

ROCHDALE TOWNSHIP COMMITTEE

MINUTES OF MEETING Wednesday, 4th October 2017

PRESENT: Councillor Shaun O'Neill (In the Chair); Councillors Ali Ahmed, Iftikhar Ahmed, Shakil Ahmed, Daalat Ali, Sultan Ali, Brett, Brosnan, Farnell, Heakin, Holly, Hornby, Howard, Meredith, Nickson, Rashid, Sheerin, Sullivan, Wazir, Zaheer and Zaman

OFFICERS: M Robinson (Assistant Director Planning), P Gregory (Economy Directorate) P Maynard, J Simpson and V White (Neighbourhoods Directorate), J Taylor and R Marrow (Children's Directorate), M O'Keefe (Adult Directorate) S Smith and C Denyer (Resources Directorate)

ALSO IN ATTENDANCE: 5 Members of the public

APOLOGIES

24 Apologies for absence were received from Councillors Cecile Biant, Cocks, Gartside and Winkler.

DECLARATIONS OF INTEREST

25 Further to the Council's Code of Conduct, Councillors Heakin, O'Neill and Wazir declared a personal interest in respect of 8 - Definitive Footpath RocFp12 - Trestle Bridge Prickshaw Lane – as they had been appointed by the Council to the Healey Dell Joint Management Committee.

URGENT ITEMS OF BUSINESS

26 There were no urgent items of business.

ITEMS FOR EXCLUSION OF PUBLIC AND PRESS

27 It was noted that Agenda Item 15, CPO Programme, would be considered on the Private Agenda.

OPEN FORUM (6.15-6.45PM)

28 The following matter was raised during the Open Forum:

The Upgrade of Footpaths RocEFp43 and HeyFp11 to a Bridleway

Mrs Brown and Mrs Morrell addressed the Township Committee on behalf of Rochdale and Bury Bridleways Association in support of the application to upgrade the footpath which provided an off-road link with Roods Lane in Norden and School Lane in Heywood for horse riders and cyclists.

MINUTES

29 The Committee considered the minutes of the last meeting held 2nd August 2017. A Member referred to minute 18 (Minutes) and requested that Councillor Sultan Ali, the Rochdale Council representative on the Greater Manchester Police and Crime Panel, raise the Township Committee's

concerns with regard to the delays in answering of 101 telephone calls with the Deputy Mayor for Policing and Crime at the earliest possible opportunity.

Further to Minute 20 (Township Planning Panels) the Township was updated with regard to the membership of the Panel with respect to the Bamford and Castleton Wards.

Councillor Sheerin remarked that his apologies had been omitted from the minutes meeting held on 2nd August 2017 and requested that these be recorded

Decision:

1. That the minutes of the meeting held on 2nd August 2017 be approved and signed as a correct record;
2. Councillor Sultan Ali be requested raise the Township Committee's concerns with regard to the delays in answering of 101 telephone calls with the Deputy Mayor for Policing and Crime at the earliest possible opportunity.
3. That Councillor Jane Howard (Bamford Ward) and Councillor Billy Sheerin (Castleton Ward) be appointed to the Rochdale Township Planning Panel.

CLAIM TO UPGRADE FOOTPATHS ROCEFP43 AND HEYFP11 TO BRIDLEWAY AND ADD A BRIDLEWAY TO THE DEFINITIVE MAP AND STATEMENT

30 The Township Committee were informed that the Council is required to maintain and keep under review a map, the Definitive map, and statement showing the public footpaths and bridleways in its area.

One of the circumstances in which the map can be modified is an application to upgrade existing definitive footpaths, following the route being brought into question, to bridleways or, to add a route if evidence can be provided to successfully show that the way has been used by horse and rider for a period of 20 years or more as of right and without interruption in accordance with s.31 Highways Act 1980

The Council had received an application to upgrade two legal footpaths RocEFp43 and HeyFp11 to bridleway and to add a bridleway, the full route claimed was shown on the map appended to the report. The route provided an off-road link with Roods Lane and School Lane for horse riders and cyclist.

The applicant had provided sufficient evidence to comply with the legislation to enable the Council to proceed with the order following the legal procedure; Landowners had been consulted and had not raised any objections.

Alternatives Considered: The only alternative would be to decline to make the Order. This would mean that the Council was in breach of its duty and would entitle the applicant to appeal to the Secretary of State under paragraph 4 of Schedule 14 of the Wildlife and Countryside Act 1981.

The Committee were advised that Heywood Township Committee had supported the claim to upgrade the footpath to a bridleway at the meeting held on 25th September 2017.

Decision:

1. That the Township Committee supports the claim to upgrade Footpaths RocEFp43 and HeyFp11 to Bridleway and add a Bridleway to the Definitive Map and Statement and the Council proceeding with a legal order to upgrade the footpaths and add the route to create a bridleway over the land as stated within the report;
2. That if no objections are received to the order that it be confirmed as an unopposed order under paragraph 6 of Schedule 15 to the Wildlife and Countryside Act 1981, and, if relevant objections are received that the order be referred to the Secretary of State for confirmation.

Reasons for the Decision:

Evidence had been provided to satisfy the Council and comply with s.31 Highways Act 1980 that a route had been used by the public at large on horseback for the required 20 years or more period.

Only landowners may raise relevant objections and show how they have attempted to prohibit the use by horse riders. Landowners had been consulted and had not raised any objection to the proposal. One landowner supported the claim.

A successful completed order would create a safe off road route for horse riders and cyclists.

Whilst pedestrians are currently the only legitimate users of the footpaths and this would create a multi user route, it was accepted to create routes that legally allow access to other users, a national route of a similar nature is the Pennine Bridleway that allows use by horse riders, cyclists and pedestrians.

Eligible for call in - yes

DEFINITIVE FOOTPATH ROCFP12 - TRESTLE BRIDGE PRICKSHAW LANE

31 The Township Committee considered a report detailing the current position with regard to footpath RocCFp12 which was a definitive footpath recorded on Council records for use by the general public and ran from Prickshaw Lane over a trestle bridge in the Healey Dell area of Rochdale and continued over land to meet with footpath RocCFp14.

The Committee was advised that a Highways and Engineering Officer had assessed the trestle bridge and concluded that it was in a dilapidated condition and beyond economic repair as the beams carrying the deck were rotten and would need major work to ensure longevity. The Structural

Engineer had also advised that in order to ensure public safety the footpath should be closed and the bridge removed. An emergency temporary order had been applied to close the footpath and barriers had been placed at either side of the bridge but a temporary closure order may only be applied by the Council for a period of 6 months and any additional orders would require agreement by the Secretary of State.

Alternatives Considered: The alternative would be to replace the bridge with a new one; the capital cost of this was estimated to be £70,000 plus Officer time and would require additional maintenance going forward.

Decision:

1. That the demolition of the trestle bridge as recommended by the Highways and Engineering report be approved.
2. It is recommended that an alternative section of footpath be created at ground level to replace the footpath that currently runs over the bridge.
3. It is recommended that a permanent closure and diversion under section 119 Highways Act 1980 be carried out to legalise the new section of footpath and to ensure continuity of the network of rights of way.

Reasons for the Decision

Under section 130 Highways Act 1980 the Council has a duty to protect and assert the rights of the public to the use and enjoyment of any highway, definitive rights of way are highway, the public were unable to use this footpath because of the condition of the trestle bridge.

The land at Healey Dell is in Council ownership the Council were able to create a route or divert the existing route that currently runs over the bridge, to a more suitable usable location that would already have been constructed as the temporary route.

Funding had already been identified for this scheme and all costs had been identified by Asset Management.

Eligible for call in - yes

SUDDEN BROOK POCKET PARK AND BURLINGTON STREET GARAGE SITE

32 The Township Committee considered a report from the Director of Economy which sought approval for the disposal of Council owned land at Sudden Brook Pocket Park, Burlington garage site and a separate but nearby site at Marcroft Place.

Alternatives considered:

The report provided two alternative options for consideration, namely that the site could be retained for its current use and be tidied up using Council resources; or the site could be offered to a social housing provider. This would see the site developed for housing but would not generate a capital receipt. Initial discussions with housing associations had indicated that this was not a viable site for this type of development.

In considering the report members requested that planning conditions be included with regard to improved drainage of the site and the provision and maintenance of a footpath through the site together with the erection of a footbridge across the brook to ensure ease of access for the displaced garage tenants to the Platting Lane Garage site.

Decision:

1. That the garage tenancies on the Burlington garage site be terminated.
2. The land identified within the submitted report be declared surplus to requirements and released for disposal either by sale on the open market at auction or by private treaty for residential development.
3. The Assistant Director Legal, Governance and Workforce be authorised to advise appropriate Council Services and to prepare the appropriate legal documents and execute such documents on behalf of the Council.
4. That planning permission for the site include suitable conditions to ensure a drainage scheme to reduce the risk of flooding on the site, the provision and maintenance of a footpath through the site and the erection of a footbridge across the brook.
5. The purchaser be required to pay the Council's legal and surveyors costs.

Reasons for the Decision:

The Sudden Brook Pocket Park had been underutilised and had become a target for anti-social behaviour, the site at Marcroft Place was a vacant grassed area and the Burlington Street garage site provided the key to the development and productive re-use and regeneration of the park area.

The development of the site for housing would help to regenerate the area and the sale of the land would generate a capital receipt for the Council.

Eligible for call in - yes

REVENUE BUDGET UPDATE 2018/19 TO 2020/21 AND SAVING PROGRAMME 2018/19 TO 2019/20

33 The Township Committee considered a report detailing the latest position regarding the Council's Revenue Budget for 2018/19 to 2020/21.

Alternatives considered: None, this item is presented for information purposes.

Decision:

1. That the Revenue Budget position for 2018/19 to 2020/21 and the potential risks around the Revenue Budget be noted;

Reason for decision:

The Council is required to set a balanced budget for 2018/19 by the by 11th March 2018.

Eligible for call in - No

DISCRETIONARY FEES & CHARGES 2018/19

34 The Township Committee considered a report seeking views on the proposed discretionary fees and charges for 2018/19.

Alternatives considered:

The Township Committee were being consulted and could provide views accordingly.

Decision:

1. That the proposed discretionary fees and charges for 2018/19 be noted.

Reason for decision:

The Authority carries out an annual review of discretionary fees and charges as part of the budget setting process. It is a requirement of this process that Members agree a general level of increase for all income streams taking into account the prevailing rate of inflation.

Eligible for call in - no

CAPITAL PROGRAMME 2018/19 TO 2020/21

35 The Township Committee considered a report seeking views on the proposed Capital Programme 2018/19 – 2020/21.

Alternatives considered:

Consultation on the proposed Capital Programme is legally required.

Decision:

1. That the Capital Programme for for 2018/19 and provisional programmes for 2019/20 and 2020/21, be noted.

Reasons for decision:

The Council is legally obliged to set a balanced budget. Budgets are prepared in accordance with the approved guidelines.

Eligible for call in – no

FUTURE CPO PROGRAMME - PRESENTATION

36 The Township Committee received a presentation from the Director of Neighbourhoods which detailed a new rolling programme of compulsory purchase actions involving largely high profile sites and buildings. The programme was anticipated to run for three years with one million pounds per annum included within the Capital Programme.

Alternatives considered: None – the presentation was designed to introduce Members of the Committee to the proposals.

Decision:

1. That the presentation be noted.

Reasons for the Decision:

The presentation was for information purposes.

Eligible for call in - no

EXCLUSION OF PRESS AND PUBLIC

37 Decision:

1. That the Press and Public be excluded from the meeting during consideration of the following three items of business, in accordance with the provisions of Section 100A (4) of the Local Government Act 1972, as amended.

Reason for Decision:

Should the press and public remain during debate on these items there may be a disclosure of information that is deemed to be exempt under Parts 1 and 4 of Schedule 12A of the Local Government Act 1972.

CPO PROGRAMME

38

The Director of Neighbourhoods requested that Members of the Committee identify potential sites within the boundaries of Rochdale Township that could be considered as a suitable site for a Compulsory Purchase Order.

Alternatives considered: None at this stage. Members may be requested to consider the merits of each application for Compulsory Purchase Order at a later stage.

Decision:

1. That the sites identified by the Township Committee Members be put forward as part of the Compulsory Purchase Order Programme;
2. Update reports on the development of sites for Compulsory Purchase Order be presented to future meetings of the Rochdale Township Members Regeneration Group.

Reason for decision: There needed to be a legal justification for proceeding with a Compulsory Purchase Order, factors can include the number of complaints received by Members, loss of visual amenity, development requirements and gateway considerations.

Eligible for Call-in – no.