

**Time and Date**

11.00 am on Monday, 12th December 2016

Place

New Committee Room 2 - Council House

Public Business

1. **Apologies**
2. **Declarations of Interests**
3. **Minutes** (Pages 3 - 8)
 - (a) To agree the minutes of the meeting held on 14th November 2016
 - (b) Matters Arising
4. **Petition - Request for Safety Measures at the Junction of Hockley Lane and Church Lane** (Pages 9 - 14)

Report of the Executive Director of Place

To consider the above petition bearing a total of 739 signatures (696 paper signatures and 43 e-signatures) which has been submitted by Councillor J Lepoidevin, a Woodlands Ward Councillor, who has been invited to the meeting for the consideration of this item along with the petition organiser.
5. **Highways Act Section 116 Application to Stop Up Highway at Sandford Close** (Pages 15 - 22)

Report of the Executive Director of Place
6. **Highways Act Section 116 Application to Stop Up Highway Adjacent to Bransford Avenue/Lichen Green** (Pages 23 - 30)

Report of the Executive Director of Place
7. **Petitions Determined by Letter and Petitions Deferred Pending Further Investigations** (Pages 31 - 36)

Report of the Executive Director of Place
8. **Outstanding Issues** (Pages 37 - 40)

Report of the Executive Director of Resources

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

Any other items of public business which the Cabinet Member decides to take as matters of urgency because of the special circumstances involved

Private Business

Nil

Chris West, Executive Director, Resources, Council House, Coventry

Friday, 2 December 2016

Note: The person to contact about the agenda and documents for this meeting is Liz Knight / Michelle Salmon, Governance Services Officers, Tel: 024 7683 3072 / 3065, liz.knight@coventry.gov.uk / michelle.salmon@coventry.gov.uk

Membership: Councillors J Innes (Cabinet Member) and R Lakha (Deputy Cabinet Member)

By invitation: Councillors M Hammon (Shadow Cabinet Member)

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting
OR if you would like this information in another format or
language please contact us.

Liz Knight / Michelle Salmon
Governance Services Officers

Tel: 024 7683 3072 / 3065

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Coventry City Council
Minutes of the Meeting of Cabinet Member for City Services held at 11.00 am on
Monday, 14 November 2016

Present:

Members: Councillor J Innes (Cabinet Member)
 Councillor M Hammon (Shadow Cabinet Member)

 Councillor R Lakha (Deputy Cabinet Member)
Other Members: Councillor R Bailey

Employees:

M Coggins, Place Directorate
L Knight, Resources Directorate
J Logue, Place Directorate
S McGinty, Resources Directorate
K Seager, Place Directorate
M Wilkinson, Place Directorate

Public Business

22. Declarations of Interests

There were no declarations of interest.

23. Minutes

The minutes of the meeting held on 10th October, 2016 were signed as a true record. There were no matters arising.

24. Driving Assessments for New Applicant Drivers and Hackney Carriage Wheelchair Assessments for New Applicant and Additional Hackney Carriage Drivers

The Cabinet Member considered a report of the Executive Director of Place which sought approval for the Driver Vehicle Standards Agency (DVSA) driving assessment and the DVSA Hackney Carriage wheelchair assessment being replaced by equivalent assessment and testing by the City Council qualified driving assessment officers.

The report indicated that at their meeting on 30th November, 1994 the Licensing and Regulatory Committee decided to include wheelchair testing within the then driving assessment for new applicant drivers, carried out by licensing officers. At the meeting on 28th November, 2000 the Committee approved the introduction of a new Hackney Carriage and Private Hire driving test assessment and also a Hackney Carriage wheelchair assessment being provided by the Driving Standards Agency (later to become the DVSA).

The City Council received a letter from the DVSA dated 31st August, 2016 sent to all Chief Executives of local authorities informing them that the provision of driving

assessments for Hackney Carriage and Private Hire drivers and the wheelchair assessments for Hackney Carriage drivers were being withdrawn from 31st December, 2016. Applicant drivers had been unable to book these tests from mid-September as the DVSA was fully booked.

It was proposed that the City Council provide the assessments with effect from 9th January, 2017 at a cost of £70 for the driving assessment and £25 for the wheelchair assessment, or a combined fee of £90 for both tests.

RESOLVED that approval be given that it will be the Council policy from 9th January, 2017 that the DVSA driving assessment and the Hackney Carriage wheelchair assessment is replaced by an equivalent assessment and testing by the City Council's qualified driving assessment officers.

25. **Objection to Traffic Regulation Order - Proposed Revocation of Right Turn Only (Whitley/ A444)**

The Cabinet Member considered a report of the Executive Director of Place concerning six objections that had been received to the Traffic Regulation Order to revoke the right turn only from the A444 northbound off slip on to the over bridge to Jaguar Land Rover/hotel complex. Two of the objectors, Mr Latimer and Mr Ross attended the meeting and outlined their concerns. Councillor Bailey, a Cheylesmore Ward Councillor also attended the meeting for the consideration of this item.

The report indicated that on 7th February, 2014 planning permission was granted for the construction of highways infrastructure comprising a new bridge over the A444 (the Whitley Junction improvement scheme). Changes to the road layout required Traffic Regulation Orders (TROs) to assist with traffic management changes. One of the TROs only permitted traffic to be able to turn right from the A444 northbound off slip on to the over bridge.

The Members were informed that a significant proportion of road users were now turning left at the top of the slip road access. The existing junction layout and alignment would not allow for a change in layout to prevent vehicles turning left. Traffic turning left also had the benefit of no oncoming traffic flow which allowed vehicles to utilise both lanes when turning left.

As a consequence it was decided to revoke the right turn only order and the TRO was advertised on 6th October, 2016 and 6 objections were received. Further information on the individual objections and responses to the issues raised was set out in an appendix to the report.

Members noted that enforcement of the right turn only order was an issue for the Police who did not have resources to provide continual enforcement at the junction.

Mr Latimer outlined his concerns relating to the impact for Cheylesmore residents of the revocation. He also sought clarification about changes to the original scheme design. It was emphasised that changes often occurred as detailed designs were developed and that traffic monitoring was always undertaken and modifications introduced to enable the free flow of traffic.

Mr Ross, Jaguar Land Rover expressed concerns about the lack of consultation with JLR regarding the traffic issues and the proposed revocation. He requested the opportunity for his company to be able to understand why the enforcement had failed, indicating that it was wrong to legalise the illegal movements. He highlighted the importance of the continued good working relationship between the City Council and JLR.

RESOLVED that, having considered the objections, consideration of the report be deferred to allow for a meeting with the Cabinet Member, Deputy Cabinet Member, Shadow Cabinet Member, Ward Councillors, officers, representatives from Jaguar Land Rover and the objectors to consider all of the issues raised and a further report be submitted to a future Cabinet Member meeting, if appropriate.

26. **Objections to Ringwood Highway Area 20mph Zone**

The Cabinet Member considered a report of the Executive Director of Place concerning two objections that had been received to the Traffic Regulation Order to change the speed limit at Ringwood Highway area to 20mph. One of the objectors, Mr Gillett attended the meeting and outlined his concerns.

The report indicated that on 25th March, 2014 the Cabinet Member for Public Services committed to the aspiration for Coventry becoming a 20mph city and in September of that year the Cabinet Member approved the proposal that a number of areas which already had traffic calming were to become 20mph zones including the Ringwood Highway area (Minutes 101/13 and 38/14 refer).

Local residents were consulted on the proposal for Ringwood Highway, over 100 responses were received with 87% of respondents supporting the proposal. The Traffic Regulation Order to change the speed limit to 20mph was advertised on 6th October, 2016 and two objections were received. The first objector advised that the scheme was 'a waste of my money' while the second objector informed that there wasn't a speeding problem, there had been no accidents. Details of both objections and responses to the issues raised were set out in an appendix to the report.

Mr Gillett informed that he had lived in the area for 52 years and he was not aware of a speeding problem in the area. He felt that creating a 20mph limit would create more problems as drivers would become frustrated by cars travelling at this speed. He requested clarification about accidents in the vicinity. Mr Gillett also detailed the problems currently experienced by buses created by parked cars in the vicinity of the shops meaning it was difficult for the buses to turn.

RESOLVED that:

(1) Having considered the objections to the 20mph zone, the implementation of the 'City of Coventry (Ringwood Highway Area) (20mph Zone) Order 2016 be approved.

(2) Officers be requested to investigate the concerns raised regarding the problems being experienced by buses on Ringwood Highway.

27. **Objection to Waiting Restrictions, Forknell Avenue/ Lutterworth Avenue**

Further to Minute 13/16, the Cabinet Member considered a report of the Executive Director of Place concerning an objection that had been received concerning a Traffic Regulation Order relating to proposed double yellow lines at the junction of Forknell Avenue/ Lutterworth Avenue. The objector was invited to the meeting but was unable to attend.

The report indicated that the Traffic Regulation Orders relating to proposed new waiting restrictions and amendments to existing restrictions, including the junction of Forknell Avenue/ Lutterworth Avenue, were advertised on 30th June, 2016. Objections were considered at the Cabinet Member meeting on 15th August, 2016. Unfortunately one of the objections was not included in the process.

The request for double yellow lines had been submitted via the Upper Stoke Ward Forum. The residents that attended the Forum meeting had raised road safety concerns advising that the level of traffic in the area had increased and that there was a danger posed by cars parked too close to the junction, limiting visibility. Details of the objection and the response to the issues raised were set out in an appendix attached to the report. The objector's main concern was that the lines would prevent him parking outside his property and his grandchildren would have to walk from the car to the property on a daily basis.

RESOLVED that, having considered the objection, the restrictions as advertised at the junction of Forknell Avenue/Lutterworth Avenue be approved.

28. **Petitions Determined by Letter and Petitions Deferred Pending Further Investigations**

The Cabinet Member for City Services considered a report of the Executive Director of Place that provided a summary of the recent petitions received that were to be determined by letter, or where decisions had been deferred pending further investigations and holding letters were being circulated. Details of the individual petitions were set out in an appendix attached to the report and included target dates for action. The report was submitted for monitoring and transparency purposes.

The report indicated that each petition had been dealt with on an individual basis, with the Cabinet Member considering advice from officers on appropriate action to respond to the petitioners' request. Attention was drawn to the fact that if it had been decided to respond to the petition without formal consideration at a Cabinet Member meeting, both the relevant Councillor/ petition organiser could still request that their petition be the subject of a Cabinet Member report.

Members were informed that where holding letters were being sent, this was because further investigation work was required. Once matters had been investigated either a follow up letter would be sent or a report submitted to a future a Cabinet Member meeting.

RESOLVED that the actions being taken by officers as detailed in the appendix to the report, in response to the petitions received, be endorsed.

29. **Outstanding Issues**

The Cabinet Member 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.

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

There were no other items of public business.

(Meeting closed at 11.55 am)

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Cabinet Member for City Services

12th December 2016

Name of Cabinet Member:

Cabinet Member for City Services – Councillor J Innes

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

Woodlands

Title:

Report – Petition – Request for Safety Measures at the Junction of Hockley Lane and Church Lane

Is this a key decision?

No

Executive Summary:

A paper petition of 696 signatures and an e-petition of 43 signatures have been received advising of road safety concerns and requesting safety measures at the junction of Hockley Lane and Church Lane to assist pedestrians to cross the road.

In accordance with the City Council's procedure for dealing with petitions, those relating to road safety requests are heard by the Cabinet Member for City Services.

The cost of introducing road safety measures is usually funded from the Highways Maintenance and Investment Capital Programme budget through the Local Transport Plan.

Recommendations:

Cabinet Member for City Services is recommended to:

1. Note the concerns of the petitioners
2. Note that a school crossing patrol officer is currently working at this location; and
3. Endorse the actions that have been taken and that monitoring is continued as part of the review of the changes implemented.

List of Appendices included:

Appendix A – Location plan

Background papers:

None

Other useful documents:

Petition - Speeding Problems Hockley Lane Eastern Green Report to former Cabinet Member for Public Services, 19th January 2015

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title:

Petition – Request for Safety Measures at the Junction of Hockley Lane and Church Lane

1. Context (or background)

1.1 A paper petition of 696 signatures and an e-petition of 43 signatures have been received advising of road safety concerns and requesting safety measures at the junction of Hockley Lane and Church Lane to assist pedestrians to cross the road. The petition is supported by Councillor Lepoidevin.

1.2 The petition advises

“Many of us use this junction to cross to and from St Andrew’s Primary School, Eastern Green Hall Nursery and also Eastern Green Junior School and know that since losing our lollipop man at the junction, crossing the road has become increasingly dangerous. Just this morning there were 2 car accidents both involving vehicles going into each other on this junction.

While some drivers are responsible enough to slow down and give way for pedestrians to cross, there are a lot who don’t.

So this petition is for either proposed traffic lights, a mini roundabout with a sign “School safety zone – Max speed 20 when lights flash” or a pelican crossing with a lollipop man.”

1.3 Hockley Lane is on the edge of the built up part of Coventry. The road continues into Pickford Green Lane and into the countryside.

1.4 In response to a petition about speed concerns, heard in January 2015, changes were made to the speed limit on Pickford Green Lane in August 2015. This moved the position where the speed limit changed to/from 60mph further away from the Hockley Lane/Upper Eastern Green Lane junction and introduced a new section of 40mph speed limit, to work as a ‘buffer zone’, so drivers approaching the junction are already slowing down as they approach the 30mph speed limit. In addition a perceived safety scheme was introduced which implemented a 20mph advisory speed limit at school entry and exit times.

1.5 As referred to in the petition, in 2015 the school crossing patrol site on Hockley Lane became vacant; several attempts were made to recruit to this position but initially without success. However, there is now a new School Crossing Patrol Officer at this location who started work in October 2016.

1.6 In October 2016 a pedestrian crossing count was undertaken which showed that, as expected, the peak crossing times are at school entry and exit times and few pedestrians cross at other times.

1.7 A review of the personal recorded injury collision history at this location shows that in the last 3 years (for the time period up to 17 July 2016) 1 injury collision has been recorded, this involved 2 vehicles at the Hockley Lane/Upper Eastern Green Lane junction and resulted in slight injury, no pedestrians were involved.

2. Options considered and recommended proposal

2.1 Measures have been introduced since August 2015 in this area, specifically changes to the speed limit and the introduction of an advisory 20mph speed limit. In addition a

School Crossing Patrol Officer is now working at the highlighted location. It is therefore recommended that no further action is undertaken at this time, as it is already proposed to conduct further monitoring in April 2017.

- 2.2 Another option that the community may like to be involved with is the Community Speedwatch initiative. This is a speed monitoring and awareness scheme that is co-ordinated by the Police and run by a group of local volunteers who use speed detection devices to monitor traffic and identify speeding drivers on a specific road or small area. Details of the scheme are available from the Police and the contact details can be provided to the petition spokesperson.

3. Results of consultation undertaken

- 3.1 No consultation has been undertaken to date.

4. Timetable for implementing this decision

- 4.1 It is proposed to undertake further monitoring in April 2017.

5. Comments from Executive Director of Resources

- 5.1 Financial implications

The cost of introducing road safety schemes is funded from the Highways Maintenance and Investment Capital Programme budget through the Local Transport Plan

- 5.2 Legal implications

Under s.39 Road Traffic Act 1988 the Council must investigate road accidents involving vehicles and bring forward a rational scheme of measures for preventing their recurrence. The Council has a range of highway improvement and traffic management powers available to it consistent with Department for Transport regulations/guidance.

6. Other implications

- 6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The introduction of safety schemes contribute to the City Council's aim of improving road safety and enable citizens to live longer and more healthily

- 6.2 How is risk being managed?**

None

- 6.3 What is the impact on the organisation?**

None

- 6.4 Equalities / EIA**

None

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

Report author(s)

Name and job title:

Caron Archer
Team Leader (Traffic Management)

Directorate:

Place

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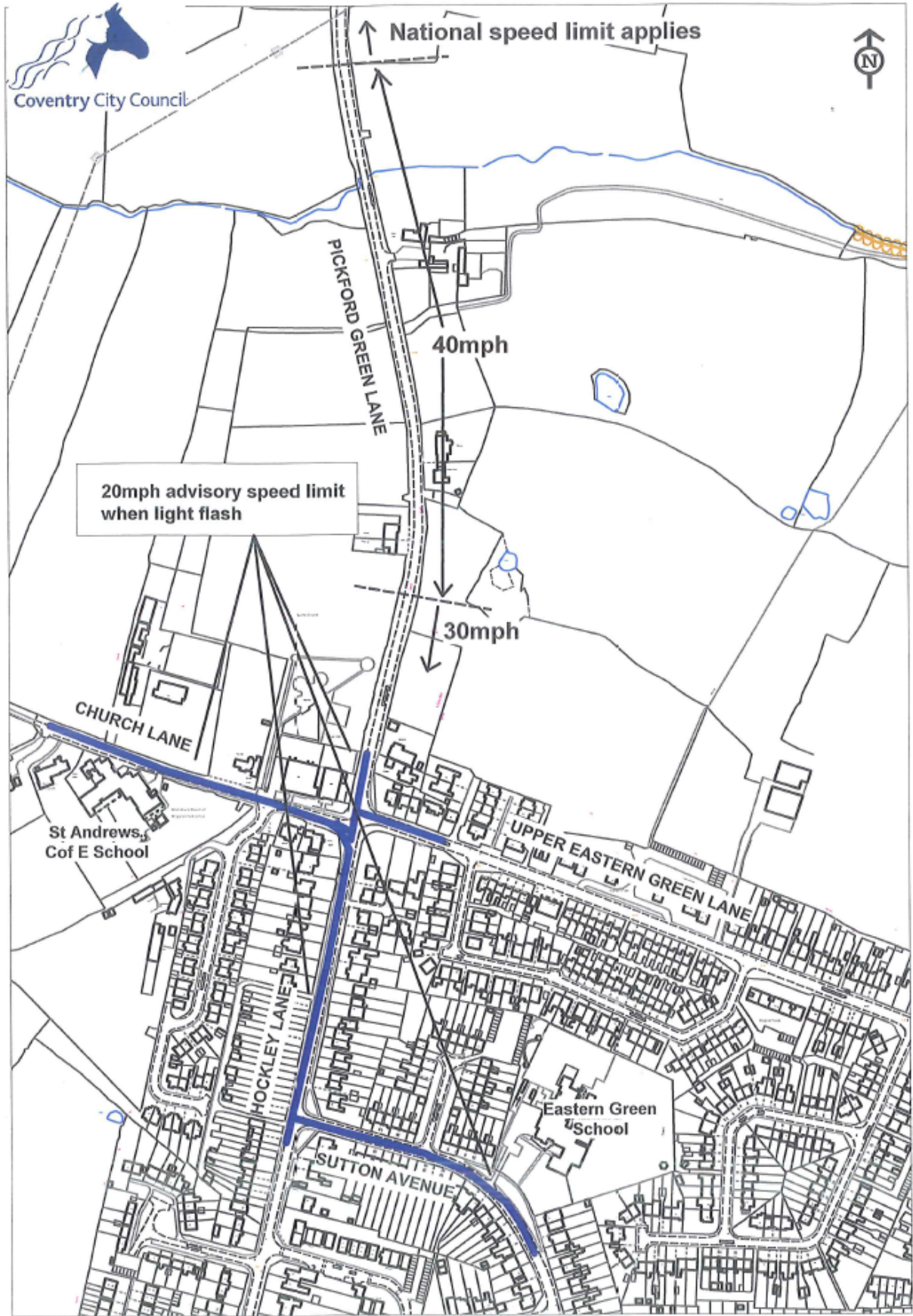
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Contributors:				
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Karen Seager	Head of Traffic and Network Management	Place	29.11.2016	30.11.2016
Helen Joyce	Senior Human Resources Manager	Resources	29.11.2016	29.11.2016
Michelle Salmon	Governance Services Officer	Resources	29.11.2016	30.11.2016
Names of approvers: (officers and Members)				
Graham Clark	Lead Accountant, Finance	Resources	29.11.2016	29.11.2016
Sam McGinty	Place Team Leader, Legal Services	Resources	29.11.2016	30.11.2016
Councillor Innes	Cabinet Member for City Services	-	29.11.2016	01.12.2016

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Appendix A – Location Plan



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Cabinet Member for City Services

12th December 2016

Name of Cabinet Member:

Cabinet Member for City Services - Councillor J Innes

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

Henley

Title:

Highways Act 1980 section 116 Application to Stop up Highway at Sandford Close

Is this a key decision?

No

Executive Summary:

An Application has been made to the Council by the owner of Brett Martin Daylight Systems, Sandford Close, Dutton Road, Aldermans Green Industrial Estate, Coventry CV2 2QU requesting the council to apply to the Magistrates' Court for an order which would stop up the highway known as Sandford Close. The highway in question is carriage way and footway that is a cul-de-sac and only serves the applicants premises.

Recommendations:

Cabinet Member for City Services is recommended to approve an application being made to the Magistrates' Court for an order stopping up the land, identified on the plan at Appendix 1 to the report, as a highway, in accordance with the provision of sections 116 and 117 of the Highways Act 1980.

List of Appendices included:

Appendix 1 - Plan of the highway to stop up at Sanford Close

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Highways Act 1980 section 116 Application to Stop up Highway at Sandford Close

1. Context (or background)

- 1.1 Sandford Close is currently highway maintainable at public expense, recorded on the Council's List of Streets. The Council is under a duty to maintain all highway that is on the lists of streets this includes fixing potholes and resurfacing. The Council is also liable for any injuries that might be caused through lack of maintenance.
- 1.2 An application can be made to the Council under section 117 of the Highways Act 1980 ('the Act') for the highway to be stopped under section 116 of the Act.
- 1.3 The Council can make an application under section 116 of the Highways Act 1980 to the Magistrates Court to have a highway stopped up if it is considered that the highway in question is surplus to highway requirements and is no longer required for public use. There are no other means of stopping up highway that is carriageway, footway or verge unless it is subject to a planning consent or development, in this case the land is not subject to a planning consent.
- 1.4 The Council has received an application from the applicant made under section 117 of the Act requesting that the Council makes an application to the Magistrates Court under section 116 of the Act to stop up the highway known as Sandford Close.
- 1.5 The applicant is not the freehold owner of the land over which the highway subsists. The freehold owner has agreed to amend the lease that has already been agreed with the applicant to incorporate the stopped up highway into the lease, should such an order be granted. This will ensure that the applicant receives the benefit of the stopping up.
- 1.6 The land surrounding Sandford Way is wholly occupied by the applicant. The carriageway and footway serve no other company or persons because Sandford way is a cul-de-sac and only serves the applicant's property it is therefore the applicant's opinion that there is no need for the public to use the route.

2. Options considered and recommended proposal

- 2.1 Sandford Close is a cul-de-sac route that is 98 metres long and 11 metres wide with a turning head approximately 50 metres from the entrance. The highway to be stopped in is recorded on the lists of streets as carriageway and footway.
- 2.2 The applicant and occupier of the land and has consulted the freehold land owner and owners of the sub soil, Coventry City Council, who did not object to the proposal. Statutory undertakers have also been consulted and have not objected to the proposal.
- 2.3 The applicant has agreed to cover all cost related to the stopping up.
- 2.4 It is believed that in light of the above the highway marked in red on the attached plan is no longer required for public use as it is only used by occupier, their employees and their agents and therefore in our opinion does not serve any function for the safe operation of the highway and can be stopped up.

3. Results of consultation undertaken

- 3.1 Before making an application for a stopping up order to the Magistrates Court the highway authority are required to serve notice of their intention to do so on the various third parties and organisations 28 days prior to the making of the application. The notice must also be published in the London Gazette and at least one local newspaper 28 days prior to the making of the application.
- 3.2 The applicant has carried out the following informal consultation:
- 3.3 The applicant has consulted statutory undertakers and no objections were received, the Council as the freehold landowner and the owner of the subsoil has also been consulted and did not object.

4. Timetable for implementing this decision

- 4.1 Subject to recommendations being approved, the application will be made as soon as practicable.

5. Comments from Executive Director of Resources

5.1 Financial implications

All costs will be met by the applicant so there is no cost to the Council of making this decision. The stopping up of the highway at this location will result in a small reduction in the Council's highways maintenance expenditure.

5.2 Legal implications

The recommendation in this report and all subsequent actions are provided for in the Act. Section 116 of the Act provides the power for a highway authority to apply to the Magistrates' Court for an order stopping up a highway, or part of a highway. Section 117 enables a highway authority to apply for a stopping up order on a third parties behalf and entitles the authority to recover its reasonable costs in doing so. Schedule 12 to the Act sets out the form to be used for notices in connection with an application for a stopping up order.

Following the stopping up, the responsibility for the land so released reverts to the subsoil owners.

Legal services will be required take the necessary steps to seek the Order. This includes advertising the application in the press, serving notices on various parties and making a formal application to the Magistrates' Court.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

N/A

6.2 How is risk being managed?

N/A

6.3 What is the impact on the organisation?

N/A

6.4 Equalities / EIA

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property and transport considerations.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

Report author(s):

Name and job title:

Alexander Le Marinel
Public Rights of Way Officer

Directorate:

Place

Tel and email contact:

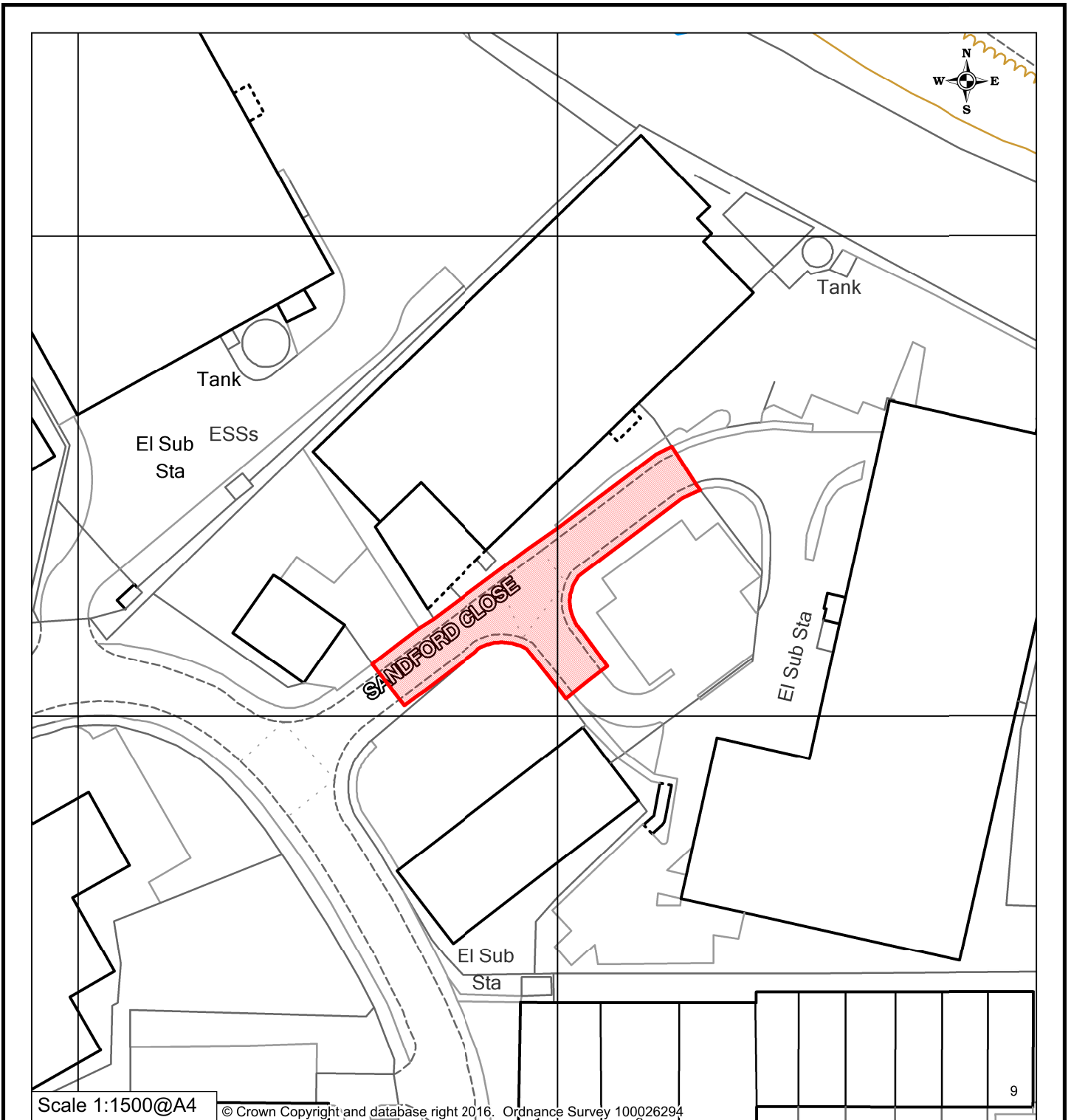
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Karan Seager	Head of Traffic and Transportation	Place	25/11/16	28/11/16
Michelle Salmon	Governance Services Officer	Resources	25/11/16	25/11/16
Names of approvers for submission: (officers and Members)				
Clara Robson	Planning and Highways Lawyer, Legal Services	Resources	25/11/16	25/11/16
Graham Clark	Lead Accountant	Resources	25/11/16	25/11/16
Councillor J Innes	Cabinet Member for City Services	-	25/11/16	28/11/16

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Date: 23/11/2016

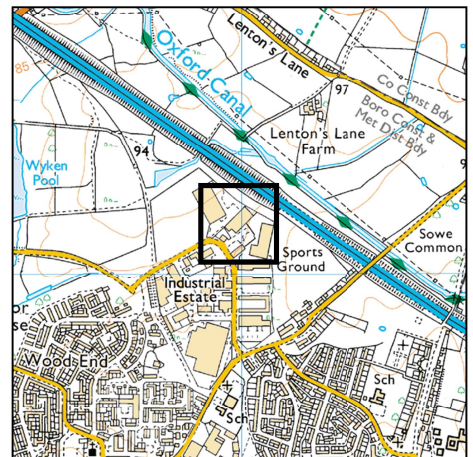
Public Rights of Way
Civic Centre 4, Floor 8
Much Park Street
Coventry
CV1 2PY

Highways Act Section 116

Application to Stop-Up Highway Known as Sandford Close

Key

 Highway to be Stopped-Up



Ref: T&T/PROW/ALM/HA116/Sandford

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Cabinet Member for City Services

12th December 2016

Name of Cabinet Member:

Cabinet Member for City Services – Councillor J Innes

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

Wainbody

Title:

Highways Act 1980 Section 116 Application to Stop up Highway Adjacent to Bransford Avenue/Lichen Green

Is this a key decision?

No

Executive Summary:

An Application has been made to the Council by the owner of 10 Lichen Green requesting the council to apply to the Magistrates Court for an order which would stop up the highway adjacent to Bransford Avenue/Lichen Green. The highway in question is grass verge, with a highway tree.

Recommendations:

- 1) Cabinet Member for City Services is recommended to: approve an application being made to the Magistrates' Court for an order stopping up the land identified on the plan contained within the appendices to the report titled Highways Act 1980 Section 116 – Application to Stop-up Highway Adjacent to Bransford Avenue/Lichen Green, in accordance with the provisions of sections 116 and 117 of the Highways Act 1980.

List of Appendices included:

Appendix 1 - Highways Act 1980 Section 116 – Application to Stop-up Highway Adjacent to Bransford Avenue/Lichen Green - Plan

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Highways Act 1980 section 116 Application to Stop up Highway adjacent to Bransford Avenue/Lichen Green

1. Context (or background)

- 1.1 Bransford Avenue/Lichen Green is currently highway maintainable at public expense, recorded on the Council's List of Streets. The Council is under a duty to maintain all highway that is on the lists of streets. The highway includes carriageway, footway and verges.
- 1.2 An application can be made to the Council under section 117 of the Highways Act 1980 ('the Act') for the highway to be stopped under section 116 of the Act.
- 1.3 The Council can make an application under section 116 of the Highways Act 1980 to the Magistrates Court to have a highway stopped up if it is considered that the highway in question is surplus to highway requirements and is no longer required for public use. There are no other means of stopping up highway that is carriageway, footway or verge unless it is subject to a planning consent or development, in this case the land is not subject to a planning consent.
- 1.4 Once highway rights are extinguished, control over the land reverts to the freehold or leasehold owner of the subsoil.
- 1.5 The applicant, is making the application to stop up the highway in order to take control of the land and maintenance of a tree within the area edged red. The tree in question in the applicant's opinion is causing damage to his property. The Council's tree preservation officer has been consulted and has no objections to the proposal.
- 1.6 The applicant has consulted Coventry City Council, who did not object to the proposal. In addition there are no Statutory Undertakers (Public Utilities) affected by the proposals, thus no objection was raised.
- 1.7 The land is currently registered under title number WK45582 and the freehold owner is currently registered as Beazer Homes Bedford Limited. However it has been confirmed that the land has been purchased by the applicant and therefore it is likely that the title will be updated in due course.

2. Options considered and recommended proposal

- 2.1 The Council has received an application from the applicant made under section 117 of the Highways Act 1980 ("the Act") requesting that the Council makes an application to the Magistrates Court under section 116 to stop up the highway known as land adjacent to Bransford Avenue/Lichen Green.
- 2.2 Bransford Avenue is a connecting residential road that loops to link with De Montfort Way at both its northern and southern extents. Lichen Green is a cul-de-sac that forms a junction onto Bransford Avenue. The highway to be stopped up is recorded on the lists of streets as a verge. The verge area contains a highway tree which the applicant believes is causing damage to his property.
- 2.3 This land does not serve any function for the safe operation of the highway and no required visibility splays will be removed.
- 2.4 The applicant has agreed to cover all costs related to the stopping up.

2.5 It is believed that in light of the above the highway marked red on the attached plan is no longer required for public use. The stopping up of the highway at this location will result in a small reduction in the Council's highways maintenance expenditure and permit the sub-soil land owner to undertake any works to the tree to prevent damage to his property that in his opinion it is causing.

3. Results of consultation undertaken

3.1 Before making an application for a stopping up order to the Magistrates Court the highway authority are required to serve notice of their intention to do so on the various third parties and organisations 28 days prior to the making of the application. The notice must also be published in the London Gazette and at least one local newspaper 28 days prior to the making of the application.

3.2 The applicant has carried out an informal consultation with the following organisations:

3.2.1 Coventry City Council Highway maintenance, street pride and green spaces and tree preservation teams, who made no objections to the proposals.

3.2.2 Coventry City Council Rights of Way Officer who made the following comments and the applicant amended the proposals accordingly:

- That 3 metres of highway land must be retained from the northern edge of the footpath that runs from Lichen Green to Barnsford Avenue.
- Where this retained land meets Barnsford Avenue that it must be a graduated curve to ensure there are no acute angles

3.2.3 Statutory undertakers (utilities) who confirmed that there are no apparatus within the area of application land and are therefore they are not affected by the proposals.

4. Timetable for implementing this decision

4.1 Subject to recommendations being approved, the application will be made as soon as practicable.

5. Comments from Executive Director of Resources

5.1 Financial implications

All costs will be met by the applicant so there is no cost to the Council of making this decision. The stopping up of the highway at this location will result in a small reduction in the Council's highways maintenance expenditure.

5.2 Legal implications

The recommendation in this report and all subsequent actions are provided for in the Act. Section 116 of the Act provides the power for a highway authority to apply to the Magistrates' Court for an order stopping up a highway, or part of a highway. Section 117 enables a highway authority to apply for a stopping up order on a third parties behalf and entitles the authority to recover its reasonable costs in doing so. Schedule 12 to the Act sets out the form to be used for notices in connection with an application for a stopping up order.

Following the stopping up, the responsibility for the land so released reverts to the subsoil owners.

Legal services will be required take the necessary steps to seek the Order. This includes advertising the application in the press, serving notices on various parties and making a formal application to the Magistrates' Court.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

N/A

6.2 How is risk being managed?

N/A

6.3 What is the impact on the organisation?

Should the extent of highway be stopped up this will reduce the area of land the Council are required to maintain.

6.4 Equalities / EIA

The process of applying for a stopping up order offers opportunities for anyone who feels that they may be disadvantaged by the order to object and be heard in court, if they so wish.

6.5 Implications for (or impact on) the environment

N/A

6.6 Implications for partner organisations?

Loss of highway verge/green space

Report author(s):

Name and job title:

Adam Coulthard, Senior Engineer, Development Control
Alexander Le Marinel, Public Rights of Way Officer

Directorate: Place

Tel and email contact:

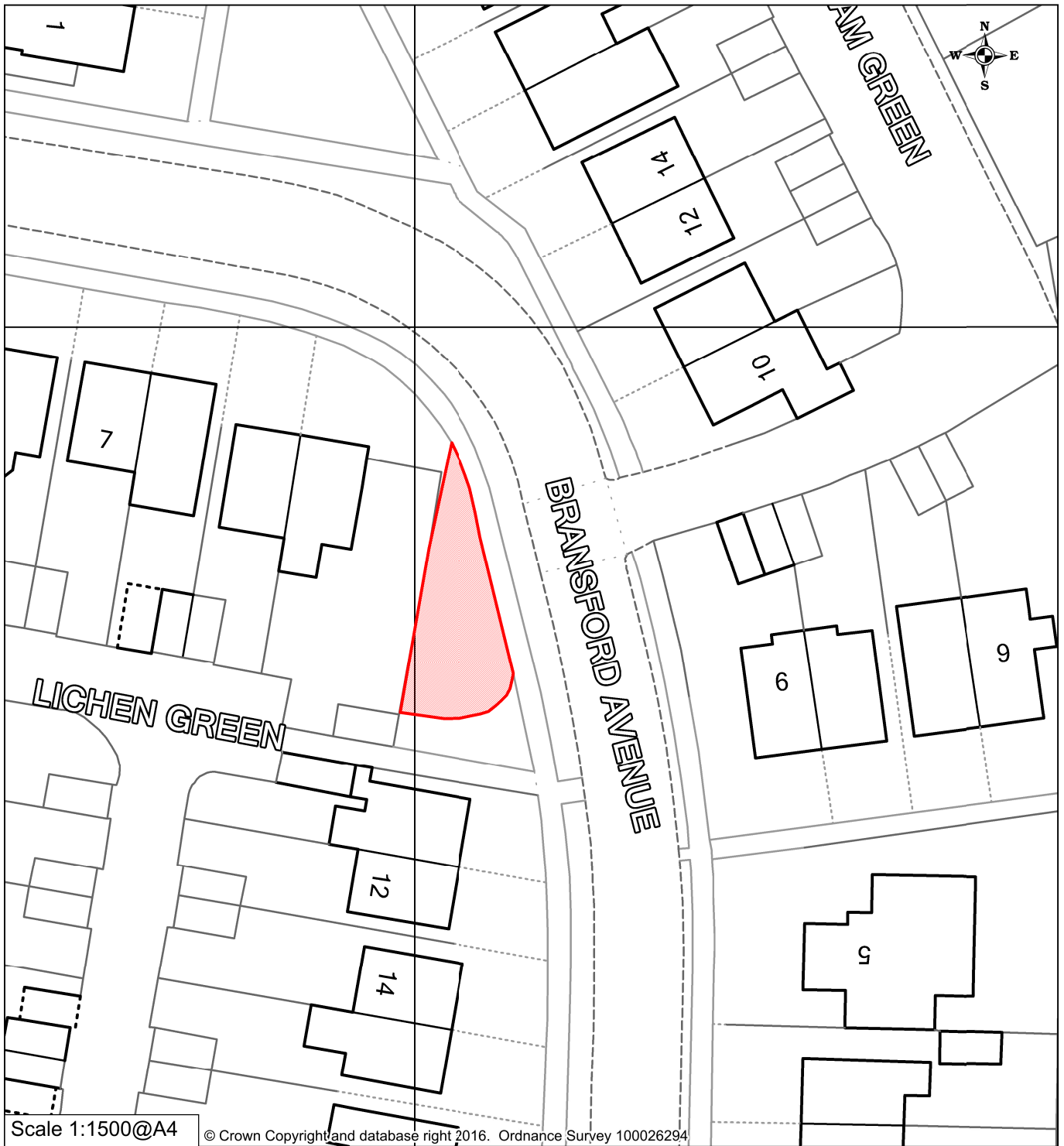
Tel: **02476833526**

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Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Clara Robson	Planning and Highways Lawyer, Legal Services	Resources	23.11.2016	23.11.16
Graham Clark	Lead Accountant	Finance support to Place Directorate	23.11.2016	23.11.16
Michelle Salmon	Governance Services Officer	Resources	25.11.2016	28.11.16
Names of approvers for submission: (officers and Members)				
Graham Clark	Lead Accountant	Resources	23.11.2016	23.11.16
Clara Robson	Planning and Highways Lawyer, Legal Services	Resources	25.11.16	25.11.16
Colin Knight	Assistant Director of Planning, Transport and Highways	Place	25.11.16	28.11.16
Councillor J Innes	Cabinet Member for City Services	-	18.11.16	21.11.16

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Date: 23/11/2016

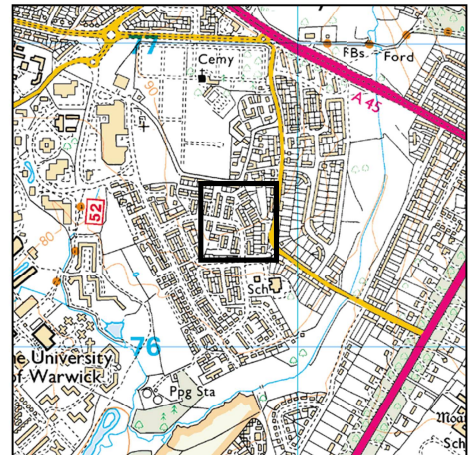
Public Rights of Way
Civic Centre 4, Floor 8
Much Park Street
Coventry
CV1 2PY

Highways Act Section 116

Application to Stop-Up Highway Adjacent to
Bransford Avenue and Lichen Green

Key

 Highway to be Stopped-Up



Ref: T&T/PROW/ALM/HA116/Brandsonford

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Cabinet Member for City Services

12th December 2016

Name of Cabinet Member:

Cabinet Member for City Services – Councillor J Innes

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

All

Title:

Petitions Determined by Letter and Petitions Deferred Pending Further Investigations

Is this a key decision?

No - This report is for monitoring purposes only

Executive Summary:

In accordance with the City Council's procedure for dealing with petitions, those relating to traffic management, road safety and highway maintenance issues are considered by the Cabinet Member for City Services.

In June 2015, amendments to the Petitions Scheme, which forms part of the Constitution, were approved in order to provide flexibility and streamline current practice. This change has reduced costs and bureaucracy and improved the service to the public.

These amendments allow for a petition to be dealt with or responded to by letter without being formally presented in a report to a Cabinet Member meeting.

In light of this, at the meeting of the former Cabinet Member for Public Services on 15 March 2016, it was approved that a summary of those petitions received which were determined by letter, or where decisions are deferred pending further investigations, be reported to subsequent meetings of the Cabinet Member for Public Services (now amended to Cabinet Member for City Services), where appropriate, for monitoring and transparency purposes.

Appendix A to the report sets out the petitions received since the previous meeting of the Cabinet Member for City Services and how officers propose to respond to them.

Recommendation:

Cabinet Member for City Services is recommended to endorse the actions being taken by officers as set out in Section 2 and Appendix A of the report in response to the petitions received.

List of Appendices included:

Appendix A – Petitions Determined by Letter and Petitions Deferred Pending Further Investigations

Background Papers

None

Other useful documents:

Cabinet Member for Policing and Equalities Meeting 18 June 2015 Report: Amendments to the Constitution – Proposed Amendments to the Petitions Scheme

A copy of the report is available at moderngov@coventry.gov.uk.

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Petitions Determined by Letter and Petitions Deferred Pending Further Investigations

1. Context (or background)

- 1.1 In accordance with the City Council's procedure for dealing with petitions, those relating to traffic management, road safety and highway maintenance issues are considered by the Cabinet Member for City Services.
- 1.2 Amendments to the Petitions Scheme, which forms part of the Constitution, were approved by the Cabinet Member for Policing and Equalities on 18 June 2015 and Full Council on 23 June 2015 in order to provide flexibility and streamline current practice.
- 1.3 These amendments allow a petition to be dealt with or responded to by letter without being formally presented in a report to a Cabinet Member meeting. The advantages of this change are two-fold; firstly it saves taxpayers money by streamlining the process and reducing bureaucracy. Secondly it means that petitions can be dealt with and responded to quicker, improving the responsiveness of the service given to the public.
- 1.4 Each petition is still dealt with on an individual basis. The Cabinet Member considers advice from officers on appropriate action to respond to the petitioners' request, which in some circumstances, may be for the petition to be dealt with or responded to without the need for formal consideration at a Cabinet Member meeting. In such circumstances and with the approval of the Cabinet Member, written agreement is then sought from the relevant Councillor/Petition Organiser to proceed in this manner.

2. Options considered and recommended proposal

- 2.1 Officers will respond to the petitions received by determination letter or holding letter as set out in Appendix A of this report.
- 2.2 Where a holding letter is to be sent, this is because further investigation work is required of the matters raised. Details of the actions agreed are also included in Appendix A.
- 2.3 Once the matters have been investigated, a determination letter will be sent to the petition organiser or, if appropriate, a report will be submitted to a future Cabinet Member meeting, detailing the results of the investigations and subsequent recommended action.

3. Results of consultation undertaken

- 3.1 In the case of a petition being determined by letter, written agreement is sought from the relevant Petition Organiser and Councillor Sponsor to proceed in this manner. If they do not agree, a report responding to the petition will be prepared for consideration at a future Cabinet Member meeting. The Petition Organiser and Councillor Sponsor will be invited to attend this meeting where they will have the opportunity to speak on behalf of the petitioners.

4. Timetable for implementing this decision

- 4.1 Letters referred to in Appendix A to the report will be sent out by December 2016.

5. Comments from Executive Director of Resources

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

There are no specific legal implications arising from this report.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Not applicable

6.2 How is risk being managed?

Not applicable

6.3 What is the impact on the organisation?

Determining petitions by letter enables petitioners' requests to be responded to more quickly and efficiently.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

Report author(s)

Name and job title:

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Directorate:

Place

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Karen Seager	Head of Traffic and Network Management	Place	29/11/16	29/11/16
Caron Archer	Principle Officer - Traffic Management	Place	29/11/16	29/11/16

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Appendix A – Petitions Determined by Letter and Petitions Deferred Pending Further Investigations

Petition Title	Councillor Sponsor	Type of letter to be sent to petition organiser(s) and sponsor	Actions agreed	Target Date for Determination Letter / CM Report
26/16 - Request to Review Decision to Build a Single Point of Entry/ Exit to the New Housing Estate on the Bend in Blackberry Lane	Councillor Abbott	Determination	Safety audit of proposed access has been undertaken. Developer has agreed to fund safety audit recommendations: extension of 20mph Zone, speed cushions and pedestrian refuges. Design of traffic calming will be subject to public and stakeholder consultation.	December
32/16 - Request for a Residents Parking Scheme at Robert Close	N/A	Holding	To arrange parking surveys to assess extent of problem	February
33/16 - Outlaw Parking of Motor Vehicles on Pavements of Coventry	Councillor O'Boyle	Determination	<p>Previous petition regarding pavement parking was heard in February 2015. Recommendations approved will continue to address obstruction of pavements as follows:</p> <ul style="list-style-type: none"> • take action against offending vehicles where parking restrictions exist • support the Police who have the power to take action against vehicles obstructing the pavement where no parking restrictions exist • implement physical measures to prevent pavement parking as part of the verge protection programme, based on the priority of the scheme and the availability of funding • where a petition is received requesting a TRO for a footway or verge parking ban on a specific road, investigate the problem and, if action is required, schedule any works based on the priority of the scheme and the funds available 	December



Cabinet Member for City Services

12th December 2016

Name of Cabinet Member:

Cabinet Member for City Services – Councillor J Innes

Director Approving Submission of the report:

Executive Director of Resources

Ward(s) affected:

None

Title:

Outstanding Issues

Is this a key decision?

No

Executive Summary:

In May 2004 the City Council adopted an Outstanding Minutes System linked to the Forward Plan, to ensure that follow up reports can be monitored and reported to Members. The attached appendix sets out a table detailing the issues on which further reports have been requested by the Cabinet Member for City Services so she is aware of them and can monitor progress.

Recommendations:

The Cabinet Member for City Services is requested to consider the list of outstanding issues and to ask the Member of the Management Board or appropriate officer to explain the current position on those which should have been discharged at this meeting or an earlier meeting.

List of Appendices included:

Table of Outstanding Issues

Other useful background papers:

None

Has it or will it be considered by Scrutiny?

No

Has it, or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report author(s):

Name and job title:

Liz Knight / Michelle Salmon
Governance Services Officer

Directorate:

Resources

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Enquiries should be directed to the above persons.

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	Subject	Date for Further Consideration	Responsible Officer	Proposed Amendment to Date for Consideration	Reason for Request to Delay Submission of Report
1	City Centre Maintenance Contract Further report providing an update on the City Centre Review transfer process and seeking approval for future maintenance standards (Minute 55 of former Cabinet Member for Public Services refers – 15 th December 2015)	December 2016	Executive Director of Place Graham Hood	To be confirmed	Further report to be submitted when update information is available
2	Petition – Safety Measures on Swan Lane Further report on progress following 12 months of implementation (Minute 75/14 of Cabinet Member for Public Services refers – 19 th January 2015)	December, 2016	Executive Director of Place Caron Archer	Cabinet Member appraised of the review. No further report required	
3	Residents' Parking Schemes A list of outstanding residents' parking schemes, including Stoke Row, be reviewed and a report to be presented to a future meeting on the outcome of the review (minute 5/14 of former Cabinet Member for Public Services refers – 19 th June 2014)	To Be Confirmed	Executive Director of Place Caron Archer	Report on Residents Parking to be submitted to Cabinet on 3 January 2017	
4	Petition – Longford Road Junction with Oakmoor Road Further report with results of six months monitoring exercise following the implementation of Option 4 (Minute 75/15 of former Cabinet Member for Public Services refers – 15 th March 2016)	To Be Confirmed	Executive Director of Place Caron Archer		
5	Objection to Traffic Regulation Order – Proposed Revocation of Right Turn Only (Whitley / A444) Further report, if appropriate, following meeting with Members, Ward Councillors, officers, Jaguar Land Rover, and objectors to consider all the concerns raised (Minute 25/16 of former Cabinet Member for Public Services refers – 14 th November 2016)	To Be Confirmed	Executive Director of Place Ian Lewis		

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