

Coventry City Council
Minutes of the Meeting of Cabinet Member for Public Services held at 10.00 am on
Thursday, 14 January 2016

Present:

Members: Councillor R Lancaster (Cabinet Member)
Councillor M Lapsa (Shadow Cabinet Member)

Other Members: Councillor R Bailey
Councillor G Crookes (for the matter referred to in minute 61)

Employees:

P Boulton, Place Directorate
B Butterworth, Place Directorate
M Coggins, Place Directorate
D Joy, Resources Directorate
M Salmon, Resources Directorate
A Walster, Place Directorate
A Wright, Resources Directorate

Apologies: There were no apologies

Public Business

59. Declarations of Interests

There were no disclosable pecuniary interests declared.

60. Minutes

The minutes of the meeting held on 15th December 2015 were agreed and signed as a true record. There were no matters arising.

61. Petition - To Retain the Bollard Protecting the Pathway between Fosseway Road and Anchorway Road, Finham

The Cabinet Member considered a report of the Executive Director of Place that responded to a petition bearing 108 signatures, requesting the retention of the bollard protecting the pathway between Fosseway Road and Anchorway Road. The petition was submitted by Councillor Crookes, a Wainbody Ward Councillor, who attended the meeting and spoke in support of the petition together with the petition organiser, Mr Christopher Law. The resident of No 6a Anchorway Road, Mr Jag Singh, also attended the meeting.

In December 2012, the resident of 6a Fosseway Road was granted planning permission for the creation of a new vehicular entrance into his property off an adjacent pathway linking Fosseway Road with Anchorway Road. The new entrance was subsequently built and came into use.

Whilst the deeds for no. 6a granted private access rights over the pathway, it could not be demonstrated that they specifically granted access by motor vehicle. Therefore, in November 2014, following the receipt of complaints from other residents, the Council installed a bollard on the pathway preventing vehicles from using it to access the property. The resident of no. 6a successfully appealed to the Planning Inspectorate against this decision and a review was undertaken the result of which was to move the bollard a short distance further up the pathway to permit vehicular access to no. 6a, subject to various conditions, and this decision was communicated to residents in June 2015.

Councillor Crookes and Mr Law requested that the bollard be retained in its current position for the specific reason of protecting children using the pathway to access local schools from any potential danger posed by vehicles which may wish to use the pathway. They indicated that the pathway had been identified under the 'Safer Route to Schools' Scheme.

Mr Law referred to an appraisal of this issue by the City Council's Highways Officers and Rights of Way Officer in November 2011 that stated that Highways Officers object to this application because it involved a vehicle access across the adopted public footpath (RA 406) and would prejudice highway and pedestrian safety. The Highways Officer and the Rights of Way Officer met with the previous owner of No.6a on site on 16th November 2011 and advised him that they could not support his proposal for a vehicle access to the property via the footpath. The principle reason was pedestrian safety and the conflict it would cause between vehicles and pedestrians. The width between the garage wall to No. 7 and the boundary wall to No. 6 (when measured on site) was just 2.9m and this would not be sufficient for a pedestrian to wait in safety if a vehicle were to be travelling along the footpath. The decision was appealed to the Planning Inspectorate and the appeal was upheld as there were no concerns regarding safety. An additional issue would be the on-going maintenance of the footpath as it would not have been constructed to withstand frequent vehicle movements. The situation was confirmed to the current property owner prior to the completion of the purchase of the property.

Mr Law also referred to concerns of use of unauthorised vehicle crossings in and around Fosseway Road and how this could impact on pedestrian safety.

Following the Planning Inspectorate decision the Council's Highways Officers undertook a review. Assessment of the likely safety risks indicated that, in line with the Planning Inspectorate's Decision Notice, moving the bollard a short distance further up the pathway to enable the resident of No. 6a to access his property, would not compromise safety as safety risks were considered to be minimal. The resident of no.6a would be required to obtain the written permission of the land owner as a pre-condition, as only the land owner could legally permit access rights by motor vehicle over a footpath. Coventry City Council was not the land owner. A further assessment of the likely long-term maintenance implications and associated costs would also be required with the proposal that the costs of any necessary improvements to the construction of the pathway surface to enable it to bear vehicles, were borne by the owner of No. 6a Fosseway Road. There was no requirement for an application for a footpath crossing as this was only necessary for classified roads.

There was no certainty to if and when the land owners permission would be granted, therefore as an interim measure bollards or similar features would be placed at the end of the pathway to prevent any vehicular encroachment.

The Council had powers under the Highways Act 1980 to address the use of unauthorised vehicle crossings.

The Legal Services Officer advised Mr Law of the options available to him if he felt that the Local Authority had made an incorrect decision in this matter: representations could be made through a Judicial Review through the High Court; the Local Authority's complaints system; or by writing to the Ombudsman.

RESOLVED that the Cabinet Member for Public Services:

- 1) Approves the relocation of the bollard to enable the resident of No. 6a Fosseway Road to use the short section of pathway to access the property from Fosseway Road, subject to, the resident first obtaining private vehicular access rights from the land owner and also to the resident agreeing to fund any necessary improvements to the construction of the pathway surface to enable it to bear vehicles.**
- 2) As an interim measure (pending the resident of No 6a Fosseway Road meeting the conditions identified in recommendation 1) above), approves that bollards or similar features are placed at the end of the pathway adjacent to Fosseway Road to prevent any vehicular encroachment on it.**
- 3) Endorses that appropriate action is taken to address unauthorised vehicular crossings in the adjoining area.**

62. Extension to the Hackney Carriage Vehicle Age Policy Exemption

The Cabinet Member for Public Services considered a report of the Executive Director of Place requesting the extension of the exemption for hackney carriages over ten years old to operate until 31st July 2016.

The Council was undertaking a review of its hackney carriage vehicle specification and its effect on the travel choices of the disabled community. The Authority had temporarily extended the age of hackney carriage vehicles that could be currently licensed, pending the outcome of the review. At a meeting on 10th December 2013 the Cabinet Member for Public Services resolved that "Approval be given to allow the use of hackney carriage vehicles over ten years old up until the 31st May 2014, subject to the vehicle passing the inspection test and also allowing the opportunity for a retest, if appropriate." Further, at a meeting of the 25th March 2014 the Cabinet Member resolved that "A further temporary exemption for hackney carriages over ten years old to operate until 31st December 2014, subject to the vehicle passing the inspection test and also allowing the opportunity for a retest, if appropriate be approved." Further, at a meeting of the 26th February 2015 the Cabinet Member resolved that "the exemption for hackney carriages over ten years old be further extended to operate until 31st January, 2016, subject to the vehicle passing the inspection test and also allowing the opportunity for a retest if appropriate."

In view of the imminent expiry of the most recent deadline, a further approval is now required in respect of these hackney carriage vehicles.

RESOLVED that the Cabinet Member for Public Services agrees to further extend the exemption for hackney carriages over ten years old to operate until 31st July 2016, subject to the vehicle passing the inspection test and also allowing the opportunity for a re-test if appropriate.

63. **London Road Cemetery - Application for Heritage Lottery Funding**

The Cabinet Member for Public Services considered a report of the Executive Director of Place that detailed the stage 1 grant award from the Heritage Lottery Fund "Parks for People", for the London Road Cemetery Restoration Project. The Chairman, Mr Woolly, of The Friends of London Road Cemetery Group, a group of volunteers who work to maintain and improve the Cemetery, was in attendance for this agenda item.

The Council, who owned the area, in partnership with Historic Coventry Trust, had developed a proposed outline scheme to restore the Grade 1 Listed Joseph Paxton designed Arboretum Cemetery, one of the top 5 historic cemeteries in the UK, as a visitor attraction, park for local people and education resource. The project would reinstate the original landscape design, repair of major features including the promenade and listed chapel and multiple monuments and graves. The project would include community engagement, educational and the empowerment and training for increased volunteer activities to improve future maintenance.

The outline scheme covered a number of interventions which would enhance the appearance and the future use of the London Road Cemetery and a number of external funding applications would be sought to form a funding package to cover the project. The activities that full parks Heritage Lottery funding would support included: landscaping of the Paxton Arboretum; restoration of the listed chapel; community involvement; educational programme; and future maintenance programme.

An application was made to The Heritage Lottery "Parks for People" in July 2015 for Stage 1 (Heritage Lottery Fund development stage) funding and had resulted in the partnership being awarded £305,800 towards the further development of the restoration scheme.

The Cabinet Member thanked the Friends of London Road Cemetery Group for their valuable work at the Cemetery and asked that this be placed on record.

RESOLVED that the Cabinet Member for Public Services:

- 1) Approves retrospectively the submission of the stage 1 application to Heritage Lottery Fund, "Parks for People" for the London Road Cemetery Project for £305,800.**
- 2) Authorises the Council to act as the accountable body for the Stage 1 grant award.**

- 3) **Delegates authority to the Executive Director of Place and the Assistant Director of Legal and Democratic Services to finalise and enter into any necessary agreements in relation to the Heritage Lottery funding.**
- 4) **Approves a local contribution of £20,000 from the Council's own funds towards the development stage to be used in addition to Heritage Lottery funding.**
- 5) **Authorises applications to other funding providers to develop a funding package for delivery of a phase 2 submission, subject to Cabinet Member approval limits.**

64. **Outstanding Issues**

The Cabinet Member for Public Services noted a report of the Executive Director of Resources that contained a list of outstanding issues and summarised the current position in respect of each item. She agreed that the item headed "Petition – Longford Road Junctions with Oakmoor Road and Sydnall Road relating to Congestion and Road Safety Concerns" be deferred until March 2016 to enable the outcome of consultation, including discussion of the issue at Ward Forum meetings in February 2016, to be included in the report.

65. **Any other items of Public Business**

There were no other items of public business.

(Meeting closed at 11.40 am)