

DATE:
MY REF:
YOUR REF:
CONTACT:
TEL NO:
FAX NO:
EMAIL:

Mrs Claire Farmer
0116 272 7560
0116 272 7596
secretariat@blaby.gov.uk

To Members of the Council

Cllr. J.A. Dilks (Chairman)
Cllr. B.M. Parkins (Vice-Chairman)

Cllr. A.D. Bailey
Cllr. C. Bailey
Cllr. R.J. Berrington
Cllr. J. Blackwell
Cllr. M.J. Bradbury
Cllr. D.R. Clements
Cllr. E.C. Dawson
Cllr. J.A. Dickinson
Cllr. R.S. Dixon
Cllr. J.A. Dolby
Cllr. F.E. Duffield
Cllr. J.M. Fox
Cllr. P.N. Fox

Cllr. B. Garner
Cllr. N.M. Gilson
Cllr. J.O. Hudson
Cllr. F.G.H. Jackson
Cllr. D. Jennings
Cllr. J. Kenney
Cllr. S.M. King
Cllr. W.C. Law
Cllr. T.A. Mulloy
Cllr. D.R. Parsons
Cllr. J. Peachey
Cllr. D. Pollard
Cllr. A.C.M. Pullen

Cllr. D.C. Randle
Cllr. J.T. Roper
Cllr. G. Sanders
Cllr. J. Springthorpe
Cllr. D.R. Stuart
Cllr. A.C. Tanner
Cllr. R.C. Ward
Cllr. J.L. Weatherstone
Cllr. E.A. Webster-Williams
Cllr. G.L. Welsh
Cllr. E.F. White

Dear Councillor,

A meeting of the **COUNCIL** will be held in the Council Chamber at these offices on **TUESDAY, 20 SEPTEMBER 2005 at 5.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully

Kris Johnston
Head of Administration and Legal Services

AGENDA

1. Apologies for absence.



2. To receive disclosures of interests from Members (i.e. the existence and the nature of those interests in respect of items on this agenda).
3. To approve and sign the minutes of the meeting held on 2 August 2005.
4. Chairman's Announcements.
5. Leader's Statement.
6. Notice of Motion
Motion under Council Rules of Procedure Number 12. Cllr. S.M. King to move the motion set out at Appendix 1a to the Agenda. Cllr. King has requested that EDM391 be appended to the agenda for reference (Appendix b).
7. Recommendation of Cabinet Executive - Air Quality Management Areas (Pages 1 - 6)
To consider the report of the Cabinet Executive (enclosed).
8. 17-25 Stamford Street, Glenfield - Update on Lands Tribunal Case (Pages 7 - 12)
To consider the report of the Cabinet Executive (enclosed).
9. Committee Dates - Summer Recess 2006 (Pages 13 - 14)
To consider the report of the Democratic Services Manager (enclosed).
10. Committee Chairmanship - Policy, Finance and Strategic Management Scrutiny Panel (Pages 15 - 20)
To consider the report of the Democratic Services Manager (enclosed).
11. Indemnity Arrangements - Case Progression Officers (Pages 21 - 22)
To consider the report of the Legal Services Manager (enclosed).
12. Consolidation and Updating of Traffic Regulation Orders for Council Car Parks (Pages 23 - 34)
To consider the report of the Head of Environmental Health Services (enclosed)
13. Easement at Burbage Common Road, Elvesthorpe (Pages 35 - 38)
To consider the report of the Cabinet Executive (enclosed).
14. Blaby District Local Development Framework - Statement of Community Involvement (submission version) (Pages 39 - 40)
To consider the report of the Cabinet Executive (enclosed).

Members are requested to bring with them their Cabinet papers from 16 September 2005 relating to the above item.

BLABY DISTRICT COUNCIL

Agenda Item	
-------------	--

Meeting:	Council
Date:	20th September 2005
Subject:	Recommendation of Cabinet Executive – Air Quality Management Areas
Report of:	Cabinet Executive
Status:	Public

1. Purpose of Report

- 1.1 To advise the Council in respect of the recommendations of the Cabinet Executive held on 19th August 2005 in relation to the above matter.

2.	<u>Recommendation</u>
2.1	That the areas of the district identified in the Air Quality Detailed Assessment Report, and shown on the map appended to the report of the Head of Environmental Health Services, be declared as Air Quality Management Areas (at Branting Hill, Glenfield and Enderby/Whetstone), and
2.2	that the existing Air Quality Management Areas located on Narborough Road South, Braunstone Town and Hinckley Road, Leicester Forest East be extended as identified in the Air Quality Detailed Assessment Report, by Order of Full Council
3.	<u>Reason for Decision Recommended</u>
3.1	As detailed in the report of the Head of Environmental Health Services

4. Forward Plan

- 4.1 Forward Plan Reference Number: 07/05(422)

5. Key Decision

5.1 Not applicable – this is a decision reserved for Council

6. Matter(s) for Consideration

6.1 The above recommendation is referred to Council following the meeting of the Cabinet Executive held on 19th August 2005. A copy of the report is attached at Appendix A for ease of reference.

7. Appropriate Consultations

7.1 As detailed in the report to the meeting of the Cabinet Executive held on 19th August 2005.

8. Financial and Efficiency Implications

8.1 As detailed in the report to the meeting of the Cabinet Executive held on 19th August 2005.

9. List of Background Papers

9.1 None in relation to this report

(Place a tick (Y) to confirm that these officers have been consulted)

Head of Paid Service:

s.151 Officer:

✓ Monitoring Officer:

Portfolio Holder:

BLABY DISTRICT COUNCIL

Agenda Item	
-------------	--

Meeting: Cabinet Executive

Date: 19th August 2005

Subject: Air Quality Management Areas

Report of: Head of Environmental Health Services

Status: Public

1. Purpose of Report

1.1 To advise on the results of the recent consultation on the Detailed Assessment report, considered by Cabinet Executive on the 29th April 2005 (minute 556 refers), and facilitate the declaration of the new and extended Air Quality Management Areas (AQMAs) identified in that Report.

Recommendation to Council

2. *Decision Recommended*

That the areas of the district identified in the Air Quality Detailed Assessment Report, and shown on the enclosed map, are declared as Air Quality Management Areas (at Branting Hill, Glenfield and Enderby/Whetstone), and that the existing Air Quality Management Areas located on Narborough Road South, Braunstone Town and Hinckley Road, Leicester Forest East are extended as identified in the Air Quality Detailed Assessment Report, by Order of Full Council

3.

Reason for Decision Recommended

The Council is obliged by the Environment Act 1995 to declare areas of its district as AQMAs within 4 months of the identification for them being required. The declarations have to be by Order of Full Council.

4. Forward Plan

4.1 Forward Plan Reference Number: 07/05 (422)

5. Key Decision

- 5.1 Yes

6. Matter(s) for Consideration

- 6.1 The Air Quality Detailed Assessment was approved by Cabinet Executive for consultation on the 29th April 2005. A period of consultation followed, with responses being received as in the following section.
The response from Leicestershire County Council will be taken into account when undertaking the 'stage 4' review and assessment which the Council is obliged to carry out once the AQMAs have been declared. However, the duty to present a credible argument for declaring or not declaring AQMAs rests with this Council. Defra and its consultants have accepted the Detailed Assessment report and the need for making the proposed declarations.

7. Other Options Considered

- 7.1 Not to declare the areas identified within the Air Quality Detailed Assessment Report as Air Quality Management Areas. This would not fulfill the Council's statutory duties under the Environment Act 1995.

8. Appropriate Consultations

- 8.1 **Defra** – accepted the report, and made some recommendations for improvements to it. The Detailed Assessment Report has been revised and reissued taking account of their comments;

Leicestershire County Council – responded as follows:

'The County Council considers that the evidence in the draft report does not justify any of the AQMA proposals, and that measurements, or better predictions, at house fronts should be obtained before Blaby District Council changes the number or extent of AQMAs affecting the Local Transport Plan. The County Council would welcome further discussions with Blaby District Council to seek a way to take this forward';

Principal Planning Policy Officer – no comments to offer;

Braunstone Town Council – made supportive comments, with some technical queries. Urges this Council to use Planning Controls to reduce traffic pollution, particularly in the Junction 21 area;

Glen Parva Parish Council – first response raised some technical queries which were answered. The second response was supportive, noted that the prevailing levels of air pollution were close to the objective, and wished to know this Council's intentions were in relation to this;

A local resident who lives on Narborough Road South – generally supportive, raised technical queries which were answered by letter.

9. Financial and Asset Implications

9.1 Financial Implications

	Current year	2005/2006	2006/2007
Revenue	Nil	Nil	Nil
Capital	Nil	Nil	Nil

There are no specific financial implications arising from this report. However further work will be required in connection with the newly declared AQMAs and the Council's Air Quality Action Plan will need to be revised. This work should be accommodated within approved revenue budgets. Further capital investment may be required and this will be dealt with as part of the normal budgeting process.

9.2 Asset Implications

Increased use of the Council's 3 Air Quality Monitoring Stations

10. List of Background Papers

10.1 Letters from the consultees

Detailed Assessment Report, issue 2, July 2005

The following Officer(s)/Member(s) have been consulted (identified by ✓):

- ✓ Head of Paid Service
- ✓ S. 151 Officer
- ✓ Monitoring Officer
- ✓ Portfolio Holder (Cabinet Executive/Council reports only)

This page is intentionally left blank

BLABY DISTRICT COUNCIL

Agenda Item	
-------------	--

Meeting: Council

Date: 20th September 2005

Subject: 17-25 Stamford Street, Glenfield- Update on Lands Tribunal Case

Report of: Cabinet Executive

Status: Public

1. Purpose of Report

- 1.1 To advise the Council in respect of the recommendations of the Cabinet Executive held on 16th September 2005 in relation to the above matter.

2.	<u>Recommendation</u>
-----------	------------------------------

2.1	To follow
------------	------------------

3.	<u>Reason for Decision Recommended</u>
-----------	---

3.1	As detailed in the report of the Legal Services Manager
------------	--

4. Forward Plan

- 4.1 Forward Plan Reference Number: 06/05(418)

5. Key Decision

- 5.1 Not applicable – this is a decision reserved for Council

6. Matter(s) for Consideration

- 6.1 The above recommendation is referred to Council following the meeting of the Cabinet Executive held on 16th September 2005. A copy of the report is attached at Appendix A for ease of reference.

7. Appropriate Consultations

- 7.1 As detailed in the report to the meeting of the Cabinet Executive held on 16th

September 2005.

8. **Financial and Efficiency Implications**

8.1 As detailed in the report to the meeting of the Cabinet Executive held on 16th September 2005.

9. **List of Background Papers**

9.1 None in relation to this report

(Place a tick (Y) to confirm that these officers have been consulted)

Head of Paid Service:

s.151 Officer:

✓ Monitoring Officer:

Portfolio Holder:

BLABY DISTRICT COUNCIL

Agenda Item	
-------------	--

Meeting: Cabinet Executive

Date: 16 September 2005

Subject: Land at 17-25 Stamford Street, Glenfield

Report of: Legal Services Manager

Status: Public

1. Purpose of Report

- 1.1 To report on the outcome of the Lands Tribunal case in respect of 17-25 Stamford Street, Glenfield (the Land), following the service of a Purchase Notice on the Council. A plan of the Land is attached.

2.	<u>Recommendation to Council</u>
-----------	---

2.1	That the report be noted.
------------	----------------------------------

3.	<u>Reason for Decision Recommended</u>
-----------	---

3.1	It is appropriate to note the report.
------------	--

4. Forward Plan

- 4.1 Forward Plan Reference Number: 06/05(418)

5. Key Decision

- 5.1 Yes

6. Matters for Consideration

- 6.1 Following an application by the Owners of the Land for planning permission which was refused in April 2001, the Council was served with a Purchase Notice by the Owners on 3 May 2001.

- 6.2 A Purchase Notice can be served by an owner on the Council under S137 Town & Country Planning Act 1990 if:
- a) The land has become incapable of reasonably beneficial use in its existing state.
 - b) It cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which permission has been granted or is deemed to be granted.
- 6.3 A valuation was obtained from the District Valuer on 25 June 2001 to assess the likely use and value of the land and to weigh up potential options. The District Valuer indicated to the Council that in his opinion the Land was valued at no more than £1,000.
- 6.4 The Council served a Notice of Response on 31 July 2001 that it was not willing to comply with the Purchase Notice. A copy was also served on the Planning Inspectorate on behalf of the Secretary of State for Transport and Local Government for his decision on the Notice.
- 6.5 The Planning Inspector's decision letter dated 1 October 2001 stated that the Purchase Notice was not confirmed.
- 6.6 The Owners appealed against the decision and a Public Inquiry was held on 31 July 2002.
- 6.7 On 12 November 2002 the decision of the Planning Inspector appointed to hear the appeal was that the Purchase Notice was confirmed.
- 6.8 The outstanding issue in the light of the confirmation of the Purchase Notice was the level of compensation payable. Failing agreement, this would be determined by the Lands Tribunal. These proceedings are very specialised and very uncommon for Purchase Notices and it was accordingly necessary to appoint specialist legal advice for this aspect of the matter.
- 6.9 On 12 November 2002, the Owners submitted their claim in the sum of £135,000 plus costs.
- 6.10 The specialist Solicitors recommended that it was appropriate to seek a negotiated figure to avoid the need for the expense of going to Tribunal. Using their specialist knowledge they sought to reach agreement but this was not possible.
- 6.11 As there was such a large discrepancy between the respective valuations, application was made by the Owners for the matter to be listed to be heard at the Lands Tribunal.

- 6.12 In order to prepare for the Hearing at the Lands Tribunal a great deal of work was undertaken by the District Valuer on the Council's behalf. He was also the Council's expert witness.
- 6.13 The District Valuer was requested to prepare two valuations:
- the first for on the basis of abandonment and therefore no development could take place – value £500
 - the second that planning permission is deemed to have been granted for a redevelopment and rebuild of the building that existed in 1948 – value £5,000.
- 6.14 The Hearing was listed for 30 March 2005. Just prior to the Hearing, the Owners reduced their claim to £60,000.
- 6.15 The Lands Tribunal Hearing was held in London and lasted for one day. Counsel represented the Council.
- 6.16 Following the Hearing, the Lands Tribunal Inspector indicated that his preliminary view was that £5,000 was appropriate compensation.
- 6.17 After the Hearing, as directed by the Inspector in relation to the abandonment issues and in consultation with the Council's legal advisers, the District Valuer submitted a further clarification of his valuation.
- 6.18 The Lands Tribunal Inspector upheld the value of the land at 17-25 Stamford Street as being £500.
- 6.19 There were no costs awarded in this matter and each party must bear its own.
- 6.20 The Land is now being purchased pursuant to the upheld Purchase Notice at the value of £500.
- 6.21 The costs of dealing with the Purchase Notice have been significant but have ensured that the Council materially reduced the compensation claimed of £135,000.

7. Other Options Considered

- 7.1 There are no other options. The statutory process has been followed

8. Appropriate Consultations

- 8.1 None.

9. Financial and Efficiency Implications

9.1

	2001/2	2002/3	2003/4	2004/5	Current Year 2005/06	2006/7	2007/8
Revenue	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Capital							
Legal Fees	1377.05	1026.65	520	1811.00	13975.50 (including Counsel)		
Valuation Office					<u>6940.00</u> 20,915.50		
TOTAL					£25750.20		
					£500 plus legal fees (£300)		

Efficiency	Estimated Cashable Savings	Estimated Cashable Savings	None	How measured
-	-	-	-	-

10. List of Background Papers

10.1 File Ref: 27/1155; 27/1155(a)

The following Officer(s)/Member(s) have been consulted (identified by ✓):

Head of Paid Service
S. 151 Officer
Monitoring Officer
Portfolio Holder (Cabinet Executive/Council reports only)

BLABY DISTRICT COUNCIL

Agenda Item	
-------------	--

Meeting:	Council
Date:	20 September 2005
Subject:	Committee Dates – Summer Recess 2006
Report of:	Democratic Services Manager
Status:	Public

1. Purpose of Report

- 1.1 This report advises members of changes proposed by the Leader of the Council to the diary of meeting dates which was agreed by Council on 10 May 2006.

2. Recommendation

- 2.1 That the changes to Committee dates as detailed below be approved:

Meetings cancelled:

Council: 6 June 2005
8 August 2005
3 October 2005

Cabinet: 21 July 2005
18 August 2005
3 October 2005

New meetings scheduled:

Council: 4 July 2005
26 September 2005

Cabinet: 28 July 2005
8 September 2005

3. Reason for Decision Recommended

- 3.1 It is appropriate to consider a meetings recess during the summer months

4. Forward Plan

- 4.1 Forward Plan Reference Number: Not applicable – this is a matter reserved for Council

5. Key Decision

- 5.1 Not applicable – this is a matter reserved for Council

6. Matter(s) for Consideration

- 6.1 Members are advised of a proposal by the Leader of the Council to introduce a recess during the summer months and consequential changes to dates for meetings being set out in the recommendation.

7. Other Options Considered

- 7.1 To not have a recess.

8. Appropriate Consultations

- 8.1 None

9. Financial and Efficiency Implications

- 9.1 None in relation to this report

10. List of Background Papers

- 10.1 None

The following Officer(s)/Member(s) have been consulted (identified by ✓):

- ✓ Head of Paid Service
- ✓ S. 151 Officer
- ✓ Monitoring Officer
- ✓ Portfolio Holder (Cabinet Executive/Council reports only)

BLABY DISTRICT COUNCIL

Agenda Item	
-------------	--

Meeting:	Council
Date:	20 September 2005
Subject:	Committee Chairmanship - Policy, Finance and Strategic Management Scrutiny Panel
Report of:	Democratic Services Manager
Status:	Public

1. Purpose of Report

- 1.1 This report advises members of an oversight in relation to appointments to the Policy, Finance and Strategic Management Scrutiny Panel in that two members of the Panel were appointed as Chairman in error at the Council meeting held on 10 May 2005.

2.	<u>Recommendation</u>
----	------------------------------

- | | |
|-----|--|
| 2.1 | That Members appoint a Chairman for the Policy, Finance and Strategic Management Scrutiny Panel from the current panel membership. |
|-----|--|

3.	<u>Reason for Decision Recommended</u>
----	---

- | | |
|-----|---|
| 3.1 | Council has a statutory power to make appointments to Scrutiny Panels. It is appropriate to correct an error in appointments once detected. |
|-----|---|

4. Forward Plan

- 4.1 Forward Plan Reference Number: Not applicable – this is a matter reserved for Council

5. Key Decision

- 5.1 Not applicable – this is a matter reserved for Council

6. Matter(s) for Consideration

- 6.1 Members are reminded that appointments to the Policy, Finance and Strategic Management Scrutiny Panel were made by Council on 10 May 2005. As part of this report, Chairmen and Vice-Chairman were also appointed. Unfortunately, due to an oversight, both Cllr G.L. Welsh and Cllr. G. Sanders were appointed as Chairman to the Panel. The oversight occurred due to the chairman being identified on the Panel membership list (Appendix A refers) and a different chairman being identified on the Chairmen/Vice-Chairman list (Appendix B refers).
- 6.2 Cllr Welsh, as Scrutiny Commissioner for the majority non-controlling political group, held the post of Chairman for the 2004/2005 municipal year.
- 6.3 Members are requested to elect a chairman to the Scrutiny Panel from the existing membership (detailed below for ease of reference).

Cllr J Blackwell
Cllr J A Dolby
Cllr P N Fox
Cllr T A Mulloy
Cllr G Sanders
Cllr J Springthorpe
Cllr J L Weatherstone
Cllr G L Welsh

7. Other Options Considered

- 7.1 It is appropriate to correct an error in appointments once detected.

8. Appropriate Consultations

- 8.1 None

9. Financial and Efficiency Implications

- 9.1 None in relation to this report

10. List of Background Papers

- 10.1 Report to Council
10 May 2005 – Appointments to Committees

The following Officer(s)/Member(s) have been consulted (identified by ✓):

- Head of Paid Service
S. 151 Officer
✓ Monitoring Officer
Portfolio Holder (Cabinet Executive/Council reports only)

IMPACT OF THE M1 WIDENING PROCESS SCRUTINY PANEL (AD-HOC PANEL)

Conservative (5)	Liberal Democrat (2)	Labour (1)
1 Chairman –Scrutiny Commissioner: Cllr G Sanders	6 Cllr J T Roper	8 Cllr P N Fox
2 Cllr N M Gilson	7 Cllr J Springthorpe	
3 Cllr J Weatherstone		
4 Cllr R C Ward		
5 Cllr D Jennings		

POLICY, FINANCE AND STRATEGIC MANAGEMENT SCRUTINY PANEL

Conservative (5)	Liberal Democrat (2)	Labour (1)
1 Chairman –Scrutiny Commissioner: Cllr G Sanders	6 Cllr G L Welsh	8 Cllr P N Fox
2 Cllr J A Dolby	7 Cllr J Springthorpe	
3 Cllr T A Mulloy		
4 Cllr J Blackwell		
5 Cllr J L Weatherstone		

This page is intentionally left blank

IMPACT OF THE M1 WIDENING PROCESS SCRUTINY PANEL (AD-HOC PANEL)

Conservative (5)	Liberal Democrat (2)	Labour (1)
1 Chairman –Scrutiny Commissioner: Cllr G Sanders	6 Cllr J T Roper	8 Cllr P N Fox
2 Cllr N M Gilson	7 Cllr J Springthorpe	
3 Cllr J Weatherstone		
4 Cllr R C Ward		
5 Cllr D Jennings		

POLICY, FINANCE AND STRATEGIC MANAGEMENT SCRUTINY PANEL

Conservative (5)	Liberal Democrat (2)	Labour (1)
1 Chairman –Scrutiny Commissioner: Cllr G Sanders	6 Cllr G L Welsh	8 Cllr P N Fox
2 Cllr J A Dolby	7 Cllr J Springthorpe	
3 Cllr T A Mulloy		
4 Cllr J Blackwell		
5 Cllr J L Weatherstone		

This page is intentionally left blank

BLABY DISTRICT COUNCIL

Agenda Item	11
-------------	----

Meeting: Council

Date: 20 September 2005

Subject: Indemnity Arrangements – Case Progression Officers

Report of: Legal Services Manager

Status: Public

1. Purpose of Report

- 1.1 To recommend the indemnification of Officers identified as Case Progression Officers under the Criminal Proceeding Rules 2005.

2. <u>Recommendation to Council</u>
That the Council indemnifies to the extent that the law allows, those Officers nominated as Case Progression Officers against any personal liability for 'excess' costs in respect of expenses, liability, loss, claim or proceedings whatsoever arising from neglect, act, error or omission in the course of their duties
3. <u>Reason for Decision Recommended</u>
3.1 It is appropriate to indemnify Case Progression Officers Officers for any personal liability arising from actions or decisions taken by them in the course of their duties.

4. Forward Plan

- 4.1 Forward Plan Reference Number 09/05 (448)

5. Key Decision

- 5.1 Yes

6. Matter(s) for Consideration

- 6.1 In order to comply with the provisions of the Criminal Procedure Rules 2005 it is a requirement to identify a named Case Progression Officer.
- 6.2 At the beginning of each criminal case the Court will require a nominated individual responsible for progressing that case. The Court will require details of who he/she is and how to contact him/her.
- 6.3 The Case Progression Officer must ensure that the Court is kept informed of events that may affect the progress of that case.
- 6.4 It is appropriate for the Council to determine that it will indemnify the Case Progression Officer in respect of any personal liability for breach of the Criminal Proceeding Rules 2005.
- 6.5 The Case Progression Officer representing this Council will be the Officer designated by the Head of Administration. It is currently intended to designate the Legal Services Manager as the Case Progression Officer with Head of Administration and Legal Services being designated to act in the absence of the Legal Services Manager.
- 6.6 As the Case Progression Officer is personally liable for costs if there is a serious breach, it is good practice to seek an indemnity in the event of any claim for costs.

7. Other Options Considered

- 7.1 Not to indemnify. This is not a recommendation that would meet current best practice.

8. Appropriate Consultations

- 8.1 None

9. Budget Implications

- 9.1 Would be the amount of any indemnity. Clarification is being sought from the council's insurers regarding coverage of existing policies in this respect.

10. List of Background Papers

- 10.1 None

The following Officer(s)/Member(s) have been consulted (identified by ✓):

Head of Paid Service

S. 151 Officer

Monitoring Officer

Portfolio Holder (Cabinet Executive/Council reports only)

BLABY DISTRICT COUNCIL

Agenda Item	
-------------	--

Meeting:	Council
Date:	20 September 2005
Subject:	Consolidation and updating of Traffic Regulation Orders for Council car parks
Report of:	Head of Environmental Health Services
Status:	Public

1. Purpose of Report

- 1.1 To seek approval to update and consolidate the existing Traffic Regulation Orders (TRO) to include all non housing car parks owned and maintained by the Council.
- 1.2 To recommend approval of the attached draft Off-Street Parking Order (Appendix 1). (The plans relating to the car parks will be displayed at the meeting).

2. Recommendation

- 2.1 That the existing District of Blaby (Off-Street Parking Places) Orders 1993 and 2001 be updated and consolidated by the Council (excluding those within the Housing portfolio).
- 2.2 That the draft Off Street Places Order as attached at Appendix 1 of this report be adopted.
- 2.3 That the Order becomes effective from 20th October 2005.

3. Reason for Decision Recommended

- 3.1 The current orders require revision to bring them into line with current legislation.
- 3.2 The Council currently has no powers to control usage of any of its car parks under its ownership or management other than John's Court, Enderby Road and Wigston Road, Blaby and The Grange, Narborough.
- 3.3 The recommended schedule of waiting limits (Schedule 1 to the Order) should produce improved usage patterns and availabilities for customers and visitors to their localities.

4. Forward Plan :

12/04 (234).

5. Key Decision

5.1 Yes

6. Matter(s) for Consideration

6.1 The Current Position

The Council has two Traffic Regulation Orders which cover four of its car parks.

BLABY:

The District of Blaby (Off-Street Parking Places) Order 1993 as amended by Amendment Order (No 1) 1994 on 1st November 1994 relates to Johns Court, Enderby Road and Wigston Road car parks.

This Order established classes of vehicles permitted to park, the requirements that using the car park placed on drivers and established a £30 penalty charge for breaches of the Order. A schedule was included into the Order that set out the waiting limits that applied to each individual car park. This schedule was amended by the 1994 Amendment Order and waiting on these car parks is currently restricted to :-

Johns Court	- 3 hours with no return within 3 hours between 8.00am and 6.00pm Mondays
Enderby Road	- to Saturdays with no limit at all at other times.
Wigston Road	- 24 hours with no return within 3 hours at all hours and on all days.

NARBOROUGH:

The District of Blaby (Off-Street Parking Places) 2001 relates to the car park at The Grange. This Order restricts waiting to 3 hours with no return within 3 hours between 8.00am and 6.00pm Mondays to Saturdays with no limit at all other times.

6.2 Proposal

- 6.2.1 That Cabinet Executive approved the draft order and consultation.
- 6.2.2 The existing orders be updated to consolidate them to cover all car parks owned and maintained by the Council, excluding those within the Housing portfolio.
- 6.2.3 That the Off Street Parking Places Order 2005 as Appendix 1 be adopted.
- 6.2.4 The recommended restrictions on waiting times within this be noted.
- 6.2.5 The charges set out in Schedule 2 to the Order have been increased to £60 unless paid within 5 days when the fine will be £30.
- 6.2.6 The plans identifying to the car parks referred to in the Order, and displayed at the meeting, be noted.

6.3 Housing Car Parks

- 6.3.1 Housing owned car parks cannot be included in the Traffic Regulation Order as they are not public car parks. They therefore fall outside the scope of the Road Traffic Regulation Act 1984. Proposals for controlling them will form the basis of a future report.

6.4 Following the statutory consultation period.

- 6.4.1 There were no objections to the published notices and this report goes direct to Council:
- For the draft Order to be adopted as drawn, subject to amending Castle Street to Castle Road.
 - For the effective commencement date to be determined.

7. Other Options Considered

- 7.1 The Traffic Regulation Order not be adopted and that orders are not made.

8. Appropriate Consultations

- 8.1 Within the consultation phase of the off street car park charging study (June 2004) Council members, members of the public and retailers were consulted on aspects of potential changes to parking control throughout the District, this was primarily in Blaby.
- 8.2 Statutory Consultation on draft Order was undertaken for a 21 day period from August 11th to September 1st. A notice was published in the Leicester Mercury on 11th August and copies of the notice were posted in all the car parks affected by the Order. Documents were deposited at the main reception in the Council Offices for study by those interested.

- 8.2.1 Several comments and enquiries were received from residents near John Street car park in Enderby and also from members of the golf and bowling clubs at the Enderby Leisure Centre. These concerns of these correspondents will be answered by the proposed issue of resident's and member's parking permits.

9. Financial and Asset Implications

9.1

	Current year	2006/2007	2007/2008
Revenue	£1200	£1200	
Capital	£6500	Nil	

Current levels of enforcement are generating significantly greater levels of receipts for penalty charges levied and will provide sufficient income to fund the work required.

The need for this work is urgent.

10. List of Background Papers

None

The following Officer(s)/Member(s) have been consulted (identified by ✓):

Head of Paid Service

S. 151 Officer

Monitoring Officer ✓

Portfolio Holder (Cabinet Executive/Council reports only)

BLABY DISTRICT COUNCIL
THE DISTRICT OF BLABY (OFF-STREET PARKING PLACES) ORDER 2005

The Council of the District of Blaby (“the Council”) in exercise of its powers under Sections 32 and 35 (1) and (3) of the Road Traffic Regulation Act 1984 (“the Act”) and Part IV of Schedule 9 of the Act and all other enabling powers and the consent of the Leicestershire County Council given under Section 39 (3) of the Act and after consultations with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

PART I
GENERAL

1. This Order shall come into operation on the 24th October 2005 and may be cited as the District of Blaby (Off-Street Parking Places) Order 2005
2.
 - a) The District of Blaby (Off-Street Parking Places) Order 1993 and any amendments thereto are hereby revoked.
 - b) The District of Blaby (Off-Street Parking Places) Order 2001 is hereby revoked
3. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them

“driver” in relation to a vehicle waiting in a parking place, shall mean the registered keeper of the vehicle unless the registered keeper provides to the Council in response to requisitioned information as to the identity of the driver at the time of the alleged contravention of this Order

“motor cycle” and “motor vehicle” have the meaning as in Section 136 of the Act

“disabled persons badge holder” means a person whose vehicle is displaying a disabled persons badge issued in accordance with the Disabled Persons (Badges on Motor Vehicles) Regulations 1982

“parking attendant” means a person authorised by or on behalf of the Council to supervise any parking place

“parking place” means any area of land specified by name in Column 1 of Schedule 1 to this Order, provided by the Council under Section 32(1) of the Act for use as a parking place

“parking space” means a marked space within a parking place as defined above

“residents permit holder” means a person whose vehicle is displaying a residents permit issued by the Council and used in accordance with the regulations laid down by the Council for its use

4. The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II

REGULATION OF USE OF PARKING PLACE

5. Each of the areas of land specified in Column 1 of Schedule 1 to this Order is authorised to be used, subject to the following provisions of this Order as a parking place for such vehicles or classes of vehicles on such days during such hours as are specified in relation to that area in the said Schedule 1
6. The areas of land to be used as a parking place to which this Order applies and the classes of vehicles permitted to use them and the times of operation as set out in Column 3 of Schedule 1 to this Order may be varied from time to time as determined by resolutions of the Council.
7. The driver of any vehicle in a parking place shall comply with any instructions given, whether orally by a person duly authorised in that respect by the Council, by direction signs, or in any other manner as to the route to be followed within the parking place.
8. Where in accordance with the provisions of this Order a parking place or parking space is described as available for vehicles of specified classes, the driver of a vehicle shall not permit it to wait in that parking place or parking space unless it is of one of the specified classes.
9. The Environmental Protection Manager or other authorised officer of the Council as designated by the Chief Executive may from time to time designate spaces in a parking place as being reserved for the official use of the Council.
10. A driver of a vehicle using a parking place shall not park the vehicle in any position other than wholly within one of the spaces in the parking place indicated by white lines or by signs or otherwise as being reserved for vehicles, and in particular such a driver shall not park the vehicle on any space indicated by appropriate markings as being reserved for official use or for disabled use, to keep clear and not park the vehicle in such a position as to impede the free access to and egress from the parking place.
11. In the absence of any such parking space or the indication of such parking spaces by white lines, signs or otherwise, a driver of a vehicle using any such parking place shall park the vehicle in an orderly manner so as to maximise the use of such parking place and shall not park the vehicle in such a position as to impede the free access to and egress from the parking place.
12. The driver of a vehicle shall not permit it to wait in any of the parking places specified in Schedule 1 to this Order for longer than the maximum waiting period specified in Column 4 of Schedule 1

13. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine, except when about to change the position of the vehicle in or to depart from the parking place.
14. The driver of a vehicle shall not permit that vehicle to wait in a parking place unless the vehicle is licensed in pursuance of the provisions of the Vehicle (Excise) Act 1971 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1972.

PART III CHARGES

15. If the driver of a vehicle permits it to wait in any of the parking places specified in Schedule 1 to this Order for longer than the maximum waiting period specified in Column 4 of Schedule 1 then an amount (which amount is hereinafter referred to as the "fine") shall be payable
16. In the case of a vehicle in respect of which a fine may have been incurred, it shall be the duty of the parking attendant to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-
 - I) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried in the vehicle;
 - II) the time at which it is noticed that the fine has been incurred;
 - III) a statement that a fine is required to be paid
 - IV) the manner in which, the place where, and the time within which the fine should be paid; and
 - V) a statement that it is an offence under this Order and Section 35A(1) of the Act for the driver of the vehicle who has left the vehicle in a parking place to fail duly to pay the fine.
17. Where a notice has been attached to a vehicle in accordance with the provisions of Article 15 of this Order, no person, not being the driver of the vehicle or a duly authorised representative of the Council shall remove the notice from the vehicle unless authorised to do so by the driver.
18. The driver of the vehicle in respect of which the excess charge or fine has been incurred shall pay the excess charge or fine to the Council whether by cheque, bankers draft, money order or postal order which shall be delivered or sent by post so as to reach the Parking Services Department, Blaby District Council, Council Offices, Narborough, Leicester LE19 2EP no later than 1pm on the twenty-first day following the day on which the excess charge or fine was incurred or in cash in person at the said department no later than as aforesaid. Provided that if the twenty-first day falls upon a day which the appropriate

department is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 1pm on the next full day on which the said department is open.

19. The provisions of Section 47(1) sub-sections 4 - 6 of the Act shall apply to the non-payment of a fine
20. The fine is as set out in Schedule 2 to this Order or such as is determined by resolution of Council from time to time and published at the parking place

PART IV OTHER PROVISIONS

21. Any person duly authorised by the Council may move or cause to be moved in case of emergency to any place he thinks fit, vehicles left in a parking place.
22. When a vehicle is left in a parking place in contravention of any of the provisions contained in this Order, any person duly authorised by the Council or any person acting on the instructions of a duly authorised person, may remove the vehicle or arrange for it to be removed within or from that parking place and neither such person nor the Council shall be responsible for any loss or damage to the vehicle or to anything contained therein or thereon arising from, or in consequence of, the exercise of the powers contained in this Article. Any expenses incurred by the Council in removing the vehicle within the parking place shall be recoverable by the Council from the driver of the vehicle.
23. Any person moving or removing a vehicle by virtue of the last two preceding Articles of this Order may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it as aforesaid and shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
24. Notwithstanding the provisions of this Order, the Council may by notice displayed on or near a parking place close that parking place or any part thereof for any period either generally or in respect of a particular class or classes of vehicle and the driver of any vehicle or of a particular class or classes of vehicle shall not without authority of the Council use the parking place when it has been so closed.
25. The Council shall not be responsible for any loss or damage to any vehicle or to anything contained therein or thereon from any cause whatsoever, whilst entering within or leaving a parking place
26. Unless authorised in writing by the Council so to do, no person shall, within a parking place, sell or attempt to sell any article to persons in or near the parking place or sell or offer for hire his skill and services and shall not use a vehicle or anything towed by a vehicle whilst it is in a parking place or any part of a parking place for such purpose or for the purpose of any exhibition and no vehicle shall

be advertised for sale while it is standing in a parking place.

27. Except with the written authority of the Council, no person shall use a vehicle, or anything towed by a vehicle, while it is in a parking place for domestic purposes or as a place of habitation.
28. The driver of a vehicle while it is in a parking place shall not carry out or permit to be carried out any work of cleaning maintenance or repair to the vehicle except such as may be necessary to enable the vehicle to be moved from the parking place.
29. Any person who wilfully or carelessly damages in any way or interferes with the fabric or structure or equipment of any parking place shall be guilty of an offence under this Order and, in addition to the penalty provided by Section 35 of the Act shall be liable for the cost of the repair of the damage.
30. The following vehicles left in a parking place shall be exempt from the payment of any charges for exceeding the maximum permitted waiting time:
 - a) an invalid carriage
 - b) a disabled person's vehicle which displays a disabled person's badge issued by any local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 or a badge having effect under those Regulations as if it were a disabled person's badge
 - c) a residents permit holder
31. No person shall cause or permit a vehicle other than a disabled person's vehicle as defined in the Disabled Persons Act 1981 to be parked in any area set aside for the use of such vehicles. Any person who wilfully causes or permits a vehicle to park in such a Disabled Persons space whilst not complying with the provisions of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 shall be guilty of an offence under this order and a fine as set out in Schedule 2 of this order shall be payable

IN WITNESS whereof the Blaby District Council has caused its Common Seal to be hereunto affixed the day of 2005.

THE COMMON SEAL of THE BLABY DISTRICT COUNCIL was hereunto affixed the day and year first before written

Legal Services Manager

SCHEDULE 1

Name	Class of Vehicle allowed	Day and time of operation*	Maximum waiting period
Blaby - Enderby Road	Motor Cycles and Motor Vehicles having dimensions not greater than Length 5 metres, Width 2 metres, Height 2 metres	between the hours of 8am and 6pm Monday to Saturday, no limit at all other times inclusive. No limit at all other times	3 hours – return prohibited within 3 hours
Blaby - Johns Court,	as above	between the hours of 8am and 6pm Monday to Saturday, no limit at all other times inclusive. No limit at all other times	3 hours – return prohibited within 3 hours
Glenfield - Station Road	as above	between the hours of 8am and 6pm Monday to Saturday, no limit at all other times inclusive. No limit at all other times	3 hours – return prohibited within 3 hours
Countesthorpe - Central Street	as above	between the hours of 8am and 6pm Monday to Saturday, no limit at all other times inclusive. No limit at all other times	3 hours – return prohibited within 3 hours
Narborough – Leicester Road	as above	Monday to Saturday, no limit at all other times	1 hour – return prohibited within 2 hours
Narborough – The Grange	as above	Monday to Saturday, no limit at all other times	1 hour – return prohibited within 2 hours
Enderby - Leisure Centre	as above	at all times	4 hours – return prohibited within 3 hours
Huncote - Leisure Centre	as above	at all times	4 hours – return prohibited within 3 hours

Schedule 1 (continued)

Blaby - Wigston Road	as above	at all times	24 hours – return prohibited within 3 hours
Countesthorpe - Main Street	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Croft - Winston Avenue	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Enderby - John Street	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Enderby - King Street	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Glenfield - Stamford Street	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Kirby Muxloe – Castle Road	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Narborough – Station Road	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Narborough – Weavers Croft	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Stoney Stanton – Long Street	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Stoney Stanton – St Michaels Court	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Whetstone – High Street	as above	Monday to Saturday, no limit at all other times	24 hours – return prohibited within 3 hours
Blaby - Bouskell Park	as above	at all times	Dawn to Dusk
Sharnford – Fosse Meadows	as above	at all times	Dawn to Dusk
Whetstone – Jubilee Park	as above	at all times	Dawn to Dusk

* subject to the direction of an authorised officer of the Council as provided by Article 24 of this Order

SCHEDULE 2

Fine	£60	Payable if a vehicle is left in a parking place for longer than specified in Column 4 of Schedule 1 hereto
Fine	£60	Payable if a vehicle is left other than wholly within a marked space when the parking place has defined parking spaces marked
Fine	£60	Payable if a vehicle is parked in such a way as to impede the free access and egress from the parking place
Fine	£60	Payable if a vehicle is left in a space marked as being reserved for a disabled person's vehicle and which does not display a disabled person's badge issued by any local authority in accordance with the provisions of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 or a badge having effect under those Regulations as if it were a disabled person's badge and while the vehicle is not being used in accordance with those regulations.

Fines will be reduced to £30 if paid within 7 days of the issue of such fine. £60 will be payable between 8 and 21 days after issue of the fine.

BLABY DISTRICT COUNCIL

Agenda Item	
-------------	--

Meeting: Cabinet Executive

Date: 16 September 2005

Subject: Easement at Burbage Common Road, Elvesthorpe

Report of: Legal Services Manager

Status: Public

1. Purpose of Report

- 1.1 To seek authority to grant an easement over the Council's garage site at Burbage Common Road, Elvesthorpe as shown on the attached plan.

2.	<u>Recommendation</u>
-----------	------------------------------

- | | |
|------------|---|
| 2.1 | To grant an easement on terms to be agreed by the Head of Administration and Legal Services. |
|------------|---|

3.	<u>Reason for Decision Recommended</u>
-----------	---

- | | |
|------------|---|
| 3.1 | The access is currently being used and the easement would legitimise the position. |
|------------|---|

4. Forward Plan

- 4.1 Forward Plan Reference Number: 09/05(449)

5. Key Decision

- 5.1 Yes

6. Matter(s) for Consideration

- 6.1 The land shown edged black on the attached plan is owned by the Council and known as Burbage Common Garage Site ('the Land').

- 6.2 The easement strip is hatched on the attached plan for identification purposes only.
- 6.3 The adjoining Owner(s) use the Council's Land to access their own land (the dominant land) and which is to the rear of the Council's land. Without this means of access their land is land-locked.
- 6.4 The Council were unaware of the established route as there is no documentation. This needs to be rectified with a Deed of Easement.
- 6.5 Granting a Licence is not appropriate as it passes no interest in the Land. An easement would allow the Owner(s) a legal right to use the right of way for all time.
- 6.6 The Deed of Easement would be restricted to agricultural purposes only.
- 6.7 The Deed of Easement will indicate the route that can be used by the Owner(s) shown hatched on the attached plan. The Deed will contain a 'lift and shift' clause so that the line of the Easement can be moved should there be a necessity to do so.

7. Other Options Considered

- 7.1 Not to regularise the position. This is not recommended as the Council may have a strategic need for the land in the future and documentation will clarify access arrangements.

8. Appropriate Consultations

- 8.1 The Owner(s) of the adjoining land.

9. Financial and Efficiency Implications

- 9.1 The Owner(s) will pay for the Easement

	Current year	2006/7	2007/8
Revenue			
Capital	To be agreed		

Efficiency	Estimated Cashable Savings	Estimated Cashable Savings	None	How measured

10. List of Background Papers

10.1 File Ref: 13/1090

The following Officer(s)/Member(s) have been consulted (identified by ✓):

Head of Paid Service

S. 151 Officer

Monitoring Officer

Portfolio Holder (Cabinet Executive/Council reports only)

This page is intentionally left blank

BLABY DISTRICT COUNCIL

Agenda Item	
-------------	--

Meeting:	Council
Date:	20th September 2005
Subject:	Blaby District Local Development Framework – Statement of Community Involvement (submission version)
Report of:	Cabinet Executive
Status:	Public

1. Purpose of Report

- 1.1 To advise the Council in respect of the recommendations of the Cabinet Executive held on 16th September 2005 in relation to the above matter.

2.	<u>Recommendation</u>
2.1	To follow
3.	<u>Reason for Decision Recommended</u>
3.1	As detailed in the report of the Head of Planning and Development Services

4. Forward Plan

- 4.1 Forward Plan Reference Number: 09/05(449)

5. Key Decision

- 5.1 Not applicable – this is a decision reserved for Council

6. Matter(s) for Consideration

- 6.1 The above recommendation is referred to Council following the meeting of the Cabinet Executive held on 16th September 2005. Members are requested to refer to the report to the Cabinet Executive relating to this item.

7. Appropriate Consultations

- 7.1 As detailed in the report to the meeting of the Cabinet Executive held on 16th September 2005.

8. **Financial and Efficiency Implications**

- 8.1 As detailed in the report to the meeting of the Cabinet Executive held on 16th September 2005.

9. List of Background Papers

- 9.1 None in relation to this report

(Place a tick (Y) to confirm that these officers have been consulted)

Head of Paid Service:

s.151 Officer:

✓ Monitoring Officer:

Portfolio Holder: