader - Natural Environment, Development and Cultural Services, telephone 256001

Issue:

A resident raised a concern about a neighbour's tree that was over 12 feet with branches over her fence and obstructing light to her home. Mediation service told her that because it is a private dwelling, there is nothing they can do. She has been told it will cost £480 to cut down. She asked the panel where she stands.

Previous key points / action taken:

New item.

Response on 16 November 2005

The resident stated that she had also been told that she could cut the branches off and give them to her neighbour, but she has to pay to get somebody to cut them.

Councillor Dhindsa suggested the resident speak directly with the neighbour through mediation to come up with a solution. He agreed to see what could be done, but can only apply the law as it exists.

Actions agreed:

Inform the resident of the new legislation available.

Update:

We have written to the resident outlining the legislation and her rights as stated in Part 8 of the Anti Social Behaviour Act 2003. The Act allowed for regulations to be introduced allowing Local Authorities to arbitrate between neighbours when there are disagreements over the height of a hedge.

For more information you can view the council's web site at www.derby.gov.uk

12. Ref: 305048 – Stenson Road parking, Normanton - received 16.11.05

Responsible officer(s) for more information:

Neil Palfreyman, Traffic Management Engineer, Development and Cultural Services, telephone 716090

Issue:

A member of the public was concerned about parked vehicles at the Stenson Road and Village Street junction. He claimed that they were creating a danger at the brow of the hill, near to the pedestrian crossing and outside the shops. Parked cars are blocking the pavement, and causing problems to people with disabilities. Visibility is poor causing vehicles coming over the hill to drive in the middle of the road approaching the roundabout. He asked the panel to consider resurveying Stenson Road and consider traffic measures, possibly full traffic light controls, and daytime parking restrictions.

Previous key points / action taken:

New item

Response on 16 November 2005

None.

Actions agreed:

Investigate and report back.

Update:

We have previously considered introducing traffic lights on casualty reduction grounds but did not feel it could be warranted as there had been a reduction following the traffic calming on Village Street. Traffic signals are likely to result in congestion on Stenson Road and may increase rat running along Village Street, so any benefits would need to outweigh these disadvantages. Consequently, we will give further consideration to whether the introduction of waiting restrictions is necessary to improve road safety at this junction, and will report back to the Area Panel at a future meeting.

13. Ref: 305050 – Tree Pruning, Village Street, Normanton - received 16.11.05

Responsible officer(s) for more information:

John Booth, Arboricultural Manager, Commercial Services, telephone 715537

Issue:

A member of the public stated that he had received a letter from the Arboricultural Officer, who had visited the site when in full leaf stating that work to the trees had been carried out, but he has not noticed any difference. He stated that the lighting officer had also visited saying that the trees did not effect the illumination of the highway, but he did not agree with this, because there is no light on the pathways due to the trees. Residents have complained that during the summer they have to have their lights on in their living room, as there is no natural light coming through, from these trees.

Previous key points / action taken:

New item.

Response on 16 November 2005

None.

Actions agreed:

Investigate and report back on proposed action to improve light getting into properties.

Update:

The cost of crown thinning by 15% and lifting slightly the 27 trees along Village Street, which is all that I would consider is acceptable pruning works, would cost £5,035. In addition I would note that the effect that these works would have on light levels would be minimal and last for only a short period. Also, the cost of this work far exceeds any budget allocation available to Area Panel 3.

14. Ref: 304048 – Area Panel Papers, All Wards - received 10.11.04

Responsible officer(s) for more information:

Jason Spencer, Constitutional and Electoral Services Manager, telephone 255466

Issue:

Chris Woodward asked about the changes in the way the Council distributes the meeting papers.

Previous key points / action taken:

March 2005 - Councillor Burgess reminded residents that the decision had been taken for prudent reasons to save money.

The area panel manager reminded residents that if they sign the attendance sheet they can ask to receive a copy of the agenda of future meetings. She confirmed that the attendance list had been reviewed and that it now includes a data protection statement. The Panel agreed to recommend to Council Cabinet that it re-examines its decision on Area Panel agenda distribution now, rather than waiting to see if public attendance at Area Panels reduces

June 2005 - this resolution was considered by Council Cabinet at its meeting on 26 April. Cabinet agreed that this issue would be covered specifically as part of the Area Panel Review which is due to commence in June 2005 but will not be completed until the end of the year. Cllr Williamson referred to promised review of attendance figures after two cycles, which does not fit in with the planned review. We will therefore analyse the actual attendance figures when the two cycles are complete and discuss these with Councillor Samra – Cabinet Member for Community Regeneration, the Leader and Deputy Leaders of the Council.

September 2005 - the review of area panels is ongoing and any proposals to amend the distribution of area panel papers will be made as part of the review recommendations. The outcomes of the review are expected by March 2006.

November 2005 - A resolution to reintroduce the distribution of agenda papers to residents who regularly attend area panel meetings will be considered by Council on Wednesday 23 November.

Response on 16 November 2005

None

Actions agreed:

Report back on the Council decision.

Update:

At the full Council meeting on 23 November it was agreed to reintroduce the free distribution of agenda papers to residents who request them. However, officers will stop sending papers to anyone who does not attend two successive Area Panel meetings unless their request is renewed. Electronic copies of Area Panel papers will continue to be available on the Council website and an e-mail alert will be sent to those who request it.

15. Ref: 305035 – Alcohol Free Zone, All wards - received 07.09.05

Responsible officer(s) for more information:

Inspector Gary Parkin, Derbyshire Police, telephone 222184

Ian Wheatley, Grounds Maintenance Manager, Commercial Services, telephone 716530

Stuart Leslie, Chief Legal Officer, Chief Executive's telephone 255450

Issue:

A member of the public asked when the alcohol free zone would be enforced, as they had understood it would be during the week, but as yet no signage had been erected.

Previous key points / action taken:

The Order has come into effect on 26 August and the Police consider that there are enough signs in the area to allow them to enforce the AFZ. The Police have confirmed that officers have been enforcing the AFZ throughout the area including within in Arboretum Park.

There was some concern that there was an issue with enforcement in the Arboretum Park because all the proposed signs had not been erected. This is because having agreed with Derby Parks where the signs should be erected in the park it was confirmed the style of the signs was no longer appropriate in keeping with the refurbishment. Legal Services postponed the order to erect more signs in the Park until Derby Parks confirm if they want to erect:

1. modified signs
2. no more signs
3. the original signs

Response on 16 November 2005

Residents commented that they have not seen any signs and felt that there are too few signs identifying the AFZ. People are drinking around Centenary House, there are no signs and little action is being taken. They asked for the locations of all the existing signs.

The panel asked for more detail of where the signs are located.

Actions agreed:

Investigate and report back.

Update:

Home Office guidelines indicate that all main roads leading into an AFZ area should have a sign. In total 29 signs have been installed around the Normanton AFZ area and an additional 10 signs are to be installed in Arboretum Park. However, where there are specific areas that need additional signs the guidelines allow repeater signs to be installed. We will investigate the need for additional signs around the Centenary House area. Any additional signs deemed necessary will be installed when the next AFZ is updated later in 2006.

16. Ref: 305045 – Hedge and fence boundaries, all wards - received 16.11.05

Responsible officer(s) for more information:

Stephen Teasdale, Solicitor, Corporate Services, telephone 255453

Issue:

A member of the public asked the panel for clarification on whose responsibility it was to maintain hedge boundaries around properties. He stated that he felt everybody should be responsible for both sides of their hedge boundary, and asked the panel to pass a bylaw to establish this.

Previous key points / action taken:

New item.

Response on 16 November 2005

Councillor Dhindsa stated that if it were council owned property then the Council can take action with the individual. For private dwellings, there is a policy that allows the Council to write to the individual to request that they cut them back, if they are interfering with public right of way.

David Gartside explained that under the Highways Act the Council has powers to force people to maintain boundaries that run over highways. He explained that the Government have recently passed some powers to Local Authorities to intervene in disputes about the height of hedges, but not when it comes to just trimming and maintaining.

Actions agreed:

Update on the legal position regarding an individual's responsibility to maintain the hedge boundaries to their property. Could a byelaw be passed to make individual responsible for all their boundary maintenance?

Update:

In simple terms a Byelaw cannot be made. This is a private issue and requires primary legislation by an Act of Parliament to deal with it. The Council would not have power to make such a byelaw in the terms suggested. Whilst there are general powers for making byelaws they would not apply and hence an attempt to make a byelaw would simply not be approved by the Secretary of State.

On the specific matter the responsibility will rest with the owner of the hedge but only to the extent it either causes a nuisance, private or public, or to the extent that he may have private obligations such as under the terms of a lease. So in that sense the owner is responsible for both sides of the hedge. Persons affected by such nuisance or breach of obligations may take action either to enforce against the person responsible or in some cases to take direct action themselves. Propose to close

17. Ref: 305049 – Cityscape Masterplan, all wards- received 16.11.05

Responsible officer(s) for more information:

Richard Smail, Area Panel Manager, Chief Executive's, telephone 258505

Issue:

A resident requested that the Chief Executive of Cityscape attend a future area panel meeting to provide an update on the masterplan as it covers a lot of the Area Panel 3 area.

Previous key points / action taken:

New item

Response on 16 November 2005

Councillor Williamson agreed that this would be looked into.

Actions agreed:

To invite the Cityscape Chief Executive to an Area Panel 3 meeting

Update:

The Chief Executive of Derby Cityscape, John Cadwallader has agreed to attend the Area Panel 3 meeting on 22 March 2006

18. Ref: 305051 – Fire resistant standards in wheelie bins, all wards - received 16.11.05

Responsible officer(s) for more information:

Roy Reynolds, Station Manager, Derbyshire Fire and Rescue Service, telephone 346675
Richard Winter, Streetcare and Waste Management, Development and Cultural Services, telephone 716352

Issue:

A local resident asked what fire resistant standard was for the wheelie bins installed in the city.

Previous key points / action taken:

New item

Response on 16 November 2005

None.

Actions agreed:

To provide a response at the next meeting.

Update:

All wheeled bins must comply with UK and European legislation on health and fire safety. Most wheeled bins are constructed by injection molded HDPE. However, larger bins are made of steel. The bins are designed to be emptied mechanically and therefore the bins are constructed to ensure that they fit correctly with the machinery. The relevant standards for wheeled bins are:

- Domestic wheeled bins - European Standard EN840 Part 1
- Commercial wheeled bins - European Standard EN840 Part 2

Fires in bins are a concern to the Council. We recommend that residents do not leave their bins out on the street where they are easily accessible. We also recommend that residents don't overfill the bins as experience has shown that bins with the lids down are very unlikely to be targeted and set alight. We are currently working with the Derbyshire Fire and Rescue Service on projects to reduce the incidences of refuse bin fires. Propose to close.