

**MINUTES OF THE MEETING OF THE FULL COUNCIL HELD AT THE COUNCIL OFFICES,
STATION ROAD, WIGSTON ON TUESDAY, 24 SEPTEMBER 2019 COMMENCING AT 7.00
PM**

PRESENT

Mrs L Eaton JP	Mayor
Mrs L Kaufman	Deputy Mayor

COUNCILLORS

Mrs R H Adams	
N Alam	
L A Bentley	
G A Boulter	
J W Boyce	Leader of the Council
Mrs L M Broadley	
F S Broadley	
D M Carter	
M H Charlesworth	Deputy Leader of the Council
M L Darr	
R F Eaton	
D A Gamble	
F S Ghattoraya	Deputy Leader of the Opposition
Mrs S Z Haq	
J Kaufman	
Miss A Kaur	
C D Kozlowski	
Mrs H E Loydall	
K J Loydall JP	
Mrs S B Morris	
R E R Morris	
Dr I K Ridley	

OFFICERS IN ATTENDANCE

Mrs A E Court	Chief Executive / Head of Paid Service
D M Gill	Head of Law & Democracy / Monitoring Officer
S Hinds	Deputy Chief Executive
S Tucker	Democratic & Electoral Services Manager / Deputy Monitoring Officer

28. CALLING TO ORDER OF THE MEETING

The meeting of the Council was called to order to receive Her Worship The Mayor and Deputy Mayor.

The meeting was led in prayer by the Reverend to the Mayor.

29. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors Miss P V Joshi and D W Loydall.

30. DECLARATIONS OF INTEREST

Councillor M H Charlesworth declared a non-pecuniary interest with regard to item 13 of

the agenda, insofar as he was the holder of a current Street Trading permit issued by the Council.

31. MINUTES OF THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting held on Tuesday, 30 July 2019 be taken as read, confirmed and signed.

32. ACTION LIST ARISING FROM THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The absence of any actions arising from the meeting of the Council held on Tuesday, 30 July 2019 be noted by Members.

33. MOTIONS ON NOTICE

None.

34. PETITIONS, DEPUTATIONS AND QUESTIONS

None.

34a. QUESTIONS ON NOTICE

The Mayor confirmed that three questions had been received by Councillors under Rule 13.2 of Part 4 of the Constitution of the Council.

1. Question from Cllr Michael H Charlesworth (Wigston All Saints Ward) to Councillor Garth (Bill) A Boulter, Chair of Service Delivery Committee:

"Does the Council intend to increase the number of parking bays for those with disabilities, now that new legislation has recognised that those with hidden disabilities are eligible for a blue badge?"

Response:

The Department for Transport (DfT) has made changes to the Blue Badge criteria so that some people with hidden disabilities will now be able to apply for a blue badge. The legislation came into effect on 30 August 2019 and the DfT are expecting there to be an increase in the number of applications received. For Leicestershire, these applications will be received and dealt with by Leicestershire County Council.

As a consequence of the increased availability of blue badges there is expected to be an increase in the demand for disabled parking bays within car parks. However, the DfT has stated *"The impact [of changing the blue badge eligibility] on parking will vary from place to place, depending on factors such as location, population density, current capacity, possible capacity, and more. Parking may need to be reviewed in some places, but until the impact of these changes is seen in practice it is impossible to understand local needs.*

The Department for Transport will review the impact of the expanded criteria, in the wider context, twelve months after implementation."

The change in legislation has not placed a requirement on local authorities to provide more spaces. Therefore, Officers will be monitoring the use of disabled parking bays over the coming months to see if there are any capacity issues which require an increase in their number. Also, Customer Services staff have been asked to monitor any complaints or comments from blue badge holders about space availability.

The current recommendation by the Department for Transport is that 6% of the number of bays within a car park should be designated Disabled Bays. Town centre car parks in Oadby and Wigston meet this 6% criteria and in some locations exceed it.

The number of disabled bays currently provided in OWBC town centre car parks are:

Oadby - East Street (13); Sandhurst Street (11); Ellis Park (2).

Wigston - Junction Road (8); Paddock Street (5); Aylestone Lane (4); Frederick Street (4), Spring Lane (2).

South Wigston - Countesthorpe Road (5); Station Street (2).

Supplementary Question from Cllr Michael H Charlesworth:

"Do we know how many Blue Badge holders there currently are in the Borough of Oadby & Wigston, and over time is the number increasing?"

Response from Councillor Garth (Bill) Boulter:

Contact will be made with Leicestershire County Council who administer the Blue Badge scheme, to enquire if this information is available.

2. Question from Cllr Michael H Charlesworth (Wigston All Saints Ward) to Councillor Lee A Bentley, Chair of Development Control Committee:

Does the Council restrict developers from using Permitted Development Rights (PDR)? Particularly when converting commercial properties into residential ones?

Response:

Where a property has Permitted Development Rights (PDR), occupiers/developers are within their rights to use them. The Council would only seek to restrict them where there is an application to determine and where, in considering that application, the Council considers there to be justification for removing PDR.

There is a need to remember that not all buildings/uses have permitted development rights and where a prior approval submission is made to the Council – such as, for example, for conversion of buildings in B uses classes to residential – the Council can only say prior approval is required (then approved or refused) or not, and where it is needed and approved the Council cannot restrict permitted development.

Supplementary Question from Cllr Michael H Charlesworth:

It has been suggested in the media that the fall in the number of conversions is being driven in part by local authorities restricting developers from using PDR. I was looking for evidence; I think it is there in the response but it's not a very convincing answer as to

whether we are restricting developers. If planning could provide that for me through the Chair, just to confirm that we don't do that, or haven't done that?

Response from Councillor Lee A Bentley:

I am not aware of this authority imposing any restrictions on PDR, however I will speak to the Planning department and confirm this, and share the response with all Members.

3. Question from Cllr Michael H Charlesworth (Wigston All Saints Ward) to Councillor Lee A Bentley, Chair of Development Control Committee:

Has the Council implemented the new planning law (introduced this year) that requires small holes to be placed in the base of fences in new developments to allow the passage of hedgehogs and other small animals to roam safely?

Response:

The Council is not aware of new planning legislation requiring holes in the base of fencing to allow safe movement of creatures such as hedgehogs and other small animals. The Council is aware of guidance which has been issued; however as guidance we cannot require it and it would not, in the consideration of a planning application, be a factor that would justify a reason for refusal in its own right.

Supplementary Question from Cllr Michael H Charlesworth:

The response states that the Council is not aware of new legislation, however the article I was referring to states that "new planning laws implemented this year now require small holes to be included in the base of fences in new developments". That is unequivocal saying that there is new legislation; the answer says the Council is not aware of it. Not aware of it does not mean it hasn't happened. Could somebody come back to me and confirm whether there is new legislation, and if there is, are we abiding by it?

Response from Councillor Lee A Bentley:

I will speak to the Planning department to confirm whether legislation has been passed, and share the response with all Members.

35. MAYOR'S ANNOUNCEMENTS

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35a. LIST OF OFFICIAL MAYORAL / DEPUTY MAYORAL ENGAGEMENTS

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The list of Official Engagements attended by The Mayor and/or Deputy Mayor be noted.

36. LEADER'S STATEMENT

The Leader of the Council presented a Statement outlining his recent work, the administration's plans and an overview of recent decisions taken since the previous meeting of the Council.

37. BREXIT PREPARATIONS UPDATE (SEPTEMBER 2019)

The Council gave consideration to a verbal update delivered by the Deputy Chief Executive, informing Members of the work the Council is currently undertaking internally and with local and national public agencies through the Local Resilience Forum (Leicester, Leicestershire & Rutland), to prepare for Brexit.

By affirmation of the meeting it was

UNANIMOUSLY RESOLVED THAT:

The contents of the verbal update be noted by Members.

38. APPOINTMENT OF CHIEF FINANCE OFFICER / SECTION 151 OFFICER

The Council gave consideration to the report as set out on pages 7-9 of the agenda, which asked it to approve the appointment of the Council's Chief Financial Officer/Section 151 Officer.

It was moved by D A Gamble, seconded by the Leader of the Council and

UNANIMOUSLY RESOLVED THAT:

- (i) That the appointment of Clive Mason as the Council's Chief Financial Officer/Section 151 Officer be confirmed with effect from 14 October 2019; and**
- (ii) That the Monitoring Officer arrange for the Constitution to be reviewed and amended as appropriate.**

39. REVIEW OF POLLING DISTRICTS AND POLLING PLACES (SEPTEMBER 2019)

The Council gave consideration to the report as set out on pages 10-23 of the agenda, which asked it to approve the final arrangements proposed by the (Acting) Returning Officer in respect of the polling districts and polling places to be used at all relevant future elections and referendums that take place within the Borough.

It was moved by the Deputy Leader of the Council, seconded by the Leader of the Council and

UNANIMOUSLY RESOLVED THAT:

The revised polling district and polling place arrangements as proposed by the (Acting) Returning Officer be approved.

40. REVIEW OF STREET TRADING POLICY (SEPTEMBER 2019)

The Council gave consideration to the report as set out on pages 24-27 of the agenda, which asked it to approve an amendment to lawfully facilitate charitable/not-for-profit events taking place in prohibited/consent streets in the Borough, thereby avoiding conflict with the current Street Trading Policy.

It was moved by Mrs L M Broadley, seconded by G A Boulter and

RESOLVED THAT:

- (i) The Head of Law and Democracy/Monitoring Officer be given delegated authority to suspend the Street Trading Policy in a specified street (either a prohibited or consent street) for a period not exceeding 24-hours, following consultation with the Chief Executive and Ward Members, to facilitate community/not-for-profit and charitable events, save as to that the delegation not extending to permitting single street traders on what would otherwise be prohibited streets; and
- (ii) The Head of Law and Democracy / Monitoring Officer be given delegated authority to grant individual exemptions to the Street Trading Policy to facilitate community/not-for-profit or charitable events for a period not exceeding 24-hours in streets that would otherwise be consent streets, following consultation with the Chief Executive and Ward Members.

Votes For: 23

Votes Against: 0

Abstentions: 1

41. COMMUNITY GARDEN AT BLABY ROAD PARK, SOUTH WIGSTON

The Council gave consideration to the report as set out on pages 28-29 of the agenda, which asked it to approve the creation of a Community Garden at Blaby Road Park, South Wigston.

It was moved by the Leader of the Council, seconded by R E R Morris and

UNANIMOUSLY RESOLVED THAT:

- (i) The application to create a Community Garden in Blaby Road Park, South Wigston be approved; and
- (ii) The decision regarding the location within the park and the terms on which a licence is granted be delegated to the Head of Law & Democracy in consultation with the Ward Members and appropriate Officers.

THE MEETING CLOSED AT 7.50 PM



Mayor

Tuesday, 17 December 2019

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